

# Citizens Blended Draft

Version 4-15-21: Additions in Blue

Black type is from Planning Dept Jan 2021 draft

Blue type is from Citizens Draft

Yellow highlights denote some section titles and significant lines

*NOTE: Please understand this document is still in draft form. In order to create a well-organized streamlined document, a number of sections need to be consolidated and moved to more appropriate areas. We've tried to strike a balance between leaving as much of the Planning Dept's draft organization intact and creating a more streamlined flow overall. Concepts and text are included in final draft form, formatting is not yet finalized.*

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## Exhibit A: City of Atlanta Tree Protection Ordinance

### Division 1- General Provisions and Definitions

158-26 Authority. This article is enacted pursuant to the City's planning authority granted by the constitution of the state, including but not limited to Ga. Const. Art. IX, § II, ¶¶ 3 and 4; the City's

general police power; article 1 of the City Charter, paragraphs 14, 20, 30, 42, 46, 54 and 56; and all other state and local laws applicable to this article.

158-27 Effective Date: TBD

158-28 Goals and Purpose.

- (a) The goal of this article is to protect, maintain, and advance a high-quality urban forest within the boundaries of the City, so that [the highest value trees and urban forests will be preserved and there will be no net loss of quantity or quality of trees in the City. The purpose of this article is to establish the standards necessary to ensure that this goal will be realized so that](#) current and future citizens of the City of Atlanta [will](#) have equal access to the health, safety, and welfare benefits provided by trees.
- (b) The purpose of this article is to establish the standards necessary to assure that these goals will be realized; therefore, this article is enacted to:
  - (1) Establish and maintain an extensive high quality and sustainable tree cover on public and private lands in the City by prohibiting the Destruction and removal of trees except in accordance with the standards set forth in this article;
  - (2) Establish necessary standards for the planting and maintenance of trees to improve the economic base of the City by improving property values, maintain functioning ecosystems within the City, improve sustainability through energy use reduction and carbon sequestration, enhance the livability of the City and its neighborhoods, and improve public health by lessening air and water pollution, stormwater hazards, urban heat island effects, and the incidence of flooding;
  - (3) Allow for the maintenance of Public Trees and forests in the City through professionally accepted arboricultural practices;
  - (4) Promote the acquisition of new public forest land within the City;
  - (5) Minimize hazards on streets and sidewalks;
  - (6) Provide for the designation of heritage trees; and
  - (7) Provide latitude in the interpretation and application of City administrative rules, standards and guidelines when reasonable and necessary to minimize the Destruction of trees, account for changes in arboricultural science and practices, and follow the guidelines and principles of Atlanta City Design and the findings of Atlanta City Design: Nature and other ecology and urban forest studies.
- (c) To determine if these goals are met, this article will be reevaluated five years after adoption. Thereafter, subsequent re-evaluations will occur after updated urban tree canopy assessments are performed, or as needed.

158-29 Relationship to Other Laws, Regulations, and Ordinances.

- (a) No permit or approvals granted under this article shall remove an applicant's or adjacent property owner's obligation to comply in all respects with the applicable provisions of any other federal, state, or local laws or regulations including, but not limited to, the Atlanta Building Code, the Atlanta Zoning Ordinance, the ordinances enforced by the Department of Watershed Management in Chapter 74 of the Atlanta City Code, and any other required permits or approvals.

158-30 Wherever the requirements of this article are at a variance with the requirements of any other governmentally adopted statute, rule, regulations, ordinance or code, the most restrictive or that imposing the higher standard shall govern.

158-31 On-going Compliance

- (a) This article requires that obligations imposed on an owner of property pursuant to the enforcement of this article (excluding fines and Recompense for the illegal Destruction of Trees) shall become the responsibility of subsequent owners, until such time as those obligations are fulfilled. Before any transfer of property, owners should disclose these obligations to the purchaser or recipient of the affected property.

158-32 Interpretation.

- (a) When interpreting and applying the provisions of this ordinance, such provisions shall be held to the minimum requirements for the promotion of the public health, safety, and general welfare.

158-33 Severability.

- (a) If any section, paragraph, sentence, clause, or phrase of this article is found to be invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining portions of this chapter.

158-34 Jurisdiction and Enforcement.

- (a) The Department of City Planning will have authority over the implementation and enforcement of this ordinance including permit authority for all projects on public and private property that include the protection, removal, and replanting of trees as part of a Land Disturbance, building, demolition, landscaping, or City infrastructure projects. The Department of City Planning will also have authority over enforcement of illegal tree Impacts or Destruction on Public and private property.
- (b) The Department of Parks and Recreation will have the responsibility for the maintenance, Pruning, and removal of all Right-of-Way trees, including responding to maintenance requests unassociated with planned public or private construction activity.
- (c) The Department of Parks and Recreation, the Department of City Planning, the Atlanta Police Department, the Tree Conservation Commission, and the Atlanta Municipal Court shall be charged with the enforcement of this article. Employees of the Department of Parks and Recreation and the Department of City Planning Arborist Divisions shall have police power to perform all acts necessary for enforcement. In instances in which an individual or firm is found cutting or otherwise destroying a tree without a permit to do so in their possession, the Atlanta Police Department shall require such person or persons to cease such operations until a permit is obtained.

158-35 Registration of Arborists, Foresters and Tree Companies Required.

- (a) All arborists, foresters and tree service companies that wish to do business within the City of Atlanta, or submit or sign documents that are included in a tree permit application, are required to register with the Arborist Division prior to conducting business. While registered with the City, these arborists, foresters, and tree companies shall be Registered Tree Professionals for the purpose of this article.
  - (1) All arborists operating in the City must hold current ISA (International Society of Arboriculture) or Registered Consulting Arborist (RCA) certification and provide documentation at time of registration.
  - (2) All foresters operating in the City must be currently licensed with the State of Georgia and provide documentation at time of registration.
  - (3) All tree service companies operating in the City must have a certified ISA or RCA arborist on staff who shall provide documentation of current certification at the time of registration.

- (4) Registration shall, at the minimum, require the arborists, foresters, and tree service companies to sign an affidavit acknowledging that they are aware of, and agree to abide by, this Tree Protection Ordinance
- (5) Registration shall be valid until the end of every calendar year.
- (6) There shall be no fee charged for the registration of arborists, foresters, and tree service companies.
- (7) Violations of this article or repeated, significant errors or omissions on plan submittals by registered arborists or registered tree companies, will cause the Registered Tree Professional to be removed from the City's registry for a period of time as specified below, after which they may register again.
  - a. Penalties for violations that impact or destroy trees:
    1. The first violation.
      - (a) If the first violation does not result in fatal damage to a protected tree, then property owner and all responsible parties will receive a written warning and will be required to implement prescriptions to restore the health of the tree.
      - (b) If the first violation results in the death or fatal impact to a tree, the property owner and all responsible parties will receive a written notice of violation, and each responsible party will be charged appropriate fines and recompense fees for the lost tree. Additionally, any tree service contractor will have a one-month suspension of Registered Tree Professional status.
    2. The second violation.
      - (a) If the second violation does not result in fatal damage to a protected tree, then property owner and all responsible parties will receive a written notice of violation and will be required to implement prescriptions to restore the health of the tree. Additionally, any tree service contractor will have a one-month suspension of Registered Tree Professional status.
        - (i) If the second violation results in the death or fatal impact to a tree, the property owner and all responsible parties will receive a written notice of violation, and each responsible party will be charged appropriate fines and recompense fees for the lost tree. Additionally, any tree service contractor will have a six-month suspension of Registered Tree Professional status.
      - (b) The third violation.
        - (i) If the third violation does not result in fatal damage to a protected tree, then property owner and all responsible parties will receive a written notice of violation and will be required to implement prescriptions to restore the health of the tree. Additionally, any tree service contractor will have a six-month suspension of Registered Tree Professional status.
        - (ii) If the second violation results in the death or fatal impact to a tree, the property owner and all responsible parties will receive a written notice of violation, and each responsible party will be charged appropriate fines and recompense fees for the lost tree. Additionally, any tree service contractor will have a 2-year suspension of Registered Tree Professional status.
    3. Violations beyond the third that result in the destruction of a tree will result in a 3 year-long suspension of Registered Tree Professional status.

(8) Work performed by unregistered arborists, foresters, or tree companies in the City shall be punishable as a violation of this article.

(9) If no tree removal permit is present in hard-copy (paper) form on the site during the time of the tree removal, the tree removal is considered to be illegal. In such cases, Atlanta Police officers are authorized to arrest the property owner and the senior representative on site for the tree removal service for illegal tree removal activities.

158-36 Public access to information. The Department of Planning will maintain an online system for public access to all DDH applications, pre-application conferences, and tree removal permits. The information will include all application and site data including PDFs of site plans.

158-37 Definitions.

- **American National Standards Institute, Inc. (ANSI).** A United States based non-profit organization that works to develop and promote standards in the United States and around the world.
- **Alternate Tree Save Area.** An area containing Priority trees or Hi Value Forest on an alternate property used to meet the Tree Save requirement in non-single family residential zoning districts.
- **Applicant.** Any person seeking approval to take action under this Article.
- **Arborist Division.** The division within the Department of City Planning, Office of Buildings in which the City Arborists review and approve or deny tree removal permits.
- **Arboricultural Prescription.** A written directive developed by a Registered Tree Professional for a site or individual tree for the purpose of preserving a tree(s). Prescriptions must include: (1) the Registered Tree Professional's name, signature, qualifications, and contact information; (2) the site address and individually identified tree(s) at issue; (3) the current condition of the tree(s); (4) tree protection provisions to be implemented during and after construction or site disturbance such as a watering regime, mulching, fencing, physical barriers, and other methods to prevent soil compaction or damage; (5) a soil and foliar analysis; (6) a five-year survivability assessment; and (7) a schedule of recommended treatment, including any recommended soil amendments, fertilizer application, pesticide application, or pruning. Specifications for pruning, soil modification, and fertilization in the prescription shall be written in accordance with requirements of this article and provisions of the ANSI A300 series of standards. A report of treatment actions, an assessment of the condition of the tree at the end of treatment, and an estimate of the survivability of the tree shall be provided to the City.
- **Area Median Income (AMI).** The current household median income for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area as published by the US Department of Housing and Urban Development.
- **Base Horizon.** The deepest defined layer of an installed soil for tree planting that mimics the "B", or "subsoil" in a natural soil. The base horizon shall consist of soil with a hydrogen ion concentration greater than 6 pH, an organic component not to exceed 4%, a bulk density not to exceed 1.6g/cm<sup>3</sup> and have a depth of 24 inches or greater below the intermediary level. Soil beneath the base horizon has no pH or bulk density requirement and may not consist of organic matter greater than 4% Bioretention soil mix. Engineered soil mix designed for vegetated green infrastructure that maximizes infiltration and water quality treatment as defined by the City of Atlanta Department of Watershed Management standards.

- **Bond.** A financial instrument in which a property owner or agent of the owner – either independently or with the assistance of a financial institution - deposits a predetermined amount of money at a specified time which is held in trust by the City and returned when and if the owner fully satisfies the conditional requirements of the bond.
- **Boundary Tree.** A tree, wholly or in part on adjacent property, with a Critical Root Zone that crosses a property line. Trees whose trunks are located in whole or in part within the edges of stream buffers and transitional buffers shall be considered Boundary Trees.
- **Buildable area.** Area of a lot available for the construction of buildings and permissible accessory uses after having provided the front, side, rear and any other special yards and meeting all other standards for development required by Part 15 or Part 16 of the City Code.
- **Building.** A structure with a roof intended for shelter, or enclosure and constructed or erected with a fixed location in or on the ground or attached to something having a fixed location in or on the ground.
- **Caliper.** The trunk diameter measured in inches at 6 inches above the soil for trees less than 4.5 inches caliper, and 12 inches above ground for trees larger than 4.5 inches as measured 6 inches above the soil, of smaller nursery-sized trees that are readily transplanted.
- **Cambium layer.** The growing vascular tissue of a tree’s roots and stems that annually produces new bark and new wood.
- **Cap and Trade.** A process by which the requirement to protect an area of land as greenspace is met by protecting an equivalent area of land on an alternate site.
- **City arboricultural standards.** The arboricultural specifications and standards of practice prepared by the City Arborist, which must be consistent with this Article and with the American National Standards Institute, Inc. (ANSI) A300 series of standards for tree care management unless otherwise specified by this Article.
- **City Arborist.** An employee of the City who is responsible for administering and enforcing this article. City Arborists are in the Department of City Planning or Department of Parks and Recreation, as applicable. A City arborist should be certified by ISA within 3 months of beginning duties with the City.
- **City.** The City of Atlanta.
- **Cluster Design.** A development project on a property zoned single family residential where setbacks and street frontage requirements are reduced in order to allow for preserved natural areas used for community greenspace or agriculture. In such cases the number of housing units shall not be more than that allowed by the underlying zoning unless a density increase is approved by the City. It is encouraged that additional units be priced for “affordable housing.”
- **Commercial Development.** For the purposes of this article, all development that does not meet the definition of Single Family Residential Development
- **Commission.** See Tree Conservation Commission
- **Conservation Area.** A portion of a Commercial Site left undisturbed and protected from Development in perpetuity, further described in section 158-64.
- **Conservation Credit.** Credits awarded for trees protected within a Conservation Area that reduce the Replacement and Recompense requirements due to trees Destroyed during development.
- **Construction Activity.** Activity related to demolition, construction or land disturbance including grading and cut or fill of earth.

- **Co-Owned tree.** A boundary tree that straddles the property line measured at the point where the trunk meets the ground not including the root flare.
- **Critical Root Zone (CRZ).** The minimum undisturbed soil and rooting area necessary for tree health and stability (from the most current revision of the ANSI A300 Part 5). For the purposes of this article, for a free-standing tree with no apparent root restrictions, the CRZ shall consist of a circle centered on the tree having a radius of one foot for each one inch of DBH of the tree. For example, for a 10-inch DBH tree, the CRZ is a circle centered on the tree with a radius of 10 feet. Adjustments to the CRZ, called Net CRZ, may be made by the City Arborist if justified by specific documented site conditions which indicate an irregularly shaped root zone based on obstructions such as buildings, retaining walls, or streets.
- **Dead, Dying, or Hazardous (DDH) Tree.** A tree that has been determined by the City Arborist to be dead, or to meet the definition of a Dead, Dying, or Hazardous Tree. Appendix E.
- **Dead Tree-** Tree has skeletal remains with no live twigs, lack of foliage or total browning of foliage during growing season. During dormancy, dead trees are characterized by peeling or sloughing bark, lack of buds, and dry and brittle twigs. **A dead tree is a tree that presents none of its own living tissue above ground level.**
- **Destroy.** To perform or knowingly allow to be performed any act, or failure to act, for which the conduct will more likely than not cause the tree to die within a period of five years as determined by the City Arborist or City Forester. Examples of such conduct include without limitation: (1) failing to protect 100% of a tree's Structural Root Plate during construction; (2) failing to protect 85% of a tree's Critical Root Zone during construction **without a pre-approved silvicultural prescription**; (3) damaging more than 15% of a tree's Critical Root Zone **without a silvicultural prescription by trenching or by performing grade changes (including lowering or filling the grade of soil)**; (4) cutting, girdling, or inflicting other severe Mechanical Injury to the trunk, Structural Root Plate, roots, or other vital sections of a tree; (5) removing in excess of 20% of the live crown of a tree within two growing cycles; (6) damaging the Critical Root Zone of a tree by applying toxic substances (including without limitation solvents, oils, gasoline and diesel fuel), operating heavy machinery or storing heavy materials on the Critical Root Zone; (7) burning a tree; or (8) topping, tipping, flush cutting, or utilizing any similar improper pruning practices upon a tree. **In determining whether a tree is destroyed, the City Arborist will evaluate the cumulative impact of destructive actions on the condition of the tree.**
- **Development.** See Land Disturbance
- **Diameter at Breast Height (DBH).** The diameter of the main stem of a tree as measured in inches 4.5 feet above the natural grade at the base. Multi-stemmed trees shall be measured at 4.5 feet above natural grade by adding the diameter of the largest stem and one-half the diameter of each additional stem. A stump, less than 4.5 feet tall, shall be measured across the top and be considered the DBH of an illegally destroyed tree for the purpose of calculating Recompense. The DBH of a crepe myrtle shall be measured by adding the largest three canes together.
- **Disease.** Any fungal, bacterial, or viral infection that will likely result in structural failure or death of the tree within two years and where treatment will not prevent the death of the tree, as determined by the City Arborist.
- **Disturbed Area.** The area of a site impacted by construction activities, including but not limited to: building, grading, cut and fill of soil, material staging, vehicle parking and storage.

- **DPC.** The City of Atlanta Department of City Planning.
- **DPR.** The City of Atlanta Department of Parks and Recreation.
- **Dying Tree.** A tree that is diseased, injured, or in terminal decline to the extent that death is more likely than not within two years based upon a visual inspection and evaluation of canopy, leaves (if present), trunk, buttress roots, and other factors. See Appendix E.
- **Ecosystem services.** The many and varied human and environmental benefits and services provided by trees and healthy ecosystems. These services include natural pollination of crops, production of clean air, extreme weather mitigation, and improvements to human mental and physical well-being. Collectively, ecosystem services are integral to the provisioning of clean drinking water, decomposition of wastes, productivity of food and increased environment resilience.
- **Enforcement authority.** The City entities with authority to enforce this Article, include the City Arborist, DCP, DPR, Atlanta Police Department, the Tree Conservation Commission, and Atlanta Municipal Court.
- **Environmentally sensitive area.** An area of a property that includes important environmental features eligible for protection under City, State, or Federal regulations based upon its ecological value, including without limitation wetlands, floodplains, permanent and intermittent streams, riparian buffers, stands of high value trees, critical wildlife habitat, steep slopes, and high value forest.
- **Established Recompense Value.** The dollar value assigned by the City to compensate for the removal or destruction of a healthy tree. Recompense owed will be established based on the market rate to plant a 2.5 Caliper inch canopy tree and maintain it for two years. This cost is currently valued at \$240 per diameter or caliper inch and shall be evaluated periodically by application of the Consumer Price Index and by evaluating City and private sector costs for planting trees and adjusted as needed by amendment to this ordinance and will be posted on the Arborist Division’s web page.
  - The Recompense Value for Priority trees is calculated by the following: (DBH inches owed – (credited Caliper inches planted x 1.15) x Established Recompense Value) = Recompense.
  - For non-priority trees, recompense amount is the Established Recompense Value multiplied by (.7).
- **Excellent Condition (of a tree).** A tree that has no apparent problems with its root, trunk, scaffold branches, twigs, or foliage. Insect infestation or other pathological problem may be present, but are minor. Overall color or shoot growth is normal or above normal for the species. Canopy foliage is full. There is no epicormic sprouting.
- **Excellent Value Tree(s).** A tree with high or excellent value, as determined by the tree valuation table in Appendix B.
- **Fair or better condition.** A tree with structurally sound and solid root, trunk, and canopy structure and no major insect infestation or other pathological problem, as determined by the City Arborist following ANSI A300 Part 9 Tree Risk Assessment standard practices.
- **Floodplain.** An area of land adjacent to a stream or river which stretches from the banks of its channel to the base of the enclosing topography, and which experiences flooding during periods of high discharge. The presence and boundaries of a floodplain are determined through a flood



study performed by an engineer or by the delineation on the Federal Emergency Management Agency's 100-year floodplain map.

- **Flush cutting.** The improper removal of limbs by cutting immediately adjacent to the trunk, destroying the protective branch collar, [and exposing the trunk to decay organisms](#).
- **Good Condition (of a tree).** A tree that has minor problems with its root, trunk, major branches, twigs, or foliage. Insect infestation or other pathological problem may be present but not severe. Overall color or shoot growth is normal for the species. Canopy foliage is full and may have an insignificant amount of decline. Depending on species, minor epicormic sprouting may be present along scaffold limbs and the trunk.
- **Green Infrastructure.** For the purposes of this ordinance, Green Infrastructure means an [interconnected natural systems and/or](#) engineered stormwater management facility designed to mimic natural hydrologic functions and processes through the use of plants, [trees](#) and special soil media to slow, filter, evapotranspire, and infiltrate stormwater [close to its source; or the capture and reuse of stormwater runoff](#). [Examples of projects on development sites that can help support tree growth and health include preserving trees and conservation areas, reducing impervious surfaces, and installing structural measures such as vegetated swales, permeable pavement, and infiltration planters](#). Facility must meet the standards for, and be used to fully or partially satisfy, the requirements of the Post Development Stormwater Management requirements, in Atlanta City Code section 75-501, et al. [Other benefits and services provided by trees, soils, streams and other natural features include oxygen production, removing pollutants from air, soils and waters and generally providing healthy habitat and conditions for life](#).
- **Green Roof.** A building roof that is partially or completely covered with vegetation and a growing media over a waterproof membrane used to manage stormwater runoff and provide some of the environmental benefits provided by trees. A Green Roof must meet the standards for, and be used to fully or partially satisfy the requirements of the Post Development Stormwater Management requirements, in Atlanta City Code section 75-501, et al.
- **Growing Season.** The portion of the year in which weather conditions and day length are most conducive to the growth of trees and other vegetation. In Atlanta the growing season is typically March through September.
- **Hazardous Tree.** A tree with uncorrectable defects severe enough to pose present danger to people or buildings under normal conditions, as determined by the City Arborist using the standards established by the most recent revision of the ANSI A300-Part 9. [In no case shall a tree be classified as hazardous unless it is determined to be a "high risk" or "critical risk" tree according to the ISA TRAQ risk matrix](#).
- **Healthy tree.** Any tree subject to this Article that is not dead, dying, diseased, or hazardous as defined by this Article.
- **Heat island.** A ground area covered by an impervious surface that retains solar or other heat energy and thereby contributes to an increase in the average temperature of the ecosystem. An external heat island is one situated outside the boundaries of a site plan, including but not limited to public streets. An internal heat island is one found within a designated site, including but not limited to rooftops, patios, driveways, and other vehicular maneuvering or parking areas.
- **Heritage Tree.** A tree that has been designated, upon application by the City Arborist or any other interested person, to be of notable historic value and interest because of its age, size, or

historic association, in accordance with the City's arboricultural specifications and standards of practice. Also, a Heritage Tree is one that has been designated upon application by a City Arborist or any other interested person, to be of notable value because the tree contributes to a significant view or spatial structure of a setting, the tree is an exemplary representative of a particular genus or species, or the tree possesses exceptional aesthetic quality. A complete listing of the location of all designated Heritage trees within the City of Atlanta is maintained by the Tree Conservation Commission and maintained on file with the Office of the Municipal Clerk.

- **High Value Tree(s).** A tree with a high or excellent value rating due to its size per its species, according to Appendix B.
- **High Value Forest.** A wooded area that contains a mix of native trees, mostly hardwoods, where the largest trees are estimated to be at least 50 years old and/or where uncommon "indicator" native plant species are found.
- **Historic or Landmark tree.** A tree designated by the Tree Conservation Commission to be of historic interest because of its age, size, or historic association, in accordance with the City's arboricultural specifications and standards of practice. A complete listing of the location of all designated Historic, Landmark and Heritage trees within the City of Atlanta shall be maintained by the Tree Conservation Commission and registered with the Municipal Clerk.
- **Illegally destroyed tree.** Any tree subject to this Article that is removed or destroyed without obtaining a permit required pursuant to this Article or in violation of conditions required by a permit obtained pursuant to this Article.
- **Imminent hazard.** A tree which in its current condition presents an imminent hazard to the safety of humans or occupied structures if not removed immediately.
- **Impact.** Any legal or illegal action that damages a tree. Damage may result from, but is not limited to, grading, filling, soil compaction or other Land Disturbance within a tree's Critical Root Zone; Mechanical Injury to any part of a tree; Spiking; vandalism; improper or excessive pruning; and allowing toxic substances such as herbicides, gas, brine water, oil, liquid dye, or other substances deleterious to tree health to come in contact with soil within the Critical Root Zone.
- **Impacted tree.** Any tree subject to this Article with a structural root plate that has been protected but with a critical root zone that has been impacted between 15 and 33% without obtaining a permit pursuant to the Article or in violation of conditions required by a permit obtained pursuant to this Article. Such a tree may be saved with a prescription as defined herein, subject to approval by the City Arborist.
- **Impervious Surface.** A surface that does not allow free flow, infiltration, and penetration of rainwater, typically created by roads, sidewalks, driveways, buildings, constructed stormwater collection devices, and other hard surfaces.
- **Impracticable.** An action that cannot reasonably be done; it is not sufficient that the action be merely inconvenient or difficult.
- **Incursion.** Any activity that occurs within a tree's critical root zone including, without limitation, soil compaction, trenching, storage of materials, and parking vehicles.
- **Indicator species.** Native plant species that are only found in less disturbed soils in older forest remnants. Such species have either seed dispersal mechanisms that indicate the plant is a direct offspring of species that were indigenous to the area before the original forest was disturbed, including but not limited to plants in the genera *Trillium*, *Hexastylis*, *Sanguinaria*.

- **Injure.** To injure is to commit any intentional or negligent act that damages a tree, including but not limited to spiking, trimming, flush cutting, topping, lion-tailing, over-lifting, or unpermitted incursion into a tree's critical root zone.
- **Intermediate Horizon.** The middle layer of an installed soil for tree planting that mimics the "A" or "surface soil" or "topsoil" in a natural soil. The intermediary horizon shall consist of soil with at least 80% mineral content, an organic component not to exceed 15% and a bulk density not to exceed 1.3 g/cm<sup>3</sup> and shall be between 6" and 10" deep, measured beneath the surface horizon. Imported topsoil from another site may meet these requirements but, by definition, topsoil manufactured entirely from recycled wood products do not.
- **International Society of Arboriculture (ISA).** A non-profit organization serving arborists, the tree care industry, and consumers as a scientific and educational organization.
- **Invasive species.** A non-native tree, plant, insect, or other organism likely to spread, disrupting the natural balance of an ecosystem. [A list of invasive tree species shall be maintained by the Arborist Division and As Appendix A of this Article.](#)
- **Land Disturbance.** For purposes of this article, any human-made change to improved or unimproved property that includes, but is not limited to, construction of buildings or other structures, soil compaction, filling, clearing and grubbing, grading, paving, installation of impervious cover, excavation or drilling, storage of equipment or materials, or any other construction activity.
- **Landscape Project.** For the purposes of this article, a project that proposes to remove Regulated Trees for which no other City of Atlanta construction permit is required besides a tree removal permit.
- **Landscaping permit.** Permit issued for tree removal in association with landscaping for which no building permit is required. Permit issued for tree removal in association with landscaping for which no building permit is required.
- **Limits of Disturbance.** The area impacted by construction or land disturbance activities including but not limited to grading, digging, cut and fill of soil, storing materials, and construction.
- **Live stake.** A dormant cutting of a live tree that will readily sprout roots and grow when driven into soil. Per Subsection 158-75(B)(6), live stakes may be installed on public land by the Department of Watershed Management as a component of a federal Consent Decree for stream bank erosion control or stabilization projects, and for stream or wetland restoration projects. Live stakes must have a minimum diameter of three quarters of an inch and a minimum length of 24 inches. Live stake species must be native to the Piedmont region and may include: black willow (*Salix nigra*), Streamco willow (*Salix purpurea*), Tag alder (*Alnus serrulata*), red chokeberry (*Aronia arbutifolia*), wither rod (*Viburnum cassinoides*) Southern arrow-wood (*Viburnum dentatum*), yellow-root (*Xanthorhiza simplicissima*), Virginia sweetspire (*Itea virginica*), buttonbush (*Cephalanthus occidentalis*), alternate leaf dogwood (*Cornus alternifolia*), silky dogwood (*Cornus amomum*), stiff dogwood (*Cornus foemina*), and silky willow (*Salix sericea*).
- **Low-Income.** Three hundred percent (300%) or less of the Federal Poverty Level
- **Low Value Tree(s).** A tree with low value as determined by the tree valuation table in Appendix B.
- **Maximum Disturbance Area (MDA).** [The maximum area of Land Disturbance](#) that will be allowed on the site, including but not limited to site access, grading, building and hardscape

construction, utility installation, stormwater management facilities, staging and material storage.

- **Mechanical Injury.** A wound caused by a tool, machine or motorized equipment which exposes or destroys the cambium layer of a tree.
- **Midstory tree.** A tree that normally attains a DBH of 10 to 20 inches, a height of 30 to 60 feet as in Appendix B.
- **Minimum planting.** A minimum number of trees and caliper-inches required to be planted on a site after permitted removal activities. Minimum requirements are based upon zoning district classification (see Section xx).
- **Minimally impacted tree.** A tree whose CRP is unimpacted and whose CRZ is impacted more than 0% and less than 15%.
- **Moderate Value Tree(s).** A tree with moderate value as determined by the tree valuation table in Appendix A.
- **Modified Project Area.** For Commercial projects that disturb a small portion of a large site, the Modified Project Area is a portion of the site, defined by logical internal site features such as driveways, project phase boundaries, parking lots, streams and other natural features, that may be allowed to be used to determine Priority Tree preservation, Replacement, and Recompense; Use of the Modified Project Area alleviates the need for the applicant to provide a survey of the entire site.
- **MSA.** Metropolitan Statistical Area.
- **Mulch Layer.** The layer of decomposable material added above the planting medium. This layer is used to retain water, build soil fertility, and prevent compaction. It mimics the “O” layer or “leaf litter layer” found in natural forests where it is integrated with the topsoil and is constantly thickened by falling leaves and debris of the trees above it. When installed, the mulch layer must consist of mulch, wood chips, or other natural decomposable material and must be installed with a depth between 2” and 4”.
- **Native Tree.** A tree species that has evolved to grow in a geographic area without having been introduced through human intervention.
- **Native plant.** A plant species that has evolved to grow in a geographic area without having been introduced through human intervention.
- **Neighborhood Planning Unit (NPU).** One of the twenty-five geographic divisions of the City of Atlanta established in 1974 for planning purposes.
- **Non-Priority Tree.** All Regulated Trees that are not DDH, Nuisance Trees, Undesirable Species, and do not meet the definition of Priority Tree.
- **Nuisance Tree.** A tree with uncorrectable defects severe enough to pose a danger to people or buildings on public property under normal conditions, as determined by the City Arborist.
- **Overstory Tree.** A tree that normally attains a DBH in excess of 20 inches or greater at and a height in excess of 60 feet or greater, as in Appendix B.
- **Payment-in-lieu.** An amount paid to the Tree Trust Fund as an alternative to meeting the Tree Save Requirement on commercial properties with no residential use. The amount paid shall be equal to 60% of the value of the fair market value of the portion of the property needed to meet the Tree Save Area requirement. All funds received into the Tree Trust Fund from Payments-in-Lieu must be dedicated to purchasing publicly owned greenspace or conservation easements on

private properties preserved in perpetuity. Such properties must contain Priority Trees and High Value Forests.

- **Pervious Surface.** A surface that typically allows the free flow and percolation of water, typically uncompacted soil.
- **Pine.** A tree that is a member of the genus *Pinus* in the family *Pinacea*. This does not include other needled trees in species commonly known as cedar, fir, spruce, and hemlock.
- **Planting Season.** The portion of the year most favorable for planting trees, ideally when trees are dormant and weather conditions are cool. Typically October to March in Atlanta
- **Practicing Arborist.** A specialist in the cultivation and care of trees and shrubs, including tree surgery; the diagnosis, treatment, and prevention of tree diseases; and the control of pests.
- **Pre-application conference.** A meeting with the City Arborist, a permit applicant, and other necessary professionals to determine which trees must be protected and remain on site after construction is complete. Only a partial site plan is required for be submitted at the Pre-application Conference (see Appendix C), and the Pre-Application Conference may take place before a full site plan is submitted.
- **Prescription/silvicultural prescription.** A written directive developed by a private arborist for the purpose of preserving a tree(s). Prescriptions must include: 1) the private arborist's name, signature, qualifications, and contact information; 2) the site address and individually identified tree(s) at issue; 3) the current condition of the tree(s); 4) tree protection provisions to be implemented during construction or site disturbance such as a watering regime, mulching, fencing, physical barriers, and other methods to prevent soil compaction or damage; 5) a soil and foliar analysis; 6) a five-year survivability assessment; and 7) a schedule of recommended treatment, including any recommended soil amendments, fertilizer application, pesticide application (with copy of pesticide label), or pruning. Specifications for pruning, soil modification, and fertilization in the prescription shall be written in accordance with requirements of this Article and provisions of the American National Standards Institute, Inc. (ANSI) A300 series of standards. A written report of treatment actions, an assessment of the condition of the tree at the end of treatment, and an estimate of the survivability of the tree following the application of such a prescription shall be provided to the City. Prescriptions accepted as a condition of tree preservation must be pre-paid.
- **Preserved tree.** An impacted tree for which an arborist is responsible.
- **Priority Tree.** Trees of high or excellent value as determined by Appendix A, Historic or Landmark trees, Heritage trees, or other trees determined to have exceptional value by the City Arborist or Tree Conservation Commission.
- **Private arborist.** Any person not employed by the City of Atlanta who is a Georgia Registered Forester or International Society of Arboriculture (ISA) certified arborist.
- **Private Tree.** For purposes of this article, a tree for which more than 50% of the trunk of the tree, where the tree interfaces with the earth, is located on private property.
- **Protected tree.** See Regulated Tree.
- **Pruning.** The selective removal of plant parts. For the purposes of this article, proper pruning may not include the removal of more than 20% of the live crown of a tree within a two-year period, and cuts must be made in accordance with the ANSI A300 series of standards for tree care management.

- **Public Linear Infrastructure Project.** Construction or maintenance of City-owned infrastructure that is linear in form, including but not limited to public roadways, sidewalks, trails and City-owned water lines, sewer lines, and other similar utility projects.
- **Public Tree.** For purposes of this article, a tree for which at least 50% of the trunk flare, found at the bottom of the tree where the tree interfaces with the earth, is located on public property.
- **Public Property.** All property owned by the City, including without limitation City parks, Atlanta Beltline, streets, sidewalks and other rights-of-way, and all other governmental property for which the City has jurisdiction.
- **Recommended Tree Planting List.** A list of preferred species for planting trees in the City of Atlanta including the approved species which may receive credit when planted to offset recompense owed pursuant to this article. The list includes information about the estimated size of trees at maturity. The list may be updated periodically by the arboricultural manager based upon current research and is included within Appendix A
- **Recompense.** Monetary compensation assessed to recoup lost public value of healthy trees that are removed or destroyed. (For calculation of recompense see Established Recompense Value)
- **Registered Consulting Arborist (RCA).** A professional certification for arborists from the American Society of Consulting Arborists.
- **Registered Tree Professional.** Any person who is a Georgia Registered Forester or ISA Certified Arborist, or an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist and who is currently registered with the City of Atlanta Arborist Division per section 158-35
- **Regulated Tree.** Any tree other than a Pine with a DBH equal to or greater than six inches, or a Pine with a DBH equal to or greater than 10 inches DBH.
- **Remedial action.** The acts required to fulfill the requirements of this Article after a violation has occurred, including without limitation replanting, payment of recompense, silvicultural prescriptions, and approved tree planting. Fines or other penalties assessed pursuant to Code Section 1-8 are not remedial actions.
- **Remedial planting.** Planting trees of equal or comparable size, species, vigor, health, and mature canopy potential to restore the lost public value of healthy trees that are removed or destroyed.
- **Replacement Tree.** Planting new trees to restore the lost public value of healthy trees that are removed or destroyed according to the requirements of this article. Replacement Trees are expressed as a certain number of Caliper inches.
- **Required yard area.** The open space on a lot not occupied by a structure, including both buildable area and setbacks not occupied by a structure.
- **Responsible Party.** Any person(s) or entities whose actions or failures to act violate this article, including without limitation any person who knowingly allows his or her agent or contractor to violate this article. Where a tree is injured, Destroyed or damaged in violation of this article, there may be more than one Responsible Party. A Responsible Party may include without limitation: the owner of the property on which a tree of concern is located; an agent of the owner; a tree removal company; a builder; and a landscaper.
- **Right-of-Way Tree.** A tree growing within a transportation right-of-way that is Public Property.
- **Riparian Buffer.** The area within 75 feet of a perennial or intermittent stream which shall remain undisturbed pursuant to City of Atlanta code Section 74-303.

- **Root Chase.** A continuous soil trench created with culvert or piping material under pavement that allows tree roots to connect with nearby open space. Typically used in parking lots and for street tree plantings to provide more rooting area for trees.
- **Saved tree.** Any tree that, under the terms of this Article, is to be protected from injury or destruction as a result of land disturbing or other construction activities.
- **Saved with prescription.** Any tree with impact between 15% and 33% of its critical root zone, as long as the structural root plate of the tree remains 100% protected and an arboricultural prescription is approved by the City Arborist prior to construction in accordance with the provisions of this Article.
- **Setback tree.** Setback is the area between the property line and the buildable area of the lot. A tree with a trunk that is wholly or in part in the setback as determined where the tree's trunk meets the natural grade, is a setback tree.
- **Severe mechanical injury.** A wound or combination of wounds that, when measured at the widest extent of the wound, exposes or destroys the cambium layer of 30% or more of the circumference of a tree. For the purposes of this definition, the circumference of the tree shall be measured at the top of the wounded area.
- **Shearing.** Cutting stems to an indiscriminate length.
- **Silviculture.** The practice of managing trees according to current forestry and tree care standards to ensure their continued health and survival.
- **Single Family Residential Development.** For the purposes of this article, development or redevelopment of a lot containing a single or two-family dwelling or duplex as the primary structure.
- **Site Plan.** A drawing submitted with an application for a tree removal permit, depicting the existing and proposed site conditions, including a full survey of all Regulated Trees and all other information required as in Appendix D.
- **Soil Cell.** Manufactured structures, usually modular, that can support the weight of a paved surface and associated pedestrian or vehicular loads while containing uncompacted soil below the paving that allows free root growth for trees planted within hardscapes. Soil Cells are a component of one type of Suspended Pavement system.
- **Spiking.** The use of metal spurs or gaffs to climb live trees. **Unless a tree is permitted for removal under this Article or is the setting for an aerial rescue under ANSI Z133.1 in which a person's life is in danger, spiking is prohibited by this Article.**
- **Sports Court.** An area of hardscape primarily used for recreational or competitive sports. Sport courts contain appropriate equipment and markings, including but not limited to nets, baskets, striping, fencing, and lighting.
- **Sports Field.** A field used primarily for playing sports and used by an organized recreational league or an open field used for school play activities.
- **Standard Replacement.** The unmodified Replacement Tree requirement: required Replacement inches equals .75 X DBH of Priority Tree and .5 X DBH of a Non-Priority Tree [complicated, will require too much off site planting]
- **Steep Slope.** A slope is the natural inclination of the land's surface. Steep slopes are defined as areas with a 15-foot or greater vertical rise over 100 feet of horizontal run, or 15 % or greater rise. Grading or other land modifying activities that create steep slopes and destroy trees in doing so shall not be permissible.



- **Stream Buffer.** For the purposes of this article, the land and vegetation that is within 75 feet of a perennial or intermittent stream in which development is prohibited or restricted, per Atlanta City Code section 74-300.
- **Street Tree.** A tree growing on public or private property whose trunk is within 15 feet of a public or private roadway, public sidewalk, or public paved multi-use trail.
- **Streetscape.** For the purposes of this article, Streetscape refers to a zoning mandated street frontage treatment beginning at the back of curb that includes a sidewalk/walk area/clear zone and at least one of the following: a street furniture/tree planting zone, amenity zone, or a supplemental area. Streetscapes typically also have requirements for trees or street lights.
- **Structural Root Plate (SRP).** The circumferential area around a tree within which roots provide stability against windthrow. The radius of the root plate is a function of a tree’s DBH. [The table below provides guidelines for estimating root plate radii for upright trees without restricted roots.](#) The arborist may accept or require methods to assess the SRP such as air spading and hand digging to avoid roots.
- **Structural soil.** An engineered soil designed to bear the weight of pavement and provide the proper root environment for trees to grow beyond the confines of a tree well or landscaping island into compacted soil.

Size of Structural Root Plate by DBH of Trees										
DBH (inches)	7"	8"	9-11"	12-14"	15-19"	20-24"	25-31"	32"	33-38"	39-48"
SRP distance (radius')	5'	5.5'	6'	7'	8'	9'	10'	10.5'	11"	12'

- **Structure.** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on or in the ground.
- **Subdivision.** A tract of land that has been subdivided within the past five years in accordance with the City of Atlanta’s Subdivision Ordinance and so recorded as a separate property of record with the county land registrar’s office.
- **Surface soil dimension.** The measured length and width of a landscape area not covered by impervious material.
- **Suspended Paving or Suspended Pavement.** Any technology that supports the weight of paving and associated pedestrian or vehicle loads over a void space that can be filled with uncompacted soil that allow free root growth for trees planted within hardscaped areas.
- **Swimming Pool.** For the purposes of this section a swimming pool is defined to be a pool, tank or reservoir constructed and adapted for swimming, bathing or water sports, and having a maximum depth of two feet or more. When measuring the area of a pool for the purposes of calculating Site Density, up to 20 feet of hard surfaced deck surrounding the pool may be included in the pool area.
- **Tipping.** The cutting of a [lateral](#) limb of a tree in such a manner as to leave a prominent stub extending beyond a branch node or the trunk, which is prohibited by this article.
- **Topping.** Reduction of tree size using internodal cuts without regard to tree health or structural integrity, which is prohibited by this article. For the purposes of this article, topping refers to the cutting of a single leader trunk or cutting a co-dominant leader in such manner as to leave a prominent stub extending beyond the node (crotch) of another leader trunk or major branch that may become a leader trunk.



- **Tree.** Any self-supporting woody, perennial plant that has a trunk diameter of 2.5 inches or more when measured at a point six inches above ground level and which normally attains an overall height of at least 15 feet at maturity, usually with a single main stem or trunk and many branches.
- **Tree Conservation Commission.** A citizen board, appointed by the Mayor and City Council Members to assist in the protection, maintenance, and regeneration of the trees and other forest resources of Atlanta. The Commission hears and decides appeals of decisions of administrative officials related to trees.
- **Tree Impact Statement.** A standard form, available from the Arborist Division, that the applicant completes for a building, demolition, or land disturbance permit. This form shall only be used in lieu of a tree survey to prove there are no trees on the property.
- **Tree protection plan.** Also referred to as site plan. A drawing depicting the size, location and species of trees on a site for which a permit is sought. The plan includes all existing trees to be saved and proposed for removal as well as proposed tree save areas and other provisions as required by the City Arborist. Requirements for tree protection plans are described in Appendix D.
- **Tree Planting Plan.** A drawing which contains the following: a plan showing the location, size, and species of existing and Replacement Trees on the property for which a permit is sought; a table detailing by species and the replacement trees to be planted; the minimum Site Density and other provisions as required by the City Arborist. The information on a Tree Replacement Plan may be included on a Site Plan if it can be done clearly, making a separate Tree Replacement Plan unnecessary.
- **Tree save area. (*need to expand definition*)** The area around trees protected from construction impact, either beyond the area of construction impact or within tree protection fencing per requirements of this Article. Soils sufficient for supporting tree growth must be maintained and should be fully planted per specifications of the ordinance. Also, a tree and soil save area as required per Appendix A.
- **Tree Trust Fund.** A municipal fund under the stewardship of the Tree Conservation Commission that includes monies collected from Recompense and fines to be spent only as provided in this Article.
- **Tree well.** An area of pervious surface surrounding a tree that contains soil to support the growth of the tree; typically bordered by impervious surfaces such as curbs, sidewalks, and streets.
- **Understory Tree.** A tree that normally attains a DBH of less than 10 inches at maturity and a height of less than 30 feet as in Appendix B.
- **Undesirable Tree Species.** Undesirable species can be native or non-native trees that have demonstrated sufficient negative qualities as to be detrimental to the long-term health of the City of Atlanta's urban forest. Those qualities include without limitation: weak branch structure, chronic pest or disease problems, invasive tendencies, and over-population. A current list of undesirable tree species is maintained by and available from the Arborist Division.
- **Urban forest.** The system of trees and other plants that grow individually, in small groups, or under forest conditions on public and private lands in cities, suburbs, and towns.
- **Urban Forest Master Plan.** The City's management plan for protecting and preserving trees and forest resources in the urban environment. This document outlines an action plan with detailed

information, recommendations, and resources to effectively manage, plant, and maintain trees in Atlanta.

- **Wetland Buffer.** For the purposes of this article, the land and vegetation that is within 25 feet of a wetland in which development is prohibited or restricted, per Atlanta City Code section 74-300.
- **Wetlands.** Lands on which water covers the soil or is present either at or near the surface of the soil either permanently or seasonally. Wetland trees depend upon seasonal or permanent flooding, or sufficiently waterlogged soils to give them competitive advantage over other trees.
- **Yard area.** The open space on a lot not occupied by a structure, including both buildable area and setbacks not occupied by a structure.

## Division 2- Applicability and Exemptions

158-38 Applicability. This ordinance shall apply to the following:

- (a) All trees on City-owned property.
- (b) All Regulated Trees on private property.

158-39 Exemptions and Variations.

- (a) Nurseries and tree farms. All licensed plant or tree nurseries and tree farms shall be exempt from the terms and provisions of this article only in relation to those trees which are planted and are being grown for sale or intended sale to the public, or for some other public purpose.
- (b) Arboreta and botanical gardens. All Non-Priority trees in arboreta or licensed tree museums or public botanical gardens which meet the following conditions shall be exempt from the terms of this article:
  - (1) The arboretum or botanical garden employs a full-time arborist or horticulturist;
  - (2) The arboretum or botanical garden is located upon property owned by the City or the Atlanta Development Authority d/b/a Invest Atlanta; and
  - (3) Trees were planted for the sole purpose of display or public education and are accessible to the public.
- (c) Environmental restoration or mitigation projects with the sole purpose of restoring ecological function to a degraded natural system or remediating environmental contamination shall be exempt.
- (d) The City Arborist may allow modest variations or special exceptions to any portion of this article in the case where the strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future.
  - (1) When such variations or exceptions are granted, a written explanation of the variation(s) or exception(s), and rational for granting them, shall be included in the appropriate project record and available to the public.

158-40 Emergencies.

- (a) During and immediately after a declared public emergency, such as a tornado, ice storm, flood, or any other act of nature, the requirements of this article may be waived temporarily by the Mayor or the Mayor's designee.
- (b) Requirements and conditions for removal and destruction of trees for public safety emergency are below:

- (1) A public safety emergency exists, and removal of the subject tree(s) will be reasonably likely to abate the emergency;
- (2) A public safety emergency existed, and the removal of the subject tree(s) abated the emergency; or
- (3) A public safety emergency existed, and it appeared reasonably likely that the removal of the trees would abate the emergency.

158-41 **Special Removal Permit** for Periodic Tree Removal by Homeowners. *[Moved from Div 7.]*

Requirements of special removal permit. The City Arborist may issue a special “non-development” removal permit for a homeowner to remove one or more Non-Priority Trees with a combined DBH equal to or less than 20 inches dbh, every three years for any reason, with no Recompense owed and no Replanting required, under the following conditions (*assumes using Citizens tree value table- Appendix B*):

- (a) The property is the owner’s primary residence for at least 1 year, evidenced by the fact that the owner receives a homestead exemption from the Fulton County or DeKalb County tax assessor on the property;
- (b) The tree(s) is not a boundary tree, unless the adjoining property owner is a co-applicant for the special removal permit;
- (c) No Priority or Non-Priority Trees have been removed or Destroyed on the site, legally or illegally, during the prior three years;
- (d) The applicant signs an affidavit affirming that the tree removal is not associated with a construction or demolition permit or an intended construction, or sale of the property (DeKalb code text);
- (e) Neither the property on which the tree is located nor the homeowner/applicant has been the subject of a violation of this Article within one year prior of the filing of the special removal permit application; and
- (f) A tree removal permit is applied for and approved, following the standards for a Landscaping-related tree removal permit described in section 158-52(b)
- (g) Unlawful removal. Where a tree is removed without a permit, recompense and fines shall be calculated and owed as described in Section 158-55 & 158-65, even if the property would have been eligible for a special removal permit pursuant to this Subsection.

### **Division 3- General Standards for Public and Private Trees**

158-42 Damage and Destruction of Trees.

- (a) Private Trees. No person may Destroy, remove, or Impact a Regulated Tree on private property without a permit from the Arborist Division.
- (b) Public Trees. No person shall damage, prune, remove, maintain, plant, or otherwise affect any tree of any size in any public right-of-way, park, or other City property without having first obtained a permit or other authorization from the City.
- (c) Protection of Replacement Trees and trees planted using Tree Trust Funds. No person may Destroy or remove a tree of any size that was planted as a requirement of the current or previous tree protection ordinance, or was planted with the use of Tree Trust Funds, without a permit from the Department of City Planning.

- (1) When healthy trees are destroyed Replacement and Recompense will be required based on the DBH of the tree but shall be no less than one Replacement tree for every tree destroyed or removed.
- (2) When trees are destroyed illegally, Replacement and Recompense and fines will be required based on the DBH of the tree but shall be no less than one Replacement tree for every tree destroyed or removed.

**158-43 Tree Planting and Maintenance Standards.**

- (a) All trees planted on public property, all trees planted on private property to meet the requirements of this article, and all trees planted with the use of Tree Trust Funds, must comply with the most current versions of the ANSI A300 Standards and ISA Best Management Practices, and the provisions of this article in Appendix F.
- (b) All tree pruning and other maintenance activities in the public right-of-way or on other City property must be done according to the most current versions of the ANSI A300 standard and ISA Best Management Practices, and the provisions of this article.
- (c) To avoid inadvertently damaging trees, it is recommended that pruning and maintenance of trees on private property should be done according to ISA best practices or guidance provided by the Arborist Division or the University of Georgia Cooperative Extension Service.

**158-44 Protection of the Public Right-of-Way Clearance, Traffic Safety, and Nuisance Trees.**

- (a) Pruning for clearance and traffic safety.
  - (1) Private Trees along roadways, sidewalks, and multi-use trails shall be maintained to provide a minimum clearance of eight feet over sidewalks and trails; and clearance of 14 feet over the paved portion of streets.
  - (2) Any owner of property abutting a public street, sidewalk, or multi-use trail, shall prune any tree or other vegetation on the owner's property so that no tree or other vegetation shall obstruct or interfere with the view to oncoming traffic or pedestrians, the view of traffic signs or signals, the view in the "visibility triangle" as defined in section 16-28.008(9), nor obstruct or interfere with free passage of pedestrians on any sidewalk or trail or the free passage of vehicles on the paved portion of any street or with the extension or maintenance of wires for electric street lights.
  - (3) When the City Arborist is made aware of and confirms with the Department of Transportation that a tree on private property obstructs passage or views as described in section 158-42(a)(2), the City Arborist's office shall commence abatement procedures.
- (b) Nuisance Trees
  - (1) Any dead, diseased, or damaged tree or part of a tree is a nuisance when natural forces may fell or blow such tree or part thereof onto public ways or public property and thereby imperil life or property or impede traffic. When a nuisance tree is brought to the attention of and confirmed by the City Arborist, the Office of Buildings shall commence abatement proceedings.
- (c) Abatement procedures: Notice to owner to remedy conditions; failure to comply. Where a private property tree interferes with views or free passage along a public street, sidewalk, or multi-use trail; or is deemed a nuisance as defined in this section;, the City Arborist shall give written notice to the owner or the person in possession, charge or control of the property, that

assessment of the tree and that the tree shall be pruned or removed, or infested wood removed, as determined by the City Arborist. [If applicable, the City Arborist shall issue a permit for removal under Section 158-23 \(Division 4\).](#) The notice shall state that such work be done by the property owner within 30 calendar days. Such notice shall further state that unless the tree or part thereof is not voluntarily removed within the time specified, the City Arborist may issue a citation requiring the party notified to appear in the municipal court to determine whether the tree or part of a tree involved create an obstruction, constitute a nuisance, or is contagiously diseased or infested and should be abated to prevent the spread of the disease or infestation.

(d) Hearing; failure to comply with order to abate. If a municipal court judge finds that the tree or part of a tree constitutes an obstruction or nuisance and orders the defendant to abate the same within a specified time, then the judge shall set a date by when the nuisance must be abated. Each 10-day period that passes without the nuisance being abated shall constitute an offense. [Notice to abate shall include instructions on how to apply for a hardship exemption including how to receive assistance in applying for such an exemption. The City may direct any interested person to the provisions in Division 14 related to TTF expenditures for assistance with hazard tree abatement.](#)

(1) Emergencies. Such nuisance trees may pose immediate hazards and, because of the imminence of danger, are too great a risk to leave standing while standard procedures for giving notice take place. In such cases where danger to the public, [including adjacent neighbors](#), is imminent, the City of Atlanta may to enter the property and abate the nuisance. The City shall have the authority to obtain reimbursement from the property owner for the reasonable costs of such work, [or the City may choose to cover the cost of such work as appropriate from the Tree Trust Fund in cases where the homeowner has been determined to be financially unable to abate the nuisance.](#)

a. Work within the public Right of Way. If the obstruction or nuisance tree can be abated by removing only the portion of the tree that extends into the public Right of Way, the City may abate the obstruction or nuisance without notifying the owner of the tree.

158-45 Minimum Tree Protection Standards; During Construction, Demolition, or any other Land Disturbing Activities.

(a) Pre-construction Meeting. The City Arborist may require an on-site pre-construction meeting for any project, due to its individual circumstances, [and any project for which the arborists preliminary approval is appealed to the Tree Conservation Commission.](#)

(b) When a pre-demolition or pre-construction meeting is required, no land-disturbing activities other than installation of erosion control and tree protection measures can proceed without approval by the City Arborist. Tree fencing and other protection measures must be in place at the time of the pre-demolition or pre-construction meeting.

(c) A minimum of 80% of the CRZ must be protected and preserved at natural grade, with natural ground cover.

(1) The City Arborist may approve impacts up to 33% of the CRZ. When the City Arborist allows impacts to the CRZ between 20% and 33%, [an arboricultural prescription](#) to mitigate the CRZ impacts will be required as described in Appendix F.

(d) No cut, fill, or Land Disturbance of any kind is allowed within the Structural Root Plate area.

- (1) The City Arborist may, upon the express finding that the stability of the tree will not be affected, allow for minor disturbances such as the installation of a post within the Structural Root Plate.
- (e) No toxic substances shall be allowed to come in contact with soil within the CRZ, such as herbicides, gas, brine water, oil, or other substances deleterious to tree health.
- (f) Fencing must be erected at the perimeter of each CRZ and the limits of site disturbance as shown on the approved plans or as directed by the City Arborist. Fences must comply with Appendix F. Tree protection fences must remain in place and upright until such time as the construction activities have ceased or the final landscaping of a site requires their removal. At no time is tilling or other ground disturbance is allowed within the protected portion of a tree's CRZ as depicted on the project plans.
- (g) Trees which must be Pruned to allow for clearance on construction sites must be pruned according to ANSI standards for pruning.
- (h) No materials storage or vehicle parking may occur within the protected portion of the CRZ of all trees that are to be protected and preserved on site.
- (i) As directed by the City Arborist, an Arboricultural Prescription for treatments to mitigate construction and disturbance impacts may be required for any tree that has disturbance within its CRZ or sustains Mechanical or other injuries during construction if the damage, specific circumstances of disturbance, or condition of the tree warrant a prescription.
- (j) Plan adjustments. These criteria are enforced in the field as well as on the plan. Plan adjustments made during construction must be reviewed by the City Arborist through submittal as a site plan revision, site plan correction, or tree permit.

158-46 Greater Impacts Allowed.

- (a) The criteria in Appendix F represent minimum standards for protecting trees. Critical Root Zone impacts of over 33% of the CRZ (known as a "Technically Destroyed Tree") may be allowed by the City Arborist, who will not consider the tree Destroyed, and will not require Replacement or Recompense, provided that the applicant proposes acceptable mitigation in the form of an Arboricultural Prescription and a surety bond as described below.
  - (1) A Registered Tree Professional is retained to prescribe and monitor the implementation of measures to maximize the survival and protection of the tree. **At a minimum a prescription shall include fencing, mulching, professional root pruning services, and watering of the tree, and may also include soil aeration, support systems, lightning protection, canopy pruning, spraying for the control of insects or other pathogens,** fertilization, and enhanced protective fencing – see Appendix F.
  - (2) The Prescription written by the Registered Tree Professional is approved by the City Arborist in advance of the permit issuance and a signed, paid-in-full receipt or the equivalent for implementation is provided; and
  - (3) Surety bonds required.
    - a. Where a tree on private property has been required by the City Arborist to have an Arboricultural Prescription, a surety bond shall also be posted by the applicant. The performance bond shall be issued by a bonding company licensed and registered in Georgia. The bond shall include:

1. The **Established** Recompense Value of the tree;
  2. \$1,000 per tree;
  3. An estimated amount for the removal of the tree; and
- b. The bond document must contain the address and permit number of the project, as well as a list of all bonded trees that includes their species and size in DBH.
  - c. The terms of the bond shall extend from the beginning of the project until three full Growing Seasons after the issuance of the certificate of occupancy or last treatment of the Arboriculture Prescription, whichever is greater. The bond may not be released until the City Arborist's inspection and determination of the tree's health at the end of the bonding period. Final bond inspection must take place before the trees have lost their leaves at the end of the Growing Season.
  - d. The surety bond shall be written to the benefit of the City and shall obligate the bonding company to pay the City the full bond amount for each tree that is not in the same condition, Excellent, Good, or Fair, as documented prior to construction, or as determined by the City Arborist.
  - e. Failure to maintain or renew the surety bond, should it expire prior to the City Arborist's final sign-off and release of the bond, shall be a violation of this article.
  - f. At the end of the bonding period, the City Arborist shall inspect the bonded tree. If the tree is determined to be dead or dying, the bond will be redeemed by the City and applicant notified. If the tree is determined to be healthy, the applicant shall be informed in writing that the bond may be cancelled.

#### **Division 4- Removal of Dead, Dying, or Hazardous Trees, and Undesirable Tree Species**

158-47 Dead, Dying or Hazardous (DDH) Trees.

- (a) Any tree regulated by this article that is in a DDH condition due to structural **hazards, serious** insect and disease infestations, **or** any tree which is causing severe damage to structures or infrastructure, as described in the City Arborist's standard operating procedures for DDH trees Appendix E, may be removed after obtaining a permit.

158-48 Permit to Remove Dead, Dying, or Hazardous tree; Generally.

- (a) Applications to remove DDH trees may only be submitted by the owner of the property on which the subject tree is growing, or their agent.
- (b) Applications to remove DDH trees must be submitted separately from construction, demolition, or landscaping related tree-removal permits.
- (c) Applications for DDH trees may be submitted to the Arborist Division by e-mail, online, or other means. Each application shall include the address of the property and the owner's name, phone, and email address, as available. **If a tree service is engaged to perform the work or is the applicant,** it shall also include the name, phone, and email of **Registered Tree Professional** of the tree service **associated with the application.** Each tree shall be identified by species (if known, or at least listed as Pine or other, DBH, location, and any identifying characteristics or added markings. Applicants are encouraged to provide one or more photos of the tree in question. DDH inspection results shall be sent to the applicant via email or USPS mail. Results shall indicate if the tree was approved, denied, or Additional Information Required as determined by the City Arborist.



- (1) For DDH permit applications involving numerous trees, the City Arborist may require the submittal of a tree condition assessment by a Registered Tree Professional.
  - (2) The City may reject an application from any Registered Tree Professional who is suspended at the time of the application under Section 158-10 (a) 7.
- (d) The Arborist Division shall maintain standard operating procedures for DDH trees, which include assessment criteria for determining whether a tree is DDH based on recognized standards as set forth by the ISA and UGA extension office. The criteria contained in the standard operating procedures shall be followed by the City Arborist and Registered Tree Professionals when assessing trees pursuant to a removal permit. Appendix E.
- (1) The City Arborist shall make the final determination of whether a tree is DDH, and shall approve or deny, or request additional information, based on the information submitted with the application and physical inspection of the tree, as necessary.
  - (2) When considering DDH applications for trees purported to be hazardous, The City shall only approve trees with a risk rating of "High" or "Critical" under the ISA risk rating matrix. City Arborists shall have no obligation to conduct testing or look for invisible decay but shall have the duty to approve or deny permits submitted by applicants based on the information provided and subsequent verification under this section.
- (e) No posting or preliminary approval required. Removal of DDH trees does not require preliminary approval as set forth in section 158-52(d)(4) or notification and posting as set forth in section 158-71.
- (f) Replacement and Recompense. Removal of DDH trees are not subject to the Replacement or Recompense requirements of sections 158-69 and 158-70 except as follows:
- (1) Illegally destroyed trees pursuant to section 158-46(j)(2); or
  - (2) Trees planted as a requirement of this article on commercial projects pursuant to section 158-68(f)(3.)
- (g) Right of Appeal. No appeal may be filed for a notice of approval for a DDH tree. Only the applicant or their agent may appeal a notice of denial for a DDH removal permit to the Tree Conservation Commission as provided in section 158-72(3) of this article. ,
- (h) Permit approval and expiration. Permits to remove DDH trees shall be valid for one year from the date of issuance, though the City Arborist may extend the expiration date of the permit by up to six additional months.
- (i) Permits available for public inspection. All DDH tree removal permits shall be available for public inspection on the Arborist Division's website.
- (j) Permit to remove DDH trees; imminent danger.
- (1) Authorization for immediate removal. When an applicant believes and can demonstrate that a tree on their property poses imminent danger to the health, safety and welfare of persons or property, the applicant may request a permit for immediate removal by contacting the City Arborist by phone or email to request verbal or written approval for the removal. Examples of imminent danger include without limitation: sudden change of pitch of the main stem; cracked or heaved soil opposite the tree's lean; visibly raised root plate; and cracks or breaks in the main stem or large leader. Should the City Arborist deny the permit, the tree shall not be deemed imminently dangerous. If the applicant is unable to reach the City Arborist, they may remove the tree without approval. Within five working days of said removal, the applicant shall apply for retroactive approval by submitting to the City Arborist a tree removal application and photos demonstrating that the tree at issue was imminently dangerous, and any other information reasonably requested by the City Arborist.



- (2) City Arborist Findings. Where the Arborist finds that the applicant did not follow the procedures of this subsection or failed to demonstrate an imminent danger, the City may require Replacement planting or charge the Responsible Party applicable Recompense and fines per section 158-81.
  - (3) Right of appeal. No one other than the applicant or property owner shall have the right to appeal a decision by the City Arborist regarding imminent danger or tree removal associated therewith. Appeals must be filed within 30 days of the applicant's/owner's, receipt of the City Arborist's written decision and shall meet the requirements of section 158-72(c).
- (k) Dead, Dying and Hazardous Public Trees
- (1) Reporting public property trees in DDH condition. Any person who believes that a tree on City-owned property is in DDH condition may request an inspection of the tree by calling the Department of Parks and Recreation or the ATL311 system and providing the nearest street address to the tree.
    - a. Suspected DDH Trees on Public Property that would be removed or impacted as part of a development project should not be reported to the Department of Parks and Recreation. Instead, applications for DDH permits for trees on public property associated with a construction permit should be submitted to the Arborist Division in the Office of Buildings.
  - (2) Reporting public property trees posing imminent danger. Any person who believes that a tree on City-owned property or in the right-of-way is imminently dangerous may notify the City by calling 911.
  - (3) City Arborist Determination. The City Arborist will determine the tree's condition, assign a response priority, and prescribe appropriate action as needed.
- 158-49 Removal of Undesirable Tree Species.
- (a) The list of Undesirable Tree Species, which includes Invasive trees and vines, is [located in Appendix B. Undesirable Species on Public Property](#). At the City Arborist's discretion, Undesirable Species may be removed from public property. A permit for removal is required, though no posting, Replacement, Recompense, or option to appeal are required.
  - (b) Undesirable Species on Private Property.
    - (1) Permit Required. Applications to remove Undesirable Species may only be submitted by the owner of the property on which the subject tree is growing, or their agent. Prior to removal or Destruction of an invasive or Undesirable Species tree, a permit must be approved from the City Arborist.
    - (2) Application. Permit submittal requirements and procedures are the same as those for DDH trees.
    - (3) Replacement. Where more than 10 Undesirable Tree Species are removed on a single property, replanting may be required if the property at issue does not meet the Site Density requirement after the Undesirable Tree(s) Species is removed. The requirements of this subsection notwithstanding, in no event shall the applicant be required to plant more trees than the quantity of undesirable trees removed. Replacement tree planting requirements may be waived or modified by the City Arborist based on the Site Density, site conditions, and the nature and intent of the project.
    - (4) Posting. No notification or posting is required to obtain a removal permit.
    - (5) Recompense. No Recompense shall be assessed for removal of an Undesirable Tree Species unless the tree was removed illegally.

- (6) Appeals. Only the property owner or applicant may appeal a notice of denial to the Tree Conservation Commission. Appeals must be filed within 15 business days of the applicant's/owner's receipt of the City Arborist's written decision and shall meet the requirements of section 158-72(c).
- (c) Applications to remove DDH Trees or Undesirable Tree Species within a Stream or Wetland Buffer.
  - (1) Dead, Dying, or Hazardous Trees or a tree of an Undesirable Tree Species within a Stream Buffer, as described in Atlanta City Code section 74-303, may be removed as part of permitted development or land disturbing activities within the Stream or Wetland Buffer [in the area where](#) a buffer encroachment has been authorized per Atlanta City Code section **74-306**.
  - (2) An application to remove DDH trees or Undesirable Tree Species within a Stream or Wetland Buffer may also be submitted for hazard mitigation, forest management, or Stream or Wetland Buffer enhancement activities that are not associated with permitted development or land disturbance activity.
    - a. The applicant is responsible for being aware of the presence of the Stream or Wetland Buffer and for ensuring that the proposed project is in accordance with state and local buffer regulations.
      - 1. DDH trees that [pose a danger to the public](#) or trees of an Undesirable Species [may](#) be removed from the buffer [as long as there is no](#) land disturbance; the Trees shall be cut at the base and stumps shall remain.
      - 2. Creation of roads or other disturbance is prohibited without an authorized buffer encroachment from the City.
      - 3. Buffer may not be denuded. Removal of a significant portion of the vegetation within a Stream Buffer, even if Invasive or Undesirable, may be a violation of State and local buffer regulations. Questions about the scale of allowable vegetation removal should be directed to the Department of Watershed Management's Office of Site Development.
    - b. Appeals. A tree removal permit for a DDH tree or a tree of an Undesirable Species that is denied because the method of tree removal or the scale of removal of Undesirable Species is not in compliance with the City or state Stream or Wetland Buffer regulations may not be appealed to the Tree Conservation Commission.

#### **Division 5 - Procedures for Obtaining a Tree Removal Permit, Generally**

158-50 General requirements.

- (a) Permit required. No person shall directly or indirectly remove or destroy a Tree without first obtaining a permit from the City Arborist, except as otherwise set forth in this article.
- (b) Replanting or Recompense required. Any person removing or destroying a Tree must replace one or more trees or pay Recompense based on the calculated value of the tree pursuant to the rules set forth in this article, unless otherwise exempted by this article.
- (c) Permits are available for public inspection on the City's online permitting system.

158-51 Reasons for removal and destruction of Regulated Trees.

- (a) Trees on public or private property may be permitted for removal or destruction only for the following purposes, provided that the requirements of this article are met.

- (1) Removal of DDH trees. See section 158-45;
- (2) Removal or mitigation of Nuisance Trees. See section 158-42(b);
- (3) Removal of Undesirable Species. See section 158-47;
- (4) Public Safety Emergencies. See section 158-39;
- (5) Construction, demolition, or Land Disturbance that requires a construction, demolition, or land disturbance permit; or
- (6) Landscaping that otherwise requires no construction, demolition, or land disturbance permit.

158-52 Site Selection for City Facilities.

- (a) The City Arborist should be consulted during site selection to review land purchase or acquisition and concept plans for City facilities and other City sponsored or constructed capital projects, other than linear infrastructure, prior to the final land purchase or acquisition. If the proposed site for the capital project has significant trees or tree cover, alternative sites should be considered, particularly grayfields or previously developed parcels.

158-53 Removal and Destruction of Regulated Trees for the Purposes of Construction, Demolition, and Landscaping, General Procedures.

- (a) For purposes of this section, construction shall refer to construction, demolition, Land Disturbance, and landscaping work on both public and private property unless specifically stated otherwise.
- (b) Tree Valuation. All Regulated Trees on site shall be valued and classified based on the species, size, as described in this section and Appendix B.
- (c) Tree Preservation requirement. This ordinance establishes tree preservation requirements for priority trees and Tree Save Areas for any property where a demolition, construction or landscaping permit is applied for. Refer to sections Division 7 and 8 for details on for each zoning district.
- (d) Tree Planting requirement. All projects other than demolition, Public Linear Infrastructure Projects, and the infrastructure phase of Single Family Residential Subdivisions are required to plant new trees, that must be growing on the property at the time of project completion. The number and type of trees required to be planted is determined by the amount of available soil area for the healthy growth and maturity of trees. All projects must meet the required Tree Planting unless otherwise exempted in this ordinance.
- (e) Recompense Requirements. When healthy trees are removed Recompense payments are required per the following calculations:
  - (1) The Recompense Value for Priority trees is calculated by the following:  $(\text{DBH inches owed} - \text{credited Caliper inches planted} \times 1.15) \times \text{Established Recompense Value} = \text{Recompense}$ .
  - (2) For non-priority trees, the recompense value is the Established Recompense Value multiplied by (.7).

158-54 Procedure for Obtaining a Tree Removal Permit for healthy Priority and Non-Priority Trees.

Permits for tree removal based on permitted construction. A permit may be issued by the City Arborist to remove or Destroy a tree in order to accommodate construction, demolition or land disturbance for a property improvement for which a building, demolition, or land disturbance permit is required.

- (a) Tree removal for demolition will only be permitted when the City Arborist determines it is unfeasible to perform the demolition without destruction or removal of trees. The City Arborist may require certain areas of proposed demolition to be deferred until a building permit is issued, or require specialized demolition methods, where such deferral may preserve trees.
- (b) Permits for tree removal based on landscaping improvements. A permit may be issued by the City Arborist to remove or destroy native non-Priority trees up to a combined total of 18" dbh in order to accommodate landscaping projects and other activities for which a construction permit is not otherwise required. Landscaping projects may include permitted removal of undesirable and non-native trees. (Refer to Appendix B for list of trees.)
- ~~(c) Site Plan submittal. [Moved down to f.]~~
- (d) Any application for tree removal made under this Division is subject to appeal under Division 15.
- (e) Pre-Application Conference. An applicant intending to apply for a tree removal permit pursuant to a demolition, construction or landscaping permit may request a pre-application conference. A pre-application conference with the City Arborist office is highly recommended for all projects that propose to remove or destroy trees in order to ensure that the design is in line with this article. Plans will be reviewed again when submitted to the Office of Buildings for a construction permit.
  - (1) It is not required that the applicant own the property.
  - (2) At the Pre-application Conference the City shall require a minimum site plan in accordance with Appendix C.
  - (3) If the City Arborist approves the pre-application plan to save/remove trees, the pre-applicant may undergo posting and/or appeal prior to the submittal of detailed site plans.
  - (4) If the subsequent, full site plan application includes the removal or destruction of trees in excess of their approved Pre-Application commitment, then the application shall be subject to public appeal again and all pre-application fees are forfeited.
- (f) Application for a Tree Removal Permit.
  - (1) Site Plan submittal. Any person or entity applying for a construction, demolition, or Land Disturbance permit; or a person applying for a landscape related tree removal permit; must submit a Site Plan for review by the City Arborist along with the permit application. The plan shall be prepared to meet the minimum requirements, including a detailed survey and tree inventory of all Regulated Trees in accordance with Appendix D.
  - (2) Applicability. All land development, regardless of whether trees are proposed to be removed or destroyed, and all applications for tree removal permits associated with land disturbance, construction, demolition, and landscaping are required to adhere to the requirements of this section.
    - a. Tree survey exceptions.
      - 1. For sites that are three or more acres and are densely forested, in lieu of a tree survey of the entire property, the City Arborist may allow a Registered Tree Professional to provide an estimate of the number of Priority Trees, other trees, the species composition and their typical size based on an assessment of sample plots across the site, following a methodology approved by the City Arborist.

2. For projects impacting a small portion of a site, the survey need only show those trees whose CRZ extends into or within 10 feet of the limits of disturbance. Additional trees shall be surveyed to the degree necessary to prove that minimum Site Density requirements and Priority Tree preservation standards are met.
  3. For large Commercial projects developing only a portion of the site, a survey of the entire site will not be required if the City Arborist approves the use of a Modified Project Area as described in section 158-63(i).
- (3) Review and requirements for issuing a construction, demolition, or landscaping related tree removal permit. To issue a tree removal permit, the City Arborist must review the application and determine the following:
- a. The application and plans submitted to the City are accurate;
  - b. Applicant has submitted a letter of agreement from the adjacent property owner for all properties from which Boundary Trees are proposed to be impacted between 20-33%, or more.
  - c. The design is appropriate to the site conditions, no trees are being removed unnecessarily, and the improvements cannot reasonably be designed or positioned to further increase tree protection;
  - d. Graded areas include pre-existing graded or impervious areas;
  - e. All reasonable efforts have been made to plan the construction or demolition methods and site access with protection of trees as a priority in accordance with section 158-56(e); including preserving the highest value trees, urban forest and environmentally sensitive areas;
  - f. For landscaping projects, no Priority Trees are proposed to be Destroyed or removed; and
  - g. For all projects other than demolition and the infrastructure phase of Single Family subdivisions and Public Linear Infrastructure Projects, the Replacement and Recompense, and other requirements and standards in this article are met.
- (4) Protection for trees in City of Atlanta Stream and Wetland Buffers and Floodplains.
- a. No Priority or Non-Priority Tree growing within a Stream Buffer or Wetland Buffer may be removed or destroyed except in the area for which a Stream or Wetland Buffer encroachment has been authorized per section 74-306 of the Atlanta City Code.
- (5) Notice of City Arborist Decision of Preliminary Approval.
- a. The City Arborist shall give a notice of preliminary approval or denial consistent with the terms of this article. The notice of preliminary approval shall include the approved tree Replacement or monetary Recompense requirements associated with the removals as provided in sections 158-69 [Div 11-calculation of required tree replacement] and 158-70 [Div 11-recompense payments], and tree bonding requirements, as provided section 158-44(3).
- (6) Appeals of Denial of Application or Re-Submission.
- a. A notice of denial may be appealed to the Tree Conservation Commission by the applicant or applicant's agent only; or
  - b. An applicant may submit a new application at any time after receiving a notice of denial.

- (g) Notice of City Arborist decision of final approval. Upon completion of the posting period if no appeal is filed, or after the resolution of an appeal, the City Arborist shall give a notice of final approval or denial consistent with the terms of this article. Final approval of the permit requires receipt of payment of all Recompense funds, submittal of Arboricultural Prescriptions, submittal of Boundary Tree agreements or proof of neighbor notification per section 158-59(a), and, as necessary, proof of bonding.

**158-55 Boundary and Co-Owned trees. [Moved from Div 7.]**

- (a) Co-owned trees that meet the criteria to be considered Priority trees and are proposed to be removed shall be included in the count of Priority Trees on site.
- (b) Co-owned and Boundary tree CRZs may not be impacted more than 20% without obtaining the written permission of the adjacent owner or co-owner. See section 158-35
- (c) Boundary trees will not be included in preservation calculations.
- (d) Neither co-owned nor boundary trees may be removed unless the neighbor or co-owner independently obtains a tree removal permit from City Arborist for reasons unrelated to construction on adjoining properties.
- (e) When a boundary or co-owned tree's CRZ is impacted between 20-33%, a tree health prescription approved by the City Arborist must be included in site plan.

**Division 6 - Tree Valuation**

**158-56 Tree Valuation.**

- (a) Purpose. Trees are valued differently based on species/genus, size, and condition to identify and prioritize the preservation of those trees that contribute the greatest environmental services to Atlanta's residents and visitors.
- (b) Applicability. The provisions of this Section shall pertain to all Regulated Trees on public and private property.

**158-57 Tree valuation by Size, Species, and Condition.**

- (a) Priority Trees. As defined in section 158-36, a tree that provides the highest level of ecosystem services to the City of Atlanta. Priority Trees are those trees that are determined to be of high or excellent value according to Appendix B, trees designated as Heritage Trees, and Historic or Landmark trees.
  - (1) Non-Priority Trees. All Regulated Trees that do not meet the size or condition requirements to be designated Priority Trees, and are not DDH, Nuisance Trees, or of an Undesirable Species, are classified as Non-Priority Trees.

**158-58 Heritage Trees.**

- (a) Heritage Trees are elements of the City's tree canopy that deserve special protections under this article due to their exceptional characteristics.
- (b) Register of Heritage Trees established.
  - (1) The City shall maintain a register of Heritage Trees within the corporate boundary recognized as having notable historic value and other qualities that contribute to Atlanta's urban forest and aesthetic character.
  - (2) A tree may be included in the register of Heritage Trees if it meets at least three of the following:

- a. The tree is associated with a historic location, event, or person;
  - b. The tree is estimated to be at least 50 years old, as certified by a Registered Tree Professional;
  - c. The tree contributes to a significant view or spatial structure of a setting;
  - d. The tree is an exemplary representative of a particular genus or species;
  - e. The tree possesses exceptional aesthetic quality; or
- (c) Nomination for inclusion on the register of Heritage Trees. The City Arborist or any interested person residing or owning property or operating a business within the City of Atlanta may nominate a tree on public or private property for inclusion on the register of Heritage Trees.
- (1) Nominations must be submitted to the Tree Conservation Commission in a form prescribed by the Commission.
  - (2) Property owner consent shall be required for the nomination. No nomination for Heritage status may be considered by the Tree Conservation Commission without written consent from owner of the tree.
- (d) Designation approval.
- (1) Inspection required. Upon receipt of a completed nomination form, the City Arborist shall inspect the nominated tree to verify the information submitted in the nomination.
  - (2) Tree Conservation Commission review. The Tree Conservation Commission shall review all material submitted with the nomination, including any letters of endorsement and any advisory comments submitted by the City Arborist if the tree is found to meet the criteria identified in section 158-55(b)(2), the Commission may approve inclusion of the tree on the register of Heritage Trees.
- (e) Effect of placement on registry.
- (1) Healthy, non-hazardous Heritage Trees may not be approved for removal or Destruction without authorization from the Tree Conservation Commission.
  - (2) Heritage Trees, regardless of size or species, shall be considered Priority Trees for the purpose of calculating Priority Tree preservation standard, as described in section 158-57
- (f) To preserve and protect a Heritage Tree, the City will provide at no cost to the property owner:
- (1) Recommendations regarding the proper care and maintenance of a Heritage Tree from a City Arborist;
  - (2) An inspection of each Heritage Tree every four years. The inspection shall be conducted by City arborist staff using ISA standards with findings provided to the owner;
  - (3) An identifying plaque would be provided for the owner for optional display to promote public awareness. The plaque would identify the special designation type, tree species, date of designation, reference number, and other information as may be determined by the Commission.

## **Division 7- Tree Preservation and Planting Standards for Single Family Residential Development and Priority Tree Removal Tracking**

158-59 **Single-Family and Duplex Developments Tree Preservation Requirements:** should be designed specifically to maximize tree preservation and minimize the impacts to trees growing on the site, with a special focus on the preservation of Priority Trees. All single-family and duplex-developments



that will impact trees on a single lot must demonstrate that the site will meet following tree preservation requirements:

(a) Priority Tree preservation requirement. Every lot has a Priority Tree preservation requirement based on the lot size per Appendix A. Priority trees must be preserved unless the Maximum Disturbance Area cannot be met. The Maximum Disturbance Area is the maximum area allowed for land disturbance activities that would critically damage Priority trees, including but not limited to site access, grading, building and hardscape construction, utility installation, stormwater management facilities, staging and material storage. The MDA may be expanded to the extent Priority Trees are not critically damaged.

- (1) A Priority Tree may be removed from a lot if more than 33% of its CRZ must be destroyed in order to accommodate the Maximum Disturbance Area.
- (2) For lots under 10,000 square feet, no part of the applicant's Maximum Disturbance Area shall be required to be less than 33% of the lot's average width by any more than 20% of its average length.
- (3) If there are few or no Priority Trees existing on a site, in no case shall more than 40% of the total dbh of existing protected trees be removed unless further tree removal is necessary to achieve the MDA.
- (4) Maximum Disturbance Area and stream buffers. Only the portion of the lot outside the stream buffer shall be used to determine the MDA per Appendix A Example: If a 2,000 square foot stream buffer area is subtracted from a 10,000 square foot lot, then the MDA allowance for that lot would be the same as for an 8,000 square foot lot.
- (5) The Maximum Disturbance Area must be delineated so as to minimize destruction and impacts to trees, with particular attention to the preservation of Priority Trees.
- (6) Trees will not be approved for removal from setbacks unless:
  - a. that portion of the setback must be used for vehicular ingress and egress,
  - b. or for the installation of utilities that cannot be accomplished in a manner allowing preservation of the tree, or
  - c. if removing a tree in a setback is needed to achieve the MDA
  - d. if removing a tree in a setback is needed to preserve a higher value Priority tree
- (7) Trees impacted by zoning variance. Trees may not be destroyed as a result of a zoning variance unless the trees to be impacted have been approved for removal by the City Arborist prior to and independent of the variance request.

(b) Exceptions to the MDA.

- (1) The Arborist may allow portions of the site that are protected from soil damage and compaction through the use of load dispersing materials including mulch, gravel, plywood, geotextiles, swamp/access mats, and temporary decking, to be used for site access, staging, and material storage without being considered disturbed for the purposes of calculating the MDA.
- (2) Exceptions to the MDA that allow more disturbance may be granted by the City Arborist under the following circumstances.
  - a. Septic fields- Arborist may allow for site disturbance larger than the AMDA for a single primary septic field on properties that do not have access to the public sanitary sewer



system. Backup or secondary septic fields are not eligible for this exception unless the primary field has failed.

- b. Retrofits to create Americans with Disabilities Act (ADA) compliant access routes and facilities.
- (c) The Arborist may request [the applicant to submit](#) alternative plans in order to protect certain exceptional trees or stands of trees or to reduce unnecessary impacts to the trees on site, including the use of measures described in [sec. XX](#) or Appendix F (Tree Protection Standards).
- (d) Administrative zoning setback variances for the preservation of trees. The Department of City Planning will be authorized to approve administrative variances on single-family & duplex residential lots to reduce side and back yard zoning setbacks by up to 50% and front yard setbacks up to [20%](#) of their width if recommended by the City Arborist to allow for preservation of Priority trees. Such encroachments into the setback will only be allowed to the extent needed to accommodate the CRZ of the trees to be protected.
- (e) **Single-Family and Duplex Developments: Tree Planting Requirements.** All single-family and duplex lots have a minimum volume of trees, referred to herein as Tree Planting that is required to be growing on site prior to the issuance of a Certificate of Occupancy. Tree Replacement [is required where there is ample soil area to plant trees on the site](#). Tree Replacement requirements apply to all sites, regardless of whether and how many trees are removed or destroyed, except as specifically exempted in these regulations.
  - (1) Tree Replacement, shall be calculated as follows and approved by the City Arborist:
    - a. [1 overstory tree shall be planted for every 640 square feet of contiguous soil area;](#)
    - b. [1 midstory tree shall be planted for every 320 square feet of contiguous soil area,](#)
    - c. [1 understory tree shall be planted for every 120 square feet of contiguous soil area.](#)
    - d. [In no case shall there be less than one Replacement tree for every tree Destroyed or removed. \(from Planning Dept. 158-16 c \(1\).](#)
    - e. [Areas for planting Midstory and Understory trees may overlap with Overstory trees and with each other, as long as new trees are planted at least nine feet apart, per approval by the City Arborist.](#)
    - f. [The setback area on adjacent properties may be included in the calculation of available soil area for tree planting, however new trees should be located on the interior side the side yard setback and toward the center of the front and rear yard setbacks as much as is practicable.](#)
    - g. [Overstory tree planting is required to the maximum degree possible, especially to replace trees destroyed or removed, but if there is not enough available soil area to plant overstory trees, then midstory and understory trees must be planted as approved by the City arborist.](#)
    - h. [Trees meeting this requirement shall be species from the approved list in \[Appendix B\]\(#\).](#)
  - (2) Removal of vines from preserved trees. No Tree preserved on site may be counted towards [preservation or planting](#) requirements if it has invasive vines (including but not limited to Kudzu, English Ivy, Wisteria, Wintercreeper, Oriental Bittersweet) growing in the crown or on the trunk of the tree. [Native vines are exempted from this requirement. \(See list of native vines in \[Appendix B\]\(#\).\)](#) To be counted towards preservation or planting requirements, trees must have the invasive vines severed [no more than 2 feet above ground level](#). The

final arborist inspection for a Certificate of Occupancy will not be passed until invasive vines are severed or removed from the tree trunk.

- (f) **Small project exception.** Projects meeting any of the following conditions are exempt from meeting tree Replacement requirements.
  - (1) No Priority Trees are removed or destroyed.
  - (2) For projects that develop only a portion of the property, such as additions, garages, decks, pools, or landscape improvements, and do not include the construction or reconstruction of a new home, the application of the Priority Tree preservation standard may not be used unless the permit for the construction or reconstruction of the principal structure was submitted and approved after the date of adoption of this article.
  - (3) For projects ineligible for the Priority Tree preservation standard, the Maximum Disturbance Area standard shall apply if any Priority Trees are proposed to be Destroyed or removed.
- (g) Removal and Destruction of Priority or Non-Priority Trees based upon stormwater management requirements for Single Family homes. The City Arborist may not approve permits for tree removals solely for the construction of stormwater retention on Single Family Residential properties. **The applicant is encouraged to use other feasible means** including but not limited to bioretention, pervious paving, green roofs, infiltration under driveway, rain harvesting and reuse, or treatment train of separated best management practices.

**158-60 Priority Tree Destruction tracking for 10 years.**

- (a) Any Priority Tree that is removed for a construction or landscape project, or removed illegally, will be counted as a Destroyed Priority Tree for the calculations of the Priority Tree preservation standard for all subsequent tree removal permits on that property for 10 years following the Destruction of the tree.
- (b) Any Priority Tree Destroyed in the previous 10 years, as shown on the approved arborist stamped plans, or as recorded in the Illegal Removal BA record must be shown and labeled as a “Previously Destroyed Priority Tree” on all site plans that are submitted to the City for a tree removal permit.
- (c) The calculation of the 10 years shall be measured from the date of issuance of the certificate of occupancy for tree Destruction associated with building permits, the date of approval for other tree removal permits, or the date on invoice for the fine for illegally Destroyed trees.
- (d) No Priority Tree removed or Destroyed prior to the effective date of this article shall be required to be shown on the site plan.
  - (1) Electronic copies of all tree removal permits and plans issued since the effective date of this article are available from the City of Atlanta’s online permitting system.

**158-61 Residential subdivisions Tree Save Areas** must be established as a percentage of the site as outlined in Appendix A.

- (a) **Tree Save Areas must be designated before the property is subdivided and must be recorded on subsequent site plans as protected Tree Save Areas on the deeds of new lots of record and/or common areas as applicable.**
- (b) **Every effort must be made to position the Tree Save Area so as to maximize the preservation of Priority trees and High Value Forests, and environmentally sensitive areas.**

- (c) Tree Save areas may not include stream buffers, floodplains, wetlands or areas otherwise protected from grading and land disturbance.
- (d) The Tree Save Area may be divided into more than one area, with no area being less than 1,000 square feet in size, with the average width being at least 30 feet in width, and the narrowest portion no less than 10 feet wide, unless the narrow part constitutes a tapering extremity of the area.
- (e) Tree Save Area meeting the requirements may be located in a such a way as to create public or common areas and/or may be included in subsequent lots.
- (f) If the City Arborist determines that the site does not contain enough Priority trees and/or High Value forests to fill the minimum Tree Save Area, the City Arborist shall require that a designated Tree Save Area(s) be established and fully stocked with newly planted trees in accordance with Planting Specifications per Appendix F.
- (g) **Cluster design option incentive with no rezoning\***. Subdivision projects that save significant areas of trees and greenspace are eligible for building in a Cluster Design format per the following:
  - (1) For projects zoned for lots of 6000-10,000 square feet, the tree preservation and ungraded greenspace area must be over 50% of the buildable area.
  - (2) For projects zoned for lots of 10,000 -20,000 square feet, the tree preservation and ungraded greenspace area must be over 60% of the buildable area.
  - (3) For projects zoned for lots of 20,000 – 1 acre lots, the tree preservation and ungraded greenspace area must be over 70% of the buildable area.
  - (4) For projects zoned for lots of 1 acre – 5 acres, the tree preservation and ungraded greenspace area must be over 80% of the buildable area.
  - (5) For projects zoned for lots greater than 5 acres the tree preservation and ungraded greenspace area must be 90 over 0% of the buildable area.
  - (6) Cluster design projects must be designed to position Tree Save Areas to maximize the preservation of Priority trees, high value forests, and environmentally sensitive areas.
  - (7) In all cases, buffer areas must be at least the equivalent to the back yard setback of the existing zoning (will require a change to zoning code).
- (8) **Residential Subdivisions: Tree Planting Plan**
  - a. All Single Family Residential subdivisions must submit a Tree **Preservation and Planting Plan** showing proposed tree **Save Areas and** plantings on common property for the entire development, including streets, in order to get final arborist approval for any land disturbance permits. The trees shown on the **Tree Planting Plan** must also be shown on the final plat that is approved by the Office of Zoning and Development.
- (9) Trees removed or destroyed under a land disturbance permit solely for the construction of streets, stormwater management facilities, and related infrastructure in new subdivisions or planned developments will require Planting and/or payment of Recompense as described in sections **158-69** and **158-70**. Recompense for trees lost may be offset by Tree Planting.
  - a. Tree removal under a land disturbance permit for a Single Family subdivision will only be allowed if **to the degree necessary for the construction of** new public or private roads and associated infrastructure.

- (10) Street Trees Required. All Public and private streets within a subdivision must meet the Street Tree planting requirements described in section 158-68 (j).
- (11) Tree Planting Options. Trees shown on the Tree Planting Plan may be planted by the applicant under the land disturbance permit, or may be deferred to the subsequent phases of construction. The end result shall be that new trees will be planted on the site and/or subsequently subdivided lots according to the square footage of contiguous soil area available:
  - a. 1 overstory tree will be planted for each area of at least 640 square feet,
  - b. 1 midstory tree will be planted for every 320 square feet, and
  - c. 1 understory tree for every 120 square feet.
  - d. Midstory and understory tree planting areas may overlap with overstory planting areas per Appendix F.
  - e. No less than one tree must be planted for each tree removed.
- (h) Removal of Invasive vines from preserved trees. No Priority or Non-Priority Tree preserved on site may be counted towards the Site Density requirement if it has Invasive vines growing in the crown or on the trunk of the tree that may impact the health of the tree now or in the future.
  - (1) The final arborist inspection for a certificate of occupancy will not be passed until invasive vines on Priority and Non-Priority Trees are killed by severing and removing a several foot section of the vine from the tree trunk.
  - (2) The vines must be removed or killed in a manner that does not cut, poison, or otherwise harm the tree.
  - (3) A list of Invasive vines is included on the list of Undesirable Species, maintained by, and available from, the Arborist Division.

**Division 8- Tree Preservation and Planting Standards for Commercial Development Projects**

158-62 Multifamily and Commercial Zonings: Tree Save Areas. Tree Save Areas must be established as a percentage of the site acreage per zoning district as outlined in Appendix A.

- (a) All projects, other than those that occur on Single-Family Residential lots are classified as Commercial Developments and shall use the Tree Save Area requirements described in this division.
- (b) Every effort must be made to position the Tree Save Area to maximize the preservation of Priority trees and high value forests, and environmentally sensitive areas.
- (c) Tree Save areas may not include stream buffers, floodplains, wetlands or other areas otherwise protected from grading and land disturbance.
- (d) The Tree Save Area may be divided into more than one area, with no area being less than 1,000 square feet in size, with the average width being at least 30 feet in width, and the narrowest portion no less than 10 feet wide, unless the narrow part constitutes a tapering extremity of the area.
- (e) Tree Save Areas may be located in a such a way to create public or common areas.
- (f) If the site does not contain enough Priority trees and/or High Value forests to fill the minimum Tree Save Area the City Arborist shall require that a designated Tree Save Area of equivalent size be established and fully stocked with newly planted trees in accordance with Planting Specifications per Appendix F, and so that

- a. 1 overstory tree will be planted for each area of at least 640 square feet,
  - b. 1 midstory tree will be planted for every 320 square feet, and
  - c. 1 understory tree for every 120 square feet.
  - d. Midstory and understory tree planting areas may overlap with overstory planting areas per the City Arborists.
- (g) For commercial developments that do not include any residential use, then options to meet the Tree Save Requirement area requirement are as follows: preservation, preservation on or off site with conservation credits, payment-in-lieu, or cap-and-trade. Different portions of the Tree Save Area requirement may be met with one or more of the above options.
- (h) For multifamily developments or any commercial development that includes a residential use, the Tree Save Areas requirement must be met with either preserved trees or planted trees on site. Exceptions where the Tree Save Area requirement may be met with preserved trees or urban forest on an alternate location must be approved by the Tree Conservation Commission.
- (i) Forested areas or stands of trees preserved and undisturbed on site and protected in perpetuity through a conservation easement or deed restriction (“conservation area”) in excess of the required Tree Save Area may be credited to offset recompense and/or new planting requirements.
- (j) Trees protected in perpetuity must include Priority trees and High Value Forest areas on or off site in a defined area that is conducive to tree health and must be at least 1000 square feet in size with the average width being at least 30 feet in width, and the narrowest portion no less than 10 feet wide, unless the narrow part constitutes a tapering extremity of the area.
- (k) All trees receiving credit for perpetual preservation must have no more than 20% impact to their CRZ.
- (l) The Conservation Areas must be protected in perpetuity through a conservation easement or deed restrictions.
- (1) If protected through a conservation easement, the easement must be held by a qualified conservation organization recognized by Federal Treasury Regulation Section 1.170A-14(c)(1). Qualified organizations recognized by this treasury regulation include, but may not be limited to, governmental entities, certain publicly supported charities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conversation purposes specified in the Internal Revenue Code. If a deed is recorded or an easement conveyed in favor of a governmental entity, formal acceptance by the governmental entity or qualified conservation organization shall be obtained prior to the recording of the covenant or conveyance of the easement as defined in the Georgia Uniform Conservation Easement Act (O.C.G.A. § 44-10-1, et seq.).
  - (2) If protected through deed restriction, the property must be owned and managed by a property owners' association governed by the Georgia Property Owners' Association Act (O.C.G.A. § 44-3-220, et seq.) and must be managed in accordance with deed restrictions.
- (m) The conservation easement or deed restriction must contain standard language, available from the Arborist Division, that protects the Conservation Area in perpetuity from Land Disturbance and requires that it be maintained in a natural vegetated state.
- (n) The Conservation Area may be used for passive recreation, provided that after the creation of the conservation easement or recording of the deed restrictions that only improvements that

require minimal or no land disturbance will be allowed. Possible improvements include but are not limited to soft-surface trails, boardwalks, benches, and signage.

- (1) Prior to the creation of the conservation easement or recording of the deed restrictions, passive recreational improvements that require land disturbance and the removal of trees, such as hard surface trails or pavilions, may be constructed. The calculation of conservation credits will be based only on the Priority and Non-Priority Trees remaining when the conservation easement or deed restrictions go into effect.
- (o) the Arborist must approve the conservation area and may request reasonable changes to the location of the conservation area in order to protect certain exceptional trees, stands of trees, or sensitive environmental areas.

**158-63 Cap and Trade.** The Tree Save Area requirement, (square footage) requirement may be met in part or in whole by applying an equivalent protected square footage from an alternate site if the following requirements are met:

- (a) The alternate site is within 5 miles of the project site;
- (b) The protected square footage of the alternate site, referred to herein as the **Alternate Tree Save Area**, must include Priority trees and/or High Value Forest in a defined area that is conducive to tree health, and must be at least 1,000 square feet in size, with the average width being at least 30 feet in width, and the narrowest portion no less than 10 feet wide, unless the narrow part constitutes a tapering extremity of the area;
- (c) The Alternate Tree Save Area must be located on the portion of a property that is **not otherwise protected** from grading, building or other land disturbance, such as a stream buffer;
- (d) Any invasive vines, as listed by the Arborist Division on its list of Undesirable Species, must be removed from the Tree Save Area, or killed by severing and removing a several foot section of the vine from the tree trunk in a manner that does not cut, poison, or otherwise harm the trees;
- (e) The applicant must provide a signed right-of-entry from the owner(s) of the alternative site, giving permission to the City Arborist or designee to enter and to inspect the Tree Save Area;
- (f) The applicant must show the Alternate Trees Save Area meets the requirements of equivalent square footage and quality of trees or forest in order to be approved by the City Arborist;
- (g) The owner(s) of the alternate site must sign an affidavit on a form approved by the City Arborist, documenting that the Tree Save Area is to be undisturbed and preserved in perpetuity, and maintained as healthy canopy and/or forest for the benefit of all residents of the City of Atlanta residents by providing high value tree canopy and other green infrastructure services (such as mitigation of stormwater), enforceable by injunctive relief, and binding on subsequent owner(s) of the alternate site;
- (h) The signed affidavit must be properly recorded and indexed in county deed records, and shall be available for public inspection on the Arborist Division's website;
- (i) The Tree Save Area may be used for public or private passive recreation, provided that only improvements that require minimal or no land disturbance will be allowed, including but not limited to soft-surface trails, boardwalks, benches, and signage;
- (j) DDH trees within the Tree Save Area may be removed pursuant to this Article.

158-64 **Tree Planting requirement for Sites.** *[section needs consolidation]* All Commercial properties must have trees planted in all areas with available open space not being used for other purposes.

- (a) Tree Save areas must be stocked with new trees in all areas not occupied by a Building, multi-story parking structure, Sports Field, Sports Court, Swimming Pool, electrical substation or other open-air electrical power equipment yard owned or operated by a public utility, pond, or other

perennially wet body of water according to the size of the contiguous soil area available where no canopy exists:

- (1) 1 overstory tree will be planted for each area of at least 640 square feet,
- (2) 1 midstory tree will be planted for every 320 square feet, and
- (3) 1 understory tree for every 120 square feet.
- (4) Midstory and understory tree planting areas may overlap with overstory planting areas per the City Arborists.

- ~~(b) If tree save areas are fully canopied, no new trees need to be planted.~~
- (c) Trees planted in excess of the Tree Save Area requirements and street tree plantings may be credited to reduce recompense for trees destroyed on the site.
- (d) **Street Plantings**. In addition to other Tree Save or Planting requirements, Street tree plantings of mid-story and overstory trees shall be planted along the newly-constructed streets at a minimum of one tree per 40 linear feet, with adjustments allowed for future driveway locations. New trees must be planted along street frontages per Appendix XX unless healthy existing trees currently exist along street rights-of-way and frontages in which case those trees shall be preserved. These trees must meet the planting requirements in Appendix XX and must be protected from all impacts during future ~~home~~ construction phases.
- (e) Trees planted to achieve the Tree Save area planting requirement does not relieve the applicant from any additional Replacement or Recompense payments required to offset trees removed or Destroyed, per sections **158-69 and 158-70**.
- (f) Street trees **must be** planted within the public right-of-way or required Streetscape; or
- (g) Green Roof on site:
- (h) Removal of Invasive vines from preserved trees. No Priority or Non-Priority Tree preserved on site may be counted towards the Site Density requirement if it has Invasive vines growing in the crown or on the trunk of the tree that may impact the health of the tree now or in the future.
- (1) The final arborist inspection for a certificate of occupancy will not be passed until invasive vines on Priority and Non-Priority Trees are killed by severing and removing a several foot section of the vine from the tree trunk.
  - (2) The vines must be removed or killed in a manner that does not cut, poison, or otherwise harm the tree.
  - (3) A list of Invasive vines is included on the list of Undesirable Species, maintained by, and available from, the Arborist Division.
- (i) Exemption for removal of trees for required Streetscape.
- (1) If trees growing in the public right-of-way must be removed in order to construct Streetscape improvements that are required by the property's zoning, and all reasonable options for tree preservation, including variances to the Streetscape requirement, are investigated by the applicant and deemed infeasible by the applicant and the City Arborist, the trees removed for the construction of the streetscape will be excluded from all tree and site calculation and may be removed by the applicant without any required Replacement or Recompense payment.
- (j) Small project exemption from Tree Planting requirement. **On-site replanting of one tree for each tree removed will be required unless the City Arborist determines that space is insufficient.**



- (1) Projects meeting the following conditions are exempt from meeting [Tree Planting](#) requirements on the entire site. Recompense requirements still apply.
  - a. No Priority Trees are removed or Destroyed;
  - ~~b.~~ [with a maximum Land Disturbance of 600 square feet, and; \[Planning Dept had 20% of property counts as a small project, with allowable 10,890 square feet change impervious area\]](#)
- (2) [\[Line moved to above\]](#) This exemption does not alter parking lot or Street Tree planting requirements as described in section 158-65 and section 158-63(j), respectively.
- (k) [Street Trees required in addition to Tree Save Area.](#)
  - (1) All Commercial sites must have trees planted along any public or private road at a maximum spacing of 40 feet, with allowances for driveways, and within 10 feet of the back of curb, or back of sidewalk if the distance between the sidewalk and curb is insufficient for planting trees.
  - (2) All Street trees must be Overstory or Mid-story species, with at least half of the trees being Overstory species.
    - a. Zoning-mandated Streetscape Tree planting requirements supersede the 40 feet spacing requirements for public street frontages.
    - b. The City Arborist may waive or alter the Street Tree planting or spacing requirement if there are sufficient trees growing along the street frontage of the property, whether at regular or irregular spacing, or if conditions prevent planting on 40 foot spacings. The City Arborist may also allow other adjustments to the requirements, including allowing Understory species or a larger percentage of Mid-canopy species to address planting constraints outside of the applicant's control.
  - (3) [Caliper inches of street tree plantings may be counted to offset recompense fees.](#)

### **Division 9- Parking Lot Tree Planting and Landscaping Requirements**

158-65 Parking Lots.

- (a) Applicability
  - (1) All new parking lots, and those being expanded or undergoing renovation that involves excavation or alteration of the grade, [or reworking of the curbs & gutters](#), which have a total of 16 or more parking spaces, shall meet the landscaping and tree planting requirements set forth in this section.
    - a. Parking lots that are being sealed, restriped, or resurfaced by overlayment on existing impervious paved surfaces are exempt and City Arborist review and approval is not required. Owners are responsible for any damage to Public or Private trees caused by these maintenance and improvement activities.
- (b) Tree planting requirements for parking lots.
  - (1) Trees must be planted so that [there is one tree for every 8 parking spaces, and the minimum width of the planting area shall be 6 feet.](#) No parking space shall be further than 40 feet from a tree, as measured from the tree trunk to any portion of the parking space. These trees may be planted or growing on the perimeter or within the interior of the parking lot. Existing trees on the perimeter must be no more than 10 feet from the edge of the parking lot and on the same parcel.



- (2) All trees used to meet the parking lot planting requirement shall be Overstory or Mid-story trees, with at least 60 % of the trees being Overstory trees.
- (3) The City Arborist may allow a lower percentage of Overstory Trees or the use of Understory Trees if overhead utilities or other site constraints beyond the control of the applicant preclude the planting of all Overstory and Mid-story Trees. Where Understory Trees are used, the City Arborist may require additional parking lot trees with closer spacings.
- (4) *Tree specifications.* Newly planted trees shall meet the following requirements:
  - a. Trees shall be a minimum of 2.5 inches in caliper as measured at a height six inches above ground level and shall meet nursery standards per ANSI Z60.1 and COA standards for quality.
  - b. Trees shall have an anticipated mature height of at least 40 feet (except under utility lines).
  - c. Trees shall have a minimum limb clearance of 4.5 feet.
  - d. Trees shall be broad-leaved overstory or mid-story shade trees on the City's Recommended Planting List and must be approved by the City Arborist.
  - e. Trees species shall able to thrive in poor soil conditions, restricted rooting areas, and be drought tolerant and shall be native where possible.
  - f. Neither columnar nor fastigate tree cultivars, nor Red maple (*Acer rubrum* or cultivars thereof) may be used to meet the parking lot tree planting requirements.
- (5) Barrier curbs and wheel stops. Where the end of a parking space abuts a landscaped area where trees are planted, barrier curbs or wheel stops shall be installed in the parking space at a minimum of two feet from the landscaped area. The two-foot area may be comprised of a pervious material. Barrier curbs and wheel stops shall be a minimum of six inches high and six inches wide. The barrier curbs and wheel stops must be constructed of concrete, stone, or other durable material, and may have openings that allow drainage from the pavement to enter and percolate through the landscaped areas.
- (6) Ground cover of landscaped areas. Landscaped areas shall **comprise at least 12% of the interior of the parking lot, and shall** contain one or more of the following types of ground cover in order to protect tree roots and prevent erosion; shrubs, non-invasive herbaceous plants, organic mulch, pine straw, or other similar landscaping materials. Ground cover shall be maintained at all times and mulch shall not exceed three inches in depth. Shrubs shall be maintained at a maximum height of 2.5 feet, except where such shrubs screen the parking surface from an adjacent property. Plants shall not be planted within the structural root plate of trees; plantings within the critical root zone of trees shall be dug by hand.
- (7) Irrigation. Due to the harsh growing conditions created by parking lots, newly planted parking lot trees must receive regular watering during the establishment period, which is two years for trees under six Caliper inches, and five years for trees six Caliper inches and larger. Watering **shall** be accomplished with an automatic irrigation system installed at the time of construction. **The irrigation systems must allows for periodic deep irrigation for the trees and may not utilize a spray -pattern irrigation head.**
- (8) Tree plantings adjacent to sidewalks and other rights-of-way.

- a. Where a parcel does not have zoning related Streetscape or screening requirements, landscaped areas of at least six feet in width shall be constructed and maintained along sidewalks and public rights-of-way that are adjacent to the surface parking lot, except at points of a facility's ingress and egress. Trees planted in this area may count toward the requirements of this article.
- (9) Minimum soil **quality**, area, and volumes.
  - a. Trees planted in parking lots must be provided planting soil area or soil volumes that meet or exceed the requirements in section 158-68(d)).
- (10) Replacement of trees. All trees planted to meet the parking lot planting requirement must be maintained as necessary to keep the trees healthy for the life of the parking lot, and any tree that is dying or dead must be replaced with one new tree of a similar type during the next planting season.
- (c) Bus and truck lots, including warehouse and shipping facilities, will be required to plant one tree for every 4,000 square feet of paving, excluding driveways. Trees should be planted on the perimeter and in landscaped areas within the lot. Bus and truck lots must also meet requirements of subsections (2) through (8) in section 158-65(b).

**Division 10- Tree Planting Specifications**

158-66 Planting Specifications.

- (a) All trees planted as a requirement of this article shall follow **the technical planting specifications** maintained by, and available from, the Arborist Division and **as listed in Appendix F**. Any trees that are not planted in accordance with the specifications will not be approved by the City Arborist.
- (b) All trees planted pursuant to this article are subject to inspection by the City Arborist.

**Division 11- Calculation of Replacement ~~Planted~~ Trees and Recompense Payment for all Zoning Districts**

158-67 Tree Recompense Requirements.

- (a) All Priority or Non-Priority Trees that are approved to be removed or **Recompense must be paid into the Tree Trust Fund for** Destroyed by the City Arborist.
- (b) **Recompense owed for Priority trees is equal to the number of diameter inches of trees destroyed multiplied by the Established Recompense Fee.**
- (c) **Recompense owed for non-Priority trees is equal to the number of diameter inches of trees destroyed multiplied by 70% of the Established Recompense Fee.**
- (d) **The cost of planting new trees may be subtracted from the recompense owed for either Priority or non-Priority trees by the following formula:**
  - (1) **For Priority trees (DBH inches of trees destroyed) – (credited Caliper inches planted x 1.15) x Established Recompense Value = Recompense.**
  - (2) **For non Priority trees (DBH inches of trees destroyed) – (credited Caliper inches planted x 1.15) x 70% of the Established Recompense Value = Recompense.**
- (e) **Planted Trees may consist of:**
  - (1) **Trees planted on site to meet Tree Save Area requirement;**
  - (2) **Trees planted on-site after the Site Density requirement has been met;**

- (3) Right-of-Way Trees for Commercial Projects.
  - (4) Green Roofs used on Commercial Projects as described in section 158-63(e)(5);
  - (5) To receive credit for trees planted on private property off-site, the owner of the property receiving the planted trees must an affidavit on a form approved by the City Arborist, documenting that the Tree Save Area is to be undisturbed and protected in perpetuity. *(this is referenced in section 158-16 C, however there is no viable mechanism to administer this)* the applicant must provide a plan and a signed right-of-entry from the owner of the property where the tree is planted stating that the applicant has permission to plant and maintain the tree for the duration of the guarantee period, and gives permission to the City Arborist or designee to enter the property to inspect the tree during the warranty period.
- (f) **Recompense reduction for development of affordable housing rental units.** *(Recompense reductions should be allowed here, but Replacement trees and Tree Save area should not be reduced, low and modest income residents should not have to suffer a tree-reduced or tree-less living area, section needs review)*
- (1) ~~The 20% reduction in required Recompense is replenished by the City through a revenue source other than the Tree Trust Fund; and [seems inappropriate]~~
  - (2) Replacement and Recompense reductions for the development of lower priced for-sale units. *(fee simple vs. rental units? check specs.)*
    - a. **Multi-family development projects with 10 or more** units that sell units per the rates below are eligible for a 20% reduction in required Recompense, subject to available replenishment funds from the City, if they meet the following conditions:
      1. The site meets the Site Density requirement;
      2. The applicant will ensure that at **least 10% of the total dwelling** units shall be made available for sale to households having an income, as certified by the buyer or buyer's lender, that does not exceed either 80% of AMI or 120% of AMI, as applicable, adjusted for household size, for the Atlanta-Sandy Springs-Marietta Metropolitan Statistical Area published annually by the United States' Department of Housing and Urban Development ("HUD AMI"). The maximum sales price cannot exceed the Workforce Owner Housing Maximums established by the City of Atlanta Office of Housing and Community Development (based on 80% and 120% of the HUD AMI, respectively), adjusted by household size. The percentage of units at 80% of AMI and the percentage of units at 120% of AMI shall be equal. In the event there is an odd number of required Affordable Workforce Home Ownership Units, the developer may choose whether the last unit will be at either 80% of AMI or at 120% of AMI.
      3. The lower-priced units shall be substantially similar in construction and appearance (e.g., square footage, type and brand of appliances, materials used for countertops, flooring, etc.) to the higher or market rate units, and shall not be in isolated areas in the development, but shall be interspersed among market rate units. The number of bedrooms in the lower priced units (e.g. one bedroom, two bedroom, three bedroom, four bedroom or greater) shall be proportionate to the number of bedrooms in the market rate units;

4. The affordability requirement shall remain in effect for 10 years from the date of the issuance of the certificate of occupancy.
  5. The applicant must provide documentation that the development will provide the required affordable housing. The forms of acceptable documentation shall be established and verified by City's Office of Housing and Community Development.
  6. For mixed use developments with a residential component that meets the affordability criteria in subsection (a)(2) above, the 20% Replanting and Recompense reduction shall apply only to a portion of the required Replanting and Recompense, based on the percentage of the development that is residential in nature. The residential portion of the site shall be calculated by dividing the floor area of the residential portion of the development by the development's total floor area. Thus, a mixed-use development that meets the affordability criteria, with 40% of its total floor area dedicated to residential use shall be eligible for a Replacement and Recompense fee reduction of 8% (40% residential area x 20% discount= 8% fee reduction)
- (3) Single Family Developments that are sold to households having an income, as certified by the buyer or buyer's lender, that does not exceed 120% of AMI, as applicable, adjusted for household size, for the Atlanta-Sandy Springs-Marietta Metropolitan Statistical Area published annually by the United States' Department of Housing and Urban Development ("HUD AMI"). The maximum sales price cannot exceed the Workforce Owner Housing Maximums established by the City of Atlanta Office of Housing and Community Development (based on 120% of the HUD AMI), adjusted by household size.
- a. The 20% reduction in Recompense fee, subject to available replenishment funds from the City, shall be provided to the applicant in the form of a rebate after the first sale of the property;
  - b. To receive the rebate, the applicant must submit real-estate closing documents to the City Arborist showing that the sale price of the property meets the affordability requirement.
  - c. All sites must meet Site Density requirements to be eligible for the Recompense rebate; and
  - d. The 20% reduction in required Recompense is replenished by the City through a revenue source other than the Tree Trust Fund.
- (4) Public Linear Infrastructure Projects (check to restore language from existing TPO)- For trees removed or Destroyed for the construction and maintenance of City-owned linear infrastructure, including but not limited to roadway and transportation projects and City-owned water, sewer, and other utility projects, the Replacement and Recompense standards described below shall apply. Non-linear infrastructure projects including, but not limited to pump-stations, vaults, and storage tanks that must, by their functional nature, be in close spatial proximity to the City-owned linear infrastructure projects shall also be subject to the following standards.
1. All Public Linear Infrastructure Projects shall be required to minimize tree impacts wherever possible and shall be required to submit a Tree Protection and

Replacement plan that meets the requirements of section 158-55 approved by the City Arborist.

2. All trees removed or destroyed for Public Linear Infrastructure Projects shall be valued as Non-Priority Trees for purposes of permitting, Replacement and Recompense calculations. (need to check existing ordinance requirements )
3. Public Linear Infrastructure Projects have no Site Density requirements.
4. Replacement Trees shall be planted on the project site to the extent possible and reasonable, or as specified in applicable Streetscape requirements established by zoning, or planting standards established by the City for the pertinent type of infrastructure project.
5. All Replacement Trees shall be planted per the standards in section 158-68.
6. Recompense payments for trees unable to be planted on the project site may be paid into the Tree Trust Fund. However, in no case shall the Replacement and Recompense value of any project exceed 5% of the total construction cost for the project.

## **Division 12- Posting and Appeals**

158-68 Notifications and Posting.

(a) Applicability. The notification and posting criteria set forth below apply to projects that receive a tree removal permit for Priority or Non-Priority Trees.

(1) Projects performed by the Department of Watershed Management to fulfill the City's obligations under the CSO Consent Decree entered in Civil Action No. 1:95-CV-2550-TWT (U.S. District Court, Northern District of Georgia), or with the First Amended Consent Decree entered in Civil Action No. 1:98-CV-1956-TWT (U.S. District Court, Northern District of Georgia) are exempt from posting and appeals.

(2) For trees located on public and private property, two notifications shall be required.

a. Notice of tree removal request. The first notification shall be made to the public that an application to remove a designated tree(s) was filed with the City. The notification will be placed on the City Arborist's webpage on [www.atlantaga.gov](http://www.atlantaga.gov) and shall remain for **60 calendar days**. The City will not accept any appeals during this notice period.

b. Notice of preliminary approval. A second notification in the form of a physical posting shall notify the public that the City Arborist has given preliminary approval to an application to remove one or more trees, and that appeals of such decision may be submitted. This posting will be a physical sign visible to passers-by on the property where the tree removal is requested. A notification of preliminary approval shall also be placed on the Arborist Division's webpage. The second posting shall remain in place for **60 calendar days**, during which time the City will accept appeals.

(3) Posting sign contents.

a. The notice of preliminary approval shall be in the form of a sign or signs not less than six (6) square feet in size. The notice shall inform any reader that an appeal may be filed with the clerk of the **Tree Conservation Commission within 15 calendar days of the placing of the sign on the property**. The notice shall further indicate that the failure to

appeal within the designated time period will result in the issuance of the removal permit without further right of appeal. If the notice of preliminary approval is not posted as required by this section, no permit shall be issued.

- b. The City Arborist shall require that the sign be of a standard design available from the Arborist Division.
- (4) Posting sign location. Only one sign posting per property will be required regardless of the number of trees requested for removal on a single permit application unless the affected property has frontage on more than one road, in which case one sign shall be placed on each side of the property with road frontage. Property postings shall be placed in a prominent location on the affected property so that the posting sign is clearly visible and may be seen and read by passers-by. If the notice of preliminary approval is not posted as required by this section, no permit shall be issued.
- (5) Tree marking. Immediately after an applicant receives preliminary approval of a tree protection plan or removal application, they shall mark all trees preliminarily approved for removal or destruction by painting an orange "X" on the tree facing the right-of-way.
- (6) Reinspection fee. A reinspection fee of \$50 will be charged if the City Arborist denies the second posting. The second posting may be denied for reasons including, but not limited to, an incorrect site survey or failure to mark trees correctly.
- (b) **Minor amendments.** After the time for appeals has expired with respect to any notice of preliminary approval, the City Arborist may approve minor amendments to the permit without there being any new right of appeal from such approval, provided the trees which are approved are not counter to the guidelines below.:
  - (1) The amendments do not alter or amend any rulings of the Tree Conservation Commission made in connection with the particular case;
  - (2) The amendments do not impact any additional Boundary trees or allow the removal or Destruction of any Priority Trees;
  - ~~(3)~~ For Single Family Residential projects the amendments does not increase the area of disturbance on site beyond the allowed MDA other than those allowed in Appendix A.
  - (4) If the amendment would cause the site to no longer meet the Priority Tree preservation standard approved in the original permit, described in section 158-57(a)(2), the amendment cannot be approved and a new tree removal permit would need to be applied for.
- (c) Permits available for public inspection. All tree removal permits shall be available for public inspection on the City's online permitting system and in the Arborist's office.

#### 158-69 Appeals.

- (a) Who may appeal.
  - (1) Appeals regarding trees impacted for private development, demolition, and landscaping projects. Appeals of a City Arborist's decision regarding a tree or trees impacted by private development may be filed by any person who resides or owns property or a business either within the NPU or adjacent NPU of the property on which the tree(s) at issue are located.
  - (2) Appeals regarding trees impacted by public projects. Appeals of a City Arborist's decision regarding tree or trees on Public Property may be filed by any party who is
    - a. an individual who resides or owns property or a business in the City of Atlanta; or

- b. a civic association in the NPU in which the tree(s) at issue are located or within one mile radius of the site where the tree(s) at issue are located.
- (3) Appeals regarding denial of permits for the removal of Undesirable species or DDH trees may only be filed by the permit applicant or their agent.
- (4) Appeals regarding assessed Recompense and fines for the illegal removal of trees may be filed by the party, or parties, who were charged the Recompense and fines.
- (b) Timing of appeal.
  - (1) Appeals regarding approval of permits for impacts or Destruction of trees for private and public development must be filed within 15 Calendar days of the date on the second sign posting after preliminary approval has been granted by the City Arborist, per posting requirements described in section 158-70.
  - (2) If an appeal is not filed within the timeframe prescribed above, the permit shall be issued in accordance with the notice of preliminary approval.
- (c) Appeal requirements.
  - (1) Submission of appeals. All appeals must be filed with the secretary of the Tree Conservation Commission.
  - (2) Filing fee. An appeal shall not be deemed filed until the secretary receives a completed appeal package, along with either a \$75.00 filing fee used to defray the administrative costs of the appeal, or a hardship letter requesting a fee waiver. Where a financial hardship letter is submitted, it must explain in detail why the appellant is unable to pay the fee. The Tree Conservation Commission shall determine whether to waive the filing fee at the time of the appeal hearing.
  - (3) Appeal content. The Notice of Appeal shall state, at a minimum, the name, address, phone number, and email address (if any) of the appellant and whether the appellant is a resident of the City of Atlanta. If the appellant is not a resident of Atlanta, the address of a property or business owned by the appellant within the City of Atlanta shall be included. The appeal also shall include the address of the subject property and, if known, the name of the person(s) who filed a permit application for the property about which the appeal is being made.
  - (4) Basis of appeal must be stated. The appeal shall state the section(s) of this article that the appellant believes was misinterpreted or misapplied by the administrative officer; the way in which the appellant believes the section should be interpreted or applied; and any facts material to the administrative officer's decision that the appellant believes were inaccurate or missing from the tree removal application, misinterpreted, or misunderstood.
  - (5) Appeal application for only one property or project. An appeal application shall be submitted for one parcel only. If multiple parcels are involved, an application shall be made for each additional parcel.
- (d) Stay of activity after appeal is filed.
  - (1) Appeal by a non-applicant challenging issuance of preliminary approval. If an appeal is filed by a non-applicant challenging the City Arborist's decision of preliminary approval for tree removal(s), the preliminarily approved activities, including tree removal and related Land



Disturbance, shall be stayed automatically. The City Arborist shall not grant final approval until the appeal is resolved.

- (2) Appeal of Recompense or Replacement requirements. If an appeal is filed challenging only the Recompense or Replacement requirements associated with a Notice of Preliminary Approval, the Applicant may receive a permit before resolution of the appeal by paying the Recompense amount required by the Preliminary Approval, or the financial equivalent of the Replacement requirement as determined by the City Arborist. The applicant will be reimbursed if so directed by the Tree Conservation Commission. The appeal shall not stay the preliminarily approved activities and shall not prevent the City Arborist from giving final arborist approval which will allow the permit to be issued for construction.
- (e) Submission of evidence. The property owner on which the subject tree is located, and each additional party shall submit to the secretary of the Tree Conservation Commission all documentary evidence supporting their arguments at least one calendar week prior to the hearing except rebuttal evidence and evidence not available one week prior to the hearing. Evidence may include, but is not limited to, photographs, proof of tree maintenance records, a letter or report from a Registered Tree Professional or other professional with expertise in the issue. The appellant must describe how the decision or action of the City Arborist erred in applying the relevant standards or review factors prescribed in this article.
- (f) Notice of hearing. The Commission shall give public notice of an appeal hearing as well as prompt written notice to the parties to the appeal. Public notice shall be given by the secretary of the Tree Conservation Commission in such a manner as shall be provided for in the rules for appeals adopted by the Tree Conservation Commission, but in no event shall such notice be given less than fifteen calendar days before the date of the hearing.
- (g) The appeal hearing.
  - (1) Representation at appeal. At the hearing, the property owner and any party shall appear in person or be represented by an agent or by an attorney.
  - (2) Quorum. Three members constitute a quorum of the Tree Conservation Commission for an appeal hearing. The decision on any appeal shall be determined by a majority vote of the Tree Conservation Commission members present and voting on the appeal.
- (h) Appeal of decision. The Tree Conservation Commission shall decide the appeal within a reasonable time. All appeals to the Tree Conservation Commission must be concluded or resolved within two months of the initial hearing. If the appeal is not concluded or resolved within that time, the Tree Conservation Commission will issue an "appeal approved" or "appeal denied" final ruling no later than the two-month deadline.
- (i) Tree Conservation Commission's ruling.
  - (1) Appeals of Arborist Decision Relating to a Permit Application
    - a. The Tree Conservation Commission shall grant an appeal upon an express finding that the City Arborist's decision was based upon an erroneous finding of a material fact or upon an erroneous application of law. The chair of the Commission, or the member of the Commission making the motion to grant the appeal, shall state on the record the nature of the City Arborist's erroneous finding of material fact or erroneous application of law. However, if no such finding is made, the Commission shall deny the appeal.

- b. The Commission shall have the authority to reverse, affirm, wholly or partly, or modify the City Arborist’s decision being appealed, and to that end shall have all of the powers of the City Arborist. These powers shall include, where applicable, the power to direct the issuance of a tree removal permit, provided that all requirements imposed by this article and all other applicable laws are met.
  - (2) Appeals of Arborist Decision Relating to Recompense and Fines for Illegally Destroyed Trees
    - a. When a party appeals the assessment of Recompense and fines for the illegal removal of trees, the Tree Conservation Commission may grant an appeal on a finding that the party did not actually illegally Destroy the trees or based on the facts and circumstances of the case.
    - b. The Commission shall have the authority to reverse, affirm, wholly or partly, or modify the City Arborist’s decision being appealed and shall have the power to reduce the Recompense and fines.
  - (j) Financial hardship. The Tree Conservation Commission shall establish written guidelines for determining the existence of financial hardship and shall apply the guidelines uniformly. Where an appeal of Recompense, fines or filing fee amount is premised on a claim of financial hardship, the Commission shall decide the appeal based upon the application of these guidelines. The Commission shall issue a written decision stating the basis for the hardship determination.
  - (k) Appeal of decision of Tree Conservation Commission
    - (1) Any person aggrieved by a decision of the Tree Conservation Commission, or any City official, bureau, office, department or board affected by such decision, may appeal such decision through a writ of certiorari to the Superior Court of Fulton County, pursuant to the procedures set forth by Georgia law.
    - (l) Lifting of stay. Any person desiring to appeal a decision of the Tree Conservation Commission to the Fulton County Superior Court shall notify the secretary of the Commission, in writing, of such intent within 15 calendar days of the date of the written decision of the Commission. Barring such notice of intent, the stay shall be lifted, and the Commission’s decision shall take effect.

158-70 Variances

- (a) The Tree Conservation Commission shall have the power to hear, grant, or deny variances from the terms of this article when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship, provided that the spirit of the article shall be observed and the public, health, safety, and welfare be protected.
- (b) After an initial review by the City Arborist, but before preliminary approval is given, any applicant may apply for a variance to the Tree Conservation Commission. Variances granted under this article apply to only one permit application.
  - a. The Tree Conservation Commission may grant a variance to this article only upon making all of the following findings:
    - 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography or the restrictions in this article would not allow the proposed use which is otherwise permitted by law;

2. The application of this article to this particular piece of property would create an unnecessary hardship;
3. Such conditions are peculiar to the particular piece of property involved; and
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this article.

### **Division 13- Tree Conservation Commission**

#### 158-71 Establishment, Functions, Powers, and Duties.

- (a) Commission established. There is established a Tree Conservation Commission of the City of Atlanta.
- (b) Commission authority. The Commission's functions, powers and duties shall be as follows:
  - (1) Hearing and ruling upon appeals of decisions made by a City Arborist regarding application of this article.
  - (2) Hearing and ruling upon requests for waivers and reductions of fees, Recompense and fines based upon a claim of hardship.
  - (3) Serving as a citizen advisory panel for administration and enforcement procedures of this article.
  - (4) Designating and maintaining a written record of Heritage Trees.
  - (5) Providing guidance to the Department of City Planning on educational and other programs to encourage proper management and maintenance of trees on private and public property in the City.
  - (6) Reviewing and advising on arboricultural specifications and standards of practice implemented by the City Arborist.
  - (7) Providing recommendations regarding tree canopy protection and implementation of this Article.
  - (8) Providing assistance in the preparation and implementation of the Urban Forestry Master Plan.
  - (9) Providing recommendations to the Planning Department and the City Council regarding expenditures from the Tree Trust Fund, and
  - (10) Establishing programs to encourage proper management and maintenance of trees on all property in the City.

#### 158-72 Appointment of Members and Commission Composition.

- (a) The Commission shall consist of 11 members, six of which shall be appointed by the Mayor and five by the City Council. All members shall be confirmed by the City Council pursuant to the process set forth in Atlanta City Code Section 2-1855. Each of the members shall have specialized knowledge about trees, the Tree Protection Ordinance, or the impact of construction activities on trees.
- (b) Mayoral appointees.
  - (1) One registered architect or civil engineer;
  - (2) One registered landscape architect;
  - (3) One ISA-certified private arborist or registered forester;
  - (4) One lawyer with experience in real estate or environmental protection;

- (5) One residential or commercial builder nominated by a local professional organization; and
- (6) One member nominated by an environmental organization.
- (c) City Council appointees.
  - (1) One residential or commercial builder nominated by a local professional organization and appointed by the full City Council;
  - (2) One member nominated by an environmental or community organization and appointed by the President of the City Council; and
  - (3) Three citizens appointed by the paired districts in consultation with the at-large City Council member. Manner of appointment for members from paired Council districts. The Council shall appoint the three members in the following manner: One representative of Districts 1, 2, 3, and 4 and at-large post 1. One representative of Districts 5, 6, 7, and 8 and at-large post 2. One representative of Districts 9, 10, 11, and 12 and at-large post 3.

158-73 Terms; Vacancies; and Compensation.

- (a) Terms of members. All appointments to the Commission shall be for a term of two years. Members may be appointed for a maximum of four full terms or eight years, whichever is greater, pursuant to Atlanta City Code Section 2-1854.
- (b) Chairperson selection and term. The Commission shall select from its members a chairperson who will serve for a one-year term. The chairperson shall cause accurate minutes of all proceedings to be maintained, such minutes shall include, at a minimum, a record of members present, a record of votes taken, and a record of decisions made. The chairperson shall certify the accuracy of the of the minutes of any hearing within 10 days after the date the hearing is held, and shall cause the minutes to be filed with the secretary of the Commission forthwith upon certification. Any member may challenge any portion or all of the minutes transcript at the next meeting of the board, whereupon the board shall, by majority vote, approve, modify or replace the challenged portion of the minutes.
- (c) Temporary appointment for vacant position. If a Commission position becomes vacant and a permanent member is not appointed within six months, the Tree Conservation Commission, by a majority vote of the remaining members, may appoint a temporary member to the missing category until such time that a permanent member is appointed. The temporary appointee need not meet the specific requirements of the vacant position, but must have specialized knowledge about trees, this article, or the impact of construction activities on trees.
- (d) Compensation of members. Each member shall receive a \$75.00 per month honorarium, but will be required to attend two hearings or a hearing and a business meeting per month.
- (e) Removal and replacement of members. The Mayor, or the Commission by majority vote of all members, may remove a Commission member for non-performance of duty or failure to meet the attendance requirements established by the Commission.
- (f) Administrative meetings and hearings. The Commission shall hold regular business meetings and appeal hearings and shall adopt procedural rules for each.
- (g) Staff
  - (1) Secretary to Commission. [The City shall designate an employee who does not report to the DCP or Arboricultural Manager shall](#) as secretary to the Tree Conservation Commission. The secretary [shall be responsible for oversight of educational and outreach activities and](#)

coordination of the work of the Commission pursuant to this Section. The Secretary also shall be responsible for the administration of the appeals process established in section 158-72 including the creation and maintenance of files in appeals cases, the filing of documents submitted by the parties to an appeal, and the maintenance of evidence submitted in connection with appeals cases. The secretary shall send out notices required by the Commission and by this article in connection with appeals, and shall certify, when necessary, the actions of the Commission in such matters. The secretary shall also be responsible for the maintenance and preservation of all records of the Commission. The secretary shall also be responsible for onboarding and offboarding commissioners, organizing and leading business meetings, training commissioners on the Tree Protection Ordinance and processes in the Arborist Division, writing and maintaining guidelines adopted by the Tree Conservation Commission, and other necessary responsibilities.

- (h) Every meeting of the Commission shall be recorded. This may be accomplished through video recording or use of a court reporter.
- (i) Quarterly reports to Tree Conservation Commission
  - (1) Quarterly report required. The City Arborist and Parks Arborist shall each prepare a quarterly report containing the items listed in subsection (2) below, and shall provide the report to the Tree Conservation Commission. The Department of City Planning Arborist's report shall pertain to all trees on private property and public property that were impacted by, or planted as a result of, an authorized tree removal permit associated with construction or other activity, and trees Destroyed through illegal activity associated with the permitted project. The Department of Parks and Recreation Arborist's report shall report on all other Public Trees.
  - (2) Report contents. At a minimum, the report shall include the following:
    - a. Total number and DBH of trees removed (Priority and Non-Priority) and the total number and Caliper inches of trees Replaced during the preceding quarter year in each of the following categories: DDH tree removal permits; Landscape Project tree removal permits; construction removal permits; illegal removals; Public Linear Infrastructure; total number of trees planted in Green Infrastructure facilities; and any other permit or penalty category not listed.
    - b. Acreage of any newly-created deed or easement restricted Conservation Areas and the number and total DBH of trees preserved in them, and acreage of newly acquired forest lands.
    - c. Educational and outreach activities and achievements.
    - d. Other significant urban forest management activities and achievements.
- (j) Authority to hear appeal of decisions of City Arborist.
  - (1) The Tree Conservation Commission has the authority to hear appeals and variances as outlined in sections 158-72 and 158-73

## Division 14- Tree Trust Fund

158-74 *Establishment and Purpose.* The City of Atlanta shall maintain a Tree Trust Fund for the protection, maintenance, and regeneration of trees and other forest resources of Atlanta.

- (a) The primary purpose of the Tree Trust Fund is to ensure no net loss of tree canopy by planting replacement, when healthy trees are removed from private and public property and cannot be replaced on site in accordance with the provisions of this Article.
- (b) The Tree Trust Fund supports tree planting on public land, planting enhancements, and the purchase and conservation of forested land.
- (c) The Tree Trust Fund also supports prevention of the loss of existing tree canopy by supporting monitoring, data collection, analysis, public education, and staff allocated to the administration of this Article.

158-75 *Sources of Tree Trust Fund revenue* shall occur through the following means, including but not limited to:

- (a) All monies collected for recompense pursuant to this Article shall be paid to the Tree Trust Fund;
- (b) Payment of civil penalties, civil remedies and fines resulting from enforcement actions mandated by this Article; and
- (c) Revenue generated, such as fees for carbon offset credits, through the use of city-owned forested land.

158-76 *Authorized Expenses.* The Tree Trust Fund may be used for expenditures as defined below:

(a) *Fixed Expenses.*

(1) *Tree Planting and Maintenance.* The Tree Trust Fund may be used to support tree planting projects on public and private property and to maintain trees for up to two years after planting. The total annual allocation of funds for tree planting must be approved by the Tree Conservation Commission .

- a. *Location.* Trees may be planted in the right-of-way or on other public property and on private property within thirty (30) feet of the right-of-way in accordance with the provisions of Division 18.
- b. *Record of location.* The location of trees planted and maintained utilizing the Tree Trust Fund shall be recorded by the Senior Arborist in a format designated by the Department of Planning. The Senior Arborist shall provide those locations to the Department of Planning at the end of the tree planting season, but no later than May 30<sup>th</sup>.
- c. *Replacement.* The City shall require a minimum two- (2)-year replacement guarantee for all trees planted utilizing Tree Trust Funds.
- d. *Monitoring.* A City Arborist or designee shall inspect all trees planted under the Tree Trust Fund at least once between twelve (18 ) and twenty-four (24) months after planting, assess the condition and survival of the trees, and shall require the responsible party to make any corrections or plant replacement trees within twelve (12) months of notification.

(2) *Forested Land and Easement Purchases.* Trees Trust Funds may be utilized to purchase land meeting minimum forested standards of 1,000 DBH inches and/or fifty (50) trees per acre, provided that:

- a. The Department of City Planning and Parks and Recreation will establish written criteria for section of eligible land purchases;
  - b. The Commissioner of the Department of Parks and Recreation and the Commissioner of the Department of City Planning, with the review of the Tree Conservation Commission, will provide a recommendation regarding the proposed purchase;
  - c. Legislative approval of the purchase requires that the land be preserved as forested land; and
  - d. A minimum of \$200,000 of the revenues received by the Tree Trust Fund each fiscal year will be allocated for future forested land and easement purchases.
- (3) *Administration of Tree Protection Ordinance.* A maximum of \$50,000 per fiscal year of the fund monies may be used for costs arising directly from administering and enforcing this Article. These costs include but are not limited to the following:
- a. Posting trees to be removed;
  - b. Analyzing, reporting, and publishing reports related to this Article;
  - c. Supplies and field equipment;
  - d. Court reporter services at Tree Conservation Commission hearings; and
  - e. Honoraria for Tree Conservation Commission members and other costs require to fulfill the direct duties of the Tree Conservation Commission.
- (4) *Educational Expenses.* During any given fiscal year, five percent (5%) of the funds received by the Tree Trust Fund during the immediately preceding fiscal year or \$100,000, whichever is greater, shall be placed into a Tree Trust Fund Educational Outreach account, and such monies shall be used for educational materials, educational programs, and educational outreach including support for projects in collaboration with community partners. Any amount not expended in the given fiscal year shall remain in the account to be utilized in future years. The Educational Outreach Fund account expenses shall require approval from the Tree Conservation Commission. All educational grants from the Tree Trust Fund shall be approved by the Tree Conservation Commission.
- (5) *Salaries.* Tree Trust Fund monies may be expended to support the salaries of only the following positions. The positions must adhere to the following job descriptions. If the costs of the salaries and benefits of all positions exceed the allocated amount, the remainder of the cost shall be assumed by the General Fund Budget of either the Department of City Planning or the Parks and Recreation Department:
- a. *City Arborist positions.* A maximum of \$120,000 per year of the Tree Trust Fund may be used for the annual salary and benefits of two (2) arborist positions.
  - b. *Senior Arborist.* A maximum of \$75,000 per fiscal year of the Tree Trust Fund may be used to pay for the annual salary and benefits of an Arborist Senior/Project Manager position. All responsibilities of this position shall be related to oversight of projects financed by the Tree Trust Fund associated with tree planting, maintenance, and reporting including identification of qualified contractors, preparation of requests for proposals, inspection of work, and assurance of compliance with this Article.
  - c. *Administrative Assistant.* A maximum of \$60,000 per fiscal year of the Tree Trust Fund may be used to pay for the annual salary and benefits of the administrator, whose



primary responsibilities are educational outreach regarding tree preservation, care, and support for the tree ordinance, guiding the Tree Conservation Commission in budget preparation, preparing, and reviewing reports and overseeing the creation of the Urban Master Plan.

- d. *Tree Conservation Commission Clerk.* A maximum of \$40,000 per year of the Tree Trust Fund may be used to pay for a portion of the annual salary and benefits of the position, whose duties support the clerical and administrative aspects of the tree appeals process.
- e. *Additional Job Positions.* Other than those job positions and associated salaries and benefits already enumerated in this Subsection, no additional job positions, salaries and benefits shall be added, reclassified, or otherwise charged to the Tree Trust Fund unless approved by City Council in an ordinance (a) describing the need and benefit to the Tree Trust Fund of such action, and (b) specifically amending this Subsection C-e, to incorporate the pertinent job position and/or salary and benefits being charged to the Tree Trust Fund.

(b) *Other Allowable Expenses:*

- (1) *Maintenance of Forested Lands.* Funds may be used for the maintenance of land purchased with the Tree Trust Fund within three (3) years of purchase date after which other funding sources must be identified. Costs must be related to establishing a long-term maintenance plan, site stabilization, pruning, mulching, treating for pests, diagnostic testing, and removal of invasive plants that threaten forest health. Maintenance shall be limited to initial, short term tree restoration and stabilization related to the protection, preservation and regeneration of trees on the property. No funds from the Tree Trust Fund may be used for permanent infrastructure, including but not limited to the development or maintenance of roads, parking lots, trails, buildings or similar infrastructure on the property.
- (2) *Tree Canopy Studies.* Tree Trust Fund monies may be expended to update tree canopy imagery and analyses on a four (4) to six (6) year cycle, as recommended by the Tree Conservation Commission.
- (3) *Planting Enhancements.* The Tree Trust Fund may be used to support the purchase and/or installation of structural soil, soil cells, or other suspended pavement systems for public street tree planting including the modification of existing conditions, such as concrete cutting or stump grinding to enable new tree planting.
- (4) *Retention of Sidewalk Trees.* Tree Trust Fund may be used to design purchase, construct, and implement techniques and materials for sidewalk and/or roadway improvements or repairs performed by or at the direction of the Department of Public Works, where the expenditures are used to prevent the destruction of existing healthy trees.
  - a. Techniques include without limitation alternative sidewalk materials, root bridging and hand digging.
  - b. Cumulative expenditures pursuant to this subsection that exceed \$100,000 in any fiscal year, must be authorized by duly enacted legislation, even if not required under the City Procurement Code [or approved by the Tree Conservation Commission].
- (5) *Urban Forest Master Plan* as detailed in Section **158-102**

- (6) Heritage Tree financial assistance. Monies from the tree trust fund may be allocated for the purchase of commemorative plaques for Heritage trees with property owner consent at the recommendation of the City Arborist and approval of the Commission.
- (7) Assistance for low-income homeowners.
  - a. A maximum of four percent or \$200,000 of the Tree Trust Fund may be used to financially assist low-income homeowners with the assessment, removal, and replacement of DDH trees on their property.
    - 1. All trees removed using financial assistance from the Tree Trust Fund must be replaced on the same property from which they were removed with no less than one new tree for every tree removed.
  - b. The standards to qualify for this low-income homeowner assistance program will be determined by the Department of City Planning.

158-77 *Tracking and Reporting of Tree Trust Fund.* It is the policy of the City of Atlanta to ensure transparency regarding the use of funds from the Tree Trust Fund.

- (a) *Review and Approval of Expenditures.* Parks and Planning shall each prepare a proposed annual budget of Tree Trust Fund fiscal year expenditures for review and comment by the Tree Conservation Commission. The proposed budget shall be provided to the Tree Conservation Commission before annual budgets are developed by the City Council Finance/Executive Committee (or any future governing committee). Any comments to the proposed budget by the Tree Conservation Commission shall accompany the submission of the proposed budget to the Finance/Executive Committee for its review in developing the Tree Trust Fund budget for the upcoming fiscal year. Tree Trust Fund Education Outreach account expenditures shall require approval from the Tree Conservation Commission. Within (90) days of the end of the fiscal year, the Administrative Assistant shall submit to the Community Development/Human Services Committee a report of all expenditures and activities of the preceding fiscal year.
- (b) *Financial Reporting.* Within ninety (90) days of the end of the fiscal year, the Department of City Planning shall submit to the Community Development/Human Services Committee of the City Council a financial report of all funds collected and credited to the Tree Trust Fund during the preceding fiscal year. The report shall include a separate accounting of funds received as recompense. Recompense totals shall be accounted for quarterly and reported on the Department of Planning website within twenty (20) days of the last day of each fiscal quarter.
- (c) *Expenditures.* Within ninety (90) days of the end of the fiscal year, the Department of City Planning shall submit to the Community Development/Human Services Committee of City Council a report of all expenditures charged to the Tree Trust Fund during the preceding fiscal year.
- (d) *Audit.* The Tree Trust Fund shall be audited by the City after the close of the Tree Trust Fund's first full fiscal year being governed by this Section 158-76, and the audit results shall be publicly available on the COA website. Thereafter, audits shall be conducted every five (5) years unless City Council determines an interim audit is required.

158-78 Urban Forest Master Plan

- (a) Urban Forest Master Plan. Tree Trust Fund monies may be expended on activities associated with the creation and implementation of the City's Urban Forest Master Plan. The Urban Forest Master Plan shall be overseen by the Tree Conservation Commission. The Master Plan shall be created and implemented no later than one (1) year after approval of this Article and shall be updated at least every (3) three years.

- (b) The Tree Conservation Commission may appoint an advisory committee to assist in the preparation of the master plan. Expenditures for professional fees associated with the cost of developing the Urban Forest Master Plan may be authorized from the Tree Trust Fund upon approval by the Tree Conservation Commission.
- (c) The purpose of the Urban Forest Master Plan is to promote efficient and cost-effective management of the urban forest and to maximize the ecological and green infrastructure benefits of trees and forests throughout the City.
- (d) The Master Plan should support the Tree Protection Ordinance and seek to improve the Urban Forest based on the following principles:
  - (1) Preserve existing trees and forests;
  - (2) Increase space for tree plantings;
  - (3) Preserve and improve the quality of the tree-growing environment;
  - (4) Provide an inventory of existing trees in the City;
  - (5) Select trees for diversity and long-term sustainability;
  - (6) Select appropriate and efficient planting locations; and
  - (7) Manage the urban forest as a continuous resource regardless of ownership boundaries.

158-79 Components of the Master Plan shall include, but not be limited to, the following:

- (a) Compilation of available data and information about Atlanta's trees and urban forests from resources such as Atlanta City Design, Urban Ecology Framework, tree and urban forest qualitative as well as quantitative inventories, Baseline Canopy Analysis and updates, permitting data, quarterly reports of tree loss and planting and other governmental and non-governmental resources;
- (b) Recommendations regarding minimalization of heat islands through implementation of tree planting practices;
- (c) Feedback and tracking of inventory of plantings by both governmental and non-governmental agencies;
- (d) Identification of locations with low canopy coverage and sufficient pervious land cover to support tree planting and growth;
- (e) Identification of high value forest areas that merit protection;
- (f) Recommendations for aligning urban forest management with Comprehensive Development Plans and Zoning Code, zoning districts and land use, and neighborhood and community goals and values.
- (g) Recommendations aligned with the City's long term (at least 50 year) goals of sustainable natural resource management, sustainable green infrastructure, and the health and well-being of residents.

158-80 Other matters to address within Urban Forest Master Plan:

- (a) Goals for education and outreach related to the Urban Forest;
- (b) Minimum reporting requirements for all city and contractor plantings;
- (c) Proposal for allocations of Tree Trust Fund expenditures between categories;
- (d) Tree maintenance plans and funding sources;
- (e) Minimum specifications for planting strips in public projects for sidewalks, street widenings, Beltline, Renew Atlanta etc. including size, species and soil requirements.
- (f) Coordination with other governmental and non-governmental entities.

## Division 15- Violations, Penalties, and Enforcement

### 158-81 Violations

#### (a) In General.

- (1) Any person violating any of the provisions of this article shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in section 1-8 of the Atlanta Code of Ordinances.

#### (b) Specific Violations, Associated Fines, and Illegal Recompense

##### (1) Illegal Tree Destruction.

- a. Where the City Arborist finds that the violation has resulted in the Destruction of the tree, as defined in this article, the City Arborist shall determine, based on the illegally Destroyed tree's species and size in DBH, if the tree was a Priority or Non-Priority tree and assess the Replacement and/or Recompense accordingly. The Responsible Party shall be required to plant Replacement Trees and pay Recompense as described in section 158-68.
  1. Unless the City Arborist can determine that the tree was DDH prior to its illegal Destruction, all trees that meet the species and size requirement for Priority Trees shall be considered Priority Trees for purpose of Replacement and Recompense calculations, and must be shown as an illegally destroyed Priority Trees on all tree removal permit applications for the property for the subsequent 10 years.
  2. Where the City Arborist is unable to determine the species of the tree removed, all illegally destroyed trees that are 18 inches DBH and larger shall be considered Priority Trees for purpose of Replacement and Recompense calculations, and must be shown as illegally destroyed Priority Trees on all tree removal permit applications for the property for the subsequent 10 years.
  3. Where the City Arborist is unable to determine the DBH inches of trees removed or the quantity of trees removed, Replacement and Recompense calculations shall assume the existence of 1,000 inches of DBH per acre, and specifically shall assume that the property contains 50 Priority Trees of 20 inches DBH per acre, and the City Arborist shall calculate the Replacement and Recompense based on the measured area of land from which the trees were illegally removed. The number of Priority Trees removed shall be estimated based on 50 trees per acre, prorated, and must be shown as illegally destroyed Priority Trees on all tree removal permit applications for the property for the subsequent 10 years.
- b. Fines.
  1. Where the City Arborist is able to determine the exact number of trees removed or destroyed in violation of this article, the Responsible Party shall be fined \$500.00 for the first tree violation. The fine for all subsequent tree removal or Destruction violations by the Responsible Party shall be \$1,000, regardless of whether the violations occur on separate properties or at other times. Each tree upon which a

violation occurred may be deemed a separate violation of this article whether the violations occur on separate properties or at other times.

2. Where the City Arborist is not able to determine the exact number of trees removed or destroyed in violation of this article, the fine shall be calculated based on the illegal destruction of 50 trees per acre, prorated. The Responsible Party shall be fined \$500.00 for the first tree violation and \$1,000 for each additional violation.

(2) Violations During Construction Other than Illegal Tree Destruction.

- a. Where the City Arborist is able to determine that the Responsible Party is not abiding by the City Arborist approved plans for tree protection the first violation will result in a correction notice or stop work order. The second and subsequent violations will result in a correction notice or stop work order and a minimum fine of \$100, but not to exceed \$1,000, regardless of whether the violations occur on separate properties or at other times.
- b. Each day's continuance of a violation may be considered a separate offense. The penalty assessed for each such violation shall be at the discretion of the City Arborist, but not to exceed \$1,000.

(c) Appeal Rights.

- (1) Eligibility to appeal a City Arborist decision made pursuant to this article to the Tree Conservation Commission is set forth in section 158-72

(d) Depositing funds. Any Recompense and fines recovered pursuant to this section, excluding court costs, shall be deposited into the Tree Trust Fund.

(e) Stop Work Orders.

- (1) The City Arborist is authorized to issue stop work orders to enforce this article.
- (2) When a stop work order is issued by the City Arborist, it shall be effective immediately and shall apply to all activity on the site except for necessary corrective action or mitigation, and shall be in effect until such corrective action or mitigation has occurred and the stop work order lifted. At the City Arborist's discretion, work on the interior of structures on site may be allowed to continue during the stop work order.

(f) Citation. The City Arborist may issue a citation to the property owner or other Responsible Party for a violation of this article.

- (1) Citations are subject to the jurisdiction and rules of the Atlanta Municipal Court and may be appealed thereto. Citations may not be appealed to the Tree Conservation Commission.
- (2) If the Municipal Court finds the defendant in violation of this article, it shall order that the actions required by the City Arborist to obtain compliance with this article be implemented, including the planting of Replacement Trees and payment of Recompense and shall assess fines or other penalties pursuant to Atlanta City Code section 1-8.
- (3) Prescriptive Measures. Where the City Arborist finds that despite the violation, the tree may be saved, they may require performance of specific tree-saving measures, including but not limited to application of Arboricultural Prescriptions, and shall establish a timeframe for performing such measures. The City Arborist may require that the Responsible Party obtain an assessment of the condition of the tree(s) prior to deciding whether the tree can be saved. Where the City Arborist requires tree-saving measures, Replacement and Recompense shall not be assessed. If the assessment indicates that the tree cannot be saved, or if the Responsible Party fails to implement the tree-saving measures within the

- established timeframe, Replacement and Recompense will be owed. In addition, failure to implement the required tree saving measures within the established timeframe shall be deemed an additional violation of this article.
- a. Cost of assessment. Where the City Arborist requires the Responsible Party to obtain an assessment of the tree's condition and the assessment reveals that the tree cannot be saved, the documented cost of the assessment, up to \$500, may be deducted from the Recompense owed by the Responsible Party.
  - b. Cap on assessment and tree-saving costs. The City shall not require assessments and tree saving measures for which combined costs exceed the Recompense that would be owed if the tree were destroyed.
- (4) Both the owner of any building, structure, site, or part thereof where any violation of this article exists, and any agent of the owner, tenant, or agent of the tenant who commits or assists in the commission of any violation of this article may be deemed guilty of the offense. Either party may correct the violation, be subject to individual fines, or be subject to individual citations. However, if Recompense is charged only one party should pay the Recompense. The owner of any building, structure, site, or part thereof is ultimately responsible for any violations occurring on the property.
- (5) Cease and desist orders and Arrests. The Atlanta Police Department shall have the authority to respond to a report of suspected illegal removal or destruction of trees. If an officer determines that a stop work order is warranted, including without limitation because a tree is being removed or destroyed and no tree-removal permit is on the premises, the officer may issue a cease and desist order that terminates at the conclusion of two business days from the date of issuance. The officer may also arrest responsible parties for illegal removal of trees without a permit. The City Arborist shall assess the alleged illegal activity and determine what, if any, corrective action is needed, including without limitation issuance of a stop work order. The City Arborist shall have the authority to lift the cease and desist order prior to its natural expiration.
- (6) Additional Legal Remedies. In addition to all other actions and penalties authorized in this article, the city attorney is authorized to institute injunctive, abatement or any other appropriate judicial or administrative actions or proceedings to prevent, enjoin, abate, or remove any violations of this article.
- (7) **Debarment.** Where the City finds that an arborist or other person has repeatedly submitted false information, or acted in a negligent manner, or repeatedly removed trees illegally, the City may issue a decision prohibiting the arborist or other person from making further applications under this Article or performing any tree removal work in Atlanta for 3 to 5 years. The debarment decision may be appealed to the Tree Conservation Commission.

**APPENDIX A**

ZONING DISTRICT AND/OR LOT SIZE (per existing and/or Priority trees)	MDA (MAX LIMITS DISTURBANCE) % of lot	TREE SAVE REQUIREMENT % of Parcel**
Single Family & Duplex Residential		
R1, R2. Very Large Lots ≥50k	25%	n/a
R2 + R2A. Very Large Lots 30k-<50k	35%	n/a
R-2B, R3. some R3A Large Lots 15-<30k	40%	n/a
R-3A, R4. Medium Large Lots 13.5-<15k	40%	n/a
R-4. Medium Lots 8.5 - <13.5k	45% (50% if duplex)	n/a
Small Lots 5-< 8.5k	50%	n/a
R-4B Small Lots < 5k	75%	n/a
<b>Multifamily res./Comm/Indust Zonings</b>	-	-
R-G Resid General	n/a	30%
R-LC Resid Ltd Com	n/a	30%
O-I Ofc Institut	n/a	20% or 30% if resid use.
C-1 Comm Bus	n/a	20% or 30% if resid use.
C-2 Comm Service	n/a	20% or 30% if resid use.
C-3 Comm Resid	n/a	20% or 30% if resid use.
C-4 Cent Area C-R	n/a	20% or 30% if resid use.
C-5 Cent Bus Supp	n/a	20% or 30% if resid use.
I-1 Light Ind	n/a	20%
I-2 Heavy Ind	n/a	20%
SPI-Districts	n/a	20% or 30% if resid use.
M-R Multi-Fam Resid	n/a	30%
MRC Mixed Res-Comm	n/a	30%
LW Live-Work	n/a	20%
NC Neighb Comm	n/a	20%
PD/PDH Planned Devel	n/a	40%



Subdivisions		Tree Save Area (% of Parcel excluding stream buffers, wetlands & floodplains)
Lots 6,000 - 10,000 square feet		40%
<u>Lots</u> > 10,000 – 20,000 square feet		50%
<u>Lots</u> > 20,000 square feet – 1 Acre		60%
Lots > 1 Acre + -- 5 Acres		70%
Lots > 5 Acres		80%
Cluster Design Subdivisions (by right if meeting Tree Save Area underlying zoning applies to unit density)		Tree Save Area (% of Buildable Area) by right per parcel size and underlying zoning
Lots 6,000 - 10,000 square feet		> 50%*
Lots > 10,000 – 20,000 square feet		> 60%*
Lots > 20,000 square feet – 1 Acre		> 70%*
Lots > 1 Acre + -- 5 Acres		> 80%*
Lots > 5 Acres		> 90%*

\* Eligible for density increase above zoning classification pending changes to Zoning Ordinance.

\*\* NOTE: 20% of a property is a only a 2.4% increase from the Planning Dept.'s proposed 12 overstory trees planted per acre

**APPENDIX B**

**Appendix B - Tree Valuation Method: Species/Size Tree Table**

*For Greater-Metro Atlanta and Georgia Piedmont Region*

Notation Key	
	SL - slow growing floodplain, riparian
• uncommon	FG - fast-growing upper slope, ridge
•• rare	RQ - regenerates quickly in disturbed soils most landscapes
	IND - indicates older soils/orig forest invasive, undesirable species
	LL - long lived, 300-1000 years
	SL - short lived, usually 200 yrs or less
	+ - exceptional wildlife/ecosystem value

Common Name	Latin Name	High @ dbh'	Excellent @ dbh'	Undesirable	Qualitative Values & Notes	Approved for Planting
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**Most Common Native Trees**

Pine, Loblolly	<i>Pinus taeda</i>	22	30		fast-growing/disturbed sites	Yes
Pecan	<i>Carya Illinoensis</i>	20	N/A		naturalized	Yes
Sweetgum	<i>Liquidambar styraciflua</i>	22	30		fast-growing/disturbed sites	Yes
Maple, Red	<i>Acer rubrum</i>	14	20		cultivars often planted	Yes
Sugarberry	<i>Celtis laevigata</i>	22	30		fast-growing/disturbed sites +	Yes
Tulip Tree (Poplar)	<i>Liriodendron tulipifera</i>	18	24		fast-growing/disturbed sites + flowers, seeds, ho	Yes
Oak, Water, Willow	<i>Quercus nigra</i>	18	N/A		fast-growing/disturbed sites/often planted +	Yes
Oak, Red spp.	<i>Quercus rubra, coc., vel. Etc.</i>	14	20		moderate-slow growing +	Yes
Oak, White, Post	<i>Quercus alba</i>	12	18		slow growing, long-lived IND (older trees) +	Yes
Hickories	<i>Carya spp.</i>	12	18		slow growing IND +	Yes
Flowering Dogwood	<i>Cornus florida</i>	6	8		SG often planted (anthracnose in shade) +	Yes
Eastern Redbud	<i>Cercis canadensis</i>	6	N/A		FG often planted	Yes

**Overstorey Native Trees**

**Ashes**

• White Ash	<i>Fraxinus americana</i>	14	20		IND	Yes
• Green Ash	<i>Fraxinus pennsylvanica</i>	14	20		FG	Yes

**Elms**

• American Elm	<i>Ulmus americana</i>	14	20		IND (in riparian areas)	Yes
•• Slippery Elm	<i>Ulmus rubra</i>	14	20		IND	
	Princeton Elm				cultivar of <i>Ulmus americana</i>	
	Winged Elm	18	24			Yes

**Hickorys**

	Bitternut Hickory	<i>Carya cordiformis</i>	12	18		IND (older trees)	Yes
	Mockernut Hickory	<i>Carya tomentosa</i>	12	18		SG LL IND (older trees)	Yes
	Pignut Hickory	<i>Carya glabra</i>	12	18		SG LL IND (older trees)	Yes
	Red Hickory	<i>Caryn oxalis</i>	12	18		SG LL IND (older trees)	Yes
••	Shagbark Hickory	<i>Carya ovata/australis</i>	10	18		IND rare in our area, rich soils, basic	Yes
••	Water Hickory	<i>Carya aquatica</i>	12	18		IND riparian	Yes

**Maples**

	Boxelder, Ash-leaf maple	<i>Acer negundo</i>	20	N/A		FG RQ floodplains, lower slopes	Yes
	Red Maple	<i>Acer rubrum</i>	14	20		moderate-slow growing, often planted	Yes
	Silver Maple	<i>Acer saccharinum</i>	20	N/A		FG riparian, often planted	Yes
	Southern Sugar Maple	<i>Acer floridanum</i>	14	20		SG LL	Yes
	Sugar Maple	<i>Acer saccharum</i>	14	20		LL more northern species, often planted	Yes

Oaks						
•	Basket Oak, Swamp Chest	<i>Quercus michauxii</i>	12	18	SG LL +	Yes
•	Black Oak	<i>Quercus velutina</i>	14	20	SG IND +	Yes
•	Chestnut Oak	<i>Quercus prinus</i>	12	18	IND LL only found on rocky slopes ridges +	Yes
	Northern Red Oak	<i>Quercus rubra</i>	14	20	IND +	Yes
	Oglethorpe Oak	<i>Quercus</i>	18	N/A	planted species +	Yes
	Overcup Oak	<i>Quercus lyrata</i>	18	N/A	planted species +	Yes
	Post Oak	<i>Quercus stellata</i>	12	18	SG IND LL +	Yes
	Scarlet Oak	<i>Quercus coccinea</i>	14	20	SG IND LL +	Yes
	Shumard Oak	<i>Quercus shumardii</i>	14	20	FG +	Yes
	Southern Red Oak	<i>Quercus falcata</i>	14	20	SG LL +	Yes
	Water Oak	<i>Quercus nigra</i>	18	N/A	FG SL +	Yes
	White Oak	<i>Quercus alba</i>	12	18	SG LL+	Yes
	Willow Oak	<i>Quercus nigra</i>	18	N/A	FG +	Yes
Pines						
	Pine, Loblolly	<i>Pinus taeda</i>	22	30	FG DS	Yes
••	Longleaf Pine	<i>Pinus palustris</i>	14	20	planted species, native to S GA	
	Shortleaf Pine	<i>Pinus echinata</i>	22	30	IND (often)	Yes
•	Virginia Pine	<i>Pinus virginiana</i>	22	30	native N GA	
Other Overstory Trees						
•	Basswood (Linden)	<i>Tilia americana/heterophylla</i>	14	20	IND	Yes
	Beech, American	<i>Fagus grandifolia</i>	10	14	IND +	Yes
	Catalpa	<i>Catalpa speciosa</i>	20	N/A	naturalized	
	Cherry, Black	<i>Prunus serotina</i>	16	22	SG + fruits, host	Yes
••	Chestnut, American	<i>Castanea dentata</i>	N/A	0	rare IND (if not planted) + nuts	Yes
	Cottonwood, Eastern	<i>Populus deltoides</i>	18	24	FG floodplain	Yes
	Hackberry, Common	<i>Celtis occidentalis</i>	20	30	FG + seeds, host	Yes
	Hackberry, Sugarberry	<i>Celtis laevigata</i>	20	30	FG DS +	Yes
	Hemlock, Eastern	<i>Tsuga canadensis</i>	14	20	typically more northern, may be planted	
	Pecan	<i>Carya Illinoensis</i>	20	N/A	naturalized	Yes
	Sweetgum	<i>Liquidambar styraciflua</i>	22	N/A	FG	Yes
	Sycamore	<i>Platanus occidentalis</i>	18	24	FG riparian wetland	Yes
	Tulip Tree (Poplar)	<i>Liriodendron tulipifera</i>	18	24	FG LL+ seeds, flowers, host	Yes
•	Walnut, Black	<i>Juglans nigra</i>	12	18	SG + nuts	Yes
	Willow, Black	<i>Salix nigra</i>	14	20	riparian, wetland +	Yes
Midstory Native						
	Birch, River	<i>Betula nigra</i>	14	20	often planted in upland areas	Yes
••	Butternut	<i>Juglans Cinera</i>	14	20	SG + nuts	Yes
	Cedar, Eastern Red	<i>Juniperus virginiana</i>	10	18	SG LL open areas full sun + berries	Yes
	Holly, American	<i>Ilex opaca</i>	10	18	SG IND + berries	Yes
•	Persimmon	<i>Diospyros virginiana</i>	8	16	often old farms/forest edges + fruits	Yes
	Locust, Black	<i>Robinia pseudoacacia</i>	10	18	FG SL IND old clearings/pastures + pollinators	Yes
•	Locust, Honey	<i>Gleditsia triacanthos</i>	10	18	often relict 19th/early 20th century farms + pods	Yes
	Mulberry, Red	<i>Morus rubra</i>	12	N/A	IND + fruits	Yes
•	Oak, Blackjack	<i>Quercus marilandica</i>	10	18	SG IND + acorns	Yes
•	Oak, Chinquapin	<i>Quercus muehlenbergii</i>	20	N/A	SG IND + acorns	Yes
•	Osage Orange	<i>Maclura pomifera</i>	10	N/A	naturalized	Yes
•	Paw Paw	<i>Asimina triloba</i>	8	16	IND occasionally planted + fruits	Yes
	Sourwood	<i>Oxydendrum arboruem</i>	8	14	SG IND + pollinators	Yes
	Tupelo, Blackgum	<i>Nyssa sylvatica</i>	10	16	SG IND sometimes planted +	Yes
•	Tupelo, Swamp	<i>Nyssa biflora</i>	10	16	SG IND +	Yes
•	Yellowwood, American	<i>Cladrastis kentukea</i>	8	10	very rare or planted species in our area	Yes

Understory Native						
•	Buckeye, Georgia/Painted	<i>Aeschylus sylvatica</i>	3	5	SG IND, sometimes planted +	Yes
•	Buckeye, Red	<i>Aeschylus pavia</i>	3	5	SG IND, sometimes planted +	Yes
•	Chinquapin	<i>Castanea pumila</i>	3	5	SG IND +	Yes
	Crabapple, Southern	<i>Malus angustifolia</i>	6	10	SG, often planted +	Yes
	Dogwood, Alternate-leaf	<i>Cornus alternifolia</i>	6	8	IND if not planted	Yes
	Dogwood, Flowering	<i>Cornus florida</i>	6	8	SG +	Yes
•	Dogwood, Swamp	<i>Cornus foemina</i>	6	8	SG sometimes planted +	Yes
	Fringetree	<i>Chionanthus virginicus</i>	6	8	IND if not planted	Yes
••	Hackberry, Georgia, dwarf	<i>Celtis pumila/tenuifolia</i>	N/A	0	IND rare, rocky outcrop forests +	Yes
•	Hawthorne	<i>Crataegus spp</i>	3	5	IND sometimes planted +	Yes
•	Hazelnut, American	<i>Corylus americana</i>	3	5	IND occasionally planted +	Yes
•	Hazelnut, Beaked	<i>Corylus cornuta</i>	3	5	IND occasionally planted +	Yes
•	Hop tree, Common	<i>Ptelea trifoliata</i>	3	5	IND occasionally planted	Yes
	Hornbeam, American	<i>Carpinus caroliniana</i>	4	8	IND occasionally planted	Yes
	Hornbeam, Hop-	<i>Ostrya virginiana</i>	4	8	IND	Yes
•	Magnolia, Umbrella	<i>Magnolia tripetala</i>	4	8	IND occasionally planted	Yes
•	Magnolia, Bigleaf	<i>Magnolia macrophylla</i>	4	8	IND sometimes planted	Yes
•	Maple, Chalk	<i>Acer leucoderme</i>	6	8	IND	Yes
•	Plum, Chickasaw	<i>Prunus angustifolia</i>	6	10	occasionally planted +	Yes
•	Plum, American	<i>Prunus american</i>	6	10	occasionally planted +	Yes
	Redbud, Eastern	<i>Cercis canadensis</i>	8	10	FG often planted	Yes
••	Oak, Georgia	<i>Quercus georgiana</i>	3	5	IND rare, rocky outcrop forests +	Yes
•	Paw Paw	<i>Asimina parviflora</i>	3	5	IND occasionally planted +	Yes
	Serviceberry	<i>Amelanchier spp</i>	6	8	often planted +	Yes
•	Silverbell, Carolina	<i>Halesia carolina</i>	4	8	IND	Yes
•	Silverbell, 2-winged	<i>Halesia diptera</i>	4	8	IND occasionally planted	Yes
••	Snowbell	<i>Styrax americana</i>	4	8	IND occasionally planted	Yes
•	Spicebush	<i>Lindera benzoin</i>	2	4	IND +	Yes
Non-native/non-regional						
Overstory						
	Cherry, Laurel	<i>Prunus caroliniana</i>	N/A	N/A	Yes invasive, undesirable	No
	Chinaberry	<i>Melia azedarach</i>	N/A	N/A	Yes invasive, undesirable	No
	Cypress, Bald, Pond	<i>Taxodium distichum/ascendens</i>	20	N/A	planted, native S GA, wetlands	Yes Cond.
	Elm, Chinese, nn spp.	<i>Ulmus parvifolia, nn spp.</i>	N/A	N/A	Yes planted	No
	Ginkgo	<i>Ginkgo biloba</i>	30	N/A	planted	No
	Golden Raintree	<i>Koelreuteria paniculata</i>	N/A	N/A	Yes invasive, undesirable	No
	Magnolia, Southern	<i>Magnolia grandiflora</i>	N/A	N/A	planted/highly invasive native S GA	No
	Oak, Darlington/Laurel	<i>Quercus hemispherica</i>	20	N/A	planted, floodplain species	Yes
	Oak, English, nn spp.	<i>Quercus robur, nn spp</i>	30	N/A	planted	Yes
	Oak, Nutall, nn spp.	<i>Quercus nuttalli, nn spp.</i>	20	N/A	planted species, native AL-west	Yes
	Oak, Overcup	<i>Quercus</i>	20	N/A		Yes Cond.
	Paulownia/Princess Tree	<i>Paulownia tomentosa</i>	N/A	N/A	Yes invasive, undesirable	No
	Parasol tree	<i>Firmiana simplex</i>	N/A	N/A	Yes invasive, undesirable	No
	White Pine	<i>Pinus strobus</i>	N/A	N/A	planted species, native N GA	No
	Redwood, Dawn	<i>Metasequoia glyptostroboides</i>	N/A	N/A	planted	No
	Tupelo, Water	<i>Nyssa aquatica</i>	20	N/A	planted species, native S GA	Yes Cond.
	Tallow Tree, Chinese	<i>Triadica sebifera</i>	N/A	N/A	Yes invasive, undesirable	No
	Tree of Heaven	<i>Ailanthus altissima</i>	N/A	N/A	Yes invasive, undesirable	No

Midstory						
Arborvitae, Eastern	<i>Thuja Occidentalis</i>					
Callery Pear, Bradford	<i>Pyrus calleryana</i>	N/A	N/A	Yes	invasive, undesirable	No
Cedar, Deodar	<i>Cedrus deodora</i>	N/A	N/A		planted species	No
Cryptomeria	<i>Crypomeria japonica</i>	N/A	N/A		planted species	No
Cypress, Leyland	<i>Cupressus leylandii</i>	N/A	N/A		planted species	No
Hornbeam, European	<i>Carpinus betulus</i>	N/A	N/A		planted species, somewhat invasive	No
Holly, Chinese, Burford	<i>Ilex cornuta, exotic spp.</i>	N/A	N/A	Yes	invasive, undesirable	No
Magnolia, Saucer, Japanese	<i>Magnolia x soulangiana</i>	N/A	N/A		planted species	No
Magnolia, Star	<i>Magnolia, stellata</i>	N/A	N/A		planted species	No
Mimosa	<i>Albizia julibrissin</i>	N/A	N/A	Yes	planted/invasive species	No
Mulberry, White	<i>Morus alba</i>	N/A	N/A	Yes	planted/invasive species	No
Mulberry, Paper	<i>Broussonetia papyrifera</i>	N/A	N/A	Yes	invasive, undesirable	No
Pagodatree	<i>Styphnolobium japonica</i>	N/A	N/A	Yes	planted species	No
Understory						
Cherry, ornamental spp.	<i>Prunus nn spp.</i>	10	N/A		planted species	Yes
Crepe Myrtle	<i>Lagerstroemia spp.</i>	N/A	N/A		planted/invasive species	No
Dogwood, Kousa	<i>Cornus kousa</i>	N/A	N/A		planted species	Yes
Magnolia, Sweetbay	<i>Magnolia virginiana</i>	N/A	N/A		usually planted species	Yes
Maple, Japanese	<i>Acer palmatum</i>	16	N/A		planted species	Yes
Maple, Trident	<i>Acer buergeranum</i>	N/A	N/A		planted species	No
Privet, Chinese, Japanese	<i>Ligustrum spp.</i>	N/A	N/A	Yes	invasive, undesirable	No
Redtip	<i>Photina x fraseri</i>	N/A	N/A	Yes	invasive, undesirable	No
Vines Native and Non-native, Invasive						
Non-Native Invasive Vines						
Kudzu	<i>Pueraria lobata</i>	N/A	N/A	Yes	invasive, undesirable	No
Japanese wisteria	<i>Wisteria floribunda</i>	N/A	N/A	Yes	invasive, undesirable	No
Chinese wisteria	<i>Wisteria sinensis</i>	N/A	N/A	Yes	invasive, undesirable	No
English Ivy	<i>Hedera helix</i>	N/A	N/A	Yes	invasive, undesirable	No
Winter Creeper	<i>Eunymous fortunei</i>	N/A	N/A	Yes	invasive, undesirable	No
Oriental Bittersweet		N/A	N/A	Yes	invasive, undesirable	No

## APPENDIX C – Site plan Requirements for Pre-Application Conference

158-81 A Pre-application Conference is optional for any applicant wishing to remove trees under this Division.

- (a) The meeting shall be attended by a City Arborist, the applicant and/or property owner, including any relevant stakeholders and/or other necessary professionals to determine tree save commitments.
- (b) A fee, according to Table xx must be paid at the time the pre-liminary approval is given to cover the cost of the process.
- (c) A rough, preliminary version of the site plan is required for this meeting, providing information in graphical form about proposed development, and must also show any relevant environmental features, as well as areas of disturbance under Section 158-43 of this Article.
- (d) The applicant shall provide a complete tree survey that shows at minimum the following:

- (1) A tree survey that shows the Location, size, species and value (according to Appendix B) of all trees on site; and all boundary trees with Critical Root Zones that cross the property boundary (hardwoods 6" or more DBH and pines 10" or more DBH); and/or the approximate location and size of any tree save area, subject to this Article.
  - (2) The trees' values must be clearly indicated in a pictorially recognizable way to aid in identifying their locations with respect to the property boundaries and each other.
  - (3) Site conditions, including but not limited to, previous structures, graded or impervious areas, pavement, gravel, fences, walls, walkways, driveways, public utility locations, easements, adjoining roadways and right-of-way widths;
  - (4) Proposed limits of disturbance based on one or more professionals' on-site assessment of the trees, the proposed disturbance, and the proposed improvements;
  - (5) Proposed structures' approximate footprints and probable foundation types, including proposed access or retaining walls or other features that affect grading;
  - (6) All environmentally sensitive areas including any protected waterways or wetlands under City code, or any significant hydrological areas and must designate the no-grade zone around those areas.
- (e) Tree Save Commitments. After the Pre-application Conference the applicant must amend their submittal to include, in addition to:
- (1) Number of trees and total DBH of trees destroyed, preserved
  - (2) Square footage of CRZ destroyed;
  - (3) Square footage of Tree Save areas planted

#### **APPENDIX D – Site plan Requirements for Demolition, Construction and Landscaping Permits**

158-82 Requirements for Site Plans: Tree protection plans for all sites with one or more trees where the applicant proposes demolition, construction, or land disturbance activities must be submitted for review in a format designated by the City Arborist, and at a minimum must include the following:

- (a) General requirements. Any Site Plan required under this article shall be drawn to scale and shall show all existing and proposed property lines, zoning setbacks, easements, buildings and structures, driveways and paved areas, extent of footings for retaining walls, stormwater management facilities, streams and Stream Buffers, wetlands and Wetland Buffers, existing and proposed utilities, construction material staging grounds and all areas of proposed cut and fill of earth, and the limits of land disturbing activity.
  - (1) Tree survey. A complete tree survey showing all trees on site and all boundary trees in graphical and list form that clearly shows the location of all trees with respect to property boundaries, existing and proposed site features, and each other. The tree survey must be rendered to-scale and shall include:
    - a. Commitments from any tree plan approved in a Pre-application Conference
    - b. a tree survey identifying the size in DBH, species, Priority, non Priority, high or excellent value and location of all Regulated Trees, which are all trees other than Pines having a DBH of six inches or more and Pines with a DBH of ten inches or more, and each tree 2.5 caliper inches or larger on public property;
    - c. The CRZ and SRP of each tree shall be shown on the Site Plan.

- d. All Boundary trees shall be shown on the Site Plan. Trees in stream buffers or other buffer areas whose CRZ extends into the site property shall be considered boundary trees.
  - e. The percentage of proposed impact to the CRZ of each tree (the City Arborist may adjust the location of the CRZ if justified by existing site conditions).
  - f. Designation of trees proposed to be preserved and trees proposed to be destroyed;
  - g. Trees that have been permitted as dead, dying, or hazardous by the City of Atlanta. Trees not permitted as DDH shall not be marked as such on the plan.
  - h. The location of structures and features present or known to have been present on the site, including but not limited to: buildings, walkways, driveways, parking lots, gravel-covered areas, fences, walls, and other impervious surfaces.
  - i. The location of features such as existing utility locations, easements, overhead power lines, adjoining roadways, and rights-of-way.
  - j. All proposed land disturbance and structures, including buildings, driveways and parking areas, drainage structures, water detention areas, utilities, material staging areas, and all areas where cut and fill of dirt is proposed.
  - k. Topographic information at two-foot contour intervals. Single-family lots of record may be exempt from this requirement provided that no grading or cut-or- fill-of-earth or other changes to topography will occur.
  - l. All environmentally sensitive areas including rivers, streams, riparian buffers, wetlands, floodplains, rock outcrops, Priority trees and high value forests, steep slopes, and other environmentally significant features.
  - m. The position of all tree save fencing around the CRZs and tree save areas, including a notation of the distance (to the nearest half-foot) from each fence to the closest tree;
  - n. Limits of proposed grading and land disturbance;
  - o. For subdivisions, proposed lot lines or lot lines for new lots of record must be shown;
  - p. Date and signature of ISA-certified arborist, landscape architect, architect, engineer, surveyor, or professional who prepared the survey;
  - q. Calculation of fees for recompense and/or alternative compliance; and
  - r. Calculation of any bonding requirements (per Division X).
  - s. Heritage trees. The Site Plan shall identify which (if any) trees on the Site Plan are Heritage trees and provide species, size information.
- (2) Registered Tree Professional required. The identification of the species and assessment of tree condition may be made only by the City Arborist, or a Registered Tree Professional whose signature or stamp is on the Site Plan.
- (3) Applications for tree removals due to landscape improvements that do not require a building or land disturbance permit must have all tree species, size, and condition, as identified by a Registered Tree Professional, shown on the Site Plan, but the plan may be hand drawn and does not require a surveyor or other professional to prepare it, provided that the plan is accurate, drawn to scale, and contains all of the information required on the City Arborist Division's checklist for Landscape Projects.
- (4) City Arborist assistance to homeowners. The City Arborist may provide free assistance to homeowners with limited financial resources when preparing Landscape Project related tree removal applications. The City Arborist will note the location of trees on the Site Plan and

identify tree species and condition for up to 12 trees. To qualify for this assistance, the project must occur on the homeowner's primary residence. Standards regarding what constitutes a financial hardship will be determined by the Department of City Planning.

(a) Priority Trees.

- (1) The Site Plan shall identify all existing trees that meet the definition of Priority Trees. Priority Trees, and whether they are high or excellent value, shall be depicted on the site plan with a graphic symbol that is different from Non-Priority Trees.
- (2) The Site Plan shall identify all Priority Trees that were removed or Destroyed in the previous 10 years under an authorized tree permit or due to illegal destruction. No Priority Tree that was removed prior to the adoption of this article shall be shown on the Site Plan.
- (3) Past permits and plans are available from the City's online permitting system, which may be used by the applicant to identify Priority Trees removed within the previous 10 years. The 10 years shall be measured from the date of the issuance of the Certificate of Occupancy for building permits, the date of permit approval for all other permits, and the date on invoice of the fine for illegally removed or Destroyed trees.
- (4) Priority and Non-Priority Trees Impacted or Destroyed for Public Linear Infrastructure Projects, regardless of species and size, shall be designated Non-Priority trees.

(b) Identification of trees to be saved or removed. The Site Plan shall depict the location and extent of each tree's CRZ which is impacted and the percentage of any CRZ that will be damaged. Trees to be Destroyed or removed should be clearly marked with an "X" on the plan. All trees with CRZs impacted by construction or disturbance must show the extent of the Structural Root Plate to demonstrate that the Structural Root Plate is 100% protected from disturbance.

(c) Trees may only be impacted or Destroyed to allow grading, construction, or demolition that is required to construct or prepare the site for the proposed structures or improvements, as determined by the City Arborist. Trees may not be removed or Destroyed from portions of the site not otherwise impacted by construction.

(d) The City Arborist may require reasonable modifications to the site plan to protect Priority Trees or stands of trees, or to reduce impacts to the trees on site, including the use of measures described in section 158-56(e)(2).

(e) If no trees exist on the site, the applicant must submit at least two photos clearly depicting the area affected by proposed construction and a signed Tree Impact Statement attesting to this fact.

(f) Trees which are Destroyed, but not removed from site, will require Recompense payment, [which may be adjusted per site Tree Planting](#).

(g) Protection for saved trees. The Site Plan must show the location of fencing and other appropriate measures which will protect existing trees on the property and abutting properties unless the plan identifies the tree as being removed or Destroyed.

- (1) Tree protection fencing. Protection must include tree fencing that is shown on the Site Plan and meets the following requirements:
- (2) Location. Tree fencing must be located to protect a minimum of 80% of a saved tree's CRZ throughout construction. Where the City Arborist determines that this level of protection is not possible and pre-approves an Arboricultural Prescription as part of the Site Plan, the tree fencing must be located so as to protect at least 67% of the CRZ and 100% of the SRP.



- (3) Material. Tree fencing must be constructed of chain link or substantial mesh material that is erected around the CRZs of trees with a minimum height of four feet before the commencement of any land disturbance, demolition, or construction. Chain link fencing must be used for trees in the front yards of residential properties and other locations as prescribed by the City Arborist. The City Arborist may also require more substantial wood or steel fencing and secured posts where they find a significant risk of damage to the saved tree's CRZ. The City Arborist may require these measures at any time, including after commencement of site disturbance.
- (h) Construction methods to minimize tree impacts. In consultation with the City Arborist, the Site Plan must further show that damage to trees during grading, construction, demolition, or utility installation will be minimized by using construction methods and products proven to protect existing trees. Construction methods and protection measures may be required by the City Arborist and must be indicated on the Site Plans. These methods and measures may include but are not limited to:
  - (1) Directional boring instead of open trenching for utility installation;
  - (2) Root bridging for sidewalks, driveways, and other hardscapes;
  - (3) Retaining walls and use of pier and beam foundations **and cantilevers** to reduce tree impacts from site grading;
  - (4) Use of mulch, gravel, plywood, geotextiles, swamp/access mats, and temporary decking, alone or in combination per City of Atlanta Arborist standards to prevent soil compaction from vehicular traffic and material storage; and
  - (5) Any other methods, materials, or techniques that meet with current arboricultural industry standards and are approved by the City Arborist.
- (i) Tree Replacement plan and Recompense calculations. The Site Plan shall contain or be accompanied by a Tree Replacement Plan.
  - (1) The Tree Replacement Plan shall show the locations of all proposed trees labelled with their species and size in Caliper inches. Trees planted within parking lots or other constrained areas bordered by paving must also delineate and label the planting area or soil volume provided.
  - (2) The Tree Plan shall also show the Recompense calculations that meet the requirements set forth in sections **158-69 and 158-70.**
  - (3) It shall be a violation of this article to knowingly submit to the City materially false or materially inaccurate information on a tree removal application or the supporting documentation.

#### **APPENDIX E - Procedures For Determining a Dead, Dying or Hazardous (DDH) Tree**

158-83 The City Arborist shall grant a DDH tree removal permits for trees that are dead, dying, or hazardous. In addition, there are unusual circumstances in which other trees may qualify for a DDH permit. Only the City Arborist shall determine if a tree is dying. The City Arborist shall use the guidelines listed for each category ~~are~~ below.

- (a) **Dead trees.** The City shall issue a tree removal permit for dead trees. A tree is dead if it has no leaves that are alive during the growing season. More specifically, the following conditions indicate a dead tree:
  - (1) Any evergreen tree whose needles or leaves are all brown.

- (2) Any evergreen tree which has no remaining needles or leaves.
  - (3) Any deciduous tree which lacks leaves during the growing season.
  - (4) Any deciduous tree which has no remaining living buds
- (b) **Dying trees.** If the probability of surviving for 2 years is less than 50%, the tree is dying.
- (1) Mistletoe: Mistletoe progresses slowly, and treatment is technically possible (although unfeasible) until quite late in the process. In general, a tree may be considered dying when the Mistletoe has reduced the foliage of the tree to 20% of full foliage, assuming no other problems.
  - (2) Hypoxylon: Hypoxylon is a vascular fungus that is lethal to any portion of the tree that is downstream from the visible fungal spores. A tree may be considered dying if the diameter of the stem with the visible fungal spores is 50% or greater than the DBH of the tree, assuming no other problems.
  - (3) Ambrosia Beetles: when the ambrosia from these beetles begins to clog the vascular system of a tree the tree usually dies quickly; anywhere between 2 weeks and 3 months is common. Occasionally the beetles leave a section of vascular tissue intact. The beetles can be diagnosed by the frass they make when entering the tree. Most trees with beetles are totally dead by the time permitting becomes an issue, however, in cases where the trees are alive and frass is found, any tree with 50% or greater loss of canopy may be considered dying.
  - (4) Leaf gall: In general leaf gall severity varies from season to season and a severe infection should not be cause for removal of the tree unless there are other graver concerns for the health of a tree.
  - (5) Pine Beetles: Pine beetles vary greatly in the severity of their attack. In general, a tree should not be considered dying just because of the confirmed presence of the beetles within the tree, such as the characteristic “popcorn-shaped” sap bubbles they construct near their entrances to the tree. Rather, browning foliage should indicate a dying tree. These trees should be removed quickly.
  - (6) Aphids and Scale: Long the scourge of trees planted in adverse environments, these arthropods are capable of multiplying and stressing a tree and are a factor in tree decline. Assuming no other problems, a tree may be considered dying when foliage is 15% of its normal size or density, although the treatability of the disease must be considered. In situations where an infestation is unlikely to return immediately after treatment, treatment should be advised in lieu of issuing a permit.
  - (7) Bacterial Wetwood: A bacterial wetwood infection may force a tree into decline but is rarely the cause of death. A permit may be issued in those extreme cases where the slime flux encircles 60% of the circumference of the tree or more.
  - (8) Black Twig Borer. A boring insect that causes twig dieback. This insect may affect Magnolias and cause a characteristic “bent-over” twig formation. This disease may prove lethal to some hosts but in other cases may make a natural recovery. Some treatment methods appear partially successful in helping the tree to recover.
  - (9) Wood decaying fungus: Most wood decaying fungus do not greatly impact the health of a tree, although they may affect the Hazard rating of a tree. The City Arborist may issue a

permit where wood decaying fungus have begun to limit the living tissue of a tree, and barring any other concern, when 1/3 of the circumference of a tree is impacted by wood decaying fungus.

(10) Foliage density & dieback. City arborists must sometimes determine life expectancy in the absence of a specific disease. This is done by determining the density of the canopy (including the bud density), the presence of dieback, and number of dead limbs in the tree.

(11) Density of the canopy: A City arborist may issue a permit for a tree with reduced foliage density (or bud density if winter) if the density is 1/3 or less the density typical of a full, healthy tree of the same species. This rule of thumb assumes that there are no other problems with the tree other than foliage density.

(12) Presence of dieback: A City arborist may issue a permit for a tree with canopy dieback if the tree exhibits apical dieback or dead branches representing an overall foliage density loss of 50% or more. This rule of thumb assumes that there are no other problems with the tree other than dieback and dead limbs.

(c) **Hazardous trees.** A permit shall be issued immediately for any tree which is actively failing, cracking, upheaving, or falling, if satisfactory evidence is provided to the City. A permit shall be issued if the tree is hazardous - when its risk rating according to the TRAQ risk matrix is High or Critical. The City shall not issue a permit for a tree which is moderate or low according to the TRAQ Matrix. The City Arborist shall:

(1) Assume that leaning trees are not more likely to fall than straight trees unless:

- a. There is decay in the critical root plate indicating strength loss in the roots over 10%.
- b. The tree leans over 20 degrees.
- c. The soil on the opposite side of the lean has risen above the level of the soil on the direction the tree is leaning and may have visible cracks in the soil's surface or broken or decayed roots on that side.

(2) Consider target values only to the extent that:

- a. The target is occupied by people at the time of application and human life is at stake under current conditions
- b. The occupancy rate is regular and often.

(d) **Unusual Circumstances.** A DDH tree removal permit may be issued in certain unusual circumstances at the discretion of the City. These circumstances are described below.

(1) Disease suppression. Trees may be permitted to be removed if needed to prevent the spread of a disease that could affect other trees. In permitting for trees for removal under this provision, the City shall act in accordance with Department of Agriculture guidelines, and only in response to an active and temporary condition.

(2) Destruction of infrastructure. Trees may be permitted to be removed if they threaten a crucial structure or infrastructure. To qualify for a permit, the City must determine that the following apply:

- a. The infrastructure is crucial, such as a foundation or sewer pipe.
- b. The infrastructure cannot be reasonably be accommodated to the tree.

- c. A qualified professional prepares a report showing that the infrastructure is actively and permanently endangered by the tree and cannot function until such time as the tree is removed.

## **APPENDIX F Tree Planting Specifications**

### 158-84 Size and Quality of Planted Trees.

- (a) Replacement Planted trees and trees planted to meet Site Density requirements shall be a minimum of 2.5 Caliper inches and must meet ANSI Z60.1 nursery standard and be of high quality with appropriate branch structure for the species and intended use, free of trunk and branch damage, without insect or disease infestation, and in good vigor. Installed trees must be allowed to grow to their natural size and shape and not be pruned in conflict with ANSI A300 standards. The City Arborist can reject or disapprove the use of sub-standard trees.
  - (1) The City arborist may approve the planting of trees smaller or larger than 2.5 Caliper inches as appropriate for the project type and site conditions. Smaller trees may be allowed or encouraged for environmental restoration, slope plantings, reforestation, or similar projects. Similarly, Understory tree species that are unavailable from nurseries in a 2.5 Caliper inch size may be approved for planting at a smaller size. All trees will be awarded [recompense offset](#) Replacement credit based on the size in Caliper inches of the tree, but shall be no less than 1 inch Caliper.
- (b) Species of Replacement Trees.
  - (1) Recommended Tree List [Appendix B](#). Species of acceptable Replacement Trees for credit are listed on the City's Recommended Tree List ([now in Appendix B](#)) which is available from the Arborist Division. The list is not comprehensive, and the City Arborist may approve species that are not on the list if the City Arborist deems it an appropriate species, the species is not an invasive species, and it is suitable for site conditions.
    - a. Prohibited Replacement trees. The City Arborist Division maintains a list of Undesirable Trees [listed as undesirable](#) species in [Appendix B](#) that may not be planted to meet Site Density or Replacement Tree requirements.
  - (2) Species diversity required. Species diversity creates resilience in the urban forest and reduces the impacts of pests and disease. To ensure continued resilience, a diversity of tree species will be needed on each site. The species of planted trees should adhere to the following diversity guidelines, unless the trees preserved on site, coupled with the Replacement Trees, offer a comparable diversity of species and genera.
    - a. When four to 10 trees are proposed to be planted, no more than 50% of the Replacement Trees shall be of a single species.
    - b. When 11 to 20 trees are proposed to be planted, no more than 33% of the Replacement Trees shall be of a single species.
    - c. When 21 to 50 trees are proposed to be planted, no more than 20% of overall trees planted shall be of the same species, no more than 50% shall be of the same genus.
    - d. When 51 or more trees are proposed to be planted, no more than 20% of overall trees planted shall be of the same species, and no more than 30% shall be of the same genus.

- e. Approximately 75% of replacement trees planted on any project should be species Native to the piedmont region of Georgia.
  - f. New tree planting in zoning-mandated Streetscapes or on other highly urbanized sites may have the species diversity standards adjusted or waived at the discretion of the City Arborist.
- (3) Mixture of mature tree sizes.
- a. Where appropriate site conditions exist, Site Density and Replacement Tree plantings shall be Overstory and Mid-story trees. Understory trees shall be permitted by the City Arborist where site conditions do not allow the planting of Overstory or Mid-story trees. Where Understory trees are allowed, they should generally make up no more than 25% of the required plantings.

158-85 Spacing standards. Unless approved by the City Arborist, all trees planted as a requirement of this article shall meet the following spacing standards:

- (a) Overstory Trees (large canopy) shall be planted no less than 25 foot spacings if planted in a single row. When planted with other Overstory or Mid-story Trees on two sides or more, the Overstory trees must be spaced no less than 30 feet apart.
- (b) Mid-story Trees (medium canopy) shall be planted no less than 20 feet apart.
- (c) Understory Trees (small canopy) shall be planted no less than 15 feet apart.
- (d) Replacement credit may not be given for columnar or fastigate species or cultivars unless approved by the City Arborist based upon site conditions that would not be appropriate for a broad canopy. If Replacement credit is given, then each columnar or fastigate tree will receive only half credit.
- (e) No tree shall be planted closer than eighteen inches from a curb or sidewalk.
- (f) No tree that is anticipated to reach a mature height of 25 feet or greater may be planted within 20 lateral feet of overhead utility lines.
- (g) It is recommended that no tree be planted closer than 10 feet from a building.
- (h) Spacing variations. The City Arborist may approve planting distances less than the standard spacing as appropriate for the project type and site conditions. Denser plantings may be allowed or encouraged for stabilization, environmental restoration, reforestation, or similar projects.

158-86 Minimum planting areas and soil volumes. To ensure the health, longevity, and desired mature size, all trees must be provided ample healthy soil to grow. Trees do best when planted together in large open planting areas of uncompacted Native or suitably amended soil. Where conditions or the design restricts the establishment of large open planting areas, Suspended Pavement techniques or other comparable methods may be used to provide adequate volumes of uncompacted soil below paving or other hardscape.

- (a) Soil surface area. Each tree must meet the following soil surface dimensions and utilize uncompacted, high quality native or amended planting soil per the City's technical planting specifications and City Arborist approval.
  - (1) Overstory Trees: 640 square feet with one dimension of at least nine feet.
  - (2) Mid-story Trees: 320 square feet with one dimension of at least nine feet.??
  - (3) Understory Trees: 120 square feet with a one dimension of at least nine feet.??
  - (4) When trees are planted together in a single planting area, the required soil area for each tree within the shared planting area may be reduced by 25%.

(5) When applicable, the City Arborist may allow alternative methods and materials to be used, such as engineered underground channels, or Root Chases, that direct root growth and allow tree roots to establish soil connections by having access to adjacent open space as a means of increasing available soil.

(b) The City Arborist may allow for deviations from the required soil volumes, or percentage of Overstory Trees due to site constraints outside of the control of the applicant.

158-87 Planting location priorities.

(a) It is the intent of this article to support the livability and ecological integrity of the City. Therefore, trees planted for Replacement credit and to meet Site Density requirements should be planted in priority areas on-site and off-site to maximize specific tree benefits. Priority planting locations include: street frontage and other urban heat islands, slopes and other erodible areas, stream corridors, wetlands and floodplains, areas with little or no tree canopy, areas adjacent to existing forests or groves, in and around stormwater management facilities as appropriate, and other areas as guided by the findings the Urban Forestry Master Plan, and urban tree canopy assessments.

158-88 *Soil volume with use of structural soil or suspended concrete over high quality topsoil. For landscaped areas containing one or more trees where total soil surface area requirements cannot be met, rooting areas for trees below paving may be created using structural soil or suspended paving over pavement or soil cells filled with high quality topsoil, or other approved design/method provided that the criteria below are met. Installation and inspection requirements prescribed by the City Arborist must be met. Minimum soil volume for planting and rootable soil volume must be as follows:*

(a) Large canopy (overstory) trees: 1,200 cubic feet; with two to three feet of depth and minimum width of nine feet.

(b) Medium canopy (midstory) trees: 675 cubic feet; with two to three feet of depth and minimum width of eight feet.

(c) Small canopy (understory) trees: 300 cubic feet; with two to three feet of depth and minimum width of six feet.

158-89 Soil volume for planting within hardscaped areas. For tree plantings in areas where the soil surface area requirements cannot be met, rooting area for trees below paving may be created by using Suspended Paving over Soil Cells filled with high quality topsoil, above ground planters filled with high quality topsoil, or other approved designs or methods. Installation of Suspended Paving Systems must follow manufacturer's guidelines, or the planting specifications maintained by the Arborist Division. Minimum soil volumes must be as follows:

(a) Overstory Trees: 800 cubic feet of soil.

(b) Mid-story Trees: 500 cubic feet of soil.

(c) Understory Trees: 200 cubic feet of soil.

(d) When trees are planted together and share soil within a continuous planting area, the required soil volume for each tree within the shared planting area may be reduced by 25%.

(e) The minimum soil depth of soil in a Suspended Pavement system or planter is two feet and the maximum depth is four feet.

(f) In Suspended Pavements, trees must be provided a five foot by five foot non-paved open soil area around the tree trunk.

158-90 *Planting specifications for parking lot trees.* The City Arborist may require alternative methods and materials to be used, such as engineered underground channels or root chases that direct root growth and allow tree roots to establish soil connections by having access to adjacent open space as a means of increasing available soil. The City Arborist may require that pervious pavers or pervious pavement be used in a manner that increases water retention by structural soils if the Arborist determines that these improvements are needed to ensure that the tree will flourish and have a reasonable life expectancy. See Section Division IX for additional planting and soil requirements.

158-91 *Tree maintenance and replacement.* Maintenance of trees planted pursuant to this Article shall meet the requirements of Replacement Tree maintenance set forth in Division IX. All trees and associated landscaping, such as shrubs and turf, planting or installed pursuant to this section shall be properly maintained for the life of the facility. Any required trees or other plantings that are destroyed, die, or are improperly maintained shall be replaced with a healthy specimen of similar species and size (replacement trees not to exceed 4 inches in caliper). Failure to replace such trees within one year of written notice by a City official shall constitute a violation of this Article.

(a) *Planting Area & Soil Requirements.* All trees planted under Division 8 must comply with:

- (1) *Mulch.* Trees have must be planted with between 3" and 4" of mulch, wood chips, or other natural decomposable material above the planting medium. Parking lots only may utilize pine straw.
- (2) *Support.* Trees must be installed with stakes or other support devices to provide stabilization for a period of time of 12 months after planting, if needed because of lean or stability issues and must be installed at a depth such that the root flare is even with the top of the surface horizon at the time of planting.
- (3) *Area.* Replacement trees must comply with the surface area and width requirements Table 3, and planting areas shall be free from improvements other than irrigation, drainage, or aeration, or other amenities under Article 16, and shall be roughly centered on the tree.
- (4) *Irrigation.* Replacement trees shall be irrigated 2-3 times a week and shall employ drip, soak, or bubbler delivery methods allowing for deep irrigation. Plantings or 5 trees or less may be hand-watered if desired by the owner. Plantings of 6 trees or more shall be irrigated with a programmable irrigation system. No replacement tree may be irrigated by a spray-pattern irrigation head.
- (5) *Soil Horizons.* Tree planting areas must either consist of undisturbed natural soils in which no grading is known to have occurred within the last 30 years, or consist of a planting medium with 2 soil horizons covered by a mulch layer. From top to bottom the layers are:
  - a. A mulch layer between 2" and 5" as defined in this article.
  - b. An intermediary horizon between 4" and 10" deep, as defined in this Article.
  - c. A base horizon between 20" and 30" as defined in this Article, below which organic matter shall be no greater than 4%.

(b) *Planting Area & Soil Requirements – Amenity Strips, Tree Save Areas, & Parking Lots.* All replacement trees within Tree Save Areas, Amenity Strips and Parking Lots as defined in Division xx, in addition to the requirements under (a) above, must comply with the following quality requirements:

- (1) *Compaction protection.* At a minimum, protection against compaction shall include an 8" curb which separates the tree planting area from pedestrian or vehicular areas. For high-

traffic areas, the tree planting area shall be planted with shrubs to discourage pedestrian use of the tree planting area.

- (2) Aeration. At the discretion of the arborist, aeration may be required in high-traffic planting environments.

(c) Species of replacement trees.

- (1) Recommended Tree List. The species of acceptable replacement trees are listed on the City's Recommended Tree List included within Appendix B. Where the City Arborist finds the presence of extenuating circumstances, s/he may approve a species not on the Recommended Tree List.
- (2) Prohibited replacement trees. No trees may be planted that are listed as undesirable, or invasive in the City Arborist's tree list found in Appendix B.
- (3) Species diversity required. If more than 15 but fewer than 50 replacement trees are being planted on a site, a single species shall comprise no more than 25% of all newly planted trees. If 50 or more replacement trees are being planted on a site, no more than 20% of all replacement trees shall be of the same species. If 100 or more replacement trees are being planted on a site, no more than 15% of all replacement trees shall be of the same species, no more than 25% shall be of the same genus, and no more than 40% shall be of the same family. New streetscape design for a continuous corridor may be exempted at the discretion of the City Arborist.
- (4) Planting priority. Where consistent with the planting requirements of this Article, trees shall be replanted in the following locations where feasible.

- (d) *Heat islands*. Planted trees shall be located to shade streets and other external heat islands. Street trees shall be planted as close to the street as is practicable to accommodate the growth of the tree and minimize conflict with power lines, etc. Internal heat islands shall be shaded with a minimum of one tree per 750 square feet of heat island area.

- (e) *Soil stabilization of slopes*. Replacement trees may be planted on slopes with a grade between 2:1 and 3:1, other erodible areas, and on the banks of wetlands and waterways. Where site conditions on such slopes and stream buffers necessitate, the City Arborist may accept replacement trees of one inch in caliper and may determine appropriate spacing requirements based on site conditions and shall credit recompense proportionally. Five replacement shade trees less than 2.5 inches in caliper shall be credited as one tree for the purpose of site density requirements.

- (f) *Stormwater management*. Replacement trees shall be used to meet the requirements of the Post-development Stormwater Ordinance (Section 74, Article X) where feasible.

- (g) The City shall review all submitted plans and make note of any tree planting that is potentially blocking public space visibility. When there is the potential for blocking public space, the arborist shall mandate that all trees planted in the space be large enough that their lower branches permit visibility of the object of interest, or the plinth in the case of buildings or signage. Although there is discretion in broadening the definition of common space, at a minimum it shall entail all that space between a public right-of-way and:

- (1) Commercial or public signage, including for transit; or,
- (2) A monument or building of public interest; or,



- (3) The entrance to a park or recreational area; or,
- (4) The entrance to a transit area or internodal; or,
- (5) To comply, the applicant shall calculate and verify that the angle between horizontal and pedestrian eye height, defined as 64 inches above the ground, is more than the angle between horizontal and the lowest tree branch. This is depicted in Table I-2. Table I-1 below may help in determining which size tree can reasonably accommodate a certain height of branch, after modest pruning.

**Table I-1** Finding maximum height (including all pruning) of lowest limb for shade trees

Tree Height	Caliper of tree in inches									
	2	2.5	3	4	5	6	7	8	9	10
10	4	4.5	5							
12	4.5	5	5	5.5						
15		5.5	6	6.5						
20			8	9	9	9.5				
25			9	10	11	12	12	12.5		
30				12	12.5	13	14	14.5	15	
35					12	13	14	15	15.5	16
40						12	14	15	16	17

Table I-2.

