

This document is an addendum to Trees Atlanta's review of the January draft of the City of Atlanta's Tree Protection Ordinance.

Please read our review "[Is the New Draft Tree Protection Ordinance Good?](#)" (dated 2/15/21) on our website.

List of Changes in the January Draft TPO

2/15/21 (correction to item #9 updated 3/1/21)

Trees Atlanta's opinions on the January draft were formed based on our knowledge of the TPO in effect, participating in public meetings over the last several years, many focused conversations with tree advocates, and reflections on local trends in development and tree loss. This is not a comprehensive list of changes, but includes some of the notable proposed changes.

1. **Pre-construction Conference.** The pre-construction conference happens in advance of submitting a permit (verus after approval), but the meeting is not mandatory. All public projects on City land require Arborist Division review prior to land purchase to evaluate impact to canopy.
2. **Replanting and Recompense for Trees Removed.** The calculation for replacing and paying recompense has been decreased to .75 for Priority Trees and .50 for Non-Priority Trees. Further credits for replanting and recompense are provided if development projects meet minimum Tree Preservation standards. The dollar value of recompense has not yet been established.
3. **Priority and Non-Priority Trees.** All trees subject to the ordinance are called Regulated Trees. Table TPO-1 lists the highest Priority Tree species considered by size. Other trees are considered Non-Priority. Remaining Regulated Trees fall under the category of DDH, Undesirable, and Nuisance trees. Depending on lot zoning and size, a certain percent of tree stems are allowed to be removed (see table TPO-2). Trees are counted per stem or trunk, not DBH inches, for replanting and inches for recompense.
4. **Single Family Residential (SFR) Development.** SFR developments are generally the R zoning districts including subdivision developments (approximately 60% of the city is in this zoning category and is where about 80% of the city's canopy stands currently). These properties must meet Site Density requirements, can remove 25-50% of Priority Trees without objection depending on lot size, and can qualify for Tree Preservation incentives if they remain under the maximum removal criteria. If tree standards cannot be met, limits to land disturbance provisions are imposed.
5. **Commercial Development.** There is no requirement to preserve any trees during Commercial development which includes all zoning districts that are not SFR developments (approximately 40% of City Land that holds approximately 20% of City UTC). Commercial developments are required to replant (or keep) to meet Site Density. If trees are replanted to meet Site Density requirements, they must live for the duration of the development's existence. This extends to trees planted in parking lots.

6. **Site Density Requirement.** Both SFR and Commercial Development are required to meet Site Density requirements based on size of parcel. Density is measured as the count of Priority Trees either preserved or replanted. SFR ranges from 2 trees per the smallest lot to 28 trees/acre for lots acre or larger. Commercial is 12+ trees per acre. Replacement trees cannot be removed.
7. **Priority Tree Preservation Standard.** SFR that save 75% or more of Priority Trees on the largest lots to 50% on the smallest, and can qualify for incentives to reduce replacement or recompense owed for trees removed.
8. **Incentives to Meet Priority Tree Preservation Standard.** The key lever to protecting trees in the new ordinance are incentives for developers to protect a minimum number of Priority Trees, otherwise Limits of Disturbance restricting how much of the property that can be graded or impacted.
9. **Allowance for Periodic Tree Removal by Homeowners.** SFR lots are allowed 1 Non-Priority Tree removal or 2 Non-Priority Tree that together measures 18" or less may be removed every 3 years for any reason and does not require replacement or recompense. *(corrected 3/1/21)*
10. **Conservation.** Incentives for reduced recompense are offered if Commercial Development Projects protect forested land on the parcel by placing the land into a Conservation Easement. No Priority or Non-Priority tree may be removed from a stream buffer, but 10% are allowed to be removed from 100-year floodplains.
11. **Parking Lot Requirements.** Parking lots with 16 or more spaces are subject to tree planting specifications (verus the current threshold of 30 spaces). Standards for size of planting areas, soil volume, and distance of trees in the lot has been updated. Trees must be replaced if dead or removed for the duration of the existence of the parking lot.
12. **Posting requirements and rights of appeal.** The requirement to post a physical sign (a.k.a., "orange sign") has been changed to only require an online posting of the tree removal permit. The "yellow sign" still needs to be posted on-site, and the number of days allowed to submit an appeal remains at 15 calendar days. If the Priority Tree Preservation minimums are met, right of appeal is limited to only the neighbors bordering the property.
13. **Private and public tree permits are administered by the Department of City Planning.** The change moves the permitting role to City Planning while the Department of Parks & Recreation remains responsible for the duties of planting, removing, and maintenance of trees in public land. With this change, replacement requirements of any tree removed are now generally the same for public and private trees. The city may now pay recompense for trees removed for public projects rather than only be allowed to replant "inch-per-inch". Trees removed for Linear Infrastructure Projects are considered Non-Priority trees.
14. **Registered Tree Professionals.** All arborists and tree companies wishing to do work in the City, including submitting permits for tree work, are required to become a

Registered Tree Professional and must assert they will abide by the TPO. There are requirements to be on the register and penalties for violations. There is no fee to apply.

15. **Protection of Trees During Construction.** More specific standards and remedies provided, including chain link fencing to protect front yard trees. Surety bonds required when damage to trees require Arboricultural Prescriptions. Obligation passes on to the next property owner.
16. **Invasive vines on trees.** Trees cannot be counted as a tree for Site Density unless invasive vines are removed.
17. **Reliefs for financial hardship.** Recompense and replacement is capped based on property value (up to 50% value of property) and only applies on owner occupied land. In addition to typical waivers of fees available, the City is allowed to spend up to \$200k per year from the Tree Trust Fund (TTF) to pay for assistance for low-income homeowners for DDH inspection and removal, as well as tree survey assistance provided by the City Arborist.
18. **Tree Trust Fund.** Clarification of allowable expenses and accounting requirements have been added. New allowable expenses include funding an Urban Forest Master Plan and UTC assessment every 3-5 years, as needed. Details on allowable staffing roles and salaries have not yet been provided.
19. **Reporting & Tracking.** Tracking requirements for the City are extensive, including: online posting of permits, 10-year tracking of Priority Trees removed for SFR and Commercial. compliance with Affordable Housing requirements for 10 years, Registered Tree Professional database and violations, and transfer of obligations to future property owners. Reporting periods have been changed to annual from quarterly. Requirements for tracking and reports are better specified, but the processes for executing are not included.
20. **Tree Conservation Commission (TCC).** Moves the duty to approve tree ordinance variances to the TCC. The TCC receives financial reports of the TTF revenue and expenses, but the power to allocate funds goes to the Commissioner of City Planning (rather than the Commission of Parks and Recreation).

Important Next Step: Please consider participating in the City Council's [Community Development/Human Services](#) committee working session scheduled for Wed., **February 17 at 10 a.m.** where a preliminary discussion of the January draft of the TPO will be conducted. This flyer ([link](#)) provides instructions on how to submit comments by calling (404) 330-6042 between 4 - 7 p.m. on Feb. 16.

- Ask for field testing or proof that the proposed changes will result in reaching our canopy goals.
- What is the purpose of the tree ordinance as a measurable goal? Is it 50% UTC?
- What is a realistic time to complete a full draft and field test the assumptions?