

ATLANTA TREE PROTECTION ORDINANCE UPDATE 7/29/14

ISSUE	EXISTING ORDINANCE	PROPOSED ORDINANCE	DESCRIPTION OF CHANGE	RELATION TO WRT EVALUATION REPORT, STAKEHOLDER COMMENTS, AND CURRENT NEEDS
<p>Reorganization Ordinance <i>reorganized for clarity and ease of use.</i></p>	<p>ARTICLE II. TREE PROTECTION</p>	<p>ARTICLE II: TREE PROTECTION</p>	<p>Article II has been reorganized into ten divisions: DIV I: GENERAL PROVISIONS DIV II: PLANNING AND CONSERVATION DIV III: REMOVAL OF DEAD, DYING, AND HAZARDOUS TREES DIV IV: PROTECTION OF HEALTHY, NON-HAZARDOUS TREES: PROCEDURE FOR OBTAINING REMOVAL PERMIT DIV V: REMOVAL OF HEALTHY NON-HAZARDOUS TREES: REQUIREMENTS FOR SITE PLAN, TREE REPLACEMENT, AND RECOMPENSE DIV VI: REMOVAL OF HEALTHY NON-HAZARDOUS TREES: TREE REPLACEMENT AND CALCULATION OF RECOMPENSE DIV VII: VIOLATIONS AND ENFORCEMENT DIV VIII: TREE CONSERVATION COMMISSION DIV IX: TREE TRUST FUNDS DIV X: SPECIAL REQUIREMENTS FOR FEDERAL CONSENT DECREE-RELATED ACTIONS</p>	<p>The ordinance has been reorganized, with new divisions that separate content areas for improved readability/ understanding.</p> <p>Brief introductory titles have been added to subsections as a quick visual aid for the user. These changes address stakeholder comments about the difficulty of navigating and understanding the ordinance and Option 5.5.1 of the WRT report (“Reorganize the ordinance”).</p>
<p>Definitions <i>Updates, additions, replacements.</i></p>	<p>Sec. 158-26. Definitions. The following terms have been removed or replaced: <i>Root save area</i> became <i>critical root zone</i> per ordinance usage. <i>City forester</i> now referred to as <i>City arborist</i>. <i>Cover area</i> not defined because it is not referenced in ordinance. <i>Root save area</i> replaced by <i>critical root zone</i>. <i>Fully stocked</i> removed because it no longer appears in ordinance; <i>impacted tree</i> and <i>lost tree</i> replaced by <i>technically destroyed (prescription eligible) tree</i>; <i>master plan</i> replaced with <i>urban forest master plan</i>; <i>private arborist report</i> not defined because not referenced in ordinance; <i>protective pruning</i> (incorporated into definition of <i>pruning</i>); <i>tree structure</i> no longer appears in ordinance; <i>trimming</i> replaced by <i>shearing</i>.</p>	<p>Section 158-29. Definitions Clarifications/updates to these terms: <i>boundary tree</i>; <i>City Arborist</i>; <i>City arboricultural standards</i>; <i>critical root zone</i>; <i>destroy</i>; <i>disease</i>; <i>diameter at breast height (multi-stem)</i>; <i>established recompense value</i>; <i>fair or better condition</i>; <i>hazardous tree</i>, <i>heat island</i>; <i>historic tree</i>; <i>illegally removed tree</i>; <i>incursion</i>; <i>injury</i>; <i>live stake</i>; <i>mid-canopy tree</i>; <i>new lot of record</i>; <i>overstory tree</i>; <i>pine</i>; <i>private arborist</i>; <i>public property</i>; <i>required yard area</i>; <i>sampling</i>; <i>saved tree</i>; <i>silvicultural prescription</i>; <i>specimen tree</i>; <i>spiking</i>; <i>structural root plate</i>; <i>subdivision</i>; <i>tipping</i>; <i>topping</i>; <i>tree height threshold</i> (from 10 to 15 f); <i>understory</i>. Addition of the following new terms: <i>bioretention</i>, <i>building</i> (definition mirrors other sections of Code); <i>cambium layer</i>; <i>dying tree</i>; <i>environmentally sensitive areas</i>; <i>green infrastructure projects</i>; <i>landmark tree</i> <i>mechanical injury</i>; <i>minimum tree density</i>; <i>Neighborhood Planning Unit (NPU)</i>; <i>nuisance tree</i>; <i>ornamental tree</i>; <i>recompense</i>; <i>recommended planting list</i>; <i>replacement</i>; <i>setback tree</i>; <i>shearing</i>; <i>silviculture</i>; <i>structural soil</i>; <i>structure</i>; <i>surface</i>; <i>soil dimension</i>; <i>technically destroyed (Rx eligible) tree</i>; <i>tree conservation commission</i>; <i>tree trust fund</i>; <i>tree well</i>; and <i>urban forest master plan</i>.</p>	<p>Terms appearing in the body of the ordinance that are not commonly understood have been added to the definitions section. Terms have been revised for clarity where necessary and terms have been removed or replaced which are no longer referenced in the body of the document.</p>	<p>Stakeholder comments (especially those by persons in the tree care industry) emphasize need to include consistency with ANSI tree care management standards (<i>i.e.</i>, the industry standard).</p>

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<p>Silvicultural prescription</p>	<p>Sec. 158-26 Definitions Currently no provision for implementing a silvicultural prescription to save a tree after a violation.</p>	<p>Section 158-29. Definitions Section 158-43(G). Silvicultural prescriptions. Requirements expanded for clarity. Section 158-61(A)(3) Remedial actions required for compliance with Article after violation. <i>Tree may be saved; prescriptive measures.</i> Allows City Arborist to require prescriptive measures to preserve a tree after a violation occurs. Cost of assessment and prescriptive measures may be deducted from recompense fees in order to preserve tree; costs may not exceed fees associated with illegal destruction.</p>	<p>When a violation of the Article has damaged a tree (which may be “technically destroyed”), City Arborist may direct responsible party to pursue prescriptive measures to save the tree in lieu of removing tree.</p>	<p>City staff noted preference for saving trees where possible via prescriptive measures after violations have occurred.</p>
<p>Parking lots</p>	<p>Sec. 158-30. Parking lot requirements. *Applies to 30 or more parking spaces. *10% interior landscape area. *1 tree for every 8 spaces. *Continuous barrier curbs required around perimeter. *Parking lots built prior to 1977 may be exempt. *Shrubs may be planted within structural root plate of trees is landscaped areas. *Minimum size of interior planting areas is 36 square feet. *Landscape buffers minimum of 5 feet. *Trees and plant material that dies must be replaced within 6 mos. *Implementation of provisions may not require loss of more than 3 percent of spaces in existing lots.</p>	<p>Section 158-57. Parking lot landscaping requirements *Applies to all surface parking lots with 15 or more spaces. *Organized into <i>landscaped area</i> and <i>tree planting</i> requirements. (A) <i>Landscaping requirements:</i></p> <ol style="list-style-type: none"> 1. Min landscaped area equal to at least 10 percent of the paved area within lots. 2. Landscaped areas on the perimeter of paved areas and at r.o.w. minimum 5 ft in width. 3. There must be a landscaped area at least 6 by 20 ft adj to row >=20 contiguous spaces, except adj to cmpct car space. 4. For parking lots with >=30 spaces, every other parking row must incl landscaped area at least 9 ft wide where conditions permit (trees plntd in strip rec double credit). 5. Wheel stops/pervious strip may be used instead of barrier curbs to allow drainage to percolate. 6. Ground cover specified and protections for critical root zones of trees. <p>(B) <i>Tree planting requirements.</i></p> <ol style="list-style-type: none"> 1. 1 tree for every 8 spaces. 2. Specs for shade trees, limb clearance, etc. 3. Credit for trees retained; up to 5 trees per existing tree. 4. Credit for green infrtrcture and double-sided lndscpe areas. 5. Credit double for overstory shade trees. 6. Soil surface area requ. for tree plantings (sm cnpy: 100sq.ft; mid-cnpy trees: 225sq.ft.; overstory:400sq.ft.) 7. Soil volume requ. for tree plantings if surface soil area in #6 above cannot be met (sm canopy trees: 300cu.ft; mid-canopy trees: 625cu.ft; and overstory trees: 1200cu.ft.). 8. Maintenance responsibility transfers to subsequent owners. 9. Allows administrative variance for converting up to 35% to compact spaces (from usual 25%) in existing lots. 10. Variance requ – parking lots with < 30 spaces, no more than 3% of spaces may be requ to be lost; for those >= 30 spaces, no more than 10 percent may be lost, provided that the total remaining # of spaces meets the min requmnts of Code. 11. Administrative variances authorized for conditions when specifications above cannot be met. 	<p>Parking lot landscaping requirements moved from existing Section 158-30 (“Division 1. Generally”) to the new DIV VI: REMOVAL OF HEALTHY NON-HAZARDOUS TREES: TREE REPLACEMENT AND CALCULATION OF RECOMPENSE</p> <ol style="list-style-type: none"> 1) More appropriate location for site design/development standards. 2) Makes section easier to follow by organizing standards under two subsections: A) landscaped area requirements; and B) planting requirements. 3) Adds new requirements to promote stormwater management: <ol style="list-style-type: none"> A) Barrier curbs must have openings to allow drainage into landscaped areas. B) Increases the minimum square footage of required landscaped strips. C) Requires landscape strips between rows of parking spaces in lgr lots. D) A credit of up to 10 percent of the total required parking spaces may be given for inclng stormwater management best practices in the site design. E) Structural soils and pervious pavers may be used when soil surface area requirements cannot be met. 4) Adds requirement to include broad-leaved or mid-story shade trees. 5) Adds provision for minimum dimension and depth of landscaped areas to enhance chances of tree survival and growth to maturity. 6) Removes language permitting variances for parking lots constructed prior to 1977 that cannot meet the minimum requirements. 	<ol style="list-style-type: none"> 1) Stakeholders and staff noted that current minimum size of planting areas within parking lots (36 square feet) is not sufficient for tree health and growth to maturity. 2) New requirements are based on size of tree species, soil needs, and allow combined use of structural soils and soil surface area to meet requirements. (e.g. small canopy trees: 100sq.ft./300cu.ft; mid-canopy trees: 225sq.ft./625cu.ft; and overstory trees: 400sq.ft./1200cu.ft.) These requirements similar to requirements for small/med/lgr tree plantings in the following locations: Athens, GA: 200cu.ft/450cu.ft/800cu.ft.; Toronto, ON: 530cu.ft/812cu.ft./1,059cu.ft.; Emeryville, CA: 600cu.ft./900 cu.ft./1200 cu.ft; Univ. FL: 300cu.ft./1200cu.ft./1200cu.ft.; Baltimore, MD: min. 1500cu.ft with structural soils or suspended concrete for all new tree pits.; Raleigh, NC: min. 600cu.ft. for all street trees; and other municipalities as reported by DeepRoot.com. 3) New stormwater management requirements address DWM comments about design to promote stormwater infiltration. 4) Requires planting of shade trees (mid-story or overstory) to addresses stakeholder desire to increase tree canopy in parking lots to reduce heat island effect.

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Replanting Front yards.	Sec. 158-31. Easements to plant trees on private property. Currently authorized to plant within 15 feet of right of way.	DIVISION II: PLANNING & CONSERVATION Increases planting option to 30 ft from r.o.w. to provide greater planting area for trees to grow without obstruction of utilities and traffic while providing public benefit.	Changes section title to reflect that the City only will enter into access agreements, not purchase easements for this access.	City staff requested clarification.
Permitting requirements for builders and homeowners Organization.	DIVISION 3. REMOVAL AND RELOCATION	DIV III: REMOVAL OF DEAD, DYING, AND HAZARDOUS TREES DIV IV: PROTECTION OF HEALTHY, NON-HAZARDOUS TREES: PROCEDURE FOR OBTAINING REMOVAL PERMIT DIV V: REMOVAL OF HEALTHY NON-HAZARDOUS TREES: REQUIREMENTS FOR SITE PLAN, TREE REPLACEMENT, AND RECOMPENSE	New divisions separate different concepts and have more descriptive titles to help users find specific requirements.	Stakeholder requests for enhanced ease-of-use for ordinance.
Recompense formula <i>Explanation, basis, adjustments to trees removed and trees replaced.</i>	Sec. 158-103(b). Currently “in-kind” replacement trees or “in-cash” payment using standard formula: $R = \$100.00 (N_{rem} - N_{rep}) + \$30.00 (TDBH_{rem} - TCI_{rep}), C \geq 0$ Table 158-103. Also, for certain instances (vacant lots, new lots or record) a formula for maximum recompense per acre which varies by zoning district.	DIV VI. REMOVAL OF HEALTHY NON-HAZARDOUS TREES: TREE REPLACEMENT AND CALCULATION OF RECOMPENSE Replaced with simpler formula: Value of Trees Removed = (number of trees removed x \$100) + (DBH inches removed x \$30) Value of Trees Replaced = (number of trees replaced x \$100) + (caliper inches replaced x \$30) Recompense = Value of Trees Removed (-) Value of Trees Replaced Table 158-51 defines requirements for a Cap of Value of Trees Removed (see below).	1) Recompense per non-specimen trees remains same (\$100 per tree plus \$30 per inch). 2) Private and public property trees are separated by section: (Sec. 158-50 describes replacement requirements and calculation for trees on private property; Sec. 158-55 describes replacement requirements for removal or destruction of trees on public property). 3) Recompense formula is simplified for better understanding and easier calculations. 4) Allowable adjustments are listed clearly and adjustments are made separately for the “Value of Trees Removed” and “Value of Trees Replaced” (e.g. inches are doubled when specimen and historic trees are removed; credit is doubled when shade trees are planted on site as replacement trees.)	Stakeholders requested simplification and better organization of ordinance. More logical to outline adjustments to Value of Trees Removed and Value of Trees Replaced separately.
Cap on Value of Trees Removed <i>Eligibility.</i>	Section 158-103. Standards for tree replacement and afforestation and Table 158-103. 1) Applies to new subdivisions, new lots of record, and vacant lots. 2) “Maximum recompense” is applied to sites, ranging from \$5K-\$10K per acre if 10%-45% of DBH is retained, depending upon zoning category.	Table 158-51. Summary Table for Cap on Value of Trees Removed for vacant lots, vacant new lots of record, new streets and infrastructure, and affordable housing. Section 158-51. Adjustments to recompense: cap on Value of Trees Removed. 1) Applies to vacant lots, vacant new lots of record, and vacant new subdivisions, affordable housing, new streets, and infrastructure. 2) Value of trees removed = \$20,000.00 per acre, except \$30,000 per acre for O & I, C (1-5), I (1&2) and R-LC, R-G, and RG-C and requirements for minimum retention (DBH or %) varies by zoning district (20%-50%).	“Max recompense” was intended to prevent excessive costs on sites w/no previous development since tree cover is often dense on undeveloped sites. Unintended consequence is that the recompense is often much lower when the “max” is applied than would be on same site w/previous development. In effect, incentivizes development of wooded land rather than encouraging redevelopment or more dense development of disturbed sites. Under new ord, “Cap on Value of Trees Removed” applies to vacant properties, infrastructure, and affordable housing. Requmnts adjusted for ea. zoning category so that Value of Trees Removed is consistent <i>per acre</i> and min retention requirements are consistent with land use/lot coverage per Code.	1) Stkholdrs noted “Max Recompense” was to prevent prohibitive costs for building on undeveloped lots; instead it inadvertently incentivized development of undisturbed and forested lots. 2) Recompense was unfair in effect on lg developers (e.g. subdivisions vs. individ. homeowners and small builders). (Sec 3.4, WRT Eval Rprt) 3) \$5K and \$10K/acre max. and retention minimums did not encourage tree saving. 4) Staff noted inconsistencies across zoning categories.

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Cap on Value of Trees Removed <i>Formula.</i>	Section 158-103, same as above	Section 158-50(B) Value of Trees Removed. Value of Trees Removed = Number of trees removed x \$100 plus DBH inches removed x \$30. A cap on the Value of Trees Removed may be applied for vacant lots, affordable housing, new streets and infrastructure (described above). The Value of Trees Removed may be increased for destruction of Historic, Landmark, and specimen trees as defined in Sec 158-52 (as described below).	Provides logical presentation of adjustments to Value of Trees Removed.	Legal Department recommended separation of Value of Trees Removed and Value of Tree Replaced for more clear understanding of adjustments.
Cap on Value of Trees Removed <i>Adjustments.</i>	No special provisions of Historic, Landmark, or specimen trees.	Section 158-52 Adjustments to Value of Trees Removed The “DBH inches” utilized in the Value of Trees Removed formula shall be double the measured DBH of the tree for Historic and Landmark Trees. For specimen trees, it shall be doubled except doubling shall not be applied when removal is for the construction of a dwelling.	Provides greater value for Historic, Landmark, and specimen trees.	Stakeholders requested that mature trees be identified for special standards of protection and preservation (see specimen trees below).
Tree replacements. <i>AHA and APS</i>	Atlanta Housing Authority and Atlanta Public Schools are subject to public tree inch-for-inch requirements under current ordinance (prior to 2007 this was not the case).	Sec 158-44. Tree Density Standard <i>(A) Density requirements for Atlanta Housing Authority properties.</i> AHA shall be subject to underlying zoning requirements. <i>(B) Density requirements for Atlanta Public Schools.</i> On APS properties one tree shall be planted for every 400 square feet of open space which is not required for buildings, driveways, playing fields or other necessary structures. Parking areas are subject to the parking standards described in Section 158-57. In no case shall density be less than 90 inches DBH per acre.	AHA and APS will be assessed in accordance with land use, and requirements per underlying zoning where applicable. These properties are more similar to private property than park lands. Plan review responsibility for APS and AHA will transfer from Office of Parks and Recreation to Office of Buildings.	APS staff and other stakeholders requested solution for increasing number of offsite plantings required when school buildings are facilities are expanded.
Tree replacements <i>Density standards.</i>	Sec. 158-103(g) Tree replacements per zoning district. Requirements vary from 35 to 150 inches per acre (single-family zoning districts) to 90 inches per acre in non-residential. For a site with no trees preserved, replanting of up to 60 trees per acre is required but a non-residential site with only two or three mature trees per acre would not require that any additional trees be planted.	Table 158-44. Tree Density Standards Requirements are based upon available planting area, taking into account maximum lot coverage in each zoning category per Code. Density requirements range from one tree (or 20” DBH) for a small residential lot to 57 trees (or 1140” DBH) on a two-acre lot. Only one minimum requirement (# trees or # inches) must be met. City Arborist may exempt plan from requirements if site conditions would prohibit trees from reaching maturity (e.g. overhead utilities or shade from neighbor’s tree).	1) Update offers option to meet either minimum DBH or number of trees. Standards take into account combination of existing mature trees as well as new replants. 2) Density standards also now take into account variation in lot sizes and allowable lot coverage per Code for each zoning category.	City staff noted inconsistencies across zoning categories; not proportional to lot sizes. Encountered difficulty meeting inches per acre in some zoning areas when few mature trees were present.
Tree density standards <i>Front yard trees.</i>	No explicit requirement for front yard tree plantings. Ordinance does reference need to reduce heat island effect where possible.	Section 158-44(B). Trees required in front yard area. A minimum of ten percent of the total DBH of trees required for a given lot (or at least one tree) shall be located in front yard. At least one tree shall be planted for every 50 feet of street frontage where possible.	At least 10 percent of trees to be planted (or one tree) are to be planted in front yard. Also gives authority to require trees along street frontage where applicable.	City Arborists typically ask for front yard trees and requested ordinance provision to support effort. Shading streets helps address heat island mitigation. Helps meet ordinance’s stated goal of heat island reduction.

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Tree density standards <i>Exemptions.</i>	Not addressed.	Section 158-44(C). Density requirement applied to all building permit applicants. Where anticipated cost of construction is less than \$20K, tree density requirement shall be waived.	Waiver for repairs under \$20K.	City Arborists requested exemption for small projects to avoid excessive costs.
Replacement Trees <i>Screening trees.</i>	Section 158-103 (a)(1). Certain columnar species used primarily for screening may be accepted for partial recompense in accord with the planting distance established for understory trees.	Section 158-53(A)(2) Screening trees. When owner elects to plant trees for the purpose of screening and the trees do not meet spacing requirements of Sec 158-46(F), trees may be counted as Replacement Trees if they are approved species with a narrow growth habit; the following formula adjustments apply: (a) Number of trees replaced shall be calculated by measuring the linear distance over which the trees are planted and dividing the total linear feet by 25. (b) Per tree credit shall be limited to 2.5”.	Provides greater clarity for replanting credit for screening trees, which provide less canopy and environmental benefits than overstory and mid-story trees.	City Arborist requested clarification of screening tree specifications.
Replacement trees <i>Double credit for shade trees.</i>	Not addressed.	Section 158-53(A) Type of replacement tree. <i>Overstory and Mid-story Replacement Trees.</i> Where the Replacement Tree is an overstory/mid-canopy tree planted on site, Value of Trees Replaced shall be doubled.	Credit for replanting overstory and mid-story trees on site results in double financial incentive.	City Arborist requests to provide more incentive for planting trees on site where trees are removed. Encourages selection of best planting sites.
Trees removed/saved. <i>Credit for innovative building techniques on private property.</i>	Not addressed.	Section 158-53(B)(1)and(2) Credit for Certain Trees Saved. <i>Innovative building techniques.</i> Where City Arborist finds that a property owner is saving an overstory or mid-story tree by use of innovative building techniques such as building on piers, cantilevering, limited grading with retaining walls, and underground utilities, adjustment shall be made to the Value of Trees Replaced: (a) Saved tree is counted as a Replacement Tree for purposes of recompense, and for Historic, Landmark, and specimen trees, it is counted as a replacement tree for recompense, and the “value of tree replaced” is doubled.	City Arborist may provide credit for innovative building techniques and construction adjustments to preserve trees on building sites.	City Arborist request ability to incentivize use of innovative building techniques to save mature trees on building sites.
Replacement trees	Section 158-103. Standards of tree replacement and afforestation. Section 158-107. Certificate of Occupancy. Section 158-108. Maintenance.	Section 158-46. Replacement tree specifications. Consolidates replacement tree specifications for recommended species, prohibited replacement trees, size, quality, diversity, spacing, and maintenance.	Sets limits on the number of trees of a single species that may be planted on one site (based on number of plantings).	Research supports need for species diversity to prevent impact of pests and disease and to provide greater ecological benefits.
Replacement trees <i>Species diversity.</i>	Not previously addressed.	Section 158-46(D)(3). Species diversity required. If 6 to 50 replacement trees are being planted on a site, a single species shall comprise no more than 35% of all replantings. If 50+ replacement trees are planted on a site, no more than 30% of replacemnt trees shall be of same species. If 100+ replacement trees, no more than 10% of replacement trees shall be of same species, no more than 20% of same genus, and no more than 30% of same family. New streetscape design for continuous corridor may be exempted at the discretion of the City Arborist.	Requires diversity of species/genus/family when a large number of trees are planted on a site. Greater species diversity protects from catastrophic loss from pests or diseases that affect a particular type of tree. New guidelines follow current arboricultural best practices.	Consistent with urban forestry best management practices for minimizing risk of loss from pathogens or insects. Increases biodiversity of trees in urban areas. 2013 Atlanta Downtown Tree Inventory showed that though 102 species were identified downtown and in surrounding areas, just seven species made up over 60% of the trees observed.

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Violations and enforcement actions	Sec 158-33 Enforcement	DIVISION VI: VIOLATIONS AND ENFORCEMENT	<p>1) New division contains all provisions about enforcement of the Tree Ordinance and penalties that may be assessed for violations.</p> <p>2) New subsections add details about enforcement processes, including Correction Notices, Notices of Violation, citations, Stop Work Orders, and abatement or injunctive relief.</p> <p>3) New Section 158-54(3)(4) provides more details about action by Police Department to stop suspected illegal activity.</p>	Detailed explanation of enforcement provisions, including Stop Work Orders, addresses stakeholder desire to improve enforcement of the ordinance by clarifying ways in which an action thought to be a violation of the Tree Ordinance can be remedied per the provisions outlined in the ordinance.
Enforcement actions <i>Removal of nuisance trees (procedure).</i>	Sec 158-110 Dead or diseased trees; nuisances	Section 158-35. Removal of nuisance trees.	Clarifies that City's step to ensure removal of nuisance trees; specifies jurisdiction of Office of Code Enforcement. Two City Arborists required to inspect to determine if a nuisance tree poses imminent hazard on public property.	City staff requested clarification.
Historic and Landmark Trees	No separate section previously identified	Section 158-32. Historic, landmark, and specimen trees	<p>Added new Sections:</p> <p>(A) <i>Designation of historic and landmark trees.</i> Includes authority to designate historic and landmark trees, designation criteria, and nomination for inclusion on the Register of Historic and Landmark Trees.</p> <p>(B) <i>Effect of special status.</i> Includes designation of special trees, removal of status, recompense for special status, and penalties.</p> <p>The previous ordinance did not have a separate section describing historic and landmark trees; designation of trees and powers of the tree conservation commission were included in other sections.</p>	Number of inches doubled in calculating Value of Trees Removed. Penalties for illegal removal. (<i>Sec 5.3 Special Trees of WRT Evaluation Report</i>)
Specimen trees <i>Definitions.</i>	Sec. 158-26. Specimen trees meet following criteria: (1) Large hardwoods and softwoods in fair or better condition with a DBH equal to or greater than 30 inches; (2) Smaller understory trees in fair or better condition with a DBH equal to or greater than ten inches; and (3) Lesser-sized trees of rare species, exceptional aesthetic quality, or historical significance as designated by the Tree Commission.	Sec. 158.29. Specimen trees meet the criteria below (species defined per the COA Recommended Planting List) (1) Overstory hardwoods in fair or better condition with a DBH equal to or greater than 28 inches; (2) Overstory softwoods (e.g. pine species) in fair or better condition with a DBH equal to or greater than 30 inches; (2) Mid-canopy hardwoods in fair or better condition with a DBH equal to or greater than 15 inches; (3) Smaller understory trees in fair or better condition with a DBH equal to or greater than eight inches; (4) Lesser-sized trees of rare species, exceptional aesthetic quality, or historical significance as designated by the TCC.	Pines are delineated from hardwoods since they are typically faster growing. Categories are updated to specify overstory vs. mid-story since their size at maturity differs significantly. Ordinance also references the Recommended Planting List which identifies categories (overstory, mid-story, understory) of specific trees. Similar standards are used in Alpharetta, GA (24" hw/30" pines); Roswell, GA (24" hw/4" understory); Chamblee, GA (24" overstory/30" pines/4" understory); and Charlotte, NC (24" for both pines and hw).	Stakeholders note that mature trees, including historic and specimen trees, provide significant environmental, cultural, and aesthetic benefits and need to be identified for special standards of protection and preservation.

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<p>Specimen trees <i>Recompense, penalties, and incentives.</i></p>	<p>No special protections are provided for specimen trees though they must be recorded as described below.</p> <p>Sec. 158-43 (B)(2) Plan must identify specimen trees. Sec. 158-101 specimen trees must be identified on plan. Sec. 158-101(i)(2) if plans are altered, reposting required if specimen tree affected. Sec. 158-103(c)(6) specimen trees must be identified individually rather than sampled.</p>	<p>Section 158-32. Effect of Special Status. Specimen trees , as well as Historic and Landmark trees, are subject to additional recompense and penalties if removed without a permit:</p> <p>Section 158-52(B). “Where tree removed is a specimen tree, the DBH inches utilized in the Value of Trees Removed formula shall be double the measured DBH inches of the tree, except that adjustment shall not be applied where the removal is required for construction of a dwelling.” Sec. 158-62(C). “If the first violation is for destruction of a historic, landmark, or specimen tree, the fine shall be \$1,000. Ea. tree upon which a violation occurred may be deemed a separate violation of Article.”</p> <p>Preservation of specimen trees results in credits and offsets: 1) Section 158-53 (B)(1)(a) Where use of innovative building techniques results in saving a specimen (or Historic/Landmark) tree, the saved tree(s) counted as a replacement tree and the Value of Tree Replaced shall be doubled. 2) Section 158-54 (D)(2) <i>Recompense reduction for additional natural features.</i> An additional e reduction of \$5,000 per acre, prorated for partial acres, may be provided for every five specimen, landmark and historic trees as defined in this Article.</p>	<p>Revised ordinance requires special protections for specimen trees:</p> <ol style="list-style-type: none"> 1) Removal of a specimen tree requires double the measured DBH inches to be used in the Value of Trees Removed formula (Sec 158-52). 2) Preservation of specimen trees results in credits and offsets. 	<p>One of the key points to address from the Ordinance evaluation report is that historic and specimen trees need special standards for protection and preservation.</p> <p><i>(Option 5.1.3 Provide incentives for tree preservation of WRT Evaluation Report)</i></p>
<p>Public property trees <i>Replacement requirements.</i></p>	<p>Section 158-29. Definitions and Section 158-103. Replacement requirements. Inch-for-inch replacement required for all public property</p>	<p>Section 158-29 Definitions. Public property. All property owned or leased by the City ... with the exception of property owned by the Atlanta Housing Authority or Atlanta Public Schools.</p> <p>Section 158-45 (C) Replacement or recompense for public property trees required.</p> <p>Section 158-55 Replacement requirements for removal or destruction of trees on public property.</p>	<ol style="list-style-type: none"> 1) Revised definition of public property so that AHA and APA are excluded from inch-for-inch replanting. Returns to previous policy (prior to 2011) since use of these public properties is more similar to private use such as private schools and private multi-family housing. 2) Any removed or destroyed public property trees must be replaced, and cumulative DBH of the replacement trees must be equal or greater than the DBH removed. (Minimum tree density standard and payment in lieu of replanting do not apply to public property trees). 3) Credit given for “green infrastructure improvements” that support long-term tree hlth and growth, yielding greater overall benefits. 	<p>Stakeholders report difficulty identifying offsite planting locations in timely manner.</p> <p><i>(Option 5.2.4 of WRT Evaluation Report)</i></p>
<p>Replacement trees <i>Stormwater ordinance.</i></p>	<p>No reference to stormwater ordinance (implemented since tree ordinance has been update).</p>	<p>Section 158-46 (E)(3) Stormwater management. Replacement trees shall be used to meet the requirements of the Post-development Stormwater Ordinance (Section 74, Article X) where feasible.</p>	<p>Reference to recently implemented stormwater ordinance. Section 74, Article X applies to all development and redevelopment, except as noted for single-family development.</p>	<p>Request per Watershed Department to reflect updated stormwater ordinance</p>

ISSUE	EXISTING ORDINANCE	PROPOSED ORDINANCE	DESCRIPTION OF CHANGE	RELATION TO WRT EVALUATION REPORT, STAKEHOLDER COMMENTS, AND CURRENT NEEDS
Replacement trees <i>Planting on slopes.</i>	No allowance for providing credit for replacement trees smaller than 2.5" caliper.	Section 158-46 (E)(2) Soil stabilization of slopes. Replacement trees allowed on slopes w/ grade btw 2:1 and 3:1, other erodible areas, and on banks of wetlands and waterways. Where site conditions and buffers necessitate, Arborist may accept 1" replacement trees and determine spacing requirements based on site conditions and credit recompense proportionally. Trees <2.5" shall not be credited in calc. of site density requirements.	Replanting credit will be provided for planting trees on slopes, which is often desirable for preventing erosion on newly developed sites. These locations, however, are often not desirable for 2.5" caliper trees. Credit is offered for planting smaller trees in erodible areas, with Arborist approval.	Builders request flexibility to plant in difficult topography. Research supports the benefits of planting on slopes, including roots physically reinforcing soils, resisting erosion, and increasing infiltration of water in the soil.
Replacement trees <i>Maintenance.</i>	Sec. 158-108. Maintenance of trees. Owner is responsible for maintaining health of replacement trees for 2 yrs from date of planting. Owner shall replace any tree that dies during this time period. Subsequent applicants for a building permit ... shall not be required to provide additional tree replacement.	Section 158-46 (H)(1) Maintenance. (1) <i>Replacement trees must live for a minimum of two years.</i> The owner and his or her successor(s) in title shall be responsible for maintaining the health of all replacement trees for a minimum of two years from the date of planting or the date of issuance of the certificate of occupancy (where applicable), whichever is later. The owner or successor shall replace any tree that dies during time period w/in 6 mos.	Clarifies maintenance requirements for replacement trees and time period since date of planting is typically unknown.	Establishes time period for replacement requirements.
Tree Conservation Commission	Section 158-61. Establishment; appointment of members. The commission shall consist of 15 members, eight of which shall be appointed by the Mayor and seven by the Council.	Section 158-67. Appointment of members and Commission composition. The Commission shall consist of 11 members, 6 of which shall be appointed by the Mayor and 5 by the City Council.	Reduces Commission from 15 to 11 members to ensure quorum and improve efficiency. Reductions incl. two mayoral appointments (one lay citizen and one real estate agent) and two Council appointments so that instead of 3 residential and industrial blders and developers, position is combined into 1.	Improve efficiency and eliminate excess vacancies.
Tree Trust Fund <i>Expenditure for forested land acquisition.</i>	No provision within current ordinance.	Section 158-73(C)(1)(a) Authorizes funds to purchase forested land meeting min forestation standards of 1,000 DBH inches and/or 50 trees/acre, provided that 1) the Cmsr. DPR and the Cmsr. of the DPCD provide a recommendation regarding the proposed purchase; and 2) legislative approval of the purchase require that the land be preserved in perpetuity as forested land.	City would be able to utilize trust funds to increase inventory of forested land.	Public space for replanting replacement trees for all trees removed for construction is limited. Obtaining wooded acreage provides areas of protected canopy and increases public inventory of parkland.
Tree Trust Fund <i>Expenditure for tree canopy study.</i>	No provision within current ordinance.	Section 158-73 (C)(4). Tree canopy study. Trust fund monies may be expended to update the tree canopy imagery and analyses on a five- to seven-year update cycle.	Baseline canopy analysis was conducted w/ imagery collected in 2008. An update is currently underway. Provision in ordinance would authorize routine updates to inform policy decisions about urban forestry based on up-to-date data.	Staff requests support for authorization of tree canopy data collection and analysis because of its importance in informing policy decisions..
Tree Trust Fund <i>Expenditure for preservation of existing trees for public works projects.</i>	No special incentives in current ordinance.	Section 158-73 (C)(5). Retention of sidewalk trees. Up to \$100K Tree Trust Fund monies per fiscal year may be expended to design, purchase, construct and/or implement techniques and material for sidewalk and/or roadway projects by the Department of Public Works to prevent destruction of existing health trees (e.g. root bridging, alternative sidewalk materials to protect roots).	Provides funding for simple measures to preserve existing trees such as root bridging and use of alternative sidewalk materials (e.g. rubber sidewalks).	Request of Parks and Public Works staff.