

CITY COUNCIL  
ATLANTA, GEORGIA

AN ORDINANCE



02-0 -1040

BY COUNCILMEMBER CARLA SMITH:

AN ORDINANCE WAIVING THE FINANCIAL RECOMPENSE REQUIREMENTS OF THE TREE PROTECTION ORDINANCE IN CONNECTION WITH THE APPLICATION OF CUSTER AVENUE HOLDINGS, FOR PERMITS TO REMOVE TREES FOR CONSTRUCTION, AND FOR OTHER PURPOSES.

WHEREAS, Custer Avenue Holding has acquired property on Custer Avenue for the purpose of building a new single family residential subdivision in southeast Atlanta, Council District One; and

WHEREAS, Custer Avenue Holdings intends to build 93 single family homes on Custer Avenue in Southeast Atlanta; and

WHEREAS, the subject 27.35-acre tract is presently undeveloped and in its natural state; a tree survey recently conducted at the subject property indicates substantial tree cover, based on the proposed clearing of the site for streets and residences, approximately 1,073 trees will have to be removed totaling approximately 12,517 Diameter Breast Height (DBH) of inches; and

WHEREAS, according to the present City of Atlanta Tree Protection Ordinance, Section 158-103(b), recompense for trees to be removed from the subject property totals approximately \$250,000; and

WHEREAS, recompense, in the amount specified in the subject Tree Protection Ordinance, creates a hardship in the effort to build new single family housing within the area; and

WHEREAS, the parties request relief from the recompense provisions of the Tree Ordinance, based on hardship, since payment of this amount of recompense would render the project completely impossible; and

WHEREAS, the City Council determines that it is in the best interests of the City of Atlanta that the recompense fees be waived:

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

**Section One:** THAT the provisions for recompense as set forth in the Tree Protection Ordinance, Article II of Chapter 158 of the Atlanta City Code (1995), be and the same hereby are, waived for the purpose of the application of Custer Avenue Holdings, for a permit to remove trees for the purpose of construction on that certain 27.35-acre tract of land owned by them, located on the south side of Custer Avenue in southeast Atlanta, Council District One;

**Section Two:** THAT, notwithstanding the provisions of Section One above, the applicants shall be required to comply with all requirements of the Tree Protection Ordinance other than the requirement of recompense, which is waived thereby;

**Section Three:** THAT all ordinances in conflict herewith are repealed for purposes of this ordinance, and only for purposes of this ordinance.

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4:08 PM

Atlanta City Council

Regular Session

02-O-1040           Waiving requirements of Tree Protection  
                    Ordinance with Custer Ave. Holdings  
                    FILE

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

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