



ATLANTA'S TREE PROTECTION ORDINANCE

FACT SHEET & GUIDE TO SIGNIFICANT PROPOSED CHANGES

INTRODUCTION

The Department of City Planning (DCP) released a draft of a rewritten Tree Protection Ordinance (TPO). This release followed a study of Atlanta's urban ecology. Below are proposed topics of importance or significant changes from the existing ordinance. As there has been a delay in the schedule, the DCP rewrite team has listed any current thinking based on feedback from stakeholder conversations and received comments.

A LACK OF CONNECTION TO ATLANTA CITY DESIGN

THE ISSUE:	PROPOSED SOLUTION IN TPO DRAFT 1:
Tree preservation and planting standards aren't aligned to the Atlanta City Design vision for our city's growth.	Tree preservation and planting standards tied to the Atlanta City Design vision for the best scenario for growth in the City, with emphasis on tree preservation in Conservation areas and emphasis on strategic and impactful replanting in Growth areas. Read more in our Position Paper.

AFFORDABILITY

THE ISSUE:	PROPOSED SOLUTION IN TPO DRAFT 1:	CURRENT THINKING:
Concerns about tree ordinance increasing costs of housing or burdensome to homeowners.	<p>Affordable housing projects: Recompense fees for trees unable to be planted on site shall be reduced by the percentage of affordable units available to individuals earning up to 80% of AMI. For mixed use developments, the recompense fee shall be reduced by a percentage equal to the percentage of the development's total floor area dedicated to affordable housing.</p> <p>Recompense cap: Recompense will not exceed 50% of the assessed land value of the property determined by its respective County.</p> <p>Ability to appeal for financial hardship.</p>	<p>Affordable housing project language to remain.</p> <p>Considering the recompense cap to be limited to homeowners only.</p>



TREE VALUATION

THE ISSUE:	PROPOSED SOLUTION IN TPO DRAFT 1:	CURRENT THINKING:
<p>The current code does not distinguish between the more environmentally contributing trees and thus protect the more valuable trees.</p>	<p>The ordinance values native and mature trees more highly as well as trees growing in stream buffers, flood plains, along streets, on steep slopes, and in groves. It establishes 5 Significance Categories to which trees are allotted (5 being the highest and 1 the lowest) based on ecological factor and size. Replacement and/or recompense is required based on Significance Category.</p> <p>Size determinants: 6-8, 9-14, 15-20, 21-27, 28+</p> <p>Ecological factors: Native or nonnative (Yes or No) Steep slopes (15-25%, over 25%) Floodplain (within 100-year) Riparian buffers Grove (number of trees, age and size of tree) Street tree Specimen/Heritage Tree</p>	<p>Tree valuation criteria and categorization, in conjunction with the preservation and protection standards, are too complex as written and do not preserve trees as intended. We are rethinking a different valuation categorization based on some of the same ecological factors. In addition, looking to introduce a degree of mandatory tree preservation that was missing from version 1.</p>

HERITAGE TREES

THE ISSUE:	PROPOSED SOLUTION IN TPO DRAFT 1:
<p>Current ordinance doesn't recognize culturally or historically significant trees.</p>	<p>New category of Heritage trees will be created to allow trees to be nominated for special protection status based on historical or cultural significance. Heritage trees cannot be removed without authorization from the Tree Conservation Commission.</p>

TREE PRESERVATION REQUIREMENTS/CLEAR CUTTING

THE ISSUE:

Current code requires saving trees in setbacks and within the site to the maximum extent feasible. It does not provide guidance on how to account for root disturbance of setback trees outside of the setback, making the restriction somewhat unenforceable. Preserving all setback trees on the smallest lots is particularly challenging. No clear provision to prevent clear-cutting of residential lots and developments.

PROPOSED SOLUTION IN TPO DRAFT 1:

All trees no matter where they exist on site are subject to protection based on their Significance Category. There are incentives for preservations, but no mandatory preservations.

Administrative variances to zoning setbacks will be allowed if they enable the preservation of trees. This allows builders flexibility to avoid trees without having to wade through the somewhat involved traditional zoning variance process.

Clear cutting prohibited for all lots with more than 3 trees. City Arborist recommends to the Tree Conservation Commission for final decision.

CURRENT THINKING:

Significance category preservation standards do not work as intended.

Tree preservation uncoupled from zoning setbacks and based on lot sizes, with increasing preservation requirements for larger lots.



AFFORESTATION REQUIREMENTS

THE ISSUE:		PROPOSED SOLUTION IN TPO DRAFT 1:		CURRENT THINKING:
Current minimum numbers of trees required on all lots after development is too low to insure regeneration of canopy.		Afforestation minimums have been raised and categorized by number of trees rather than inches per acre to ensure successful replanting on sites is possible.		Will remain mostly the same, but tied to lot size rather than zoning.
ZONE:	SITE DENSITY, # OF INCHES/ACRE	ZONE:	MIN DENSITY, # OF TREES/ACRE	
R-1	150	R-1	27	
R-2, R-2A	100	R-2, R-2A	23	
R-3, R-3, R-4	40	R-2B, R-3	21	
R-4A, R-4B, R-5	35	R-3A	20	
All other	90	R-4	18	
		R-4A, R-5	16	
		R-4B	6	
		All other	27	

REPLACEMENT TREE SPACINGS

THE ISSUE:	PROPOSED SOLUTION IN TPO DRAFT 1:
<p>Current tree planting standards require trees to be planted further apart than necessary and are inflexible.</p> <p>Overstory: min of 35' apart Mid-story: min of 25' apart Understory: min of 15' apart</p>	<p>New planting standards allow tighter spacing of trees and allow the arborist flexibility to approve non-standards spacings</p> <p>Overstory trees: minimum of 25 feet apart on center Mid-story trees: minimum of 20 feet apart on center Understory trees: minimum of 15 feet apart on center</p> <p>The City arborist may approve planting distances less than the standard spacing as appropriate for the project type and site conditions.</p>



TREE RECOMPENSE FEES

THE ISSUE:	PROPOSED SOLUTION IN TPO DRAFT 1:	CURRENT THINKING:
<p>Current fees charged by the City do not match the current cost to the City for planting trees. Additionally, the low fees make it cheaper to pay into the Tree Trust Fund rather than plant replacement trees on site.</p> <p>Recompense= \$100 per tree + \$30*(DBH of tree)</p> <p>Per acre funding caps exist for infrastructure, subdivision, lots of record, and vacant lot developments.</p>	<p>Recompense fees raised to match market value of tree planting. This fee will be reassessed every two years to keep up with inflation. Tree recompense fees are intentionally set slightly higher than the cost of planting to encourage replanting rather than paying recompense.</p> <p>$R = ((\text{caliper inches owed} - \text{caliper inches planted}) \times 1.33) \times \text{Established Recompense Value}$.</p> <p>Note: \$200 per DBH is the estimated “Established Recompense Value”. This number is tentative until verified by a fee study.</p>	<p>Proposed recompense fees raised to match value of planting, but formula is anticipated to change with revisions to any valuation and preservations standards.</p> <p>\$200 per DBH is still the Established Recompense Value.</p>

STORMWATER MANAGEMENT, GREEN INFRASTRUCTURE, AND TREES

THE ISSUE:	PROPOSED SOLUTION IN TPO DRAFT 1:
<p>Many residents concerned that trees are being removed on residential lots just to install dry wells or other stormwater management devices. Additionally, many designers of commercial stormwater facilities shy away from using trees in vegetated “Green Infrastructure” which provide more benefits than underground or non-vegetated facilities.</p>	<p>New limits placed on tree removal for stormwater facilities on single family residential lots.</p> <p>Trees planted in a vegetated green stormwater infrastructure facility will be counted as two trees of the size planted, excluding parking lots requirements.</p>

PARKING LOT PLANTING REQUIREMENTS

THE ISSUE:	PROPOSED SOLUTION IN TPO DRAFT 1:
<p>Parking lots and other large expanses of pavement create unnaturally hot air temperatures to heat islands causing human health issues. Current parking lot tree planting standards require too few trees to shade parking lots and allow very constrained planting areas that reduce trees mature size and lifespan. Reference Sec. 158-30 of existing ordinance.</p>	<p>New parking lot standards require more shading of parking lots and require planting areas large enough to support healthy, mature trees. Reference Division XI.</p>

PERMITTING OF PUBLIC AND PRIVATE TREES

THE ISSUE:	PROPOSED SOLUTION IN TPO DRAFT 1:
<p>Removal of public and private trees have different replanting standards and plan review and permitting is managed by two different departments: City Planning and Parks. City sponsored projects (impacting public trees) often hit roadblocks meeting replanting requirements.</p>	<p>All standards will apply the same for both public and private trees. Plan reviewing and permitting for all will be managed by the Department of City Planning.</p> <p>Public project relief for Linear Infrastructure projects (sewer, roads, etc.) includes simpler permitting and a cap on recompense that is tied to total cost of construction.</p>

PERIODIC REMOVAL OF HEALTHY TREES

THE ISSUE:	PROPOSED SOLUTION IN TPO DRAFT 1:	CURRENT THINKING:
<p>Property owners looking to remove tree(s) unassociated with a building permit find the process unnecessarily burdensome.</p>	<p>One (1) tree or 5% of the total DBH on the site, whichever is greater, may be removed per parcel every three years with no required replanting or recompense as long as the site meets or exceeds 150% of the minimum site density requirements before and after the removal. No Category 4 or Category 5 trees can be removed under this provision and may not be associated with any tree removal permit within three years.</p>	<p>Due to valuation system changes, all homeowners will be allowed to remove 1 tree under 18" DBH every three years for free if they maintain a minimum number of trees on their property. Removal of all nonnative trees under 12" DBH would not require recompense.</p>



POSTINGS

THE ISSUE:	PROPOSED SOLUTION IN TPO DRAFT 1:	CURRENT THINKING:
<p>Two phase posting uses valuable arborist time that could be spent on other enforcement activity and there are concerns with visibility of notices in relation to submitting appeals. Posting processes for both private and public arborist review are incongruent.</p> <p>Private Application to remove trees – On site for 10 days, no appeals accepted Preliminary Approval – On site for 5 days, appeals accepted</p> <p>Public Preliminary Approval – On site for 15 days, appeals accepted</p>	<p>Based on significance category. Mostly, two postings remain, however the 1st posting for preliminary arborist approval will be available online only without having to visit the site. The 2nd posting for final approval will be posted on site and online. All postings will follow the same process no matter if on private or public property.</p> <p>Application to remove trees: Online for 10 days, no appeals accepted</p> <p>Preliminary Approval: On site and online for 5 days, appeals accepted</p>	<p>The postings process would remain as proposed, but there is a desire to more clearly define the criteria for appeals. Potential for projects that meet strict requirements to not post their site. Additionally, potential for earlier and longer postings process dependent on earlier Arborist plan review. See below note on early review.</p>

TREE TRUST EXPENDITURES (NOT ALL WILL BE IN THE ORDINANCE)

THE ISSUE:	PROPOSED SOLUTION IN TPO DRAFT 1:	CURRENT THINKING:
<p>Lack of transparency into balance of the Tree Trust. Concerns with spending, expenses on non-forested land and maintenance of those lands.</p> <p>Reference Tree Trust Fund fact sheet.</p>	<p>This section was reorganized to more clearly define the policies associated with the Tree Trust Funds. Expenditures remain mostly the same, however, there is now an ability to use funds for Heritage tree maintenance and protection and any procured canopy studies.</p>	<p>Provide clear accounting streams or names of accounts to delineate costs in Finance and reporting systems, approved distributions (staffing, administrative costs, etc.), potential cap on spending (administrative) limits, all above go to Council for approval, clear spending approval processes for each Department – DCP as the main approver, quarterly reporting on expenses (requirements for other Departments to comply), and a processes for uncollected funds</p>

PROPOSED CHANGES THAT DON'T SHOW UP IN THE ORDINANCE

EARLY REVIEW OF DEVELOPMENT RELATED TREE PLANS

THE ISSUE:

Historically, tree plans have been reviewed at the end of the permitting process, by which point most other aspects of the project have been approved. Late changes to the tree plan typically require changes to already approved building or infrastructure plans, often costing more time and money than if done earlier. In addition, the appeal timeline is opened at the end of the permitting process introducing uncertainty for the applicant.

PROPOSED SOLUTION IN TPO DRAFT 1:

The Concept Review Committee has been established to address site challenges at the entitlement stage. Have seen 104 projects since beginning in August of 2019.

Other operational changes to the permitting process are being considered to move the Arborist's review of plans prior to any reviews within the Office of Buildings to occur simultaneous with the site and zoning compliance review.

RESIDENTIAL SUBDIVISIONS

THE ISSUE:

Undeveloped properties large enough for traditional residential subdivisions are frequently well forested, and the layout of traditional subdivisions cause substantial tree loss due to disturbance caused by road and utility installation.

PROPOSED SOLUTION IN TPO DRAFT 1:

To incentivize the building of "Cluster" or "Conservation" subdivisions that allow for less site disturbance, we are proposing changes to zoning code for PD-H (Planned Development- Housing) and PD-CS (Planned Development, Conservation Subdivision) to allow an increase in number of units if significant forested portions of lots are permanently protected from development.

Conservation easements and fee simple donations would remain as an option.

NEXT STEPS

As stated in the DCP Position Paper, comments and feedback on the draft Tree Protection Ordinance can be sent to the project team at treeordinance@atlantaga.gov. Rest assured that all feedback sent to a previous email address (urbanecology@peqatl.com) has been received and recorded.