

**AN ORDINANCE BY
COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 158, ARTICLE II, DIVISION 2,
SUBSECTION 158-65 (a) (3) (c) OF THE CODE OF ORDINANCES OF
THE CITY OF ATLANTA, GEORGIA, OF THE CITY OF ATLANTA'S
TREE PROTECTION ORDINANCE; AND FOR OTHER PURPOSES.**

WHEREAS, Chapter 158, Article II, Division 2, Section 158-65 of the Code of Ordinances of the City of Atlanta, Georgia sets out the appeals process from the decisions of administrative officials based on the tree protection ordinance; and

WHEREAS, Chapter 158, Article II, Division 2, Subsection 158-65 (a) (1) (a) of the Code of Ordinances of the City of Atlanta, Georgia provides that an appeal may be made by any person who is aggrieved by a decision and who resides or owns property or a business within 500 feet on which the tree (s) at issue are located; and

WHEREAS, Chapter 158, Article II, Division 2, Subsection 158-65 (a) (3) (c) of the Code of Ordinances of the City of Atlanta, Georgia requires that a notice of appeal contain information regarding whether an appellant owns and/or resides on property or owns a business on property located within 300 feet from the property on which the tree (s) at issue are located; and

WHEREAS, Subsections 158-65 (a) (1) (a) and 158-65 (a) (3) (c) contain conflicting references to the distance between the appellant's property or business and the trees at issue in the case; and

WHEREAS, the City of Atlanta ("City") desires to maintain consistency in the provisions relating to the tree protection appeals process; and

WHEREAS, the City wishes to amend Chapter 158, Article II, Division 2, Subsection 158-65 (a) (3) (c) to provide that a notice of appeal contain information regarding whether an appellant owns and/or resides on property or owns a business on property located within 500 feet from the property on which the tree (s) at issue are located.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY
ORDAINS as follows:**

Section 1: That Chapter 158, Article II, Division 2, Subsection 158-65 (a) (3) (c) of the Code of Ordinances of the City of Atlanta, Georgia, which reads:

- c. 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 an Atlanta citizen; if the tree(s) at issue are located on public property and the appellant is not an Atlanta citizen, whether the appellant owns property or a business in Atlanta, and if so, the address; if the tree(s) at issue are located on public property, whether the appellant is a civic association in the neighborhood

planning unit in which the tree(s) at issue are located; if the tree(s) at issue are located on private property, whether the appellant owns and/or resides on property or owns a business on property located within 300 feet from the property on which the tree(s) at issue are located; the date of the decision being appealed; the name of the person(s) who filed the permit application about which the appeal is made; the address of the subject property; the specific section of the tree protection ordinance that the appellant believes was misinterpreted or misapplied by the city administrative official, and the way in which the appellant believes the section should be interpreted or applied; and any facts material to the city administrative official's decision that the appellant believes were misinterpreted or misunderstood.

Is hereby amended to read as follows:

c. 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 an Atlanta citizen; if the tree(s) at issue are located on public property and the appellant is not an Atlanta citizen, whether the appellant owns property or a business in Atlanta, and if so, the address; if the tree(s) at issue are located on public property, whether the appellant is a civic association in the neighborhood planning unit in which the tree(s) at issue are located; if the tree(s) at issue are located on private property, whether the appellant owns and/or resides on property or owns a business on property located within 500 feet from the property on which the tree(s) at issue are located; the date of the decision being appealed; the name of the person(s) who filed the permit application about which the appeal is made; the address of the subject property; the specific section of the tree protection ordinance that the appellant believes was misinterpreted or misapplied by the city administrative official, and the way in which the appellant believes the section should be interpreted or applied; and any facts material to the city administrative official's decision that the appellant believes were misinterpreted or misunderstood.

Section 2: That all ordinances or parts of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development and Human Resources

Caption: AN ORDINANCE TO AMEND CHAPTER 158, ARTICLE II, DIVISION 2, SUBSECTION 158-65 (a) (3) (c) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, OF THE CITY OF ATLANTA'S TREE PROTECTION ORDINANCE; AND FOR OTHER PURPOSES.

Council Meeting Date: February 4, 2008

Requesting Dept.: Planning and Community Development

B. To be completed by the department :

1. Please provide a summary of the purpose of this legislation (Justification Statement).

To correct a discrepancy in the Tree Ordinance, with proposed changes to the ordinance, much confusion will be eliminated.

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:** N/A

(c) **Bids/Proposals Due:** N/A

(d) **Invitations Issued:** N/A

(e) **Number of Bids:** N/A

(f) **Proposals Received:** N/A

(g) Bidders/Proponents: N/A

(h) Term of Contract: N/A

4. Fund Account Center: N/A

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Ainsley Caldwell

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Ainsley Caldwell

Contact Number: (404) 330-6328

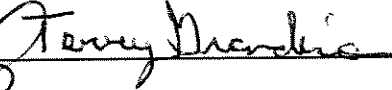
Originating Department: Planning

Committee(s) of Purview: Community Development and Human Resources

Chief of Staff Deadline: December 19, 2007

Anticipated Committee Meeting Date(s): January 15 & 29, 2008

Anticipated Full Council Date: February 4, 2008

Legislative Counsel's Signature: Terry Grandison 

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE TO AMEND CHAPTER 158, ARTICLE II, DIVISION 2, SUBSECTION 158-65 (a) (3) (c) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, OF THE CITY OF ATLANTA'S TREE PROTECTION ORDINANCE; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: _____ Reviewed by:  _____
(date) (date)

Submitted to Council: _____
(date)