



**COMMUNITY DEVELOPMENT & HUMAN
RESOURCES COMMITTEE**

REGULAR COMMITTEE MEETING

~Agenda~

Atlanta City Hall
55 Trinity Ave.
Atlanta, GA 30303
<http://www.atlantaga.gov/>

CITY OF ATLANTA

Chairperson
The Honorable Andre Dickens

Theodis Pace
(404) 330-6314
tpace@atlantaga.gov

Tuesday, December 9, 2014

12:30 PM

Committee Room 2

A. CALL TO ORDER

B. INTRODUCTION OF MEMBERS

C. ADOPTION OF AGENDA

D. APPROVAL OF MINUTES

E. COMMUNICATION(S)

14-C-5130 (1) - A COMMUNICATIN FROM MAYOR KASIM REED APPOINTING MR. DANIEL HALPERN TO THE AIRPORT WEST COMMUNITY IMPROVEMENT DISTRICT (CID).

14-C-5131 (2) - A COMMUNICATION FROM MAYOR KASIM REED APPOINTING AMY PHUONG AS COMMISSIONER OF PARKS AND RECREATION FOR THE CITY OF ATLANTA.

F. PRESENTATION(S) / DISCUSSION ITEM(S) / REPORT(S)

**ATLANTA HOMELESS CONTINUUM-OF-CARE - Kristin Wilson, Deputy COS

**ATLANTA BELTLINE, INC. - Beth McMillian, Director of CommunityPlanning and Engagement

G. PUBLIC HEARING(S)

14-O-1474 (3) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE CITY OF ATLANTA TREE PROTECTION ORDINANCE, SET FORTH IN ATLANTA CODE OF ORDINANCES, CHAPTER 158 (VEGETATION), ARTICLE II (TREE PROTECTION), CODE SECTIONS 158-26 THROUGH 158-110, FOR THE PURPOSE OF REORGANIZING, CLARIFYING AND UPDATING THE SAME; AND SPECIFICALLY TO DELETE CODE SECTIONS 158-26 THROUGH 158-110 IN THEIR ENTIRETY AND REPLACE THEM AS SET FORTH HEREIN; AND FOR OTHER PURPOSES.

(Held 10/14/14 at the request of the Department of Planning and Community Development to allow all NPU's an opportunity to review; Public Hearing to be held on December 9, 2014.)

- 14-O-1435 (4) - CDP-14-019 AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTIES LOCATED AT 658 AND 690 LINDBERGH DRIVE FROM THE HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION TO THE HIGH DENSITY COMMERCIAL LAND USE DESIGNATION; AND FOR OTHER PURPOSES (Z-14-037). NPU-B COUNCIL DISTRICT 6
(Public Hearing held 9/8/14; Held 9/9/14 by the Committee to wait for companion legislation from Zoning; Advertised for a Public Hearing to be held on November 18, 2014.)

CONSENT AGENDA

H. ORDINANCE(S) FOR FIRST READING

- 14-O-1628 (5) - CDP-14-029 AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1760 MEMORIAL DRIVE FROM THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES. (Z-14-23) NPU-O, COUNCIL DISTRICT 5.
(To be advertised for a Public Hearing.)
- 14-O-1629 (6) - CDP-14-030 AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1791 PIEDMONT ROAD FROM THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO THE HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES. (Z-14-41) NPU-F, COUNCIL DISTRICT 6.
(To be advertised for a Public Hearing.)

REGULAR AGENDA

COMMUNITY DEVELOPMENT SECTION

I. ORDINANCE(S) FOR SECOND READING

14-O-1614 (7) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE CITY OF ATLANTA, GEORGIA CODE OF ORDINANCES, PART I (CHARTER AND RELATED LAWS), CHAPTER 54 (COMMUNITY DEVELOPMENT), ARTICLE I (GENERAL), BY ADDING A NEW SECTION, 54-2, AFFORDABLE HOUSING IMPACT STATEMENTS; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

14-O-1615 (8) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AMENDING THE 2014 (COMMUNITY DEVELOPMENT FUND) BUDGET BY REDUCING ANTICIPATIONS AND TRANSFERRING FROM APPROPRIATIONS IN THE AMOUNT OF \$48,306.25 AND ADDING TO ANTICIPATIONS AND TRANSFERRING TO APPROPRIATIONS IN THE AMOUNT OF \$48,306.25 AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT AMENDMENT WITH THE GEORGIA LAW CENTER; AND FOR OTHER PURPOSES.

J. RESOLUTION(S)

14-R-4523 (9) - A RESOLUTION BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AGREEMENT WITH _____ FOR FC-7581 BROWNFIELD ASSESSMENT; AND FOR OTHER PURPOSES.

K. PAPER(S) HELD IN COMMITTEE

- 14-O-1023 (10) - AN ORDINANCE BY COUNCILMEMBER JOYCE M. SHEPERD TO IMPOSE A HIGHER PROPERTY TAX RATE FOR BLIGHTED, VACANT PROPERTIES; AND FOR OTHER PURPOSES.
(Held 1/14/14) (A Work Session to be scheduled)
- 14-O-1109 (11) - AN ORDINANCE BY COUNCILMEMBER ANDRE DICKENS AS AMENDED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE ADOPTING THE ATLANTA BELTLINE AND ATLANTA STREETCAR SYSTEM PLAN AS A SUPPLEMENT TO THE 2008 CONNECT ATLANTA PLAN; AND FOR OTHER PURPOSES.
(Amended and held 2/25/14 by the Committee for a Public Hearing on March 10, 2014; Public Hearing held 3/10/14; Continue to hold for additional information and further review.)
- 14-R-3825 (12) - A RESOLUTION BY COUNCILMEMBER KWANZA HALL AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE CONSENTING TO THE EXPANSION OF THE LITTLE FIVE POINTS COMMUNITY IMPROVEMENT DISTRICT AS AUTHORIZED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA IN THE ATLANTA COMMUNITY IMPROVEMENT DISTRICT ACT AND BASED ON THE CONSENT OF THE MAJORITY OF THE OWNERS OF REAL PROPERTY WITHIN THE EXPANDED BOUNDARIES; AND FOR OTHER PURPOSES.
(Substituted and Held 7/15/14 by the Committee for further review.)
- 14-O-1362 (13) - AN ORDINANCE BY COUNCILMEMBER FELICIA A. MOORE AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE AMENDING CHAPTER 74, ARTICLE V OF THE CITY OF ATLANTA CODE OF ORDINANCES, BY CREATING SECTION 175, FOR THE PURPOSE OF LIMITING THE NUMBER OF TIMES GARAGE/YARD SALES MAY BE HELD IN A CALENDAR YEAR; AND FOR OTHER PURPOSES.
(Referred back to CDHR by Full Council 7/21/14; Held 7/29/14 at the request of the author for further review.)
- 14-R-3906 (14) - A RESOLUTION BY COUNCILMEMBER JOYCE M. SHEPERD AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE

CITY OF ATLANTA, TO AMEND THE COMMUNITY GARDEN PROGRAM AGREEMENT WITH PARK PRIDE ATLANTA, INC. TO INCLUDE A CITY-OWNED PARCEL OF LAND LOCATED AT 1479 ATHENS AVENUE, S.W. IN COUNCIL DISTRICT 12 AS PART OF THE COMMUNITY GARDEN PROGRAM; AND FOR OTHER PURPOSES.

(Held 7/29/14 at the request of the author for further review.)

14-O-1378 (15) - AN ORDINANCE BY COUNCILMEMBER MICHAEL JULIAN BOND TO AMEND THE BUILDING CODE OF THE CITY OF ATLANTA REGARDING REQUESTS FOR REFUNDS OF BUILDING PERMIT FEES; AND FOR OTHER PURPOSES.

(Referred back to CDHR by Full Council 8/18/14; Held 8/26/14 at the request of the Department for further review.)

14-O-1442 (16) - AN ORDINANCE BY COUNCILMEMBERS NATALYN M. ARCHIBONG AND KWANZA HALL AMENDING PART III CODE OF ORDINANCE , LAND DEVELOPMENT CODE, APPENDIX A, BUILDING CODE AMENDMENTS, CHAPTER 1 ADMINISTRATION, SECTION 105.1 ENTITLED "REMOVAL OR REPAIR OF BUILDINGS" BY ADDING SUBSECTION (C) FOR THE PURPOSE OF INCLUDING LANGUAGE FOR THE DEMOLITION OF PROPERTIES LOCATED WITHIN A HISTORIC DISTRICT; AND FOR OTHER PURPOSES.

(Held 9/9/14 at the request of the author for further review.)

14-O-1443 (17) - AN ORDINANCE BY COUNCILMEMBERS NATALYN M. ARCHIBONG AND KWANZA HALL AMENDING PART III CODE OF ORDINANCE, LAND DEVELOPMENT CODE, APPENDIX A, BUILDING CODE AMENDMENTS, CHAPTER 1 ADMINISTRATION, SECTION 105.3 ENTITLED "DISREGARD OF NOTICE" FOR THE PURPOSE OF SPECIFYING THE LENGTH OF TIME IN WHICH AN INDIVIDUAL SHALL COMPLY WITH NOTICE FROM THE OFFICE OF BUILDINGS TO REMOVE OR REPAIR AN UNSAFE BUILDING OR STRUCTURE; AND FOR OTHER PURPOSES.

(Held 9/9/14 at the request of the author for further review.)

14-C-5104 (18) - A COMMUNICATION BY COUNCILMEMBERS CARLA SMITH, DISTRICT 1, KWANZA HALL, DISTRICT 2, IVORY LEE YOUNG, JR., DISTRICT 3, CLETA WINSLOW, DISTRICT 4 AND MICHAEL JULIAN BOND, POST 1 AT-LARGE, TO PRESIDENT CEASAR MITCHELL, SUBMITTING THE APPOINTMENT OF MR. ARTHUR DAVID LEE FOR CONSIDERATION TO

SERVE AS A MEMBER OF THE BELTLINE TAX ALLOCATION DISTRICT ADVISORY COMMITTEE (TADAC). THIS APPOINTMENT IS FOR A TERM OF TWO (2) YEARS TO BEGIN RETROACTIVELY ON JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2015.

(Held 10/14/14 by the Committee to allow the appointee an opportunity to appear before the committee.)

14-O-1478 (19) - AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG, JR. TO AMEND CHAPTER 54 (COMMUNITY DEVELOPMENT) OF THE ATLANTA CITY CODE BY ADDING ARTICLE IV TO BE ENTITLED “ABANDONED AND BLIGHTED PROPERTY CONSERVATORSHIP ORDINANCE” FOR THE PURPOSE OF CREATING A CONSERVATORSHIP PROGRAM FOR ABANDONED AND BLIGHTED PROPERTY WITHIN CITY LIMITS; AND FOR OTHER PURPOSES.

(Held 10/14/14 by the Committee to follow the progress of legislation in discussion by the State of Georgia Legislature.)

14-R-4238 (20) - A RESOLUTION BY COUNCILMEMBER IVORY LEE YOUNG, JR. AUTHORIZING THE CITY OF ATLANTA TO EXERCISE ITS URBAN REDEVELOPMENT PROJECT POWERS UNDER O.C.G.A. 36-61-2, (THE URBAN REDEVELOPMENT LAW) TO DESIGNATE A CERTAIN AREA WITHIN ITS GEOGRAPHIC BOUNDARIES AS ATLANTA URBAN REDEVELOPMENT AREA FOR DISTRICT 3 AS DEFINED IN O.C.G.A. SECTION 36-61-2(18) AND (19); TO DIRECT THE PREPARATION OF AN URBAN REDEVELOPMENT PLAN AND THE PUBLICATION OF A NOTICE OF PUBLIC HEARING FOR SUCH PLAN; AND FOR OTHER PURPOSES.

(Held 10/14/14 by the Committee for a Public Hearing to be held on December 9, 2014.)

14-O-1022 (21) - AN ORDINANCE BY COUNCILMEMBERS JOYCE SHEPERD, CLETA WINSLOW, AND C.T. MARTIN AS SUBSTITUTED (#3) BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA BY CREATING A NEW ARTICLE IN CHAPTER 46 “CIVIC AND CULTURAL AFFAIRS” WHICH IS TO BE KNOWN AS “MURALS ON PRIVATE PROPERTY”; AMENDING SECTION 16-28.025 OF THE 1982 ZONING ORDINANCE TO RESERVE SAID SECTION FOR FUTURE USE; AND FOR OTHER PURPOSES.

(Held 11/10/14 at the request of the author, for 120 days time certain, for further review.)

- 14-O-1554 (22) - AN ORDINANCE BY COUNCILMEMBERS NATALYN M. ARCHIBONG, ALEX WAN, AND MARY NORWOOD AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AMENDING CITY OF ATLANTA CODE OF ORDINANCES CHAPTER 2 ("ADMINISTRATION"), ARTICLE XVI ("BOARDS, COMMISSIONS, COUNCILS, AND AUTHORITIES"), AND ACTIVATING DIVISION 6 TO BE ENTITLED THE "ARTS & CULTURE ADVISORY COUNCIL" FOR THE PURPOSE CREATING A BOARD THAT WILL ADVISE THE CITY ON MAJOR ISSUES RELATED TO THE ARTS; AND FOR OTHER PURPOSES.
(Substituted and held 11/10/14 at the request of the author to follow 14-O-1022.)
- 14-O-1520 (23) - CDP-14-023 AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1518 MONROE DRIVE FROM THE SINGLE FAMILY RESIDENTIAL LAND USE DESIGNATION TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION; AND FOR OTHER PURPOSES. (Z-14-055) NPU-F COUNCIL DISTRICT 6.
(Held 11/10/14 for a Public Hearing to be held on November 18, 2014.)
- 14-O-1522 (24) - CDP-14-026 AN ORDINANCE BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED 605 DARLINGTON ROAD FROM THE SINGLE FAMILY RESIDENTIAL TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION; AND FOR OTHER PURPOSES.
(Z-14-64) NPU-B COUNCIL DISTRICT 7.
(Held 11/10/14 for a Public Hearing to be held on November 18, 2014.)
- 14-O-1523 (25) - CDP-14-027 A SUBSTITUTE ORDINANCE BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 490 BISHOP STREET AND 1299 NORTHSIDE DRIVE FROM THE INDUSTRIAL LAND USE DESIGNATION TO THE MIXED USE LAND USE DESIGNATION; AND FOR OTHER PURPOSES.(Z-14-66) NPU E COUNCIL DISTRICT 8.
(Substituted and held 11/10/14 for a Public Hearing to be held on November 18, 2014.)

- 14-O-1524 (26) - CDP-14-028 AN ORDINANCE BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 2210 MARIETTA BOULEVARD FROM THE INDUSTRIAL LAND USE DESIGNATION TO THE BUSINESS PARK LAND USE DESIGNATION AND; FOR OTHER PURPOSES. NPU-D COUNCIL DISTRICT 9.
(Held 11/10/14 for a Public Hearing to be held on November 18, 2014.)
- 14-C-5127 (27) - A COMMUNICATION FROM ASSISTANT COMMISSIONER MIKE ROBY, DEPARTMENT OF VETERANS SERVICE TO COUNCIL PRESIDENT CEASAR C. MITCHELL, MEMBERS OF THE ATLANTA CITY COUNCIL AND MUNICIPAL CLERK RHONDA DAUPHIN JOHNSON APPOINTING LINDA M. LEE AS THE GEORGIA DEPARTMENT OF VETERANS SERVICE REPRESENTATIVE TO SERVE AS A MEMBER OF THE ATLANTA COMMISSION ON VETERANS AFFAIRS.
(Held 11/24/14 by the Committee to allow the appointee an opportunity to appear before the Committee.)
- 14-O-1598 (28) - AN ORDINANCE BY COUNCILMEMBER C. T. MARTIN TO AMEND APPENDIX A OF THE LAND DEVELOPMENT CODE, ENTITLED "BUILDING CODE AMENDMENTS" SO AS TO CREATE A NEW SECTION 104 .9 TO BE ENTITLED "REVIEW AND POSTING OF RESIDENTIAL OR MIXED USE PROJECTS WITH PUBLIC SUBSIDIES" SO AS NOTIFY THE PUBLIC OF PROPOSED DEVELOPMENTS THAT SEEK OR HAVE BEEN GRANTED PUBLIC SUBSIDIES; TO FURTHER NOTIFY THE PUBLIC OF THE NUMBER OF AFFORDABLE HOUSING UNITS, IF ANY, PROPOSED FOR THE DEVELOPMENT; AND FOR OTHER PURPOSES.
(Held 11/24/14 at the request of the Law Department for further review.)

L. WALK-IN LEGISLATION

M. REMARKS FROM PUBLIC

N. REQUESTED ITEM(S)

10/14/14

1. Councilmembers Bond and Sheperd asked the Municipal Clerk to create a form letter for BACE appointment notifications to be discussed in Committee on Council on 10/20/14.
2. Councilmember Lance Bottoms asked AWDA Director, Michael Sterling, to provide the Council with a time line of notifications to be sent to the general public for job fairs.

10/28/14

1. Councilmembers Lance Bottoms asked Commissioner Amy Phuong to have David Davis call and schedule an appointment with her to ride through NPU Q to see possible greenspaces for park development.
2. Councilmember Young asked Deputy COO Krysten Wilson to come back before the committee with an update from the Atlanta Homeless Continuum-of-Care.
3. Councilmember Young asked staff and Deputy COO Krysten Wilson to contact the State of Georgia to come before the committee to address the issues listed below and the discussions they are having with the Department of Behavioral Health and Developmental Disabilities DBHDD concerning the Atlanta Homeless Continuum-of-Care issues.
 - a. Address what's happening with the state mental health population and facilities
 - b. The effects of this development on the City of Atlanta
 - c. Any potential funding that may be available pursuant to these changes

11/10/14

1. Councilmember Winslow asked Joy Fitzgerald or Shean Atkins, with the Atlanta Housing Authority (AHA), to look into the Federal Housing Vouchers Program to see if AHA has any involvement in the issuing process.

O. ADJOURNMENT

MAYOR KASIM REED**A COMMUNICATIN FROM MAYOR KASIM REED APPOINTING MR. DANIEL HALPERN TO THE AIRPORT WEST COMMUNITY IMPROVEMENT DISTRICT (CID).**

November 20, 20 14

Council President Ceasar Mitchell
and City Councilmembers
55 Trinity Avenue, SW
Suite 2900
Atlanta, Georgia 303036

Re: Appointment of Daniel Halpern to Airport West CID

Dear President Mitchell and Members of the Council I:

It is my pleasure to appoint Daniel Halpern to the Airport West Community Improvement District. Mr. Halpern is a property owner within the boundaries of the district, a resident of the city of Atlanta and willing to serve in this capacity. This appointment is for a term of four (4) years to begin on the date of Council confirmation.

Based on h1s experience and commitment to the community, I am confident that Mr. Halpern will serve the City of Atlanta and the Airport West Community Improvement District with integrity and dedication. A copy of his qualifications is attached for your review.

Kasim Reed
Kasim Reed, Mayor



CITY OF ATLANTA

KASIM REED
MAYOR

55 TRINITY AVENUE, S.W.
ATLANTA, GEORGIA 30303-0300
TEL (404) 330 6100

November 20, 2014

Council President Ceasar Mitchell
and City Councilmembers
55 Trinity Avenue, SW
Suite 2900
Atlanta, Georgia 303036

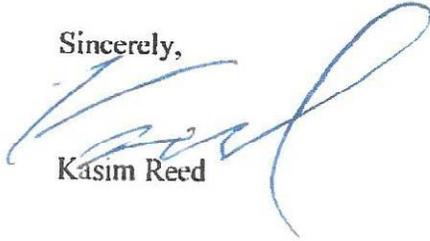
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Based on his experience and commitment to the community, I am confident that Mr. Halpern will serve the City of Atlanta and the Airport West Community Improvement District with integrity and dedication. A copy of his qualifications is attached for your review.

Sincerely,


Kasim Reed

Attachment: Daniel Halpern (14-C-5130 : Appointment of Daniel Halpern to the Airport West Community Improvement District Board)

INTERNAL COPY

DANIEL J. HALPERN
President and Chief Executive Officer



Daniel J. Halpern, FMP, is President/CEO and co-founder of Jackmont Hospitality. With over 30 years' experience in the foodservice industry, he is responsible for the management of Jackmont's day-to-day operations located in 5 states and the District of Columbia. Mr. Halpern sets the strategic course of the firm on business development techniques and acts as an adviser to senior management and the company's Board of Directors creating key business alliances and overseeing all financial matters. Mr. Halpern has led Jackmont Hospitality from its inception in March 1994, to its current status as a multi-faceted foodservice company with revenue in excess of \$100 million annually.

Prior to his tenure with Jackmont Hospitality, Mr. Halpern worked for several hospitality firms in a variety of positions including serving as a Financial Analyst for Holiday Inn Worldwide, one of the world's largest lodging corporations. At Holiday Inn, he managed corporate financial projections for acquisitions, divestitures and major renovations of all company-owned hotels. He served as District Manager for Gourmet Services, Inc., an Atlanta-based institutional foodservice company, supervising the day-to-day operations of multiple college and university dining programs.

Mr. Halpern has published widely and lectured around the world on industry related topics, including economic investments in diverse communities, supplier diversity and political activism in business development. He has been afforded the opportunity to collaborate with some of our most notable political leaders and currently serves as: Member of the Democratic National Committee (DNC), on its Executive Committee, Regional Finance Chair for the DNC, Board Chair, Brand USA, a public-private partnership with the mission of promoting increased international travel to the United States and Board of Commission Chair for the Atlanta Housing Authority. He has served as: Board Member of the National Restaurant Association, (NRA), on its Executive Committee, Chairman of the Georgia Restaurant Association, (GRA), Treasurer of the Multi-Cultural Foodservice and Hospitality Alliance, (MFHA), by appointment of former Governor Roy E. Barnes, he served as Vice Chair of the Jekyll Island, Georgia State Park Authority, and is a former board member of the Tuskegee University School of Hospitality Management. In 2008 and 2012 he served as a member of President Barack Obama's National Finance Committee and as a Trustee for the 2008 Presidential Inaugural Committee. In 2009 Mr. Halpern served as Campaign Co-Chairman for the victorious Kasim Reed for Mayor Campaign and the 2009 Inaugural Committee. He also served as Co-Chair of the winning 2013 Re-Election Campaign.

Mr. Halpern is a graduate of the School of Hotel Administration at Cornell University and has been designated as a Foodservice Management Professional (FMP) by the National Restaurant Association. He is a Honoris Causa recipient of Business Administration in Foodservice Management from Johnson and Wales University.

Mr. Halpern is married to Sonya Halpern, who is chairwoman of the National Black Arts Festival of Atlanta and President Obama's Advisory Council on the Arts. They have two sons, Geoffrey Francis and Nathaniel James.

MAYOR KASIM REED**A COMMUNICATION FROM MAYOR KASIM REED APPOINTING AMY PHUONG AS COMMISSIONER OF PARKS AND RECREATION FOR THE CITY OF ATLANTA.**

Dear President Mitchell and Members of Council:

It is my pleasure to appoint Amy Phuong, pursuant to Code Sections 2-184 and 110-31, as Commissioner of Parks and Recreation for the City of Atlanta effective September 24, 2014.

I am confident that Ms. Phuong will serve as the Commissioner of Parks and Recreation with the integrity and dedication she showed in her position of Interim Commissioner of Parks and Recreation.

Sincerely,

Kasim Reed

Kasim Reed

Kasim Reed, Mayor



CITY OF ATLANTA

KASIM REED
MAYOR

55 TRINITY AVENUE, S.W.
ATLANTA, GEORGIA 30303-0300
TEL (404) 330-6100

December 1, 2014

Dear President Ceasar Mitchell and
Members of the Atlanta City Council
City Hall, Suite 2900 South
68 Mitchell Street, SW
Atlanta, GA 30303

RE: Commissioner of Parks and Recreation

Dear President Mitchell and Members of Council:

It is my pleasure to appoint Amy Phuong, pursuant to Code Sections 2-184 and 110-31, as Commissioner of Parks and Recreation for the City of Atlanta effective September 24, 2014.

I am confident that Ms. Phuong will serve as the Commissioner of Parks and Recreation with the integrity and dedication she showed in her position of Interim Commissioner of Parks and Recreation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kasim Reed", written over a large, stylized flourish.

Kasim Reed

Attachment: Amy Phong (14-C-5131 : Appointment of Amy Phong as Commissioner of The Department of Parks and Recreation)

Amy H. Phuong

106 Chester Avenue SE ♦ Atlanta, GA 30316 ♦ (404) 630-8383 ♦ amyhphuong@gmail.com

EDUCATIONAL BACKGROUND

Georgia Institute of Technology (May 2005)

- Bachelor of Science in International Affairs
- Minor in Economics
- Certificate in Pre-Law studies
- Fluent in Spoken Cantonese and Intermediate in French

Georgia Institute of Technology (Anticipated Graduation: December 2014)

- Masters in Business Administration (MBA) Candidate, Class of 2014
- Concentration in Management of Technology (MOT)

PROFESSIONAL WORK EXPERIENCE

Department of Parks and Recreation, City of Atlanta (May 2014 –Present)

Interim Commissioner

Cabinet member of Mayor Kasim Reed's Administration; responsible for ensuring the stewardship of more than 500+ park and recreation assets across the city of Atlanta.

- Overseeing the current operating budget of \$30.5M in Fiscal Year 2015 with 5 direct reports and a workforce of approximately 350 full-time employees.
- Actively engaged with community stakeholders and partnerships to advance green space priorities for the city of Atlanta.
- Involved in capital projects that develop new park and recreation facilities to ensure a best-in-class system that positively contributes to the overall quality of life in all neighborhoods.
- Successfully led the Department in retaining its National Recreation and Park Association accreditation, the highest honor that can be bestowed on a parks system.
- Helped to finish the renovation of John A. White Park Pool, a \$1.6 million initiative which had been under reconstruction since 2003.

Office of the Mayor, City of Atlanta (September 2010 –Present)

Chief Service Officer

Cabinet member of Mayor Kasim Reed's Administration; responsible for leading various initiatives within six Mayoral priorities: Public Safety, Fiscal Stability, Youth Development Economic Development, City Infrastructure, and Merit & Excellence.

- New position created in 2010 under a *Cities of Service Leadership Grant*; representing Mayor Reed on social responsibility, leading community service projects, and deepening relationships with philanthropic, foundation, non-profit, and youth / education leaders and community members.
- Developed Atlanta's first strategic service plan, *Forward Together*, for connecting citizens to service and civic engagement, and implemented five new initiatives: I AM Atlanta, Love Your Block program, Recycling Corps, Third Grade Reading Mentors, and Mayor's Summer Reading Club.
- Oversaw the development and implementation of Mayor Reed's youth development initiative, Centers of Hope:
 - Managing over \$5M in grants, corporate funds, and in-kind contributions
 - Successfully launched two high-impact, youth pilot programs and managed performance of external youth providers
 - Developed expansion strategy plan, logic model, and evidence-based metrics and outcomes using pilot model learnings and best-in-class practices from peer cities
 - Helped to transform outdated physical spaces to energetic learning environments using pro-bono services, in-kind contributions, public bonds, and modern design concepts for youth
 - Designing the Centers of Hope program's marketing, branding, and fiscal sustainability plan
 - Monitoring expansion phase in coordination with other City agencies and key stakeholders
- Served on host committee for the 2014 National Conference on Volunteering and Service and the 2014 Hands On Atlanta Day of Service.
- Led the City of Atlanta's Employee Giving Campaign in 2011, 2012, and 2013.
- Leading and facilitating the Atlanta Mayoral Board of Service, a blue-ribbon advisory group of 19 community leaders, to serve as thought-leaders on Mayor Reed's service and youth initiatives.
- Key city liaison to Cities of Service, the Georgia Statewide Afterschool Network, Ready by 21 Leadership Council, and the ARC's Educated Subcommittee.

McMaster-Carr Supply Company (July 2005—September 2010)

Member of the management team in both sales and warehouse operations; held increasing responsibilities throughout tenure at the company, a major supplier of more than 500,000 industrial products.

Operations Manager, Replenishment Processes:

- Managed a team of 34 employees, 3 supervisors, and interns within all replenishment and inventory operations
- Expanded an Excel-based tool to track and measure individual performance and department's productivity

- Analyzed storage efficiency and implemented projects to improve space utilization, presentation, affinity, inventory accuracy
- Involved in the hiring and recruiting decisions of new employees
- Responsible for executing, summarizing, and planning department's fiscal budget

Operations Manager, Shipping Logistics:

- Oversaw LTL logistics for outbound shipments with a department of 16 employees and one supervisor
- Company's lead project manager for new system implementation that created shipment processing controls and efficient downstream workflows

Project Manager, Inventory Controls:

- Managed a team of 40 employees tasked to inventory every light-side, warehouse item within fourteen weeks
- Analyzed and reported on key financial findings, and improved operational discrepancies from the inventory process
- Yielded less than 2% inventory adjustment rate after the project's completion

Operations Supervisor (Sales and Warehouse Operations):

- Revamped the warehouse operations Excel tool and improved the ability to forecast incoming work by 43%
- Company's project lead responsible for implementing a new warehouse selection and distribution system logic of incoming work, which streamlined processes and controls by 75%
- Developed and coached new order-picking routine that improved material presentation and organization, and decreased department's error rate by 20%
- Modeled incoming work and upstream workflows to maximize resources and meet service expectations
- Worked on a project to restructure workflows of sales and exceptional sales transactions

Leadership Atlanta – Events and Membership Coordinator (*January 2008—April 2008*)

Provided pro-bono, professional work during spare time, due to an unexpected leadership transition at the organization

- Planned and executed 4 membership events with 75 to 250 attendees
- Coordinated alumni and staff members to create more effective programs that increased membership to over 1,000

Match Point Equity, LLC (Fansurance) – Co-Founding Partner (*November 2006—April 2008*)

- One of 6 co-founding partners that created the concept of Fansurance, an odds-based, ticket provider of sporting events
- Responsible for market strategy, product launch, and pricing structure

Leadership Atlanta – Special Events Intern (*January 2004—July 2005*)

- Coordinated detailed planning for class members' programs days and events
- Edited and proofed the annual membership yearbook
- Involved in marketing, strategic assistance, and general administrative upkeep

PROFESSIONAL LEADERSHIP DEVELOPMENT

Albright Challenge, MIT-Collaborative (*April 2013—November 2013*)

Invited as one of 18 participants from across the country for a 5-day design studio, held at the Massachusetts Institute of Technology, focused on the challenge topic: "Intersection of education / environment and well-being." Completed an additional phase 2 of the design studio to advance proposal and recommendations, and made a final presentation to a review panel of subject-matter experts in November 2013.

Atlanta Leaders for Results (ALR) Graduate, Annie E. Casey Foundation Executive Program (*July 2011—May 2012*)

Selected as one of 12 accomplished professionals and participated in a ten-month executive leadership program designed to increase the pool of diverse, visionary leaders with the confidence and competence to make a measurable difference to the children and families of Atlanta and Georgia.

LEAD Atlanta, Class of 2009 Graduate (*Fall 2008—Present*)

Selected as one of 35 accomplished community leaders and completed 10-month, advanced leadership development program on key issues facing the past, present, and future of Atlanta and its metro-region. LEAD Atlanta is a young professional initiative of Leadership Atlanta, the oldest leadership program in the country. Served as the 2011 co-chair for the social committee and the 2012 co-chair for community issues day program.

COMMUNITY & CIVIC ACTIVITIES

- FLUX Project – Board Member (*June 2014 – Present*)
- The Children's Museum of Atlanta – Board Member (*January 2014 – Present*)
- Woodruff Arts Center Young Audiences – Leadership Council Advisory Member (*Jan 2013—Present*)
- Dad's Garage Theater – Board Member (*July 2010—Present*)
- (co)Lab Summit – Brain Trust planning member and Volunteer Co-Chair (*January 2013—2013*)
- Truman National Security Project – Partner (*Fall 2011—2013*)

- Outstanding Atlanta – Class of 2009 Member, 2011 President, 2012–2013 Trustee (*Fall 2009—Present*)
- Red Clay Democrats – Board of Governors (*Fall 2012—2013*)
- Campaign for Atlanta – Advisory Committee Member (*Fall 2009*)
- Keep Atlanta Beautiful – Board Member (*2005—June 2010*)
- Ft. McPherson Redevelopment – Quality of Life Advisory Committee (*2006—2007*)
- The United Way of Greater Atlanta’s Cole Society – Advisory Board Member (*2003—2005*)
- Youth Channel Advisory Board at People TV, Inc. – Vice President (*2001—2004*)
- Georgia Teen Institute – Advisory Board Member (*1998, 2001—2005*)

PRIMARY COLLEGE LEADERSHIP ACTIVITIES

Student Government Association – Student Body President (2004 – 2005)

- Served as a liaison between the students and administration, faculty and staff
- Directed the three branches of Student Government and managed a \$3.25 million budget of student activity fees
- Worked on initiatives to improve student life, resolve academic issues, establish fundraising/advertising tools, and increase resources for student orgs
- Co-led the state-wide, student campaign against the Governor Office’s budget cuts and prevented an unprecedented 10% mid-year tuition increase
- Established community partners with campus services to create the Tech bus route to Atlantic Station
- Planned student-wide events with 1,000 to 7,000 attendees: Spring Concert, Six Flags Student Night, and Movie on the Lawn

ANAK Society Member (2004—)

Junior Class President (2003 – 2004)

SGA Undergraduate Treasurer (2003—2004)

FASET Orientation Leader (2001—2004)

PROFESSIONAL HONORS & AWARDS

- 2013 Georgia Diversity Council’s “Most Powerful & Influential Women” Award
- 2012 “Rising Star” Award from the Young & Powerful for Obama Group
- 2011 Apex Society’s “Power 30 Under 30” Award
- The Secretary of State Award for “Excellence in Citizenship”

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE CITY OF ATLANTA TREE PROTECTION ORDINANCE, SET FORTH IN ATLANTA CODE OF ORDINANCES, CHAPTER 158 (VEGETATION), ARTICLE II (TREE PROTECTION), CODE SECTIONS 158-26 THROUGH 158-110, FOR THE PURPOSE OF REORGANIZING, CLARIFYING AND UPDATING THE SAME; AND SPECIFICALLY TO DELETE CODE SECTIONS 158-26 THROUGH 158-110 IN THEIR ENTIRETY AND REPLACE THEM AS SET FORTH HEREIN; AND FOR OTHER PURPOSES.

(Held 10/14/14 at the request of the Department of Planning and Community Development to allow all NPU's an opportunity to review; Public Hearing to be held on December 9, 2014.)

Workflow List:

Amy Phuong	Completed	09/12/2014 10:13 AM
Mariangela Corales	Completed	09/12/2014 12:41 PM
Mayor's Office	Completed	09/12/2014 12:53 PM
Office of Research and Policy Analysis	Completed	09/16/2014 5:16 PM
Community Development & Human Resources Committee	Completed	10/22/2014 9:33 AM
Atlanta City Council	Completed	10/10/2014 5:45 PM
Community Development & Human Resources Committee	Completed	10/30/2014 3:29 PM
Atlanta City Council	Completed	10/24/2014 12:35 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

09/23/14	Community Development & Human Resources Committee	
10/06/14	Atlanta City Council	REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [12 TO 0]	Next: 10/14/2014 12:30 PM
AYES:	Norwood, Dickens, Smith, Young Jr., Winslow, Archibong, Wan, Shook, Moore, Martin, Bottoms, Sheperd	
ABSENT:	Kwanza Hall, Yolanda Adrean	
AWAY:	Michael Julian Bond	

10/14/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE [UNANIMOUS]
AYES: Dickens, Young Jr., Bond, Bottoms, Sheperd
ABSENT: Kwanza Hall, Cleta Winslow

10/20/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 10/28/2014 12:30 PM**

10/28/14 Community Development & Human Resources Committee

11/03/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 11/10/2014 12:30 PM**

11/10/14 Community Development & Human Resources Committee

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 11/24/2014 12:30 PM**

11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 12/9/2014 12:30 PM**

RESULT: RETURNED AS HELD **Next: 12/9/2014 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE CITY OF ATLANTA TREE PROTECTION ORDINANCE, SET FORTH IN ATLANTA CODE OF ORDINANCES, CHAPTER 158 (VEGETATION), ARTICLE II (TREE PROTECTION), CODE SECTIONS 158-26 THROUGH 158-110, FOR THE PURPOSE OF REORGANIZING, CLARIFYING AND UPDATING THE SAME; AND SPECIFICALLY TO DELETE CODE SECTIONS 158-26 THROUGH 158-110 IN THEIR ENTIRETY AND REPLACE THEM AS SET FORTH HEREIN; AND FOR OTHER PURPOSES.

(HELD 10/14/14 AT THE REQUEST OF THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT TO ALLOW ALL NPU'S AN OPPORTUNITY TO REVIEW; PUBLIC HEARING TO BE HELD ON DECEMBER 9, 2014.)

WHEREAS, Atlanta's Tree Protection Ordinance (hereinafter the "Tree Ordinance") is an environmentally important law which protects the City's tree canopy and sustains its urban forest for the benefit of residents, visitors and the Atlanta ecosystem; and

WHEREAS, Wallace, Roberts, and Todd ("WRT") is a firm comprised of city and regional planners, urban designers, landscape architects and architects, which describes its mission as "improving the quality of the natural and built environments in the planning and design of buildings, landscapes, cities, and regions"; and

WHEREAS, the City OF Atlanta (the "City") contracted with WRT to evaluate the Tree Ordinance and identify potential improvements thereto. At the conclusion of its evaluation, WRT recommended reorganization and a number of refinements; and

WHEREAS, WRT worked with stakeholders and City staff to update the Tree Ordinance's organization, language and substantive provisions to make it more user-friendly and consistent with current arboricultural standards.

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

SECTION 1. City of Atlanta Code of Ordinances Chapter 158 (entitled "Vegetation") shall be amended by deleting in its entirety Article II (entitled "Tree Protection"), comprised of Code Sections 158-26 through 158-110, and replacing it with the following:

"ARTICLE II. TREE PROTECTION

DIVISION I. GENERAL PROVISIONS

Section 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, paragraphs 3 and 4; the City's general police power; Appendix I of the City Charter, paragraphs 15, 21, 25, 30, 31, 47 and 57; and all other state and local laws applicable to this Article.

Section 158-27. Policy, purpose, and intent

It is the policy of the City that there shall be no net loss of trees and tree canopy within the boundaries of the city. It is the intent of the City to protect mature trees to the extent feasible and to ensure that when trees must be removed, trees that will yield the same quality of canopy shall be replanted wherever conditions permit. The purpose of this Article is to establish the standards necessary to assure that this policy will be realized and that the City will continue to enjoy the benefits provided by its urban forest. The provisions of this article are enacted to:

- (A) Establish, maintain, and protect the maximum amount of 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;
- (B) Maintain trees in the city in a healthy and nonhazardous condition through professionally accepted arboricultural practices, establishing and revising standards for tree planting and maintenance as necessary;
- (C) Maintain trees in the public right-of-way to minimize hazards and damage to streets and sidewalks and to minimize cost of public right-of-way maintenance;
- (D) Provide for the identification and designation and protection of Historic, Landmark, and specimen trees;
- (E) Promote efficient and cost-effective management of the urban forest through the development of a comprehensive long-range Urban Forest Master Plan for the purposes of: a) enhancing the visual quality of the city and its neighborhoods; b) mitigating air pollution and the incidence of flooding; c) strengthening environmental protection through reduction of the heat island effect, natural management of stormwater, maintenance of stream buffers, and protection of habitats; d) strengthening the city's economic base by increasing property values; and e) enhancing quality of life for Atlanta's residents, businesses, and visitors.
- (F) Provide latitude in the interpretation and application of City administrative rules, standards, and guidelines when reasonable and necessary to minimize the destruction of trees and to provide for public safety.

Section 158-28. Scope

(A) *Applicability: Property.*

The terms and provisions of this Article shall apply to all private property; all City-owned property; and all other public property subject to City regulation, including public school property, Atlanta Public Housing Authority property, and easements granted to private or public entities including public utilities except where superseded by franchise agreements.

(B) *Applicability: Trees.*

This ordinance shall apply to the following:

- (1) All trees on public property, as described in Subsection (A) above;

(2) Pine trees 12 inches diameter at breast height (DBH) or greater and all other trees six inches DBH or greater on private property.

(C) *Exemptions.*

(1) *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 general public, or for some other public purpose.

(2) *Tree museums and botanical gardens.* All non-specimen trees in licensed tree museums or public botanical gardens which meet the following conditions shall be exempt from the terms of this Article:

(a) The museum or botanical garden employs a full-time arborist or horticulturist;

(b) The museum or botanical garden is located upon property owned by the City and leased to said tree museum or botanical garden; and

(c) Trees were planted for the sole purpose of display or public education.

(3) *Emergencies.* 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 and the Mayor's designee.

Section 158-29. Definitions

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Applicant. Any person seeking approval to take action under this Article.

Bioretention soil mix. Engineered soil mix designed for green infrastructure that maximizes infiltration and water quality treatment as defined by the Department of Watershed Management standards.

Boundary tree. A tree with a critical root zone that crosses a property line.

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 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.

Cambium layer. The growing vascular tissue of a tree's roots and stems that annually produces new bark and new wood in response to hormones that pass through the phloem with food from the tree's leaves.

City. The City of Atlanta.

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 standards for tree care management.

City Arborist. An employee of the City who is responsible for administering and enforcing this Article. City Arborists in the Department of Planning and Community Development (DPCD), also referred to as Buildings Arborists, are responsible for enforcing this Article regarding trees on private property as well as Atlanta Public Housing Authority (AHA) and Atlanta Public Schools (APS) property. City Arborists in the Department of Parks and Recreation (DPR), also referred to as Parks Arborists, are responsible for administering and enforcing this Article regarding trees on City-owned and public property, excluding AHA and APS property. References herein to City Arborist shall be interpreted based upon type of property at issue.

Code. The City of Atlanta Code of Ordinances (available online at municode.com).

Commission. The City of Atlanta Tree Conservation Commission.

Critical root zone (CRZ). The minimum volume of roots necessary for tree health and stability (from American National Standards Institute, Inc. [ANSI] A300 Part 5-2011 proposed revision). For the purposes of this Article, for a free standing tree with no apparent root restrictions, the critical root zone shall consist of a circle having a radius of one foot for each one inch of diameter at breast height (DBH) of the tree. Adjustments to the 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.

Destroy. To perform or knowingly allow to be performed any act/failure to act for which there is a scientific finding that the conduct will more likely than not cause the tree to die within a period of five years. 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 80% of a tree's critical root zone during construction or 67% of the critical root zone with a prescription approved by the City Arborist prior to construction; 3) damaging more than 20% of a tree's critical root zone 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 and/or storing heavy materials thereon; 7) burning a tree; 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 all conduct regarding the tree within a two-year period.

Diameter at breast height (DBH). The diameter of the main stem of a tree as measured 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. The top

diameter of a stump less than 4.5 feet tall shall be considered the DBH of an illegally destroyed tree for the purpose of calculating recompense.

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.

DPCD. The City of Atlanta Department of Planning and Community Development.

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, or a tree which is determined by the City Arborist to be in imminent danger of falling, based upon a visual inspection and evaluation of canopy, leaves (if present), trunk, structural integrity, buttress roots, and other factors.

Enforcement authority. The City entities with authority to enforce this Article, namely the Office of Parks, Office of Buildings, Atlanta Police Department, Tree Conservation Commission, and Atlanta Municipal Court.

Environmentally sensitive areas. Areas of a property that include important environmental features eligible for special protection under City, State, or Federal regulations based upon their ecological value, including without limitation wetlands, floodplains, permanent and intermittent streams, riparian buffers, stands of specimen trees, critical wildlife habitat, and other significant aspects of the natural environment on site.

Established recompense value. The dollar value assigned by the City to compensate for the removal or destruction of a healthy tree. This figure shall be evaluated periodically and adjusted as needed by amendment to this ordinance.

Fair or better condition. A tree that has a structurally sound and solid root, trunk, and canopy structure and no major insect infestation or other pathological problem, as determined by the City Arborist, per American National Standards Institute, Inc. (ANSI) 61 standards.

Flush cutting. The removal of limbs by cutting immediately adjacent to the trunk, destroying the protective branch collar and exposing the trunk to decay organisms.

Green Infrastructure. An interconnected natural system and/or engineered system that strengthens and mimics natural hydrologic functions and processes through the use of plants and soil to slow, filter, evapotranspire and infiltrate stormwater runoff 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 conservation areas, reducing impervious surfaces, and installing structural measures such as vegetated swales, permeable pavement, and infiltration planters.

Hardship. A unique or special existing condition that is not addressed by the ordinance.

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.

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.

Healthy tree. Any tree subject to this Article pursuant to Subsection 158-28(B) that is not dead, dying, diseased, hazardous or destroyed.

Historic tree. A tree that has been designated by resolution of the Tree Conservation Commission, 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. A complete listing of the location of all designated Historic trees within the City of Atlanta is maintained by the Tree Conservation Commission and registered with the Municipal Clerk.

Illegally removed tree. Any tree subject to this Article that is removed or destroyed without obtaining a permit where required pursuant to this Article or in violation of conditions attached to a permit obtained pursuant to this Article.

Incursion. Any activity that damages a tree's critical root zone including, without limitation, soil compaction, trenching, storage of materials, and parking vehicles.

Injure. The commission of 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.

Landmark tree. A tree that has been designated by resolution of the Tree Conservation Commission, 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 in accordance with the City's arboricultural specifications and standards of practice. A complete listing of the location of all landmark trees within the City of Atlanta is maintained by the Tree Conservation Commission and registered with the Municipal Clerk.

Landscaping permit. Permit issued for removal of a healthy, non-hazardous tree for reasons unrelated to a building permit.

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 (0.75) of an inch and a minimum length of 24 inches. Live stake species may include the following species or other species native to the Piedmont region: 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 (*Itea virginica*), buttonbush (*Cephalanthus occidentalis*), alternate leaf dogwood (*Cornus alternifolia*), silky dogwood (*Cornus amomum*), stiff dogwood (*Cornus foemina*), and silky willow (*Salix sericea*).

Mechanical injury. A wound which exposes or destroys the cambium layer of a tree.

Midstory or mid-canopy tree. A tree that normally attains a DBH of 10 to 25 inches, a height of 30 to 60 feet, and approximately 900 square feet of canopy at maturity. Examples include Georgia oak (*Quercus Georgiana*), Chinquapin oak (*Quercus myehlenbergi*), Persimmon (*Diospyros virginiana*), American yellowwood (*Cladrastis kentukea*), American hornbeam (*Corpinus caroliniana*), American hophornbeam (*Ostrya virginiana*), Blackgum (*Nyssa sylvatica*), Chalk maple (*Acer leucoderme*), and others on the City of Atlanta's Recommended Tree List.

Minimum tree density. A minimum number of trees or DBH and caliper-inches of trees required on a site after permitted removal activities. Minimum requirements are based upon zoning district classification (see Section 158-44).

MSA. Metropolitan Statistical Area.

Neighborhood Planning Unit (NPU). Twenty-five divisions of the City of Atlanta established in 1974 for planning purposes.

New lot of record. A tract of land that has been subdivided within the past five years and so recorded as a separate buildable property of record with the county land registrar's office.

Nuisance tree. A tree with uncorrectable defects severe enough to pose an imminent danger to people or buildings on public property under normal conditions, as determined by the City Arborist.

Ornamental tree. A small tree grown for display purposes, typically an understory tree.

Overstory tree. A tree that normally attains a DBH in excess of 25 inches, a height in excess of 60 feet, and 1,600 square feet or more of canopy at maturity. Examples include White oak (*Quercus alba*), Overcup oak (*Quercus lyrata*), Nuttall oak (*Quercus nuttalli*), Post oak (*Quercus stellata*), Tulip poplar (*Liriodendron tulipifera*), Pignut hickory (*Carya glabra*), Mockernut hickory (*Carya tomentosa*), American beech (*Fagus grandifolia*), and others on the City of Atlanta's Recommended Tree List.

Pine. A tree that is a member of the genus *Pinus* in the family Pinacea. This does not include other needled trees in the family commonly known as cedar, fir, spruce, and hemlock.

Prescription/silvicultural prescription. A written directive developed by a private arborist for a site or individual tree 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 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.

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, or an arborist with a Tree Care Industry Association (TCIA)-accredited company.

Private property. Property located within the City of Atlanta that is not owned or leased by a governmental entity, except that property in the City of Atlanta that is owned or leased by the Atlanta Housing Authority or Atlanta Public Schools shall be deemed private property for purposes of this Article only.

Private property tree. For purposes of this Article, a tree for which more than 50% of the flare of the tree, where the tree interfaces with the earth, is located on private property.

Pruning. The selective removal of plant parts performed. 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 American National Standards Institute, Inc. (ANSI) A300 standards for tree care management.

Public property. All property owned or leased by the City, including without limitation City parks, streets, sidewalks and other rights-of-way, and all other governmental property for which the City has jurisdiction with the exception of property owned by the Atlanta Housing Authority or Atlanta Public Schools.

Public property tree. For purposes of this Article, a tree for which at least 50% of the flare of the tree, where the tree interfaces with the earth, is located on public property.

Recommended Tree Planting List. A list of preferred species for planting and replacement trees in the City of Atlanta. The list includes information about the estimated size of trees at maturity.

Recompense. Monetary compensation assessed to recoup lost public value of healthy trees that are removed or destroyed. Recompense is required when tree replacement is not feasible and is calculated in accordance with the formulas contained in this Article.

Remedial action. The acts required to fulfill the requirements of this Article after a violation has occurred, including without limitation replanting, payment of recompense, and sivicultural prescriptions. Fines or other penalties assessed pursuant to Code Section 1-8 are not remedial actions.

Replacement or replanting. Planting new trees of equal or comparable size, species, vigor, health, and mature canopy potential (permitted by conditions) to restore the lost public value of healthy trees that are removed or destroyed.

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) and/or entities whose actions and/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.

Sampling. The employment of statistical survey methods recognized by current forestry standards to count and measure existing trees on a site.

Saved tree. Any tree that, under the terms of this Article, is to be protected from injury or destruction during construction.

Setback tree. A tree located in the area between the property line and the buildable area of the lot.

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.

Specimen tree. A tree meeting the following criteria:

- (1) Overstory hardwoods (e.g., most oaks, elms, poplars, hickories, etc., per the City of Atlanta Recommended Planting List specifications) in fair or better condition with a DBH equal to or greater than 28 inches;
- (2) Overstory softwoods (e.g. pine species) in fair or better condition with a DBH equal to or greater than 30 inches;
- (3) Mid-story hardwoods (e.g., maples, hornbeams, black gum, some oaks, etc. per the City of Atlanta Recommended Planting List specifications) in fair or better condition with a DBH equal to or greater than 15 inches;
- (4) Smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc. per the City of Atlanta Recommended Planting List specifications) in fair or better condition with a DBH equal to or greater than 8 inches; or
- (5) Lesser-sized trees of rare species, exceptional aesthetic quality, or historical significance as designated by the Tree Conservation Commission.

Spiking. The use of metal spurs or gaffs to climb live trees, which is prohibited by this Article.

Structural root plate or compression plate. 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.

Size of Structural Root Plate by DBH of Tree				
Diameter at breast height(DBH)	8 inches	16 inches	32 inches	48 inches
Structural root plate	5.5 feet	8 feet	10.5 feet	12 feet

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 pit into the compacted soil.

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 an impervious material.

Technically destroyed tree (prescription eligible tree). Any tree suffering injury or destruction of more than 20%, but not more than 33%, of its critical root zone. As long as the structural root plate of the tree remains 100% protected and a silvicultural prescription is provided prior to construction in accordance with the provisions of this Article [Subsection 158-48(G)], a “technically destroyed” tree may be restored to “saved” tree status.

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 replacement plan. A drawing which depicts the location, size, and species of existing and replacement trees on the lot for which a permit is sought; a table detailing, by species and DBH, the existing trees to be saved, lost, or destroyed, and the replacement trees to be planted; and other provisions as required by the City Arborist.

Tree trust fund. Includes monies collected from recompense to be spent on tree installation, maintenance, and urban forestry-related environmental education.

Tree well. The defined area surrounding a tree that contains soil to support the growth of the tree; typically bordered by impervious structures such as curbs, sidewalks, and streets.

Understory tree. A tree that normally attains a DBH of less than 10 inches, a height of less than 30 feet, and a canopy of approximately 400 square feet at maturity. Examples include Pagoda dogwood (*Cornus alternifolia*), Redbud (*Cercis canadensis*), Sourwood (*Oxydendrum arboretum*), Sassafras (*Sassafras albidum*), Serviceberry (*Amelanchier arborea*), Bigleaf magnolia (*Magnolia macrophylla*), Fringe tree (*chionanthus virginicus*), and others included on the City’s Recommended Tree List.

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.

Vacant lot. A property of record that has not had a structure on it in the past five years.

DIVISION II. PLANNING AND CONSERVATION

Section 158-30. Urban Forest Master Plan

- (A) *Purpose.* The City shall develop an Urban Forest Master Plan to guide long-term management of Atlanta’s tree canopy, equally and equitably throughout the city.
- (B) *Plan objectives.* The Urban Forest Master Plan shall include policies and strategies which will ensure that:
- (1) Members of the public and City officials and employees are familiar with the public benefits of a mature tree canopy.
 - (2) Data are available for evaluating trends in the urban forest and can be used to inform tree planting and management decisions.
 - (3) Residents, tree professionals, and commercial and residential builders have a working knowledge of best management practices for tree care and protection.
 - (4) Atlanta’s Tree Protection Ordinance is effective, easy to understand, and fairly administered.
- (C) *Plan development.* The City Arborist and the Tree Conservation Commission shall be responsible for the development of the Urban Forest Master Plan.
- (D) *Plan updates.* The Urban Forest Master Plan shall be updated as needed to reflect changing conditions and new best practices in tree and urban forestry management as recommended by the City Arborist and Tree Conservation Commission.

Section 158-31. Access agreements for private property planting by City

The City is hereby authorized, but not required, to enter into agreements with private property owners within the City of Atlanta, upon the consent of said property owners, for the purpose of planting trees within 30 feet of the public right-of-way or public property line provided the private property owner pays no fee for the tree planting thereof. No additional legislation shall be required to authorize said agreements. Private property owners shall acquire ownership of such trees and shall agree to maintain the trees planted thereon for at least two years and also shall agree to hold the City harmless for any liability attributable to the planting or presence of the trees on the private property.

Section 158-32. Historic, Landmark, and specimen trees

Historic, Landmark, and specimen trees are elements of the City's tree canopy that deserve special protections under this Article due to their exceptional characteristics.

(A) *Designation of Historic and Landmark trees.*

- (1) Authority to designate Historic and Landmark tree. Pursuant to Section 158-66 of this Article, the Tree Conservation Commission has the authority to designate a Historic or Landmark tree.
- (2) Register of Historic and Landmark trees established. The City shall maintain a Register of Historic and Landmark Trees within the corporate boundary recognized as having notable historic value and other qualities that contribute to Atlanta's urban forest and aesthetic character.
- (3) Designation criteria. A tree may be included in the Register of Historic and Landmark Trees if it meets the following criteria:
 - (a) At least three of the following:
 - (i) The tree is associated with a historic location, event, or person;
 - (ii) The tree is at least 50 years old;
 - (iii) The tree is a landmark tree as defined in Section 158-29;
 - (iv) The tree is a specimen tree as defined in Section 158-29.; and
 - (b) All of the following:
 - (i) The tree is free from uncorrectable disease, pests, or severe mechanical injury;
 - (ii) The tree has a life expectancy of at least ten years, as determined by a certified arborist; and
 - (iii) The tree is free from structural defects that present a hazard to the public or surrounding property.
- (4) *Nomination for inclusion on the Register of Historic and Landmark 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 for inclusion on the Register of Historic and Landmark Trees.
 - (a) *Nomination requirements.* Nominations must be submitted to the Tree Conservation Commission in a form prescribed by the Commission.
 - (b) *Property owner consent not required.* Property owner consent shall not be required for the nomination, and the absence of property owner consent shall not factor into the Tree Conservation Commission's designation decision.
- (5) *Designation approval.*
 - (a) *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.
 - (b) *Advisory review of nomination.* If the nominated tree is located on a historic property or within a historic or conservation district, the nomination also shall be forwarded to the Atlanta Urban Design Commission. If the nominated tree is on private property, notice shall be provided to the property owner.
 - (c) *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 and Atlanta Urban Design Commission. If the tree is found to meet at least two of the criteria identified in Subsection 158-32(A)(3)(a) and all of the criteria identified in

Subsection 158-32(A)(3)(b), the Commission shall approve inclusion of the tree on the Register of Historic and Landmark Trees.

- (d) *Record of designation.* Approved trees shall be added to the Register of Historic and Landmark Trees.
- (B) *Effect of special status.* If a tree is approved for inclusion on the Register of Historic and Landmark Trees or is identified as a specimen tree as defined in Section 158-29, the following specifications shall apply.
- (1) *Designation of special status trees on site plan.* Any site plan or tree replacement plan submitted under this Article or another section of the City Code shall identify the special status of the tree.
- (2) *Removal of special status trees.* All applicants for a permit to remove a specimen tree or a tree on the Register of Historic and Landmark Trees shall be encouraged to present to the Arborist alternative plans that will preserve the tree. However, a permit may not be denied solely on the basis of the tree's special status.
- (3) *Recompense for special status trees.* Removal of a tree on the Register of Historic and Landmark Trees and/or removal of specimen tree(s) shall result in special recompense requirements as detailed in Division IV of this Article (Subsection 158-52(B)).
- (4) *Penalties for removal of special status trees.* A violation of this Article that involves a specimen tree or a tree on the Register of Historic and Landmark Trees will incur special penalties under Subsection 158-52(B).

Section 158-33. Quarterly reports to Tree Conservation Commission

- (A) *Quarterly report required.* The Buildings Arborist and Parks Arborist shall each prepare a quarterly report containing the items listed in Subsection (B) below, and shall provide the report to the Tree Conservation Commission. The Park Arborist's report shall pertain to trees on public property; the Buildings Arborist's report shall pertain to trees on private property.
- (B) *Report contents.* The report shall include the following:
- (1) Total number and DBH of trees removed (pines and hardwoods) and/or acreage impacted (where applicable) and the total number and caliper inches of trees replanted during the preceding quarter in each of the following categories: dead/dying/hazardous tree permits; landscaping permits; removals for construction of parking lots; illegal removals; public property and off-site planting; total caliper inches approved for green infrastructure credits; and any other permit or penalty category not listed.
- (2) Total recompense charged by specific property and cumulatively.
- (3) Total recompense collected, by specific property and cumulatively.
- (4) Acreage, total number of trees, and total DBH for any newly-created conservation easements or newly-created parklands.
- (5) A summary of enforcement actions taken during the quarter, including the number of Correction Notices, Notices of Violation, stop work orders, and citations issued.
- (6) Total civil fines charged and collected, by property and cumulatively.
- (7) Itemized expenditures from the Tree Trust Fund.

DIVISION III. REMOVAL OF DEAD, DYING, AND HAZARDOUS TREES

Section 158-34. Removal of dead, dying, or hazardous trees

(A) *Permit to remove dead, dying, or hazardous tree.*

- (1) *Submittal requirements and procedure.* Applications to remove dead, dying, or hazardous trees may be submitted to the Arborist Division by e-mail, phone, fax, or other means. Each application shall include the address of the property and the owner's name, phone, email address, and fax number, as available. If applicable, it shall also include the name, phone, email, and fax number of the tree service engaged to conduct the work. Each tree shall be identified by species, DBH, location, and any identifying characteristics or added markings. Permits to remove dead, dying, and hazardous trees shall be approved at the determination of the City Arborist.
 - (2) *No posting or preliminary approval required.* Removal of dead, dying, and hazardous trees does not require preliminary approval as set forth in Section 158-36 or posting as set forth in Subsection 158-36(D).
 - (3) *Replacement and recompense.* Removal of dead, dying, and hazardous trees are not subject to the replacement or recompense requirements of Section 158-46 and 158-47 except as follows:
 - a. Parking lot trees as set forth in Section 158-57;
 - b. Illegally destroyed trees pursuant to Section 158-61.
 - (4) *Right of Appeal.* The applicant for a dead, dying, and hazardous tree removal permit regarding a tree on private property and non-City-owned public property may appeal a notice of denial to the Tree Conservation Commission as provided in Section 158-71 of this Article. Only a property owner or agent of the owner may appeal the denial of a DDH permit for a tree on private property. Appeals must be filed within six months of the date of the City Arborist's written decision. A City Arborist's approval of a dead, dying and hazardous tree removal permit, where the tree is located on City property, is not subject to appeal.
 - (5) *Permit approval and expiration.* Permits to remove dead, dying, or hazardous trees shall be valid for six months from the date of issuance, though the City Arborist may extend the expiration date of the permit by up to six additional months based upon the Arborist's finding of extenuating circumstances.
 - (6) *Permits available for public inspection.* All dead, dying, and hazardous tree removal permits shall be available for public inspection on the activity site.
- (B) *Permit to remove dead, dying, and hazardous trees posing an imminent danger on private property and non-City-owned public property over which the City has jurisdiction.*
- (1) *Authorization for immediate removal.* When an applicant believes and can demonstrate that a tree on private property or on non-City-owned public property over which the City has jurisdiction, 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 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 Arborist deny the permit, the tree shall not be deemed imminently dangerous. If the applicant is unable to reach the City Arborist, he/she may remove the tree without approval. Within five working days of said removal, the applicant shall apply for post-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 158-34(B) and/or failed to demonstrate an imminent danger, the City may charge the responsible party applicable recompense, replacement, and fines per Section 158-62.
- (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 and/or tree removal associated therewith. Appeals must be filed within 15 calendar days of the applicant's/owner's receipt of the City Arborist's written decision, and shall meet the requirements of Section 158-71 of this Article.
- (C) *Reporting public property trees posing imminent danger.* Any person who believes that a tree on City-owned property is imminently dangerous may notify the City by calling 911.

Section 158-35. Removal of nuisance trees

- (A) *Generally.* When at least two City Arborists (one from the Office of Planning and one from the Office of Parks) inspect and determine that a tree located on private property, or public property over which the City has jurisdiction, constitutes a nuisance, as defined in Section 158-29, they shall follow the procedures set forth in Atlanta Code of Ordinances, Section 17-9013.
- (B) *Emergency Abatement of nuisance trees posing imminent danger.* Where at least two City Arborists (one from the Office of Planning and one from the Office of Parks) inspect and determine that a nuisance tree poses imminent danger to public property, the Director of the Office of Code Enforcement shall have the right, but not the obligation, to enter the property or direct an agent to enter the property to abate the nuisance. The reasonable costs of such work shall be documented by the Office of Code Enforcement, and the City shall have the authority to obtain reimbursement from the property owner.

DIVISION IV. PROTECTION OF HEALTHY, NON-HAZARDOUS TREES:

PROCEDURE FOR OBTAINING REMOVAL PERMIT

Section 158-36. Policy; general requirement

- (A) *Policy.* It is the policy of the City of Atlanta to encourage the preservation of existing healthy trees.
- (B) *Permit required.* No person shall directly or indirectly remove or destroy any healthy, non-hazardous tree meeting one of the following three descriptions without first obtaining a permit from the City Arborist except as otherwise set forth in this Article:
- (1) Healthy, non-hazardous trees located on public property;
 - (2) Healthy, non-hazardous pine trees located on private property that are 12 inches DBH or greater; and
 - (3) Healthy, non-hazardous trees, other than pine trees, located on private property, that are six inches DBH or greater.
- (C) *Minimal damage to trees.* Each applicant for a permit to remove or destroy a healthy, non-hazardous tree shall be required to minimize the damage to trees on the site to the maximum extent feasible.
- (D) *Permit on site.* All tree removal permits shall be available for public inspection on the activity site.

Section 158-37. Reasons for removal and destruction of healthy, non-hazardous trees

Healthy, non-hazardous trees may be permitted for removal or destruction only for the following purposes, as further described in the Sections referenced, provided that the requirements of this Article are met.

- (A) *Construction and/or demolition* (See Section 158-38)
- (B) *Landscaping* (See Section 158-38)
- (C) *Undesirable species of trees* (See Section 158-39)
- (D) *Special removal permit based upon tree's proximity to dwelling* (See Section 158-40)
- (E) *Public safety emergency* (See Section 158-41)
- (F) *Department of Watershed Management's court-mandated infrastructure projects* (Division X)

Section 158-38. Removal and destruction of healthy, non-hazardous trees for the purposes of construction, demolition, and landscaping

(A) *Applicability of this section.* The contents of this section apply only to healthy, non-hazardous trees on private and public property.

(1) *Permits for tree removal based on construction and demolition.* A permit may be issued by the City Arborist to remove or destroy a tree in order to accommodate construction and/or demolition of a property improvement for which a building permit is required, or to accommodate installation of infrastructure associated with the improvement, including without limitation dwellings, garages, free-standing buildings, pools, patios, driveways, retaining walls and utility lines. When the permit authorizes demolition, the City Arborist may require certain areas of proposed demolition to be deferred until a building permit is issued, where such deferral may preserve trees. For purposes of this Section 158-38, construction shall refer to both construction and demolition work and/or permits (as applicable) unless specifically stated otherwise.

(2) *Permits for tree removal based on landscaping improvements.* A permit may be issued by the City Arborist to remove or destroy a tree in order to accommodate landscaping projects.

(B) *Application for tree removal permit.*

(1) *Tree removal based on construction.* Any person or entity performing a construction project which may require the removal, destruction, or incursion into the critical root zone of a tree must submit a tree protection plan to the Office of Buildings along with the building permit application. The plan shall be in a form prescribed by the City Arborist, as further described in Section 158-42, and shall include without limitation, a depiction of all trees, including boundary trees, which are potentially damaged by the construction, as determined by the City Arborist.

(2) *Tree removal based on landscaping.* Any person or entity performing a landscaping project which may require the removal or destruction of a tree, or incursion into greater than 20% of a tree's critical root zone must submit a complete application to the City Arborist. The application shall be subject to the requirements of Subsection 158-38(C)2 and shall meet landscaping plan requirements as described in Section 158-43.

(C) *Review of application by City Arborist.*

(1) *Review of construction-related tree removal applications.*

(a) *No trees impacted.* The City Arborist shall first determine if any trees will be removed or destroyed. If no tree removal or destruction will occur, the City Arborist may approve or deny the plan consistent with the terms of this Article II, and no posting shall be required.

(b) *Requirements for issuing permit.* In order to issue a tree removal permit, the City Arborist must determine that the following conditions exist:

(i) The construction necessitates destruction of the tree;

- (ii) No setback or boundary trees are removed or destroyed, except in the circumstances described in letter (e) below; and
- (iii) The improvement cannot reasonably be positioned to maximize tree protection.
- (c) *Environmentally sensitive areas.* In addition to (i) through (iii) above, for any property containing an Environmentally Sensitive Area, the City Arborist also must find that the following conditions are met:
- (i) Where the property is one acre or larger, land disturbance shall be confined to the portion of the lot outside of the Environmentally Sensitive Area.
- (ii) Where the property is smaller than one acre, land disturbance in the Environmentally Sensitive Area shall be allowed only to implement hydrologic and erosion control measures, to provide access corridors to streets and utility connections, and to meet the requirements of other applicable laws and codes.
- (iii) On a property of any size that contains designated wetland, 100-year floodplain, or a riparian buffer as defined by Code, a maximum of 10% of the trees in said Environmentally Sensitive Area on the property may be approved for removal or destruction.
- (d) *Tree protection.* The factors that shall be considered in determining whether tree protection is maximized shall include without limitation:
- (i) Whether the quantity of trees saved is maximized;
- (ii) Whether the total DBH inches saved is maximized;
- (iii) Whether setback and boundary trees are protected; and
- (iv) Whether Landmark, Historic, and specimen trees are protected.
- (e) *Setback trees.* Where removal of setback trees results in maximization of on-site and boundary tree protection, or where improvements permissible under the Code may not otherwise reasonably be accommodated, the City Arborist may permit removal of setback trees. Setback trees may be removed for driveway and underground utility construction only when such construction cannot reasonably be accomplished in another manner.
- (2) *Review of landscaping-related tree removal applications.* In order to issue a landscaping-related tree removal permit, the City Arborist must determine that the following conditions exist:
- (a) The property meets the minimum tree density standards set forth in Table 158-44 prior to and after the proposed removal or destruction of the tree(s) at issue. For purposes of this subsection, where the applicant calculates tree density based upon the quantity of trees on the property pursuant to Table 158-44, only trees of six inches DBH or greater may be counted;
- (b) The tree is located in the buildable area;
- (c) The tree is not an Historic, Landmark or specimen tree; and
- (d) The tree is not located in an Environmentally Sensitive Area.
- (3) *Notice of City Arborist decision.* The City Arborist shall give a notice of preliminary approval or denial consistent with the terms of this Article. The notice shall include the approved tree replacement and/or monetary recompense requirements associated with the removals, as described in Sections 158-45, 46, 47 below.
- (4) *Conditions of approval and preliminary approval.* The City Arborist may require tree-protection measures consistent with this Article as a condition of the issuance of preliminary approval.

(5) *Re-submission.* An applicant may submit a new application at any time after receiving a notice of denial.

(6) *Appeals of denial of application.* A notice of denial may be appealed to the Tree Conservation Commission by the applicant only.

(D) *Posting.*

(1) *Applicability of this subsection.* The posting criteria set forth below in this subsection apply to construction-related and landscaping-related tree removal permits only.

(2) *Posting of private property trees.* For trees located on private property, two postings shall be required and shall be placed by the City Arborist.

(a) *Notice of tree destruction or removal request.* The first posting shall notify the public that an application to destroy or remove tree(s) was filed with the City. The posting shall remain for a minimum of ten calendar days and shall remain in place until the second posting, described immediately below, occurs or the plan is withdrawn.

(b) *Notice of Preliminary Approval.* The second posting shall notify the public that the City Arborist has given preliminary approval to the application to remove one or more designated trees, and that appeals of such decision may be submitted. The posting will be made only if the City Arborist has made such decision, and will not be placed on the property until after the first posting requirement has been met. The second posting shall remain in place for five business days, during which time the City will accept appeals.

(3) *Posting of public property trees.* For trees located on public property, only one posting shall be required. The posting shall indicate the issuance of a notice of preliminary approval of the designated public property tree(s), and shall remain in place for 15 calendar days, during which time the City will accept appeals.

(4) *Tree marking.* Immediately after an applicant receives preliminary approval of a tree protection plan or removal application, s/he shall mark all trees preliminarily approved for removal or destruction with an orange "x". The "x" must be visible from the road unless the tree's location or site conditions make compliance with this requirement unreasonable, as determined by the City Arborist.

(5) *Posting location.* Property postings shall be placed in a prominent location on the affected property so that the posting sign(s) are clearly visible, and so that the sign(s) may be seen and read by passers-by. Where the affected property has frontage on more than one road, at least one sign shall be placed on each side of the property with road frontage. If the notice of preliminary approval is not posted as required by this section, no permit shall be issued. The City Arborist also shall add the posting information to the City of Atlanta website (www.atlantaga.gov).

(6) *Content of postings.* Postings providing notice of the issuance of preliminary approval shall inform the reader that an appeal may be filed with the Tree Conservation Commission, and shall indicate the deadline by which the appeal must be filed. The posting shall further indicate that appeal rights will be forfeited upon failure to appeal within the designated time period.

(E) *Appeals of preliminary approval to destroy or remove healthy, non-hazardous trees.*

(1) *Applicability of this subsection.* The appeal criteria set forth below in this subsection apply to construction-related and landscaping-related tree removal permits only.

(2) *Who may appeal.*

(a) *Appeals regarding private property trees.* Appeals of a City Arborist's decision regarding a healthy, non-hazardous tree on private property may be filed by any person who is aggrieved by the decision and

who resides or owns property or a business either within 500 feet or within the NPU of the property on which the tree(s) at issue are located.

- (b) *Appeals regarding public property trees.* Appeals of a City Arborist's decision regarding a healthy, non-hazardous tree on public property may be filed by any aggrieved party who is: 1) an individual who resides or owns property or a business in the City of Atlanta; and/or 2) a civic association in the NPU in which the tree(s) at issue are located.
- (3) *Timing of appeal.*
- (a) *Timing of appeal for private property trees.* Appeals regarding trees on private property must be filed within five calendar days of the posting of the City Arborist's preliminary decision regarding the tree(s) at issue, per posting requirements described in Section 158-38(D).
- (b) *Timing of appeal for public property trees.* Appeals regarding tree(s) on public property must be filed within 15 calendar days of the posting of the City Arborist's preliminary decision regarding the tree(s) at issue, per posting requirements described in Section 158-38(D).
- (4) *Appeal requirements.* All appeals shall meet the requirements of Section 158-71.
- (5) *After the appeal is filed/stay of activity.*
- (a) *Appeal by non-applicant challenging issuance of Preliminary Approval.* If an appeal is filed by a non-applicant challenging the City Arborist's decision to issue preliminary approval of tree removal(s), the preliminarily approved activities, including tree removal and related earth disturbance, shall be stayed automatically. The City Arborist shall not grant final approval until the City appeal is resolved.
- (b) *Appeal by applicant challenging denial of Preliminary Approval.* Where the City Arborist preliminarily approves certain portions of a tree removal application and denies other portions, an appeal filed by the applicant shall not stay the preliminarily approved activities nor prevent the City Arborist from issuing a final permit for those activities.
- (c) *Appeal of recompense and /or replacement requirements.* If an appeal is filed challenging only the recompense and/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 pursuant to Section 158-50 of this Article. The City shall place these funds in an escrow or other similar account so that the applicant may be reimbursed if so directed on appeal. The appeal shall not stay the preliminarily approved activities and shall not prevent the City Arborist from issuing a final permit.
- (F) *Issuance of permit where no timely appeal filed.* If no appeal is filed within the time frames prescribed above, the permit shall be issued in accordance with the terms of said Notice of Preliminary Approval.
- (G) *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 that the City Arborist, in connection with such approval, shall certify in writing to the following, which certification shall be attached to the permitted amendments:
- (1) That the amendments do not alter or amend any rulings of the Tree Conservation Commission made in connection with the particular case; and
 - (2) That the amendments do not affect any trees on the property in question which are eligible under this article to be designated Historic, Landmark, or specimen trees; and

- (3) That the amendments in the aggregate do not increase by more than 10% either the total number or the total DBH of the trees permitted for removal or destruction.
- (H) *Permits available for public inspection.* All tree removal permits shall be available for public inspection on the activity site.

Section 158-39. Removal and destruction of healthy, non-hazardous trees that are of an undesirable species

- (A) *Undesirable species defined.* The following species of trees are deemed to be undesirable: Bradford Pear (*Pyrus calleryana*); Carolina cherry laurel (*Prunus caroliniana*); Chinaberry (*Melia azederach*); Eastern arborvitae (*Thuja occidentalis*); Mimosa (*Albizia julibrissin*); Princess tree (*Paulownia tomentosa*); Leyland cypress (*Cupressocyparis leylandii*); Paper mulberry (*Broussonetia papyrifera*); Privets (*Ligustrum species*); Red Tip (*Photinia x fraseri*); Tree of heaven (*Ailanthus altissima*); and White mulberry (*Morus alba*).
- (B) *Permit required.* Prior to removal or destruction of an undesirable species tree, a permit must be received from the City Arborist.
- (C) *Permitting removal of undesirable species trees from private property.* The permitting process for removal of healthy, non-hazardous undesirable species trees located on private property shall differ from the removal permitting of other healthy, non-hazardous, private property trees described in Section 158-39, as follows:
- (1) *Application.*
- (a) Where a permit application is for removal of fewer than six trees of an undesirable species, the property owner may either submit to the City Arborist an application with at least two photographs showing each undesirable tree, or may request a site inspection by a City Arborist who may issue a removal permit based solely on the site inspection.
- (b) Where a permit application is for removal of six or more undesirable species trees, the applicant shall submit to the City Arborist: at least two pictures of each tree at issue which are sufficient to allow the City Arborist to identify the species of the tree; a tree construction plan or landscaping plan as applicable, meeting the requirements set forth in Section 158-43 below; and a statement of the zoning category of the property at issue.
- (2) *Posting.* No posting of an undesirable species tree is required in order to obtain a removal permit.
- (3) *Recompense.* No recompense, as described in Section 158-45, shall be assessed for removal of an undesirable species tree.
- (4) *Replacement.* Tree replacement requirements, set forth in Section 158-46, shall be applied for removal of an undesirable species tree only if the property at issue does not meet the site density requirements of Table 158-44 after the undesirable tree(s) is removed. Where replacement is needed, the applicant must satisfy only the minimum tree quantity requirements of Table 158-44; the minimum DBH requirements of said table need not be met. The requirements of this subsection notwithstanding, in no event shall the applicant be required to plant more replacement trees than the quantity of undesirable trees removed.
- (D) *Appeals.* Only the property owner shall have appeal rights associated with a permit for undesirable species removal from private property. Appeals must be filed within 15 calendar days of the owner's receipt of the City Arborist's written decision, and shall meet the requirements of Section 158-71 of this Article.

Section 158-40. Removal and destruction of healthy, non-hazardous trees based on proximity to dwelling

- (A) *Description of special removal permit for tree proximity to dwelling.* The City Arborist may issue a permit to remove any private property tree located within five feet of the structural foundation of an existing single family residential dwelling or duplex (pursuant to the criteria set forth in this section).
- (B) *Permit required.* Prior to removal or destruction of tree based upon its proximity to a dwelling, a permit must be received from the City Arborist.
- (C) *Permitting process for special removal permits.* The permitting process for a special removal permit differs from the removal permitting of other healthy, non-hazardous private property trees described in Section 158-36, as follows:
- (1) *Application.* The owner of the property on which the tree is located must submit a special removal application to the City Arborist in a format prescribed by the City Arborist.
 - (2) *Review of application by City Arborist.* In order to issue a special removal permit, the City Arborist must determine that the following conditions exist:
 - (a) The application is for a private property tree;
 - (b) The tree is not a boundary tree, unless the conditions of Subsection (c) immediately below are met;
 - (c) If the tree is a boundary tree, the adjoining property owner is a co-applicant for the special removal permit;
 - (d) The tree is located within five feet of the structural foundation of an existing single family residential dwelling or duplex.
 - (i) To determine the distance of the tree from the structure, the tree shall be measured at the base of the tree, where the trunk of the tree meets the ground, on the side of the tree that is closest to the structure at issue. The trunk of the tree is the main stem of the tree and does not include the tree's structural root plate or root flare.
 - (ii) To determine the location of the foundation of the structure at issue, any portion of the structure constructed on piers or pilings shall not be deemed to be part of the foundation.
 - (e) There has been no removal of a tree pursuant to a special removal application for at least five years prior to the submission date of the current application. The five year time period between a previously approved application and a new application shall apply to the property and shall not be affected by any change of ownership or reconfiguration of the property boundaries.
 - (f) The property on which the tree is located has not been the subject of a violation of this Article within one year prior of the filing of the special removal permit application.
- (3) *Posting.* No posting of the property is required to receive a special removal permit.
- (4) *Recompense.* No recompense, as described in Section 158-45, shall be required to obtain a special removal permit.
- (5) *Replacement.* Tree replacement shall not be required to obtain a special removal permit, unless the property at issue will not meet the site density requirements of Table 158-44 after the tree is removed. Where replacement is needed, the applicant shall be required to replant one tree only.
- (D) *Appeals.* Only the property owner shall have appeal rights associated with a special removal permit. Appeals must be filed within 15 calendar days of the owner's receipt of the City Arborist's written decision, and shall meet the requirements of Section 158-65 of this Article.

- (E) *Unlawful removal.* Where a tree located within five feet of the structural foundation of an existing single family residential dwelling or duplex is removed without a permit, recompense and fines shall be calculated and owed as prescribed throughout this Article, even if the property would have been eligible for a special removal permit pursuant to this Subsection 158-40.

Section 158-41. Removal and destruction of healthy, non-hazardous trees for public safety emergency

- (A) *Description of removal permit based on public safety emergency.* A condition that has a substantial likelihood of causing significant personal injury or significant harm to property shall be deemed a public safety emergency. The City Arborist may issue a tree removal permit for a healthy, non-hazardous tree on public or private property where the City Arborist determines that removal will abate the public safety emergency.
- (B) *Permitting process for removal based on public safety emergency.* The permitting process for tree removal based upon a public safety emergency shall be exempt from the process for removal of healthy, non-hazardous trees set forth in Section 158-36, and instead shall be implemented as described in this section.
- (C) *Application.*
- (1) Where abatement of a public safety emergency requires removal of a healthy tree within less than 24 hours, an applicant may request approval for immediate removal by contacting the City Arborist by phone and providing the City Arborist with the information about the emergency circumstances and necessity of removing the tree.
 - (2) If the applicant is unable to reach the City Arborist, he/she may remove the tree without approval. Within five working days of the removal, the applicant shall apply for retroactive approval by submitting to the City Arborist: a tree removal application; photos and written descriptions that demonstrate the public safety hazard and the need to remove the tree to abate the emergency; and any other information reasonably requested by the City Arborist.
- (D) *Review of application by City Arborist.* To determine whether to issue a tree removal permit based on a public safety emergency, including whether to issue a retroactive permit, the City Arborist, in consultation with the director of any City department with purview over the type of emergency alleged, must find at least one of the following conditions to be met:
- (1) A public safety emergency exists, and removal of the subject tree(s) will be reasonably likely to abate the emergency; and/or
 - (2) A public safety emergency existed and the removal of the subject tree(s) abated the emergency; and/or
 - (3) A public safety emergency existed and it appeared reasonably likely that the removal of the trees would abate the emergency.
- (E) *Posting.* No posting of the property is required for a removal permit based on public safety emergency.
- (F) *Replanting and Recompense.* No replanting or recompense, as described in Section 158-45, shall be required to obtain a removal permit based on public safety emergency.
- (G) *Denial.* Where an applicant requests tree removal pursuant to this Section 158-41 and the City Arborist denies the permit, the tree may not be removed pursuant to this section.
- (H) *City Arborist findings.* Where the City Arborist finds that the applicant did not follow procedures of this section and/or failed to demonstrate that the tree removal was required to abate a public emergency, the

Arborist may charge the responsible party applicable recompense, replacement, and fines pursuant to Sections 158-45 and 158-61.

- (I) *Right of appeal.* No one other than the applicant or property owner on which the tree was located shall have the right to appeal a decision by the City Arborist made pursuant to this Section 158-41. Appeals must be filed within 15 calendar days of an applicant's/owner's receipt of the City Arborist's written decision, and shall meet the requirements of Section 158-65 of this Article.

DIVISION V. REMOVAL OF HEALTHY NON-HAZARDOUS TREES: REQUIREMENTS FOR SITE PLAN, TREE REPLACEMENT, AND RECOMPENSE

Section 158-42. Applicability of Division V to healthy non-hazardous trees only

The provisions of this Division V shall pertain to healthy non-hazardous trees only on both public and private property.

Section 158-43. Requirements for site plans

All requests for the removal, destruction, or incursion into the critical root zone of a tree must include a tree protection plan or a site plan pursuant to Section 158-42 above. For purposes of this Division V, "site plan" and "tree protection plan" are synonymous.

- (A) *General requirements.* Any site plan required under this Article shall contain topographic information at two-foot contour intervals and shall show all existing and proposed buildings and structures, driveways and parking areas, drainage structures, water detention areas, utilities, construction material staging grounds and all areas of requiring cut and fill of earth. Single family lots of record may be exempt from the requirement of the topographic survey provided that no grading or cut or fill-of-earth or other changes in topography will occur. The survey and tree replacement plan shall be signed or stamped by an ISA-certified arborist, landscape architect, architect, engineer, or professional surveyor. Minor site plans and landscape plans may be hand-drawn to scale by the applicant, subject to approval by the City Arborist.
- (B) *Tree survey.* The site plan shall include an inventory of existing trees, identifying the size, species, and location of all private property trees having a DBH of six inches or greater and public property trees having a DBH of 2.5 inches or greater.
- (1) *Boundary trees.* Boundary trees shall be included in the site plan. The portion of the critical root zone of all boundary trees that overlaps the work limit area shall be enclosed in a tree protection fence according to established arboricultural standards. In consultation with a boundary tree's owner or his or her agent, the City Arborist may prescribe and the applicant shall institute additional protective measures to limit damage to a boundary tree during construction, including but not limited to watering regimes, root treatments, mulching, deadwood removal, and protective pruning.
- (2) *Historic, Landmark, and specimen trees.* The site plan shall identify which (if any) trees on the site plan are Historic, Landmark, or specimen trees.
- (C) *Construction limits line.* A construction limit line shall be delineated on each site plan submitted for a building permit. Within the construction limit line, the tree replacement requirements of this Article shall be shown. Outside this limit line, only trees with a critical root zone entirely outside the work limit shall be exempt from the site plan.
- (D) *Environmentally sensitive areas.* The site plan shall identify any environmentally sensitive areas, noting

the specific designation, including without limitation stream-buffers, wetlands and 100-year floodplains. Any requested disturbance of an environmentally sensitive area shall be detailed on the plan.

- (E) *Identification of trees to be saved or removed.* The site plan shall denote each private property hardwood tree six inches DBH or larger, each private property pine tree 12 inches DBH or greater, and each public property tree 2.5 inches or greater to be saved or destroyed and the percentage of critical root zone that will be damaged. If the site plan shows no trees will be damaged, the property owner or contractor must submit at least two photos clearly depicting the area affected by proposed construction and a signed statement attesting to this fact.
- (F) *Protection of saved trees and tree fencing.* The site plan must demonstrate that the location of improvements will protect existing trees on the property and abutting properties unless the plan identifies the tree as being removed or destroyed. The site plan must further show that damage to trees during grading, construction, or demolition will be minimized to the greatest degree possible under the particular circumstances, as determined by the City Arborist. Protection must include, without limitation, tree fencing that is shown on the site plan and that meets the following requirements:
- (1) *Location.* Tree fencing must be located so as to protect a minimum of 80% of a saved tree's critical root zone throughout construction. Where the City Arborist determines that this level of protection is not possible and pre-approves a silvicultural prescription as part of the site plan, the tree fencing must be located so as to protect at least 67% of the critical root zone and 100% of the structural root plate.
 - (2) *Material.* Tree fencing must be constructed of chain link or substantial mesh material that is erected around critical root zones of trees at a minimum height of four feet before the commencement of any land disturbance, demolition, or construction. The City Arborist may require more substantial wood or steel fencing and secured posts where s/he finds a significant risk of damage to the saved tree's critical root zone. The City Arborist may require these measures at any time, including after commencement of site disturbance.
- (G) *Silvicultural prescriptions.* Where more than 20% and less than 33% of a tree's critical root zone is damaged (known as a "technically destroyed tree") the City Arborist will not consider the tree to be destroyed, and will not assess recompense or require replanting or posting, but only if the following conditions are included in the site plan and satisfied throughout the construction and/or landscaping project:
- (1) Tree save fencing is established and maintained throughout the project to protect at least 67% of the tree's critical root zone;
 - (2) The tree's structural root plate is not disturbed;
 - (3) An ISA-certified arborist or registered forester is retained to prescribe and monitor the implementation of measures to maximize the survival and protection of the tree, including but not limited to root pruning, canopy pruning, mulching, watering, fertilization, and enhanced protective fencing;
 - (4) The prescription of the retained arborist is approved by the City Arborist in advance of construction and a paid-in-full receipt or the equivalent for implementation is provided; and
 - (5) A report on the effectiveness of the prescribed measures is submitted by the retained arborist to the City Arborist prior to issuance of a Certificate of Occupancy or completion of the landscaping project as applicable.
- (H) *Tree replacement plan and recompense calculations.* The site plan shall contain a proposed tree replacement plan and recompense calculations that meet all of the specifications set forth below in Division VI.

Section 158-44. Tree density standards

(A) *Minimum tree density standards by zoning district.* When trees are removed from private and non-City-owned public property, sites must meet a minimum tree density standard, based on the zoning designation of the property as shown in Table 158-44 below. The minimum density standards require satisfaction of either the minimum number of trees or the minimum DBH provided in Table 158-44, and may be met by retention of existing trees and/or replanting of new trees. Minimum density must be satisfied after the tree removal unless otherwise set forth in this Article, and may be met through the replanting of new trees on site as described in Section 158-45 below. For purposes of determining existing tree density prior to replanting, only trees of six inches DBH or larger may be counted.

Table 158-44. Tree density standards by zoning category

Minimum Tree Density Standards by Zoning Category for Private Property* <i>*And including Atlanta Housing Authority and Atlanta Public Schools</i>				
Description of Property			Requirement* (At least one minimum must be met)	
Zoning District	Minimum Lot Size in Acres (per Atlanta Zoning Ord.)	Minimum Area Available for Planting** (Percentage/Square Feet)	Minimum DBH of Mid-Story and Overstory Trees Required per Lot	Minimum Number of Mid-Story and Overstory Trees Required per Lot
R-1	2	75%/65,430 sf	1140" DBH	57
R-2	1	65%/28,314 sf	500" DBH	25
R-2A	0.69	65%/19,500 sf	340" DBH	17
R-2B	0.64	65%/16,800 sf	300" DBH	15
R-3	0.41	60%/10,800 sf	190" DBH	9
R-3A	0.31	55%/7,425 sf	120" DBH	6
R-4	0.21	50%/4,500 sf	80" DBH	4

R-4A	0.17	45%/3,375 sf	40" DBH	2: 1 front/1 rear
R-4B	0.06	15%/420 sf	20" DBH	1
R-5	0.17	45%/3,375 sf	40" DBH	2: 1 front/1 rear
R-G & non-residential districts	NA	15%/1,125 sf (est.)	90" DBH <i>per acre</i>	25 <i>per acre</i>

* For purposes of determining existing tree density prior to replanting, only trees of 6 inches DBH or larger may be counted

**Minimum impervious area per lot, as identified in the City of Atlanta Zoning Ordinance.

- (B) *Trees in required front yard area.* A minimum of ten percent of the total DBH of trees required for a lot in each zoning district under Table 158-44 or one tree, whichever is greater, must be located in the required front yard area for a lot within that zoning district. Where applicable, there shall be at least one tree for every fifty linear feet of street frontage on any given property.
- (C) *Density requirements applied to all building permit applicants.* Where an applicant for a construction permit on private and non-city-owned public property requests a building permit for construction that will not require tree removal or destruction and the anticipated cost of the construction is less than \$20,000, the tree density requirements of this section shall be waived.
- (D) *Density requirements for Atlanta Housing Authority properties.* AHA shall be subject to underlying zoning requirements.
- (E) *Density requirements for Atlanta Public Schools.* On APS properties one tree shall be planted for every 1,215 square feet of open space which is not required for buildings, driveways, playing fields or other necessary structures. Overstory and midstory trees shall be planted where conditions permit, in accordance with spacing standards of Section 158-46(F). Parking areas are subject to the parking standards described in Section 158-57. In no case shall density be less than 90 inches DBH per acre.
- (F) *Exceptions to minimum tree density and front yard tree planting standard for private property.* Replacement trees planted to satisfy the standards of Table 158-44 must have the potential to reach mature growth based upon the species planted. Where the City Arborist determines that the site conditions (e.g., overhead utilities or the potential for tree overcrowding) will not allow for mature growth of all necessary replacement trees, the Arborist will modify the minimum standards consistent with the constraints of the site.

Section 158-45. Replacement and/or recompense required

The following requirements shall apply unless otherwise exempted by this Article:

- (A) *Minimum density after tree removal.* Any property from which a tree is removed must meet the minimum density standards set forth in Table 158-44. Tree replacement shall be required where needed to meet these minimum standards.
- (B) *Replacement or recompense for private property trees required.* Any person removing or destroying a private property tree as described in Section 158-36, must replace the tree and/or pay recompense pursuant to the rules set forth in this Article. The City Arborist may allow payment of recompense to offset the Value of Trees Removed only after minimum density standards have been met on the subject property.

- (C) *Replacement for public property trees required.* Any person removing or destroying a public property tree as described in Section 158-36, must replace the tree, and the cumulative DBH of the replacement trees planted shall be equal to or greater than the cumulative DBH of the tree(s) removed or destroyed and meet requirements of Section 158-55. The City Arborist may not allow payment of recompense in lieu of replanting.
- (D) *Replacement and recompense for destroyed trees.* Replacement and recompense shall be required for a destroyed tree regardless of whether it is removed from the site.
- (E) *Right of appeal.* The applicant or property owner shall have the right to appeal a decision by the City Arborist regarding tree removal or destruction. Appeals must be filed within 15 calendar days of the applicant's/owner's receipt of the City Arborist's written decision, and shall meet the requirements of Section 158-71 of this Article.

Section 158-46. Replacement tree specifications

(A) *Replacement tree type and on-site planting requirements.*

Where tree replacement is required, the applicant must plant overstory and/or mid-story trees on-site. This rule notwithstanding, where the City Arborist determines that these requirements cannot feasibly be met due to site conditions (ex. overhead lines or likely overcrowding of trees), the Arborist may allow one or more of the following alternatives, or a combination thereof:

- (1) Planting understory trees on-site;
- (2) Planting of overstory and/or mid-story trees off-site; and
- (3) Payment of recompense.

(B) *Off-site replacement locations.* Where off-site replanting is permitted, the City Arborist may approve planting in a City park or other City-owned property or along a right-of-way, provided that such plantings are within the same NPU district or within one mile of the NPU boundary, or at locations identified by the City's tree canopy study as a permissible planting area, and provided that the plans are approved by the City Commissioner with jurisdiction over the planting site.

(C) *Size and quality of replacement trees.* Replacement trees shall be a minimum of 2.5 inches in caliper and must be of nursery stock quality.

(D) *Species of replacement trees.*

(1) *Recommended Tree List.* The species of acceptable replacement trees are listed on the City's Recommended Tree List. 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.* The following species of trees may not be used as replacement trees: Bradford Pear (*Pyrus calleryana*); Carolina cherry laurel (*Prunus caroliniana*); Chinaberry (*Melia azederach*); Eastern arborvitae (*Thuja occidentalis*); Mimosa (*Albizia julibrissin*); Princess tree (*Paulownia tomentosa*); Leyland cypress (*Cupressocyparis leylandii*); Honey locust (*Gleditsia triacanthos*); Paper mulberry (*Broussonetia papyrifera*); Privet (*Ligustrum vulgare*); Red Tip (*Photinia x fraseri*); Tree of heaven (*Ailanthus altissima*); and White mulberry (*Morus alba*). This list may be amended, as appropriate, in the Arborist Division's Standards and Practices documents.

(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 35% of all replantings. If 50 or more replacement trees are being planted on a site, no more than 30% 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 10% of all replacement trees

shall be of the same species, no more than 20% shall be of the same genus, and no more than 30% shall be of the same family. New streetscape design for a continuous corridor may be exempted at the discretion of the City Arborist.

(E) *Planting priority.* Where consistent with the relocation requirements of this Article, trees shall be replanted in the following locations where feasible:

(1) *Heat islands.* Replacement trees shall be located to shade streets and other external heat islands, including front-yard or right-of-way plantings. 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. Streets and other external heat islands shall be shaded by new or existing trees at a spacing not to exceed 35 feet on center on average, with a minimum of two trees per lot where feasible.

(2) *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. Replacement trees less than 2.5 inches in caliper shall not be credited in the calculation of site density requirements.

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

(F) *Spacing standards.* Replacement trees shall meet the following spacing standards:

(1) Overstory trees shall be planted at a minimum of 35 feet apart on center.

(2) Mid-story trees shall be planted at a minimum of 25 feet apart on center.

(3) Understory trees shall be planted at a minimum of 15 feet apart on center.

(G) *Removal or destruction of replacement trees not authorized.* Regardless of caliper or DBH, replacement trees shall not be removed or destroyed without a permit pursuant to this Article.

(H) *Maintenance.*

(1) *Replacement trees must live for a minimum of two years.* The owner and his or her successor(s) in title shall be responsible for maintaining the health of all replacement trees for a minimum of two years from the date of planting or the date of issuance of the certificate of occupancy (where applicable), whichever is later. The owner or his or her successor shall replace within six months any tree which dies during this time period.

(2) *Inspection required.* The City Arborist shall inspect the condition of replacement trees between 18 and 24 months after planting and shall notify the responsible party of any required replacements.

Section 158-47. Recompense to address tree losses

(A) *Application and intent.* Recompense is applicable to private property trees only and is assessed to recoup some of the public value lost in the removal or destruction of the trees.

(B) *Conditions for assessment of recompense.* An applicant who has obtained a permit for tree removal or destruction under this Article and has met the tree density standards set out in Table 158-44 may pay recompense in lieu of tree replacement if approved by the City Arborist.

(C) *Recompense calculation.* Recompense shall be calculated as set forth in Division VI below. Recompense shall be paid into the Tree Trust Fund described in Section 158-73.

DIVISION VI. REMOVAL OF HEALTHY NON-HAZARDOUS TREES:
 TREE REPLACEMENT AND CALCULATION OF RECOMPENSE

Section 158-48. Applicability of this Division VI to healthy non-hazardous trees only

The provisions of this Division VI shall pertain to healthy non-hazardous trees only.

Section 158-49. Replacement and/or recompense required

Any person removing or destroying a tree as described in Subsection 158-36(B) must replace the tree and/or pay recompense pursuant to the rules set forth in this Article, unless otherwise exempted by this Article.

Section 158-50. Replacement requirements and calculation of recompense for trees on private property

Applicability. This Section 158-50 shall apply to private property trees only.

(A) *Calculation required on site plan.* The applicant's site plan shall include a calculation of the Value of Trees Removed, the Value of Replacement Trees and recompense owed, and shall use formulas and criteria set forth in this Division VI. The City Arborist shall confirm the accuracy of these calculations and shall require corrections as needed prior to granting preliminary approval.

(B) *Value of Trees Removed.* The property owner must compensate the City for the value of trees removed by planting replacement trees and/or by paying recompense. The dollar value of a tree removed shall be determined by assigning a value of \$100.00 for each tree and a value of \$30.00 for each DBH inch removed.

Value of Trees Removed = (number of trees removed x \$100) + (DBH inches removed x \$30)

(1) A cap on the Value of Trees Removed, based upon a per acre calculation, may apply for vacant lots, vacant new lots of record, new streets and infrastructure, and affordable housing meeting the criteria described in Section 158-51 below).

(2) The Value of Trees Removed will be increased for destruction of Historic, Landmark, and specimen trees, as described in Section 158-52 below.

(C) *Minimum density required.* The site plan shall indicate whether the property from which the tree is removed will meet the minimum tree density standards described in Table 158-44 above after tree removal. The plan shall show the minimum number of replacement trees required (if any) to meet minimum density standards. If site conditions preclude planting a quantity of trees sufficient to meet minimum density standards, the deficit shall be noted on the plan for review by the City Arborist.

(D) *Value of Trees Replaced.* The dollar value of replacement trees shall be determined by utilizing the same formula set forth in Subsection (B) above, except that the size of the replacement trees shall be measured in caliper inches rather than DBH.

Value of Trees Replaced = (number of trees replaced x \$100) + (caliper inches replaced x \$30)

(1) The Value of Trees Replaced may be increased or decreased depending upon the projected size of the replacement tree species at maturity, as described in Section 158-53.

(2) The Value of Trees Replaced may be increased for use of innovative building techniques and adjustment to construction plans resulting in preservation of trees, as set forth in Section 158-53.

(E) *Recompense owed.* The site plan shall show recompense owed (if any) by deducting the Value of Trees replaced from the Value of Trees Removed, as set forth in Subsections (D) and (B) respectively above. The remaining dollar amount shall be owed by the property owner as tree recompense.

$$\text{Recompense} = \text{Value of Trees Removed} (-) \text{Value of Trees Replaced}$$

Section 158-51. Adjustments to recompense: cap on Value of Trees Removed

The applicable formula for the calculation of recompense is:

$$\text{Recompense} = \text{Value of Trees Removed} (-) \text{Value of Trees Replaced}$$

The adjustments below place a maximum value on “Trees Removed,” but shall not be applied where the removal or destruction occurs prior to receiving a permit issued by the City Arborist in accordance with the requirements of this Article.

(A) *Vacant lots, vacant new lots of record, and vacant new subdivisions: cap on Value of Trees Removed.*

- (1) The Value of Trees Removed, as defined in Section 158-49(a) above, may be determined on a per-acre basis, pro-rated, based on the total acreage of the lot, provided the following two conditions are met.
 - (a) The trees are destroyed or removed from a property for the purpose of building a new subdivision, for building on an existing vacant lot, or for building on a vacant new lot of record; and
 - (b) A minimum percentage of DBH inches or a minimum number of DBH inches (whichever is less) of trees on the lot, as set forth in Table 158-51 below, is retained on the property.
- (2) The per-acre value shall be capped as set forth in Table 158-51 below.
- (3) Where the Value of Trees Removed is determined by using a per-acre calculation, the applicant will be credited only for replacement trees spaced no closer than one tree per 400 square feet.
- (4) In calculating the recompense owed pursuant to Section 158-50 above, the applicant may utilize either the per-acre calculation of Value of Trees Removed (per Table 158-55) or the standard calculation of Value of Trees Removed (per Section 158-50(A)).

(B) *New streets and infrastructure: cap on Value of Trees Removed.*

- (1) The Value of Trees Removed, as defined in Section 158-45(a) above, may be determined on a per-acre basis, pro-rated, provided the following three conditions are met:
 - (a) The trees are removed to accommodate construction of streets and related infrastructure in planned developments;
 - (b) ~~Mid story and overstory trees are replanted along the newly constructed streets in planting strips which measure a minimum of four feet in width by 25 feet in length, and with trees planted at a minimum of one tree per 50 linear feet. These trees may be credited as “Trees Replaced” when calculating the recompense owed; and~~
 - (c) ~~The ratio of graded slopes is less than two feet of horizontal change for each one foot of vertical elevation.~~
- (2) ~~The per acre calculation shall be capped as set forth in Table 158-51 below. In calculating the recompense owed pursuant to Subsection 158-50 above, the applicant may utilize either the per acre calculation of Value of Trees Removed or the standard calculation of Value of Trees Removed.~~

- ~~(3) Where using the standard calculation of Value of Trees Removed for property that is one acre or larger, the calculation may be made by using a recognized sampling technique performed by an ISA-certified arborist rather than counting damaged trees. This option notwithstanding, all Historic, Landmark, and specimen trees must be identified by species and location on the site plan and must be counted separately in the Value of Trees Removed; such trees may not be included in the sampling calculation.~~
- ~~(C) Affordable housing development: cap on Value of Trees Removed.~~
- ~~(1) The Value of Trees Removed, as defined in Section 158-45(a) above, may be determined on a reduced per-acre basis, pro-rated, where trees are removed or destroyed to accommodate the building of one or more affordable housing units as follows:~~
- ~~(a) The maximum per-acre amount shall be capped at 75% of the value shown on Table 158-51 below if:~~
- ~~(i) The sale cost of the unit does not exceed 80% of the Atlanta metropolitan statistical area (MSA) median sales price; and~~
- ~~(ii) The unit is available for purchase only by a household with an annual income that is greater than 50% and not more than 80% of the median family income (as defined by the United States Department of Housing and Urban Development (HUD)) in the Atlanta MSA.~~
- ~~(b) The maximum per-acre amount shall be capped at 50% of the value shown on Table 158-51 below if:~~
- ~~(i) The sale cost of the unit does not exceed 80% of the Atlanta MSA median sales price; and~~
- ~~(ii) The unit is available for purchase only by a household with an annual income that does not exceed 50% of the median family income (as defined by HUD) in the Atlanta MSA.~~
- ~~(c) For rental housing units, the maximum per-acre amount shall be capped at 50% of the value shown on Table 158-51 below if the unit is available for rent only by a household with an annual income that does not exceed 80% of the median family income (as defined by HUD) in the Atlanta MSA.~~
- ~~(2) Where the affordable housing unit described in Subsection 158-51(C)(1) above is part of a complex of units, the per-acre calculation may be used and the percentage reduction may be applied only if at least 20% of the total number of residential units constructed are affordable housing, as defined in Subsection (C)(1) above.~~
- ~~(3) The per-acre calculation and percentage reduction described in Subsection 158-51(C)(1) above may be implemented only if a minimum percentage of DBH inches or a minimum number of DBH inches (whichever is less) of trees, as set forth in Table 158-51 below, is retained on the property.~~
- ~~(4) Where the property qualifies for a cap on the Value of Trees Removed under this Subsection 158-51(C) and under Subsection 158-51(A), the cap set forth in this Subsection 158-51(C) shall be applied. As with Subsection 158-51(A), the Applicant will be credited only for Replacement Trees spaced no closer than one tree per 400 square feet.~~
- ~~(5) In calculating the recompense owed pursuant to this Subsection 158-51(C), the Applicant may utilize either the reduced per-acre calculation of Value of Trees Removed or the standard calculation of Value of Trees Removed.~~

~~TABLE 158-51. Summary Table for Cap on Value of Trees Removed: for vacant lots, vacant new lots of record, vacant new subdivisions, new streets and infrastructure, and affordable housing.~~

Tree Retention Requirements for Eligibility for Cap on Value of Trees Removed As explained per

<u>Section 158-50</u>		
<u>Zoning District</u>	<u>Minimum Requirement for Retained Trees on Property Total DBH inches or % Total DBH inches remaining (each retained tree must be 6" DBH or greater)</u>	<u>Value of Trees Removed: (maximum per acre)</u>
<u>R-1</u>	<u>1140" DBH or 50%</u>	<u>\$20,000.00</u>
<u>R-2</u>	<u>500" DBH or 45%</u>	<u>\$20,000.00</u>
<u>R-2A</u>	<u>340" DBH or 45%</u>	<u>\$20,000.00</u>
<u>R-2B</u>	<u>300" DBH or 45%</u>	<u>\$20,000.00</u>
<u>R-3</u>	<u>190" DBH or 40%</u>	<u>\$20,000.00</u>
<u>R-3A</u>	<u>120" DBH or 40%</u>	<u>\$20,000.00</u>
<u>R-4</u>	<u>80" DBH or 35%</u>	<u>\$20,000.00</u>
<u>R-4A</u>	<u>40" DBH or 25%</u>	<u>\$20,000.00</u>
<u>R-4B</u>	<u>33" DBH or 25%</u>	<u>\$20,000.00</u>
<u>R-5</u>	<u>40" DBH or 25%</u>	<u>\$20,000.00</u>
<u>R-LC, RG(1-5), and RG-C(1-5)</u>	<u>25%</u>	<u>\$30,000.00</u>
<u>O & I, C(1-5), I(1&2)</u>	<u>20%</u>	<u>\$30,000.00</u>
<u>PD, PD-H, PD-MU, PD-OC, PD-BP, SPI Districts, Landmark Districts, and other special zoning categories*</u>	<u>Treat according to underlying zoning categories</u>	<u>Treat according to underlying zoning categories</u>

*Where an underlying zoning category does not apply, the Minimum Trees Retained (MTR) for planned developments shall be derived by multiplying the required percentage of the site required to be retained in pervious area by a factor of 0.60 which will establish the Minimum Trees Retained percentage (MTR%). This amount shall be calculated according to the formula: Required Pervious Area (K) x .60 = MTR%; Maximum Recompense Per Acre = \$20,000.00.

Section 158-52. Adjustments to recompense: increase in Value of Trees Removed for Historic, Landmark, and specimen trees

The applicable formulas for the calculations of recompense and Value of Trees Removed below are:

$$\text{Recompense} = \text{Value of Trees Removed} (-) \text{Value of Trees Replaced}$$

$$\text{Value of Trees Removed} = (\text{number of trees removed} \times \$100) + (\text{DBH inches removed} \times \$30)$$

The adjustments below pertain to the Value of Trees Removed.

(A) Historic and Landmark trees. Where the tree removed is a Historic or Landmark tree, the "DBH inches" utilized in the Value of Trees Removed formula shall be double the measured DBH inches of the tree.

(B) Specimen trees. Where the tree removed is a specimen tree, the "DBH inches" utilized in the Value of Trees Removed formula shall be double the measured DBH inches of the tree, except that this adjustment shall not be applied where the removal is required for construction of a dwelling.

Section 158-53. Adjustments to recompense: Value of Trees Replaced

The applicable formulas for the calculations of recompense and Value of Trees Replaced below are:

$$\text{Recompense} = \text{Value of Trees Removed} (-) \text{Value of Trees Replaced}$$

$$\text{Value of Trees Replaced} = (\text{number of trees replaced} \times \$100) + (\text{caliper inches replaced} \times \$30)$$

The adjustments below pertain to the Value of Trees Replaced:

~~(A) Type of replacement tree:~~

~~(1) Overstory and mid-story replacement trees. Where the Replacement Tree is an overstory or mid-canopy tree, the Value of Trees Replaced shall be doubled.~~

~~(2) Screening trees. Where the Property Owner elects to plant trees for the purpose of screening, and the trees do not meet the spacing requirements set forth in Subsection 158-46(F), the City Arborist may count the trees as Replacement Trees where s/he determines that the trees are a species with a narrow growth habit, but shall use the following formula adjustments:~~

~~(a) Number of trees replaced shall be calculated by measuring the linear distance over which the trees are planted and dividing the total linear feet by 25.~~

~~(b) Number of caliper inches per tree shall be limited to 2.5.~~

~~(B) Credit for certain trees saved. _____~~

~~(1) Innovative building techniques. Where the City Arborist determines that a property owner is saving an overstory or mid-story tree through use of innovative building techniques, including without limitation, building on piers, cantilevering, limited grading with retaining walls, and underground utilities, and that the tree meets the requirements of a "Replacement Tree" as set forth in Subsections 158-46(C) and (D), the following adjustment shall be made to the Value of Trees Replaced:~~

~~(a) The saved tree shall be counted as a Replacement Tree for purposes of calculating recompense.~~

~~(b) Where the saved tree is a Historic, Landmark, or specimen tree, it shall be counted as a Replacement Tree for purposes of calculating recompense, and the "value of tree replaced" shall be doubled.~~

~~(2) Construction adjustments. Where the City Arborist determines that a property owner has adjusted building plans in order to save an overstory or mid-story tree, and that the tree meets the requirements of a "replacement tree" as set forth in Subsections 158-46(C) and (D), the following adjustment shall be made to the Value of Trees Replaced:~~

~~(a) The saved tree shall be counted as a replacement tree for purposes of calculating recompense.~~

~~(b) Where the saved tree is a Historic, Landmark or specimen tree, it shall be counted as a replacement tree for purposes of calculating recompense, and the Value of the Tree Replaced shall be doubled.~~

~~Section 158-54. Adjustments to recompense: land donations and easements~~

~~The applicable formulas for the calculations below are:~~

$$\text{Recompense} = \text{Value of Trees Removed} (-) \text{Value of Trees Replaced}$$

~~(A) Recompense reduction for fee simple land donation. Where a property owner donates land to the City in fee simple, the City Arborist may reduce recompense owed at a rate of \$20,000 per acre of donated land, pro-rated for partial acres, where the donated land meets the following criteria:~~

~~(1) The property is no less than one acre in size and has a tree density of at least 100 inches DBH per acre;~~

- ~~(2) The property is accepted by the City through duly enacted legislation (the City may, but is not required to, accept the donation); and~~
- ~~(3) Through duly enacted legislation, the City dedicates the land for a purpose which preserves the land's natural scenic or forest landscape in perpetuity.~~
- ~~(B) *Recompense reduction for conservation easements with a tree density of 100 inches DBH per acre.* Where a property owner donates a conservation easement to the City, the City Arborist may reduce recompense owed at a rate of \$20,000 per acre, pro rated for partial acres, where the land meets the following criteria:~~
- ~~(1) The conservation easement property is no less than one acre in size and has a tree density of at 100 inches DBH per acre;~~
- ~~(2) The conservation easement is accepted by the City through duly enacted legislation (the City may, but is not required to, accept the donation); and~~
- ~~(3) The conservation easement preserves the property's natural scenic or forest landscape in perpetuity.~~
- ~~(C) *Recompense reduction for conservation easements with a tree density of 500 inches DBH per acre.* Where a property owner donates a conservation easement to the City, the City Arborist may reduce recompense owed at a rate of \$30,000 per acre, pro rated for partial acres, where the land meets the following criteria:~~
- ~~(1) The conservation easement property is no less than one acre in size and has a tree density of at least 500 inches DBH per acre;~~
- ~~(2) The conservation easement is accepted by the City through duly enacted legislation (the City may, but is not required to, accept the donation); and~~
- ~~(3) The conservation easement preserves the property's natural scenic or forest landscape in perpetuity.~~
- ~~(D) *Recompense reduction for additional natural features.* Where the fee simple land donation or conservation easement donated by the property owner is accepted as described above in this Section 158 53, the City Arborist may give additional recompense reduction of \$5,000 per acre, prorated for partial acres, may be provided for every five Historic, Landmark, and specimen trees as defined in this Article.~~

~~Section 158 55. Replacement requirements for removal or destruction of trees on public property~~

~~*Applicability.* This Section 158 55 shall apply to Public Property Trees only.~~

~~(A) *Replacement of public property trees.* Any person removing or destroying a public property tree must replace the tree(s) pursuant to the rules set forth in this Article, unless otherwise exempted by this Article.~~

- ~~(B) *Inch per caliper inch replacement required.* Trees destroyed or removed from public property must be replaced such that the total DBH of replacement trees is equal to or greater than the cumulative DBH of the trees removed or destroyed. Replacement trees shall be planted in accordance with the tree replacement plan requirements set forth in this Article.~~

~~(C) *Exceptions and adjustments to inch for inch requirements.*~~

- ~~(1) Department of Watershed Management exemptions per Section 158 75 for Consent Decree projects supersede the general requirement.~~

- (2) For Department of Watershed Management and Department of Public Works projects, inch for inch planting requirements may be adjusted for the following green infrastructure improvements, which support the health of trees, in accordance with the requirements listed below:
- (a) Eligible infrastructure improvements which are installed in association with tree planting and preservation include tree wells, structural soils, bioswales, and rain gardens meeting specifications listed in Table 158-55 below.
- (b) The applicant's site plan shall include a detailed description of infrastructure improvements and a summary of caliper inch credits proposed.
- (c) Eligible improvements must be located within the same NPU district or within one mile of the NPU boundary from which the tree was removed or destroyed.
- (d) Proposed infrastructure improvements may not be otherwise required by Code and must be approved by the City Arborist.
- (e) A minimum of 50% of the total replacement caliper inches required must be met by planting of replacement trees.

Table 158-55 Green Infrastructure Improvement on Public Property Tree Planting Credits

<i>Improvement</i>	<i>Specs</i>	<i>Caliper inches credit</i>
<i>Tree well Tree planted without use of structural soil with min. depth of three feet.</i>	<i>*up to 100 sq ft of soil</i>	<i>No additional credit</i>
	<i>101-125 sq ft of soil</i>	<i>.5" additional credit</i>
	<i>126-150 sq ft of soil</i>	<i>1" additional credit</i>
	<i>151-175 sq ft of soil</i>	<i>1.5" additional credit</i>
	<i>176-200 sq ft of soil</i>	<i>2" additional credit</i>
	<i>201-225 sq ft of soil</i>	<i>2.5" additional credit</i>
	<i>226-250 sq ft of soil</i>	<i>3" additional credit</i>
	<i>251-275 sq ft of soil</i>	<i>3.5" additional credit</i>
	<i>276-300 sq ft of soil</i>	<i>4" additional credit</i>
	<i>301-325 sq ft of soil</i>	<i>4.5" additional credit</i>
	<i>326-350 sq ft of soil</i>	<i>5" additional credit</i>
	<i>351-375 sq ft of soil</i>	<i>5.5" additional credit</i>
	<i>376-400 sq ft of soil</i>	<i>6" additional credit</i>
	<i>400+ sq ft of soil</i>	<i>6.5" additional credit</i>
<i>Tree well Tree planted with use of structural soil, min. depth of three feet, and min. surface soil width as specified. (Amsterdam or Cornell mixes or high quality topsoil under reinforced concrete may be used with inspection and approval by City Arborist).</i>	<i>up to 300 cubic ft of soil</i>	<i>No additional credit</i>
	<i>301-375cf; min width 6ft</i>	<i>.5" additional credit</i>
	<i>376-450cf; min width 6ft</i>	<i>1" additional credit</i>
	<i>451-525cf; min width 6ft</i>	<i>1.5" additional credit</i>
	<i>526-600cf; min width 6ft</i>	<i>2" additional credit</i>
	<i>601-675cf; min. width 8ft</i>	<i>2.5" additional credit</i>

	<u>676-750cf; min. width 8ft</u>	<u>3" additional credit</u>
	<u>751-825cf; min. width 8ft</u>	<u>3.5" additional credit</u>
	<u>826-900cf; min. width 8ft</u>	<u>4" additional credit</u>
	<u>901-975cf; min. width 8ft</u>	<u>4.5" additional credit</u>
	<u>976-1050cf; min. width 8ft</u>	<u>5" additional credit</u>
	<u>1051-1125cf; min. width 8ft</u>	<u>5.5" additional credit</u>
	<u>1126-1200cf; min. width 9ft</u>	<u>6" additional credit</u>
	<u>>1200cf; min width 9ft</u>	<u>6.5" additional credit</u>
<u>Permeable concrete or pervious pavers</u>	<u>Installed adjacent to tree well.</u>	<u>.01 caliper inch of credit for each square foot, up to 675 square feet per tree (or 6.75 inches).</u>
<u>Bioswales</u>	<u>5,000 sf drainage area; loading ratio of 10 to 1; within 10 feet of tree.</u>	<u>2.5 inches additional credit</u>
<u>Rain gardens</u>	<u>Min. 5,000 sf drainage area; rain garden within 10 feet of the tree (s).</u>	<u>2.5 inches additional credit</u>

Section 158-56. Appeal of recompense and replanting requirements

- (A) Appeal of recompense amount authorized. City Arborist decisions regarding recompense and replanting requirements may be appealed by any aggrieved party to the Tree Conservation Commission within 15 calendar days of receipt of the written decision of the City Arborist, and shall meet the requirements set forth in this Section and Section 158-71.
- (B) Finding of hardship may reduce recompense owed. The Commission shall create written guidelines by which to determine whether and to what extent hardship exists. In the event that the Tree Conservation Commission decides that recompense should be assessed, but finds that the amount of recompense owed constitutes a financial hardship, the Commission shall have the authority to reduce or eliminate the recompense amount owed, provided that said decision is consistent with the guidelines. The guidelines shall include a requirement that the person requesting a finding of financial hardship make a written request and provide documentary evidence of such hardship. The specific documents to be provided shall be determined by the Commission. The Commission shall apply these guidelines consistently for all hardship requests and shall issue a written decision regarding hardship and the basis for the decision.
- (C) Plan approval when appeal is pending. An appeal for the sole purpose of requesting an adjustment in cash recompense shall not prohibit the issuance of the City Arborist's final approval of a tree replacement plan if the appellant submits payment to the City in the amount of the calculated recompense along with the appeal. The City shall retain the funds until the appeal is decided. If a recompense adjustment is granted, the City shall reimburse the appellant accordingly.

Section 158-57. Parking lot landscaping and tree planting requirements

All surface parking lots, whether commercial or non-commercial, which are being built or resurfaced, and which have a total of 15 or more parking spaces, shall meet the landscaping requirements and tree planting requirements set forth in this section. For purposes of this section, a parking area on any property shall be deemed a separate parking lot if it is separated from other parking areas by a road or right of way.

~~(A) Landscaping requirements for parking lots:~~

- ~~(1) Minimum landscaped area. Surface parking lots shall have a minimum interior landscaped area within the parking lot equal to at least ten percent of the paved area of such lot.~~
- ~~(2) Landscaped areas adjacent to sidewalks and other rights of way. Continuous landscaped areas of at least five 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.~~
- ~~(3) Landscaped areas between parking spaces. A landscaped area shall be installed after every group of 20 contiguous parking spaces. The area shall be a minimum of six feet in width and 20 feet in length unless adjacent to a compact car space and reduced to fit, per City Arborist's approval.~~
- ~~(4) Landscaped areas in large lots. For lots of 30 or more spaces with two or more parking rows, every other parking row shall be divided by a landscaped area at least nine feet in width unless the conditions do not permit and the requirement is exempted by the City Arborist.~~
- ~~(5) Barrier curbs and wheel stops. Where the end of a parking space abuts a landscaped area, 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 eight 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 contain one or more of the following types of ground cover in order to protect tree roots and prevent erosion: shrubs, 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.~~
- ~~(B) Tree planting requirements for parking lots. In evaluating the tree plan for parking lots, the City Arborist shall require that trees be planted in a location and manner that facilitates survival and growth of the tree(s):~~
- ~~(1) Number and type of trees. A minimum of one tree per eight parking spaces shall be planted in and/or on the perimeter of the parking lot. 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 Z 60, 1-2004.~~
- ~~(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 drought-tolerant.~~
- ~~(e) Trees shall be broad leaved overstory or mid-story shade trees.~~
- ~~(f) Trees shall be on the City's Recommended Planting List and approved by the City Arborist.~~
- ~~(2) Credit for trees retained. For the purpose of satisfying the tree planting requirement, credit shall be given for retention of each existing healthy tree with a critical root zone within five feet of the parking lot which meets the criteria of Subsection (B)(1) above and the criteria of soil surface set forth in Subsection (B)(3) and (B)(5) below. A maximum credit of five trees may be given per each retained tree with a critical root zone that reaches within five feet of the parking lot; credit will equal one replacement tree per each 2.5 inches DBH of inches retained.~~

- ~~(3) *Soil surface area without use of structural soil.* Except as set forth in Subsection (B)(4) immediately below, each tree must meet the following soil surface dimensions and utilize high quality native or amended quality soil, per specifications:~~
- ~~(a) Large canopy (overstory) trees: 400 square feet with one dimension of at least nine feet.~~
- ~~(b) Medium canopy (mid-story) trees: 225 square feet with one dimension of at least nine feet.~~
- ~~(c) Small canopy (understory) trees: 100 square feet with one dimension of at least nine feet.~~
- ~~(4) *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, trees may be planted if the criteria below are met:~~
- ~~(a) Minimum soil volume must be as follows:~~
- ~~(1) Large canopy (overstory) trees: 1,200 cubic feet; minimum soil depth of three feet; minimum width of nine feet.~~
- ~~(2) Medium canopy (midstory) trees: 675 cubic feet; minimum soil depth of three feet; minimum width of eight feet.~~
- ~~(3) Small canopy (understory) trees: 300 cubic feet; minimum soil depth of three feet; minimum width of six feet.~~
- ~~(b) Structural soils such as Amsterdam or Cornell mixes or an equivalent system, or use of high quality soil under reinforced concrete/cells that is approved by the City Arborist must be utilized. Installation and inspection requirements described in the Standards of Practice must be followed.~~
- ~~(c) The City Arborist may require that pervious pavers or pervious pavement be used in a manner that increases water retention by the structural soils if the Arborist determines that these improvements are needed to ensure that the tree will flourish and have a reasonable life expectancy.~~
- ~~(5) *Spacing.* Trees must be planted no less than 42.5 feet apart (as measured on center). The base of the tree closest to the edge of the paved parking lot must be no more than ten feet and no closer than five feet from the pavement. Trees shall be planted a minimum of 30 inches from any barrier curb so as to prevent injury to trees from vehicle bumpers.~~
- ~~(6) *Maintenance.* Maintenance of trees planted pursuant to this Article shall meet the requirements of Replacement Tree maintenance set forth in Section 158-57(B)(5) above and when trees fail shall be replaced within one year by the current owner.~~
- ~~(7) *Credits for green infrastructure, double-sided landscape areas, and overstory trees.*~~
- ~~(a) *Green infrastructure credit.* When trees are incorporated in bioretention areas and utilized in the design of the parking lot, and such practices meet the design standards of the City Code, Chapter 74 Article X, entitled City of Atlanta Post Development Stormwater Management Ordinance the City Arborist may give double credit for each tree, not to exceed five inches per tree.~~
- ~~(b) *Landscape area between parking rows.* Where a parking lot has a two rows of parking that are separated by one continuous Landscaping Area, and where trees are planted in the landscaping area consistent with the requirements of this Article, each mid-story and overstory tree shall be credited as two trees.~~
- ~~(c) *Overstory trees.* Where overstory trees are planted in parking areas in locations in addition to the landscape area described in Subsection (B)(7)(b) above and meet the planting requirements of this Article, each tree shall be credited as two trees.~~

- ~~(a) *Cap on credits.* Credits described in the Subsection (B)(7) shall not result in a total number of trees of less than one tree per 16 parking spaces.~~
- ~~(8) *Existing parking lots.*~~
- ~~(a) If it is determined by the City Arborist that implementation of these regulations will result in the loss of parking spaces in an existing lot, the Director of the Office of Buildings or her/his designee may increase the allowable percentage of compact car spaces from 25% up to 35% to minimize the loss of parking spaces.~~
- ~~(b) For existing parking lots with fewer than 30 spaces, no more than three percent of parking spaces may be required to be lost to meet the requirements of this subsection. For existing parking lots with 30 or more spaces, no more than ten percent of parking spaces may be required to be lost, provided that the minimum number of spaces required by Code are retained.~~
- ~~(9) *Administrative variances authorized.* The Director of the Office of Buildings is authorized to grant administrative variances to the requirements of this parking lot subsection upon written application by any person subject to this Article. A variance shall be granted only if all of the following findings can be made:~~
- ~~(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, subsurface conditions, and/or overhead structures; and~~
- ~~(b) Such conditions are peculiar to the particular piece of property involved; and~~
- ~~(c) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Article and of Part 16 (Zoning) of the Code.~~

~~Section 158-58. Requirements for construction and issuance of certificate of occupancy~~

- ~~(A) *Preconstruction conference required.* Upon approval of any permit for grading, demolition, or construction, no work shall commence, no grading shall be undertaken, and no trees shall be removed prior to a preconstruction conference on the site between the City Arborist and the applicant or his/her designee. The City Arborist shall inspect the site to assure the accuracy of permit application data and shall inspect tree protection fences and other protective devices which have been installed to protect trees. After the inspection is complete, the City Arborist shall document inspection results. Demolition, grading, or construction may proceed only upon City Arborist approval.~~
- ~~(I) *Exception.* For any permit for an addition to a one family or two family residence, the City Arborist may elect to rely on data submitted in the application and certified by the applicant for the building permit in lieu of a preconstruction conference on the site.~~
- ~~(B) *Site inspection required during construction.* A site inspection shall be conducted at least once during land disturbance, construction, or demolition activities to verify that the site work is proceeding in accordance with the approved site plan and all requirements of this Article.~~
- ~~(C) *Fencing during construction.* No activity, including construction material storage, shall occur in areas protected by tree fences. Tree protection fences must remain upright and in place as shown on the site plan at all times after land disturbance, construction or demolition begins. Fences must comply with all provisions of this Article, stamped site plans, and any permit conditions at all times throughout land disturbance, construction, or demolition activities. Fencing must remain in place until such time as construction is complete and final landscaping of a site requires its removal. Until the final Certificate of~~

~~Occupancy is issued, the protected area within tree fencing shall contain two to four inches of organic mulch; no sod or turf shall be placed in this area.~~

~~(D) Site inspection required prior to issuance of Certificate of Occupancy. No Certificate of Occupancy shall be issued by the Director of the Office of Buildings or a designee with respect to any permit unless and until the City Arborist has inspected such site and confirmed that all replacement trees have been planted in accordance with this Article, all trees shown to be saved on the City Arborist approved site plan have been saved in accordance with the provisions of this Article, and all fines and fees associated with illegal destruction or removal of trees have been paid in full.~~

DIVISION VII. VIOLATIONS AND ENFORCEMENT

Section 158-59. Enforcement Authority

~~The Office of Parks, Office of Buildings, Atlanta Police Department, Tree Conservation Commission and Atlanta Municipal Court shall be charged with the enforcement of this Article. Employees of the Office of Parks and Office of Buildings Arborist Divisions shall have police power to perform all acts necessary for enforcement.~~

Section 158-60. Finding of violation – notification to responsible party

~~Where a person with enforcement authority finds that a violation of this Article has been committed, s/he shall provide written notice of said finding to the responsible party/parties by issuance of a Warning, a Notice of Violation or a Citation. Violations of this Article include without limitation failure to perform remedial acts required by the City Arborist, and failure to pay recompense or fines assessed pursuant to this Article.~~

~~(A) Written notice. The forms of written notice are:~~

~~(1) Warning. A warning may be issued by the City Arborist where: a) none of the responsible parties has been charged previously with a violation of this Article (including receipt of a warning); and b) the City Arborist finds that the violation has not caused any apparent harm to the tree, including without limitation any part of the tree's critical root zone. A warning may be issued verbally first, but must be documented and issued to the responsible party in writing within seven working days thereafter. Where the responsible party is issued a warning only, s/he shall not be charged penalties pursuant to Code Section 1-8.~~

~~(2) Notice of Violation. Any person with enforcement authority of this Article, as described herein above, may issue a notice of violation to a responsible party or parties for an alleged violation of this Article. Notices of Violation are subject to the jurisdiction and rules of the Tree Conservation Commission and may be appealed thereto. The Code Section 1-8 penalties applied pursuant to a Notice of Violation shall be limited to monetary fines.~~

~~(3) Citation. Any person with enforcement authority of this Article, as described herein above, may issue a citation to a responsible party for an alleged violation of this Article.~~

~~(a) 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.~~

- ~~(b) 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, and shall assess fines or other penalties pursuant to Code Section 1-8.~~
- ~~(E) Specification of violations and remedial acts required. Notices of Violation, Citations, and the written documentation of warnings shall state with specificity the actions or failures to act that are the basis of the charges and the Code sections that have been violated. The City Arborist shall identify the remedial actions required in order to comply with this Article.~~
- ~~(C) Penalties. Where a Notice of Violation or Citation is issued, all responsible parties may be subject to the penalties set forth in this Article and in Code Section 1-8.~~
- ~~(D) Depositing funds. Any recompense and fines recovered pursuant to this Section 158-73, excluding court costs, shall be deposited into the Tree Trust Fund.~~

~~Section 158-61. Remedial actions required for compliance with Article after violation~~

- ~~(A) Remedial actions. If the City Arborist reasonably determines that someone has violated the terms of this Article, s/he shall determine the replacement and recompense owed if the tree is destroyed, or may require alternatives to replacement and recompense where the tree may be saved ("remedial actions"). Where more than one responsible party exists, only one shall be required to perform the remedial actions. The City Arborist shall have authority to require remedial actions by a responsible party whose specific actions or inaction violated the Article; however, the property owner shall be the party ultimately responsible for performing such remedial actions.~~
- ~~(1) No apparent harm to tree. Where the City Arborist finds that the violation has not caused any apparent harm to the tree, including without limitation any part of its critical root zone, s/he shall identify the acts needed to comply with the Article and shall require that the responsible party perform said remedial actions within a set period of time. No recompense shall be charged.~~
- ~~(2) Tree is destroyed or removed: replacement and recompense. 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 assess the replacement and recompense owed. The density requirements for the property, as set forth in Table 158-44 above, must be met. The responsible party shall be required to replant and/or pay recompense as described in Division VI above. Where the City Arborist is unable to determine the DBH inches of trees removed and/or the quantity of trees removed, replacement and recompense calculations shall assume the existence of 1,000 inches of DBH per acre, and shall impose a fine of \$60,000 per acre of land where the offenses occurred, prorated for property less than one acre in size.~~
- ~~(3) Tree may be saved: prescriptive measures. Where the City Arborist finds that despite the violation, the tree may be saved, s/he may require performance of specific tree saving measures, including without limitation application of a silvicultural prescription, and shall establish a time frame 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 time frame, replacement and/or recompense will be owed. In addition, failure to implement the required tree saving measures within the established time frame 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 reasonable, documented cost of the assessment shall 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.~~

~~(B) *Appeal rights.* Any party aggrieved by a City Arborist decision made pursuant to this Section 158-61 may appeal the decision to the Tree Conservation Commission as set forth in Section 158-65 below.~~

Section 158-62. Penalties

~~(A) *Violations.* In addition to the violations described above, for which a Notice of Violation or Citation is issued, the following shall be deemed violations of this Article and the Responsible Party shall be issued a Notice of Violation or Citation:~~

~~(1) 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, including without limitation a tree replacement plan, site plan, and photographs.~~

~~(2) It shall be a violation of this Article to fail to abide by the material conditions set forth in a tree removal permit issued by the City.~~

~~(B) *Penalties.* Any person who is issued a Notice of Violation or a Citation, and who is found in violation of any of the provisions of this Article shall be deemed guilty of an offense and shall be subject to the penalties set forth in Code Section 1-8. These penalties shall be in addition to the remedial actions required of the violator.~~

~~(C) *Calculation of fine owed.* The following factors shall be considered when calculating a fine owed pursuant to Code Section 1-8 for violation of this Article:~~

~~(1) Where the Enforcement Authority is able to determine the exact number of trees removed or destroyed in violation of this Article, the responsible party shall be fined no less than \$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. If the first violation is for destruction of a Historic, Landmark, or specimen tree, the fine shall be \$1,000. Each tree upon which a violation occurred may be deemed a separate violation of this Article.~~

~~(2) Where the Enforcement Authority is unable to determine the exact number of trees upon which a violation of this Article occurred, the assessed fine shall assume a density of 1,000 inches DBH and 60 trees per acre, and shall impose a fine of \$60,000 per acre of land where the offenses occurred. Where the subject area is smaller than one acre, the fine shall be prorated.~~

~~(3) A fine of \$1,000 shall be imposed for each violation of a stop work order issued pursuant to this Article.~~

~~(4) 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 Enforcement Authority, and no minimum amount shall apply.~~

~~(5) 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 a separate offense.~~

Section 158-63. Suspension or revocation of tree removal permit

~~Where the City Arborist reasonably finds that the material terms of a permit issued pursuant to this Article are not being met, the City Arborist may suspend or revoke the permit via written notification to the permittee(s).~~

- ~~(A) Contents of notice of suspension or revocation. Notice of suspension or revocation must be provided in writing to the property owner, and shall include without limitation the basis for the action, the evidence supporting the determination, and the right to appeal the decision to the Tree Conservation Commission.~~
- ~~(B) Term of suspension or revocation. The permit suspension or revocation shall remain in effect until the City Arborist finds that the permittee has come into compliance with the material permit terms and conditions and any related provisions of this Article.~~

Section 158-64. Stop work orders

~~Any person with enforcement authority of this Article may issue a stop work order to a property owner or other responsible party for an alleged violation of this Article where the immediate cessation of work is needed to address, prevent, or assess harmful actions or damage associated with the alleged violation, including without limitation to stop the unpermitted removal or destruction of a healthy non-hazardous tree.~~

- ~~(A) Applicability. The stop work Order may apply to any location where and/or activity for which the immediate cessation is needed as described above.~~
- ~~(B) Activity permitted after receipt of order. In a location that is subject to a stop work order, only activities needed to correct the violation and/or prevent or eliminate hazardous conditions are permitted.~~
- ~~(C) Term of order. A stop work order will be lifted upon a finding by the City Arborist that the necessary corrective actions or remedial measures have been implemented as required.~~
- ~~(D) Penalties for violating order provisions. Violating the provisions of a stop work Order constitutes an offense subject to the penalties set forth in Code Section 1-8. Penalties shall be cumulative.~~
- ~~(E) Relation to other enforcement actions. The issuance of a stop work order does not preclude the City from proceeding with any other enforcement actions authorized by this Article.~~
- ~~(F) Cease and desist orders. 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 Atlanta Police Department may issue a cease and desist order that terminates at the conclusion of two business days from the date of issuance. 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.~~

Section 158-65. Appeal of penalties

~~Where a penalty citation indicates that a hearing will be held in the Atlanta Municipal Court, the aggrieved party shall not have the right to appeal to the Tree Conservation Commission. All other aggrieved parties may appeal the penalties set forth in this Division pursuant to the procedures established by Section 158-71.~~

DIVISION VIII. TREE CONSERVATION COMMISSION

Section 158-66. Establishment; function, powers, 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 as provided in Section 158-56.~~
 - ~~(3) Serving as a citizen advisory panel for administration and enforcement procedures of this Article.~~
 - ~~(4) Reviewing and advising on arboricultural specifications and standards of practice implemented by the City Arborist.~~
 - ~~(5) Providing consultation and assistance regarding the preparation and implementation of an Urban Forestry Master Plan.~~
 - ~~(6) Designating and maintaining a written record of Historic and Landmark Trees.~~
 - ~~(7) Providing review of and recommendations to the Atlanta City Council regarding expenditures from the Tree Trust Fund.~~
 - ~~(8) Establishing educational and other programs to encourage proper management and maintenance of trees on private and public property in the City.~~

Section 158-67. Appointment of members and Commission composition

The Commission shall consist of 11 members, 6 of which shall be appointed by the Mayor and 5 by the City Council. All members shall be confirmed by the City Council pursuant to the process set forth in Code Section 2-1855. Each of the members shall have specialized knowledge about trees, the Tree Protection Ordinance, and/or the impact of construction activities on trees.

~~(A) Mayoral appointees.~~

- ~~(1) One ISA certified private arborist;~~
- ~~(2) One registered architect;~~
- ~~(3) One landscape architect;~~
- ~~(4) One botanist, forester, horticulturist, nursery worker, or arborist;~~
- ~~(5) One member of an environmental organization; and~~
- ~~(6) One lay citizen interested in environmental protection.~~

~~(B) City Council appointees.~~

- ~~(1) One residential or commercial builder or developer appointed by the full City Council;~~
- ~~(2) One urban planner or environmental resource planner 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.~~

~~(C) 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.~~

Section 158-68. Terms; vacancies; 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 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.~~

~~(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, and/or the impact of construction activities on trees.~~

~~(D) *Compensation of members.* Each Commission member shall receive a \$75.00 per month honorarium, but only if the member attends at least two of the hearings and/or business meetings 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 nonperformance of duty or failure to meet the attendance requirements established by the Commission.~~

Section 158-69. Administrative meetings and hearings

~~The Commission shall hold business meetings and appeal hearings, and shall adopt procedural rules for each.~~

Section 158-70. Staff; administrative analyst; court reporter

~~(A) *Clerk to Commission.* The Commissioner of the Department of Planning and Community Development shall designate an employee of the department as clerk to the Tree Conservation Commission. The clerk also shall be responsible for the administration of the appeals process established in Section 158-71, 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 clerk also shall direct and supervise the giving of 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.~~

~~(B) *Tree Conservation Commission staff.* The Commissioner of the Department of Planning and Community Development shall designate an additional employee of the department to serve as the Tree Commission's administrative analyst. The administrative analyst's primary responsibility shall be education, outreach, and policy development regarding tree maintenance and preservation, implementation of the Urban Forestry Master Plan, and other similar issues arising from this Article.~~

~~(C) *Court reporter.* The Commission's appeal hearings shall be recorded by a court reporter who is paid for from the proceeds of the Tree Trust Fund.~~

Section 158-71. Appeal of decisions of City Arborist

~~(A) Authority to hear appeals. The Tree Conservation Commission is authorized to hear and rule upon the following issues provided that the application for appeal meets all of the requirements of this Article:~~

- ~~(1) Appeals of decisions made by a City Arborist regarding application of this Article;~~
- ~~(2) Requests for waivers and reductions of fees, recompense and fines based upon a claim of hardship as provided in Section 158-56;~~
- ~~(3) Appeals of denial to remove an alleged dead, dying or hazardous tree on private property or on non-City owned property, but only where the appeal is filed by the applicant. There shall be no right of appeal for trees on City owned property or for non-applicants.~~
- ~~(4) Appeals regarding the removal of a dead, dying, and hazardous tree posing an imminent danger on private property and non-City owned public property, but only where the appeal is filed by the applicant or property owner on which the tree is located.~~

~~(B) Who may appeal and timing of appeal.~~

~~Appeal rights are set forth throughout this Article, and specifically in the following locations:~~

~~(1) Dead, dying and hazardous trees~~

~~—— (a) In general: Subsection 158-71(C)~~

~~—— (b) Trees posing imminent danger: Subsection 158-32(B)(3)(c)~~

~~—— (c) Nuisance trees: Appeals subject to Atlanta Code Enforcement provisions, Code Section 17-9013(a)5. (2) Healthy non hazardous trees.~~

~~(a) Construction, demolition, and landscaping tree removals — application denial: Subsection 158-38(C)(6)~~

~~(b) Construction, demolition, and landscaping tree removals — application approval: Subsection 158-38(E)~~

~~(c) Undesirable species tree removals: Subsection 158-39(D)~~

~~(d) Proximity to dwelling tree removals: Subsection 158-40(I)~~

~~(e) Public safety tree removals: Subsection 158-41(I)~~

~~(f) Department of Watershed Management tree removals: see Section 158-74~~

~~(3) Replanting and recompense requirements. Section 158-45(E).~~

~~(4) Penalties, including without limitation fine, permit suspensions, or revocations, and stop work orders. See Division VII: Violations and Enforcement.~~

~~(C) Appeal requirements.~~

~~(1) Submission of appeals. All appeals must be filed with the clerk of the Tree Conservation Commission.~~

~~(2) Filing fee. An appeal shall not be deemed filed until the clerk receives a completed appeal package, along with either a \$75.00 filing fee used to help defray the administrative costs of the appeal or a hardship letter requesting a fee waiver. Where a 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 or before the time of the appeal hearing.~~

- ~~(3) *Appeal content.* The Notice of Appeal shall state, at a minimum, the name, address, phone number, and e-mail 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 and applicable, 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 Notice of Appeal Appeals shall specify, at a minimum: the appeal 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 misinterpreted or misunderstood.~~
- ~~(5) *Appeal for only one property or project.* An appeal may challenge a decision(s) regarding one property or one project only.~~
- ~~(D) *Stay of activity after appeal is filed.* Filing an appeal shall result in a stay of activity only as set forth in Subsection 158-38(E)(5).~~
- ~~(E) *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 clerk 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 ten calendar days before the date of the hearing.~~
- ~~(F) *Submission of evidence.* The property owner on which the subject tree is located and each additional party shall submit to the Commission Clerk all documentary evidence supporting his or her arguments at least one calendar week prior to the hearing except rebuttal evidence and evidence not available one week prior to the hearing.~~
- ~~(G) *The appeal hearing.*~~
- ~~(1) *Who may appeal.* At the hearing, the property owner and any party may 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.~~
- ~~(3) *Appeal of decision.* The Tree Conservation Commission shall issue a final decision at the hearing where the appeal is presented, except that the Commission may defer a decision if they find that additional evidence is required to render such decision. In such event, the Commission shall delineate the evidence needed and shall provide a reasonable time certain in which the evidence must be submitted. The Tree Conservation Commission may issue one additional deferral for a period not to exceed three weeks upon a finding that the parties have diligently attempted to obtain the additional evidence and need extra time. The Tree Conservation Commission shall issue a final decision on the appeal at the first hearing immediately following receipt of the additional evidence.~~
- ~~(H) *Tree Conservation Commission's ruling.*~~
- ~~(1) *Decision of Commission.* Except as described in Subsection (I)(2) and (I)(3) below, the Tree Conservation Commission shall sustain an appeal upon an express finding that the City Arborist's action was based upon a misinterpretation, erroneous finding of a material fact, or an erroneous application of law. If no such finding is made, the Commission shall deny the appeal. 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) *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 and/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.~~
- ~~(3) *Unique or special conditions.* The Tree Conservation Commission shall have the authority to sustain an appeal based upon a finding of a unique or otherwise special existing condition not addressed by this Article. Any appellant requesting that an appeal be upheld on this ground must make the request on the initial appeal form and must provide documentary evidence of the unique or special condition. When the Commission finds that a special condition exists which justifies sustaining the appeal, the Commission shall have the authority to reduce or eliminate the amount owed if applicable. Where the Commission's decision is based upon a special or unique condition, its order shall be written and shall include the supporting findings and documentation.~~
- ~~(I) *Invalid appeals.* An appeal may be dismissed as invalid by a vote of the Commission in advance of the time that would be set for hearing. In such instances, the members may be polled without meeting. An appeal is invalid if it clearly appears from the face of the notice of the appeal and the justification set forth, that no facts could be brought forth at a hearing that could sustain such an appeal as a matter of law. In the event that an appeal is dismissed as invalid, the stay on the activity appealed shall be lifted immediately and all parties shall be notified in writing by the clerk.~~

Section 158-72. Appeal of decision of Tree Conservation Commission

- ~~(A) *Appeal of Tree Conservation Commission decision to Superior Court.* 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.~~
- ~~(B) *Lifting of stay.* Any person desiring to appeal a decision of the Tree Conservation Commission shall notify the clerk of the Commission, in writing, of such intent within six business days of the date of the written decision of the Commission. Barring such notice of intent, the stay on the activity that was the basis for the decision appealed shall be lifted and the Commission's decision shall take effect. This six-day waiting period shall not apply to the circumstances described in Subsection 158-71(J) above, pursuant to which the stay shall be lifted immediately upon the ruling of the Commission.~~

DIVISION IX. TREE TRUST FUNDS

Section 158-73. Tree Trust Fund

- ~~(A) *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. It is the policy of the City of Atlanta to utilize the Tree Trust Fund to ensure the replanting and establishment of trees when healthy trees are removed from private property and trees cannot be replaced on site in accordance with the provisions of this Article.~~
- ~~(1) *Record of location.* The location of trees planted and maintained utilizing Tree Trust Funds shall be recorded by the City or its agent.~~

- ~~(2) *Replacement.* The City shall require a minimum two year replacement guarantee for all trees planted utilizing Tree Trust Funds.~~
- ~~(3) *Monitoring.* The City Arborist shall inspect all trees planted under the Tree Trust Fund at least once between 23 and 24 months after planting and shall notify responsible party of the number of required replacement trees.~~
- ~~(B) *Recompense to be paid to fund.* All monies collected pursuant to this Article shall be paid to the Tree Trust Fund.~~
- ~~(C) *Authorized expenditures.* In addition to paying for the planting of new trees and maintenance of existing trees, the Tree Trust Fund may be used for the following expenses:~~
- ~~(1) *Program expenditures:*~~
- ~~(a) *Forested land purchases.* Trust funds may be utilized to purchase land meeting minimum forestation standards of 1,000 DBH inches and/or 50 trees per acre, provided that 1) the Departments of Planning and Parks shall establish written criteria for selection of eligible land purchases; 2) the Commissioner of the Department of Parks and Recreation and the Commissioner of the Department of Planning and Community Development provide a recommendation regarding the proposed purchase; and 3) legislative approval of the purchase requires that the land be preserved in perpetuity as forested land.~~
- ~~(b) *Forested easement purchases.* Trust funds may be utilized to purchase easements on land meeting minimum forestation standards of 1,000 DBH inches and/or 50 trees per acre, provided that 1) the Commissioner of the Department of Parks and Recreation and the Commissioner of the Department of Planning and Community Development provide a recommendation regarding the proposed purchase; and 2) legislative approval of the purchase requires that the land be preserved in perpetuity as forested land.~~
- ~~(c) *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 cost of posting trees to be removed, the cost of supplies and field equipment, the cost of court reporter services at Tree Conservation Commission hearings, and honoraria for Tree Conservation Commission members.~~
- ~~(d) *Educational expenditures.* During any given fiscal year, five percent 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 Education Outreach account, and such monies shall be used for educational materials, educational programs, and educational outreach. Any amount not expended in the given fiscal year shall remain in the account to be utilized in future years.~~
- ~~(e) *Park Pride matching program.* A tree planting matching program, administered by Park Pride, shall be funded in an amount not to exceed \$100,000 per year. Each matching amount must be reviewed and approved by the Commissioner of the Department of Parks and Recreation, or his designee, per Ordinance 04-0-2219.~~
- ~~(2) *Salary expenditures:*~~
- ~~(a) *Funds for City Arborist positions.* A maximum of \$110,000 per year of the Tree Trust Fund may be used for the annual salary and benefits of two arborist positions in the Department of Planning and Community Development. In the event that the costs of the salary and benefits of these positions exceed \$110,000.00, the remainder of the cost shall be assumed by the General Fund budget in the Department of Planning and Community Development.~~
- ~~(b) *Funds for 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. The person in~~

~~this position shall act as a project manager for the various projects funded by Tree Trust Fund monies, namely new tree plantings, tree maintenance, removal of invasive plant species from forested areas, and master planning. All of the responsibilities of this position must be related to oversight of projects financed by the Tree Trust Fund, including planting and maintenance of trees within the City, research and identification of qualifications required for proposals for contractors that will perform tree maintenance and planting, and preparation of requests for proposals for contractors that will perform tree maintenance and planting.~~

- ~~(c) *Urban Forestry Crew.* A maximum of \$200,000 per year of the fund may be used to pay for the annual salary and benefits of an Office of Parks Tree Pruning Crew. The Tree Pruning Crew shall be comprised of one Forestry Crew Supervisor, one Tree Trimmer Senior, and one Tree Trimmer. The members of this crew will be responsible for providing services that maintain and enhance the health of the City's tree canopy, including pruning and limbing trees that are located in City owned parks and rights of way.~~
- ~~(d) *Administrative analyst.* A maximum of \$60,000 per year of the Tree Trust Fund may be used to pay for the annual salary and benefits of the administrative analyst. In the event that the cost of the salary and benefits exceeds \$60,000, the remainder of the cost may be paid for from the Tree Trust Fund's education account.~~
- ~~(3) *Urban Forest Master Plan.* Tree Trust Fund monies may be expended on activities associated with implementation of the City's Urban Forest Master Plan.~~
- ~~(4) *Tree canopy study.* Tree Trust Fund monies may be expended to update tree canopy imagery and analyses on a five to seven year update cycle.~~
- ~~(5) *Retention of sidewalk trees.* Tree Trust Fund monies may be expended to design, purchase, construct and/or implement techniques and materials for sidewalk and/or roadway construction, 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, including without limitation alternative sidewalk materials, root bridging, and hand digging. Where the cumulative expenditures pursuant to this subsection exceed \$100,000 in any fiscal year, all additional expenditures under this subsection during said fiscal year must be authorized by duly enacted legislation, even if not required under the City's Procurement Code.~~

DIVISION X. SPECIAL REQUIREMENTS FOR FEDERAL CONSENT DECREE RELATED ACTIONS

~~The provisions set forth in this Division apply only to removal, destruction, or injury performed as a result of the City of Atlanta's compliance with the CSO Consent Decree entered in Civil Action No. 1:95-CV-2550-TWT (U.S. District Court, Northern District of Georgia), and/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). These decrees (collectively the "Consent Decrees") relate to improving water quality through upgrades to the City's sewer system. For the purposes of this Division only, the City is deemed to hold an easement on any land located above City sewer lines.~~

~~Section 158-74. Special requirements for the Department of Watershed Management for tree removal based upon achieving compliance with federal Consent Decrees~~

- ~~(A) *Permit required for removal or destruction.* The Department of Watershed Management may only remove, destroy, or injure any tree in order to comply with the Consent Decrees if one of the following~~

conditions is met:

- ~~(1) *Removal or destruction of private property tree.* Removal or destruction of any private property tree as defined in Section 158-29, including without limitation private property trees in City easements over private property and private property trees located in part on City owned property, may occur when such action is required for compliance with the Consent Decrees and a removal permit has been obtained from the appropriate authority. Permit decisions for trees located wholly on private property or trees deemed private property trees shall be made by the City Arborist in the Department of Planning and Community Development.~~
- ~~(2) *Removal or destruction of public property tree.* Removal or destruction of any public property tree as defined in Section 158-29, including without limitation public property trees located in City parks, on streets, sidewalks, and other property owned by the City of Atlanta, may occur when such action is required for compliance with the Consent Decrees and a removal permit has been obtained from the appropriate permitting authority. Permit decisions for trees located wholly on public property or trees deemed public property trees shall be made by the Parks Arborist.~~
- ~~(B) *Submission of permit application.* The City's Department of Watershed Management must submit an application to the appropriate permitting authority in a form prescribed by said permitting authority. For public property trees, application may be made by projects, as defined in the Consent Decrees. Permit applications for public property trees may be made on a quarterly basis, provided that the application for each tree to be removed is submitted and approved prior to the tree's removal.~~
- ~~(1) *Site plan required.* The Department of Watershed Management shall submit a site plan drawn to scale that meets the standards set forth in Division V. This site plan must include each tree's critical root zone, structural root plate, identification of boundary trees (if any), silvicultural prescriptions to be used (if applicable), and the construction methodology to be utilized by location. It also shall provide the total DBH of all trees to be removed and a calculation of the percentage of damage on each tree that is not removed.~~
- ~~(2) *Tree survey required.* A survey shall be required showing all damaged trees that will not be removed, though the survey may be performed by GPS coordinates, via a sketch describing each tree and showing its DBH. The sketch need not be performed by a registered surveyor or landscape architect.~~
- ~~(3) *Identification of Historic, Landmark, and specimen trees required.* The Department of Watershed Management's site plan must designate all Historic, Landmark, and specimen trees, except for the special condition of a public health emergency as described in Section 158-41. The City Arborist may discuss with the Department of Watershed Management alternative routes for the work to be performed that may allow the Historic/Landmark/specimen tree to survive, though the City Arborist may not deny the removal/destruction permit in the event the Department of Watershed Management is unable to identify an alternative route.~~
- ~~(4) *Tree replacement plan required.* The proposed location of any replacement plantings required pursuant to Division V should be included in the application.~~
- ~~(a) *Exception.* The Parks Arborist need not approve a tree replacement plan prior to issuing a tree removal permit when the Commissioner of the Department of Watershed Management or his/her designee, working in good faith cooperation with the Director of the Office of Parks or his/her designee, is unable to identify locations in which to plant the number of requisite replacement trees at the time of granting the Consent Decree tree removal permit. Special replanting requirements detailed in Subsection 158-75 (B) and (C) shall apply to this circumstance.~~
- ~~(5) *Recompense calculation required.* If applicable, the amount of recompense owed pursuant to Section 158-50 shall be included in the application.~~

- ~~(6) *Special requirements for permit applications involving non boundary trees in a City easement.* For trees located in a City easement that are not boundary trees, the Department of Watershed Management may destroy, remove, and/or injure trees as prescribed in Section 158-37 of this Article, except that the number of trees to be destroyed, removed, and/or injured may be determined by acre rather than by tree-per-tree or sampling techniques, and except that Historic, Landmark, and specimen trees need not be identified. A site plan drawn to scale shall be required for these trees showing locations of damaged trees by acre, but not showing individually damaged trees. No survey shall be required.~~
- ~~(7) *Property owner consent not required.* The City Arborist shall not require the Department of Watershed Management, as part of its Consent Decree tree removal permit application, to produce evidence of consent by a private property owner regarding removal or destruction of a tree that impacts said private property owner's property. Impact of tree removal from privately owned property will be addressed directly by the Department of Watershed Management.~~
- ~~(C) *Posting not required for Consent Decree tree removal permit application.* No posting of private or public property is required prior to the issuance of a Consent Decree tree removal permit.~~
- ~~(D) *Exemption from Preliminary Approval requirements.* Applications for a Consent Decree tree removal permit are not subject to the Preliminary Approval requirements of Subsection 158-38.~~
- ~~(E) *Replacement and recompense.* Any removal, destruction, or injury of a tree authorized by a Consent Decree tree removal permit shall be subject to special replacement and recompense requirements found in Section 158-45 and Section 158-46 of this Article.~~
- ~~(F) *No right of appeal for Consent Decree tree removal permit.* No right of appeal is associated with a Consent Decree tree removal permit. The Tree Conservation Commission shall not have the authority to hear or in any other way consider an appeal regarding the granting or denial of such permit.~~
- ~~(G) *Report of removal, destruction, or injury without permit required; penalties.* Where a tree is removed, destroyed, or injured without a Consent Decree tree removal permit by the Department of Watershed Management, its contractor, or any City employee or contractor during work related to the Consent Decrees, the Department of Watershed Management must report the removal, destruction, or injury to the appropriate permitting authority by the close of the following business day. In such instance, the permitting authority shall calculate the tree replacement required and/or recompense due. Where the City Arborist learns of a Consent Decree-related tree removal or destruction caused and not timely reported by the Department of Watershed Management or its contractor/subcontractor, the appropriate City authority shall institute enforcement actions pursuant to Section 158-59 of this Article, and also shall require that recompense be paid and/or replacement be performed pursuant to Sections 158-60 and 158-61.~~

~~Section 158-75. *Tree replacement standards for tree removal based upon achieving compliance with federal Consent Decrees*~~

- ~~(A) *Tree replacement required for federal Consent Decree work.* The Department of Watershed Management shall replace all public property trees that it destroys, removes, or injures on property owned by the City of Atlanta, such that the DBH of the replacement trees is equal to or greater than the cumulative DBH of the trees removed, destroyed, and/or injured. Replacement plantings should be in accordance with the tree replacement plan and exceptions described under Subsection (B) below.~~
- ~~(B) *Replacement tree requirements.* The City Arborist need not require the replacement trees to meet the descriptions set forth in Section 158-46, but rather may give replacement tree credit for newly planted trees to the Department of Watershed Management as follows:~~

- ~~(1) The replacement trees need not be located within the same NPU district or within one mile of the NPU boundary from which the tree was removed or destroyed.~~
- ~~(2) The Department of Watershed Management shall not be required to replant trees within a City easement.~~
- ~~(3) For replacement trees that meet the requirements of Section 158-46, the replacement credit shall be the DBH of the replacement tree.~~
- ~~(4) If more than 15 but fewer than 50 replacement trees are being planted on a site, a single species shall comprise no more than 35 percent of all replantings. If 50 or more replacement trees are being planted on a site, no more than 30 percent of all replacement trees shall be of the same species.~~
- ~~(5) The Department of Watershed Management may plant understory trees on public property for the purpose of restoring stream banks or other environmentally sensitive areas. The replacement credit shall be the DBH of the replacement tree.~~
- ~~(6) The Department of Watershed Management may receive replacement credit for planting a live stakes, as defined in Section 158-29, on public property for the purpose of stream bank erosion control, stream bank stabilization, or stream or wetland restoration. The replacement credit shall be the DBH of the live stake, except that a live stake with a DBH that is less than one caliper inch shall be credited as one caliper inch.~~
- ~~(7) The Department of Watershed Management may receive replacement credit for removal of invasive species from trees on public property where the species threatens the life of the tree. The replacement credit shall be for the DBH of the saved tree as determined by the Parks Department.~~
- ~~(C) *Special replanting requirements in the event appropriate location cannot be found for required replacement trees at time of tree removal permit approval.* The Parks Arborist need not approve a tree replacement plan prior to issuing a Consent Decree tree removal permit, provided that all of the following conditions exist:~~
- ~~(1) The Director of the Office of Parks, or his/her designee, calculates the number of caliper inches of trees that must be replanted in order to satisfy the tree protection ordinance's inch per inch replacement requirement. He or she shall communicate that number in writing to the Commissioner of the Department of Watershed Management or his/her designee.~~
- ~~(2) The Department of Watershed Management agrees to plant, at its own expense, the requisite number of trees, as calculated by caliper inch, within the time frame described in (4) below. It shall be the responsibility of the Department of Watershed Management to identify potential sites for replanting, but upon request, the Director of the Office of Parks, or his/her designee, shall make a good faith attempt to assist the Department of Watershed Management with this task.~~
- ~~(3) The Commissioner of the Department of Watershed Management or his/her designee, working in good faith cooperation with the Director of the Office of Parks or his/her designee, is unable to identify locations in which to plant the number of requisite replacement trees at the time of granting the tree removal permit.~~
- ~~(4) The Commissioner of the Department of Watershed Management and the Commissioner of the Department of Parks and Recreation enter into a letter of understanding that accompanies each Consent Decree tree removal permit. The letter of understanding must set forth those replacement inches for which locations already have been identified, and additionally the number of caliper inches that the Department of Watershed Management must and agrees to plant by a date certain, but for which locations have not yet been located. The date certain shall be no greater than one year after the effective date of the decree tree removal permit, except that under extenuating circumstances, the Commissioner or his/her designee may approve an extension. The letter of understanding also shall include the requirements set forth in Subsection 158-74(B).~~

- ~~(5) The exact location of the replacement trees, the type of trees, and the size of each tree must be approved by the Director of the Office of Parks or his/her designee prior to the trees being planted. The Department of Watershed Management shall guarantee the life of each replacement tree for two years from the time of planting. The Director of the Office of Parks shall forward this replanting information to the impacted Councilmember for review.~~
- ~~(6) The Department of Watershed Management must prepare an annual report showing, for each project for which a Letter of Understanding was executed, the number of trees planted, the size by caliper inch of each tree planted, the type of each tree planted, the approximate date of planting, and the remaining balance of trees for each application. This report shall be submitted to the Director of the Office of Parks no later than May 1 of each year.~~
- ~~(7) The Department of Parks and Recreation shall inspect the trees between 18 and 24 months after planting and shall notify the Department of Watershed Management of any required replacement trees.~~
- ~~(D) Replacement trees must live for a minimum of two years or additional replacement required. The Department of Watershed Management shall be responsible for maintaining the health of all replacement trees for a period of two years from the date of planting. The Department of Watershed Management shall replace any replacement tree which dies during this time period.~~

~~Section 158-76. Recompense requirements for tree removal based upon achieving compliance with federal Consent Decrees~~

- ~~(A) Recompense authorized for federal Consent Decree work. Recompense may be assessed for trees removed as part of Department of Watershed Management work pursuant to Division VI.~~
- ~~(B) Recompense calculation. Recompense for federal Consent Decree work shall be calculated according to the formula contained in Division VI.~~
- ~~(C) Cap on recompense for federal Consent Decree work affecting non-boundary trees in a City easement. For trees removed as part of Department of Watershed Management work pursuant to 158-51, a maximum shall be set on recompense at \$20,000.00 per acre, pro-rated.~~
- ~~(D) Credit against recompense for replanting associated with federal Consent Decree work. The City shall give recompense credit to the Department of Watershed Management for newly planted trees only if the applicable replanting requirements set forth in this Article are met, but shall not give any recompense credit for new trees planted within the City's easement.~~

~~Section 158-77-158-110. Reserved."~~

~~Section 2. This ordinance shall become effective thirty (30) days following signature of the Mayor or approval by operation of law.~~

~~Section 3. All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.~~

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Trina Horton

Contact Number: 404-546-6795

Originating Department: Department of Parks and Recreation / Department of Planning and C.O.

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

Chief of Staff Deadline: September 5, 2014

Anticipated Committee Meeting Date(s): September 30, 2014 and October 14, 2014

Anticipated Full Council Date: October 20, 2014

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: N/A

Chief Information Officer Signature (for IT Procurements): N/A

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND THE CITY OF ATLANTA TREE PROTECTION ORDINANCE, SET FORTH IN ATLANTA CODE OF ORDINANCES CHAPTER 158 (VEGETATION), ARTICLE II (TREE PROTECTION), CODE SECTIONS 158-26 THROUGH 158-110, FOR THE PURPOSE OF REORGANIZING, CLARIFYING AND UPDATING THE SAME; AND SPECIFICALLY TO DELETE CODE SECTIONS 158-26 THROUGH 158-110 IN THEIR ENTIRETY AND REPLACE THEM AS SET FORTH HEREIN; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: Janice Osei 9/5/14
(date)

Reviewed by: [Signature]
(date)

Submitted to Council: _____ (date)

Attachment: Tree Ordinance Attachments (14-O-1474 : Amending the Tree Protection Ordinance)

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND THE CITY OF ATLANTA TREE PROTECTION ORDINANCE, SET FORTH IN ATLANTA CODE OF ORDINANCES CHAPTER 158 (VEGETATION), ARTICLE II (TREE PROTECTION), CODE SECTIONS 158-26 THROUGH 158-110, FOR THE PURPOSE OF REORGANIZING, CLARIFYING AND UPDATING THE SAME; AND SPECIFICALLY TO DELETE CODE SECTIONS 158-26 THROUGH 158-110 IN THEIR ENTIRETY AND REPLACE THEM AS SET FORTH HEREIN; AND FOR OTHER PURPOSES.

WHEREAS, Atlanta's Tree Protection Ordinance (hereinafter the "**Tree Ordinance**") is an environmentally important law which protects the City's tree canopy and sustains its urban forest for the benefit of residents, visitors and the Atlanta ecosystem; and

WHEREAS, Wallace, Roberts, and Todd ("**WRT**") is a firm comprised of city and regional planners, urban designers, landscape architects and architects, which describes its mission as "improving the quality of the natural and built environments in the planning and design of buildings, landscapes, cities, and regions"; and

WHEREAS, the City OF Atlanta (the "**City**") contracted with WRT to evaluate the Tree Ordinance and identify potential improvements thereto. At the conclusion of its evaluation, WRT recommended reorganization and a number of refinements; and

WHEREAS, WRT worked with stakeholders and City staff to update the Tree Ordinance's organization, language and substantive provisions to make it more user-friendly and consistent with current arboricultural standards.

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

SECTION 1. City of Atlanta Code of Ordinances Chapter 158 (entitled "Vegetation") shall be amended by deleting in its entirety Article II (entitled "Tree Protection"), comprised of Code Sections 158-26 through 158-110, and replacing it with the following:

"ARTICLE II. TREE PROTECTION

DIVISION I. GENERAL PROVISIONS

Section 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, paragraphs 3 and 4; the City's general police power; Appendix I of the City Charter, paragraphs 15, 21, 25, 30, 31, 47 and 57; and all other state and local laws applicable to this Article.

Section 158-27. Policy, purpose, and intent

It is the policy of the City that there shall be no net loss of trees and tree canopy within the boundaries of the city. It is the intent of the City to protect mature trees to the extent feasible and to ensure that when trees must be removed, trees that will yield the same quality of canopy shall be replanted wherever conditions permit. The purpose of this

Article is to establish the standards necessary to assure that this policy will be realized and that the City will continue to enjoy the benefits provided by its urban forest. The provisions of this article are enacted to:

- (A) Establish, maintain, and protect the maximum amount of 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;
- (B) Maintain trees in the city in a healthy and nonhazardous condition through professionally accepted arboricultural practices, establishing and revising standards for tree planting and maintenance as necessary;
- (C) Maintain trees in the public right-of-way to minimize hazards and damage to streets and sidewalks and to minimize cost of public right-of-way maintenance;
- (D) Provide for the identification and designation and protection of Historic, Landmark, and specimen trees;
- (E) Promote efficient and cost-effective management of the urban forest through the development of a comprehensive long-range Urban Forest Master Plan for the purposes of: a) enhancing the visual quality of the city and its neighborhoods; b) mitigating air pollution and the incidence of flooding; c) strengthening environmental protection through reduction of the heat island effect, natural management of stormwater, maintenance of stream buffers, and protection of habitats; d) strengthening the city's economic base by increasing property values; and e) enhancing quality of life for Atlanta's residents, businesses, and visitors.
- (F) Provide latitude in the interpretation and application of City administrative rules, standards, and guidelines when reasonable and necessary to minimize the destruction of trees and to provide for public safety.

Section 158-28. Scope

(A) *Applicability: Property.*

The terms and provisions of this Article shall apply to all private property; all City-owned property; and all other public property subject to City regulation, including public school property, Atlanta Public Housing Authority property, and easements granted to private or public entities including public utilities except where superseded by franchise agreements.

(B) *Applicability: Trees.*

This ordinance shall apply to the following:

- (1) All trees on public property, as described in Subsection (A) above;
- (2) Pine trees 12 inches diameter at breast height (DBH) or greater and all other trees six inches DBH or greater on private property.

(C) *Exemptions.*

- (1) *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 general public, or for some other public purpose.
- (2) *Tree museums and botanical gardens.* All non-specimen trees in licensed tree museums or public botanical gardens which meet the following conditions shall be exempt from the terms of this Article:
 - (a) The museum or botanical garden employs a full-time arborist or horticulturist;
 - (b) The museum or botanical garden is located upon property owned by the City and leased to said tree museum or botanical garden; and
 - (c) Trees were planted for the sole purpose of display or public education.
- (3) *Emergencies.* 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 and the Mayor's designee.

Section 158-29. Definitions

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Applicant. Any person seeking approval to take action under this Article.

Bioretention soil mix. Engineered soil mix designed for green infrastructure that maximizes infiltration and water quality treatment as defined by the Department of Watershed Management standards.

Boundary tree. A tree with a critical root zone that crosses a property line.

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 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.

Cambium layer. The growing vascular tissue of a tree's roots and stems that annually produces new bark and new wood in response to hormones that pass through the phloem with food from the tree's leaves.

City. The City of Atlanta.

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 standards for tree care management.

City Arborist. An employee of the City who is responsible for administering and enforcing this Article. City Arborists in the Department of Planning and Community Development (DPCD), also referred to as Buildings Arborists, are responsible for enforcing this Article regarding trees on private property as well as Atlanta Public Housing Authority (AHA) and Atlanta Public Schools (APS) property. City Arborists in the Department of Parks and Recreation (DPR), also referred to as Parks Arborists, are responsible for administering and enforcing this Article regarding trees on City-owned and public property, excluding AHA and APS property. References herein to City Arborist shall be interpreted based upon type of property at issue.

Code. The City of Atlanta Code of Ordinances (available online at municode.com).

Commission. The City of Atlanta Tree Conservation Commission.

Critical root zone (CRZ). The minimum volume of roots necessary for tree health and stability (from American National Standards Institute, Inc. [ANSI] A300 Part 5-2011 proposed revision). For the purposes of this Article, for a free standing tree with no apparent root restrictions, the critical root zone shall consist of a circle having a radius of one foot for each one inch of diameter at breast height (DBH) of the tree. Adjustments to the 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.

Destroy. To perform or knowingly allow to be performed any act/failure to act for which there is a scientific finding that the conduct will more likely than not cause the tree to die within a period of five years. 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 80% of a tree's critical root zone during construction or 67% of the critical root zone with a prescription approved by the City Arborist prior to construction; 3) damaging more than 20% of a tree's critical root zone 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 and/or storing heavy materials thereon; 7) burning a tree; 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 all conduct regarding the tree within a two-year period.

Diameter at breast height (DBH). The diameter of the main stem of a tree as measured 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. The top diameter of a stump less than 4.5 feet tall shall be considered the DBH of an illegally destroyed tree for the purpose of calculating recompense.

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.

DPCD. The City of Atlanta Department of Planning and Community Development.

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, or a tree which is determined by the City Arborist to be in imminent danger of falling, based upon a visual inspection and evaluation of canopy, leaves (if present), trunk, structural integrity, buttress roots, and other factors.

Enforcement authority. The City entities with authority to enforce this Article, namely the Office of Parks, Office of Buildings, Atlanta Police Department, Tree Conservation Commission, and Atlanta Municipal Court.

Environmentally sensitive areas. Areas of a property that include important environmental features eligible for special protection under City, State, or Federal regulations based upon their ecological value, including without limitation wetlands, floodplains, permanent and intermittent streams, riparian buffers, stands of specimen trees, critical wildlife habitat, and other significant aspects of the natural environment on site.

Established recompense value. The dollar value assigned by the City to compensate for the removal or destruction of a healthy tree. This figure shall be evaluated periodically and adjusted as needed by amendment to this ordinance.

Fair or better condition. A tree that has a structurally sound and solid root, trunk, and canopy structure and no major insect infestation or other pathological problem, as determined by the City Arborist, per American National Standards Institute, Inc. (ANSI) 61 standards.

Flush cutting. The removal of limbs by cutting immediately adjacent to the trunk, destroying the protective branch collar and exposing the trunk to decay organisms.

Green Infrastructure. An interconnected natural system and/or engineered system that strengthens and mimics natural hydrologic functions and processes through the use of plants and soil to slow, filter, evapotranspire and infiltrate stormwater runoff 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 conservation areas, reducing impervious surfaces, and installing structural measures such as vegetated swales, permeable pavement, and infiltration planters.

Hardship. A unique or special existing condition that is not addressed by the ordinance.

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.

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.

Healthy tree. Any tree subject to this Article pursuant to Subsection 158-28(B) that is not dead, dying, diseased, hazardous or destroyed.

Historic tree. A tree that has been designated by resolution of the Tree Conservation Commission, 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. A complete listing of the location of all designated Historic trees within the City of Atlanta is maintained by the Tree Conservation Commission and registered with the Municipal Clerk.

Illegally removed tree. Any tree subject to this Article that is removed or destroyed without obtaining a permit where required pursuant to this Article or in violation of conditions attached to a permit obtained pursuant to this Article.

Incursion. Any activity that damages a tree's critical root zone including, without limitation, soil compaction, trenching, storage of materials, and parking vehicles.

Injure. The commission of 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.

Landmark tree. A tree that has been designated by resolution of the Tree Conservation Commission, 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 in accordance with the City's arboricultural specifications and standards of practice. A complete listing of the location of all landmark trees within the City of Atlanta is maintained by the Tree Conservation Commission and registered with the Municipal Clerk.

Landscaping permit. Permit issued for removal of a healthy, non-hazardous tree for reasons unrelated to a building permit.

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 (0.75) of an inch and a minimum length of 24 inches. Live stake species may include the following species or other species native to the Piedmont region: black willow (*Salix nigra*), Streamco willow (*Salix purpurea*), Tag alder (*Alnus serrulata*), red chokeberry (*Aronia arbutifolia*), winter hawthorn (*Viburnum cassinoides*), Southern arrow-wood (*Viburnum dentatum*), yellow-root (*Xanthorhiza simplicissima*), Virginia (*Itea virginica*), buttonbush (*Cephalanthus occidentalis*), alternate leaf dogwood (*Cornus alternifolia*), silky dogwood (*Cornus amomum*), stiff dogwood (*Cornus foemina*), and silky willow (*Salix sericea*).

Mechanical injury. A wound which exposes or destroys the cambium layer of a tree.

Midstory or mid-canopy tree. A tree that normally attains a DBH of 10 to 25 inches, a height of 30 to 60 feet, and approximately 900 square feet of canopy at maturity. Examples include Georgia oak (*Quercus Georgiana*), Chinquapin oak (*Quercus myehlenbergi*), Persimmon (*Diospyros virginiana*), American yellowwood (*Cladrastis kentukea*), American hornbeam (*Corpinus caroliniana*), American hophornbeam (*Ostrya virginiana*), Blackgum (*Nyssa sylvatica*), Chalk maple (*Acer leucoderme*), and others on the City of Atlanta's Recommended Tree List.

Minimum tree density. A minimum number of trees or DBH and caliper-inches of trees required on a site after permitted removal activities. Minimum requirements are based upon zoning district classification (see Section 158-44).

MSA. Metropolitan Statistical Area.

Neighborhood Planning Unit (NPU). Twenty-five divisions of the City of Atlanta established in 1974 for planning purposes.

New lot of record. A tract of land that has been subdivided within the past five years and so recorded as a separate buildable property of record with the county land registrar's office.

Nuisance tree. A tree with uncorrectable defects severe enough to pose an imminent danger to people or buildings on public property under normal conditions, as determined by the City Arborist.

Ornamental tree. A small tree grown for display purposes, typically an understory tree.

Overstory tree. A tree that normally attains a DBH in excess of 25 inches, a height in excess of 60 feet, and 1,600 square feet or more of canopy at maturity. Examples include White oak (*Quercus alba*), Overcup oak (*Quercus lyrata*), Nuttall oak (*Quercus nuttalli*), Post oak (*Quercus stellata*), Tulip poplar (*Liriodendron tulipifera*), Pignut hickory (*Carya glabra*), Mockernut hickory (*Carya tomentosa*), American beech (*Fagus grandifolia*), and others on the City of Atlanta's Recommended Tree List.

Pine. A tree that is a member of the genus *Pinus* in the family Pinacea. This does not include other needled trees in the family commonly known as cedar, fir, spruce, and hemlock.

Prescription/silvicultural prescription. A written directive developed by a private arborist for a site or individual tree 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 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.

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, or an arborist with a Tree Care Industry Association (TCIA)-accredited company.

Private property. Property located within the City of Atlanta that is not owned or leased by a governmental entity, except that property in the City of Atlanta that is owned or leased by the Atlanta Housing Authority or Atlanta Public Schools shall be deemed private property for purposes of this Article only.

Private property tree. For purposes of this Article, a tree for which more than 50% of the flare of the tree, where the tree interfaces with the earth, is located on private property.

Pruning. The selective removal of plant parts performed. 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 American National Standards Institute, Inc. (ANSI) A300 standards for tree care management.

Public property. All property owned or leased by the City, including without limitation City parks, streets, sidewalks and other rights-of-way, and all other governmental property for which the City has jurisdiction with the exception of property owned by the Atlanta Housing Authority or Atlanta Public Schools.

Public property tree. For purposes of this Article, a tree for which at least 50% of the flare of the tree, where the tree interfaces with the earth, is located on public property.

Recommended Tree Planting List. A list of preferred species for planting and replacement trees in the City of Atlanta. The list includes information about the estimated size of trees at maturity.

Recompense. Monetary compensation assessed to recoup lost public value of healthy trees that are removed or destroyed. Recompense is required when tree replacement is not feasible and is calculated in accordance with the formulas contained in this Article.

Remedial action. The acts required to fulfill the requirements of this Article after a violation has occurred, including without limitation replanting, payment of recompense, and silvicultural prescriptions. Fines or other penalties assessed pursuant to Code Section 1-8 are not remedial actions.

Replacement or replanting. Planting new trees of equal or comparable size, species, vigor, health, and mature canopy potential (permitted by conditions) to restore the lost public value of healthy trees that are removed or destroyed.

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) and/or entities whose actions and/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.

Sampling. The employment of statistical survey methods recognized by current forestry standards to count and measure existing trees on a site.

Saved tree. Any tree that, under the terms of this Article, is to be protected from injury or destruction during construction.

Setback tree. A tree located in the area between the property line and the buildable area of the lot.

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.

Specimen tree. A tree meeting the following criteria:

- (1) Overstory hardwoods (e.g., most oaks, elms, poplars, hickories, etc., per the City of Atlanta Recommended Planting List specifications) in fair or better condition with a DBH equal to or greater than 28 inches;
- (2) Overstory softwoods (e.g. pine species) in fair or better condition with a DBH equal to or greater than 30 inches;
- (3) Mid-story hardwoods (e.g., maples, hornbeams, black gum, some oaks, etc. per the City of Atlanta Recommended Planting List specifications) in fair or better condition with a DBH equal to or greater than 15 inches;
- (4) Smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc. per the City of Atlanta Recommended Planting List specifications) in fair or better condition with a DBH equal to or greater than 8 inches; or
- (5) Lesser-sized trees of rare species, exceptional aesthetic quality, or historical significance as designated by the Tree Conservation Commission.

Spiking. The use of metal spurs or gaffs to climb live trees, which is prohibited by this Article.

Structural root plate or compression plate. 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.

Size of Structural Root Plate by DBH of Tree				
Diameter at breast height(DBH)	8 inches	16 inches	32 inches	48 inches
Structural root plate	5.5 feet	8 feet	10.5 feet	12 feet

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 pit into the compacted soil.

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 an impervious material.

Technically destroyed tree (prescription eligible tree). Any tree suffering injury or destruction of more than 20%, but not more than 33%, of its critical root zone. As long as the structural root plate of the tree remains 100% protected and a silvicultural prescription is provided prior to construction in accordance with the provisions of this Article [Subsection 158-48(G)], a “technically destroyed” tree may be restored to “saved” tree status.

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 replacement plan. A drawing which depicts the location, size, and species of existing and replacement trees on the lot for which a permit is sought; a table detailing, by species and DBH, the existing trees to be saved, lost, or destroyed, and the replacement trees to be planted; and other provisions as required by the City Arborist.

Tree trust fund. Includes monies collected from recompense to be spent on tree installation, maintenance, and urban forestry-related environmental education.

Tree well. The defined area surrounding a tree that contains soil to support the growth of the tree; typically bordered by impervious structures such as curbs, sidewalks, and streets.

Attachment: Tree Ordinance Attachments (14-O-1474 : Amending the Tree Protection Ordinance)

Understory tree. A tree that normally attains a DBH of less than 10 inches, a height of less than 30 feet, and a canopy of approximately 400 square feet at maturity. Examples include Pagoda dogwood (*Cornus alternifolia*), Redbud (*Cercis canadensis*), Sourwood (*Oxydendrum arboreum*), Sassafras (*Sassafras albidum*), Serviceberry (*Amelanchier arborea*), Bigleaf magnolia (*Magnolia macrophylla*), Fringe tree (*chionanthus virginicus*), and others included on the City's Recommended Tree List.

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.

Vacant lot. A property of record that has not had a structure on it in the past five years.

DIVISION II. PLANNING AND CONSERVATION

Section 158-30. Urban Forest Master Plan

- (A) *Purpose.* The City shall develop an Urban Forest Master Plan to guide long-term management of Atlanta's tree canopy, equally and equitably throughout the city.
- (B) *Plan objectives.* The Urban Forest Master Plan shall include policies and strategies which will ensure that:
 - (1) Members of the public and City officials and employees are familiar with the public benefits of a mature tree canopy.
 - (2) Data are available for evaluating trends in the urban forest and can be used to inform tree planting and management decisions.
 - (3) Residents, tree professionals, and commercial and residential builders have a working knowledge of best management practices for tree care and protection.
 - (4) Atlanta's Tree Protection Ordinance is effective, easy to understand, and fairly administered.
- (C) *Plan development.* The City Arborist and the Tree Conservation Commission shall be responsible for the development of the Urban Forest Master Plan.
- (D) *Plan updates.* The Urban Forest Master Plan shall be updated as needed to reflect changing conditions and new best practices in tree and urban forestry management as recommended by the City Arborist and Tree Conservation Commission.

Section 158-31. Access agreements for private property planting by City

The City is hereby authorized, but not required, to enter into agreements with private property owners within the City of Atlanta, upon the consent of said property owners, for the purpose of planting trees within 30 feet of the public right-of-way or public property line provided the private property owner pays no fee for the tree planting thereof. No additional legislation shall be required to authorize said agreements. Private property owners shall acquire ownership of such trees and shall agree to maintain the trees planted thereon for at least two years and also shall agree to hold the City harmless for any liability attributable to the planting or presence of the trees on the private property.

Section 158-32. Historic, Landmark, and specimen trees

Historic, Landmark, and specimen trees are elements of the City's tree canopy that deserve special protections under this Article due to their exceptional characteristics.

(A) *Designation of Historic and Landmark trees.*

- (1) Authority to designate Historic and Landmark tree. Pursuant to Section 158-66 of this Article, the Tree Conservation Commission has the authority to designate a Historic or Landmark tree.
- (2) Register of Historic and Landmark trees established. The City shall maintain a Register of Historic and Landmark Trees within the corporate boundary recognized as having notable historic value and other qualities that contribute to Atlanta's urban forest and aesthetic character.
- (3) Designation criteria. A tree may be included in the Register of Historic and Landmark Trees if it meets the following criteria:
 - (a) At least three of the following:

- (i) The tree is associated with a historic location, event, or person;
 - (ii) The tree is at least 50 years old;
 - (iii) The tree is a landmark tree as defined in Section 158-29;
 - (iv) The tree is a specimen tree as defined in Section 158-29.; and
- (b) All of the following:
- (i) The tree is free from uncorrectable disease, pests, or severe mechanical injury;
 - (ii) The tree has a life expectancy of at least ten years, as determined by a certified arborist; and
 - (iii) The tree is free from structural defects that present a hazard to the public or surrounding property.
- (4) *Nomination for inclusion on the Register of Historic and Landmark 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 for inclusion on the Register of Historic and Landmark Trees.
- (a) *Nomination requirements.* Nominations must be submitted to the Tree Conservation Commission in a form prescribed by the Commission.
 - (b) *Property owner consent not required.* Property owner consent shall not be required for the nomination, and the absence of property owner consent shall not factor into the Tree Conservation Commission's designation decision.
- (5) *Designation approval.*
- (a) *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.
 - (b) *Advisory review of nomination.* If the nominated tree is located on a historic property or within a historic or conservation district, the nomination also shall be forwarded to the Atlanta Urban Design Commission. If the nominated tree is on private property, notice shall be provided to the property owner.
 - (c) *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 and Atlanta Urban Design Commission. If the tree is found to meet at least two of the criteria identified in Subsection 158-32(A)(3)(a) and all of the criteria identified in Subsection 158-32(A)(3)(b), the Commission shall approve inclusion of the tree on the Register of Historic and Landmark Trees.
 - (d) *Record of designation.* Approved trees shall be added to the Register of Historic and Landmark Trees.
- (B) *Effect of special status.* If a tree is approved for inclusion on the Register of Historic and Landmark Trees or is identified as a specimen tree as defined in Section 158-29, the following specifications shall apply.
- (1) *Designation of special status trees on site plan.* Any site plan or tree replacement plan submitted under this Article or another section of the City Code shall identify the special status of the tree.
 - (2) *Removal of special status trees.* All applicants for a permit to remove a specimen tree or a tree on the Register of Historic and Landmark Trees shall be encouraged to present to the Arborist alternative plans that will preserve the tree. However, a permit may not be denied solely on the basis of the tree's special status.
 - (3) *Recompense for special status trees.* Removal of a tree on the Register of Historic and Landmark Trees and/or removal of specimen tree(s) shall result in special recompense requirements as detailed in Division IV of this Article (Subsection 158-52(B)).
 - (4) *Penalties for removal of special status trees.* A violation of this Article that involves a specimen tree or a tree on the Register of Historic and Landmark Trees will incur special penalties under Subsection 158-52(B).

Section 158-33. Quarterly reports to Tree Conservation Commission

- (A) *Quarterly report required.* The Buildings Arborist and Parks Arborist shall each prepare a quarterly report containing the items listed in Subsection (B) below, and shall provide the report to the Tree Conservation Commission. The Park Arborist's report shall pertain to trees on public property; the Buildings Arborist's report shall pertain to trees on private property.
- (B) *Report contents.* The report shall include the following:

- (1) Total number and DBH of trees removed (pines and hardwoods) and/or acreage impacted (where applicable) and the total number and caliper inches of trees replanted during the preceding quarter in each of the following categories: dead/dying/hazardous tree permits; landscaping permits; removals for construction of parking lots; illegal removals; public property and off-site planting; total caliper inches approved for green infrastructure credits; and any other permit or penalty category not listed.
- (2) Total recompense charged by specific property and cumulatively.
- (3) Total recompense collected, by specific property and cumulatively.
- (4) Acreage, total number of trees, and total DBH for any newly-created conservation easements or newly-created parklands.
- (5) A summary of enforcement actions taken during the quarter, including the number of Correction Notices, Notices of Violation, stop work orders, and citations issued.
- (6) Total civil fines charged and collected, by property and cumulatively.
- (7) Itemized expenditures from the Tree Trust Fund.

DIVISION III. REMOVAL OF DEAD, DYING, AND HAZARDOUS TREES

Section 158-34. Removal of dead, dying, or hazardous trees

(A) Permit to remove dead, dying, or hazardous tree.

- (1) *Submittal requirements and procedure.* Applications to remove dead, dying, or hazardous trees may be submitted to the Arborist Division by e-mail, phone, fax, or other means. Each application shall include the address of the property and the owner's name, phone, email address, and fax number, as available. If applicable, it shall also include the name, phone, email, and fax number of the tree service engaged to conduct the work. Each tree shall be identified by species, DBH, location, and any identifying characteristics or added markings. Permits to remove dead, dying, and hazardous trees shall be approved at the determination of the City Arborist.
 - (2) *No posting or preliminary approval required.* Removal of dead, dying, and hazardous trees does not require preliminary approval as set forth in Section 158-36 or posting as set forth in Subsection 158-36(D).
 - (3) *Replacement and recompense.* Removal of dead, dying, and hazardous trees are not subject to the replacement or recompense requirements of Section 158-46 and 158-47 except as follows:
 - a. Parking lot trees as set forth in Section 158-57;
 - b. Illegally destroyed trees pursuant to Section 158-61.
 - (4) *Right of Appeal.* The applicant for a dead, dying, and hazardous tree removal permit regarding a tree on private property and non-City-owned public property may appeal a notice of denial to the Tree Conservation Commission as provided in Section 158-71 of this Article. Only a property owner or agent of the owner may appeal the denial of a DDH permit for a tree on private property. Appeals must be filed within six months of the date of the City Arborist's written decision. A City Arborist's approval of a dead, dying and hazardous tree removal permit, where the tree is located on City property, is not subject to appeal.
 - (5) *Permit approval and expiration.* Permits to remove dead, dying, or hazardous trees shall be valid for six months from the date of issuance, though the City Arborist may extend the expiration date of the permit by up to six additional months based upon the Arborist's finding of extenuating circumstances.
 - (6) *Permits available for public inspection.* All dead, dying, and hazardous tree removal permits shall be available for public inspection on the activity site.
- ##### *(B) Permit to remove dead, dying, and hazardous trees posing an imminent danger on private property and non-City-owned public property over which the City has jurisdiction.*

- (1) *Authorization for immediate removal.* When an applicant believes and can demonstrate that a tree on private property or on non-City-owned public property over which the City has jurisdiction, 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 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 Arborist deny the permit, the tree shall

not be deemed imminently dangerous. If the applicant is unable to reach the City Arborist, he/she may remove the tree without approval. Within five working days of said removal, the applicant shall apply for post-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 158-34(B) and/or failed to demonstrate an imminent danger, the City may charge the responsible party applicable recompense, replacement, and fines per Section 158-62.
 - (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 and/or tree removal associated therewith. Appeals must be filed within 15 calendar days of the applicant's/owner's receipt of the City Arborist's written decision, and shall meet the requirements of Section 158-71 of this Article.
- (C) *Reporting public property trees posing imminent danger.* Any person who believes that a tree on City-owned property is imminently dangerous may notify the City by calling 911.

Section 158-35. Removal of nuisance trees

- (A) *Generally.* When at least two City Arborists (one from the Office of Planning and one from the Office of Parks) inspect and determine that a tree located on private property, or public property over which the City has jurisdiction, constitutes a nuisance, as defined in Section 158-29, they shall follow the procedures set forth in Atlanta Code of Ordinances, Section 17-9013.
- (B) *Emergency Abatement of nuisance trees posing imminent danger.* Where at least two City Arborists (one from the Office of Planning and one from the Office of Parks) inspect and determine that a nuisance tree poses imminent danger to public property, the Director of the Office of Code Enforcement shall have the right, but not the obligation, to enter the property or direct an agent to enter the property to abate the nuisance. The reasonable costs of such work shall be documented by the Office of Code Enforcement, and the City shall have the authority to obtain reimbursement from the property owner.

DIVISION IV. PROTECTION OF HEALTHY, NON-HAZARDOUS TREES: PROCEDURE FOR OBTAINING REMOVAL PERMIT

Section 158-36. Policy; general requirement

- (A) *Policy.* It is the policy of the City of Atlanta to encourage the preservation of existing healthy trees.
- (B) *Permit required.* No person shall directly or indirectly remove or destroy any healthy, non-hazardous tree meeting one of the following three descriptions without first obtaining a permit from the City Arborist except as otherwise set forth in this Article:
 - (1) Healthy, non-hazardous trees located on public property;
 - (2) Healthy, non-hazardous pine trees located on private property that are 12 inches DBH or greater; and
 - (3) Healthy, non-hazardous trees, other than pine trees, located on private property, that are six inches DBH or greater.
- (C) *Minimal damage to trees.* Each applicant for a permit to remove or destroy a healthy, non-hazardous tree shall be required to minimize the damage to trees on the site to the maximum extent feasible.
- (D) *Permit on site.* All tree removal permits shall be available for public inspection on the activity site.

Section 158-37. Reasons for removal and destruction of healthy, non-hazardous trees

Healthy, non-hazardous trees may be permitted for removal or destruction only for the following purposes, as further described in the Sections referenced, provided that the requirements of this Article are met.

- (A) *Construction and/or demolition* (See Section 158-38)
- (B) *Landscaping* (See Section 158-38)
- (C) *Undesirable species of trees* (See Section 158-39)
- (D) *Special removal permit based upon tree's proximity to dwelling* (See Section 158-40)
- (E) *Public safety emergency* (See Section 158-41)
- (F) *Department of Watershed Management's court-mandated infrastructure projects* (Division X)

Section 158-38. Removal and destruction of healthy, non-hazardous trees for the purposes of

construction, demolition, and landscaping

(A) *Applicability of this section.* The contents of this section apply only to healthy, non-hazardous trees on private and public property.

(1) *Permits for tree removal based on construction and demolition.* A permit may be issued by the City Arborist to remove or destroy a tree in order to accommodate construction and/or demolition of a property improvement for which a building permit is required, or to accommodate installation of infrastructure associated with the improvement, including without limitation dwellings, garages, free-standing buildings, pools, patios, driveways, retaining walls and utility lines. When the permit authorizes demolition, the City Arborist may require certain areas of proposed demolition to be deferred until a building permit is issued, where such deferral may preserve trees. For purposes of this Section 158-38, construction shall refer to both construction and demolition work and/or permits (as applicable) unless specifically stated otherwise.

(2) *Permits for tree removal based on landscaping improvements.* A permit may be issued by the City Arborist to remove or destroy a tree in order to accommodate landscaping projects.

(B) *Application for tree removal permit.*

(1) *Tree removal based on construction.* Any person or entity performing a construction project which may require the removal, destruction, or incursion into the critical root zone of a tree must submit a tree protection plan to the Office of Buildings along with the building permit application. The plan shall be in a form prescribed by the City Arborist, as further described in Section 158-42, and shall include without limitation, a depiction of all trees, including boundary trees, which are potentially damaged by the construction, as determined by the City Arborist.

(2) *Tree removal based on landscaping.* Any person or entity performing a landscaping project which may require the removal or destruction of a tree, or incursion into greater than 20% of a tree's critical root zone must submit a complete application to the City Arborist. The application shall be subject to the requirements of Subsection 158-38(C)2 and shall meet landscaping plan requirements as described in Section 158-43.

(C) *Review of application by City Arborist.*

(1) *Review of construction-related tree removal applications.*

(a) *No trees impacted.* The City Arborist shall first determine if any trees will be removed or destroyed. If no tree removal or destruction will occur, the City Arborist may approve or deny the plan consistent with the terms of this Article II, and no posting shall be required.

(b) *Requirements for issuing permit.* In order to issue a tree removal permit, the City Arborist must determine that the following conditions exist:

(i) The construction necessitates destruction of the tree;

(ii) No setback or boundary trees are removed or destroyed, except in the circumstances described in letter (e) below; and

(iii) The improvement cannot reasonably be positioned to maximize tree protection.

(c) *Environmentally sensitive areas.* In addition to (i) through (iii) above, for any property containing an Environmentally Sensitive Area, the City Arborist also must find that the following conditions are met:

(i) Where the property is one acre or larger, land disturbance shall be confined to the portion of the lot outside of the Environmentally Sensitive Area.

(ii) Where the property is smaller than one acre, land disturbance in the Environmentally Sensitive Area shall be allowed only to implement hydrologic and erosion control measures, to provide access corridors to streets and utility connections, and to meet the requirements of other applicable laws and codes.

(iii) On a property of any size that contains designated wetland, 100-year floodplain, or a riparian buffer as defined by Code, a maximum of 10% of the trees in said Environmentally Sensitive Area on the property may be approved for removal or destruction.

(d) *Tree protection.* The factors that shall be considered in determining whether tree protection is maximized shall include without limitation:

(i) Whether the quantity of trees saved is maximized;

(ii) Whether the total DBH inches saved is maximized;

(iii) Whether setback and boundary trees are protected; and

- (iv) Whether Landmark, Historic, and specimen trees are protected.
 - (e) *Setback trees.* Where removal of setback trees results in maximization of on-site and boundary tree protection, or where improvements permissible under the Code may not otherwise reasonably be accommodated, the City Arborist may permit removal of setback trees. Setback trees may be removed for driveway and underground utility construction only when such construction cannot reasonably be accomplished in another manner.
 - (2) *Review of landscaping-related tree removal applications.* In order to issue a landscaping-related tree removal permit, the City Arborist must determine that the following conditions exist:
 - (a) The property meets the minimum tree density standards set forth in Table 158-44 prior to and after the proposed removal or destruction of the tree(s) at issue. For purposes of this subsection, where the applicant calculates tree density based upon the quantity of trees on the property pursuant to Table 158-44, only trees of six inches DBH or greater may be counted;
 - (b) The tree is located in the buildable area;
 - (c) The tree is not an Historic, Landmark or specimen tree; and
 - (d) The tree is not located in an Environmentally Sensitive Area.
 - (3) *Notice of City Arborist decision.* The City Arborist shall give a notice of preliminary approval or denial consistent with the terms of this Article. The notice shall include the approved tree replacement and/or monetary recompense requirements associated with the removals, as described in Sections 158-45, 46, 47 below.
 - (4) *Conditions of approval and preliminary approval.* The City Arborist may require tree-protection measures consistent with this Article as a condition of the issuance of preliminary approval.
 - (5) *Re-submission.* An applicant may submit a new application at any time after receiving a notice of denial.
 - (6) *Appeals of denial of application.* A notice of denial may be appealed to the Tree Conservation Commission by the applicant only.
- (D) *Posting.*
- (1) *Applicability of this subsection.* The posting criteria set forth below in this subsection apply to construction-related and landscaping-related tree removal permits only.
 - (2) *Posting of private property trees.* For trees located on private property, two postings shall be required and shall be placed by the City Arborist.
 - (a) *Notice of tree destruction or removal request.* The first posting shall notify the public that an application to destroy or remove tree(s) was filed with the City. The posting shall remain for a minimum of ten calendar days and shall remain in place until the second posting, described immediately below, occurs or the plan is withdrawn.
 - (b) *Notice of Preliminary Approval.* The second posting shall notify the public that the City Arborist has given preliminary approval to the application to remove one or more designated trees, and that appeals of such decision may be submitted. The posting will be made only if the City Arborist has made such decision, and will not be placed on the property until after the first posting requirement has been met. The second posting shall remain in place for five business days, during which time the City will accept appeals.
 - (3) *Posting of public property trees.* For trees located on public property, only one posting shall be required. The posting shall indicate the issuance of a notice of preliminary approval of the designated public property tree(s), and shall remain in place for 15 calendar days, during which time the City will accept appeals.
 - (4) *Tree marking.* Immediately after an applicant receives preliminary approval of a tree protection plan or removal application, s/he shall mark all trees preliminarily approved for removal or destruction with an orange "x". The "x" must be visible from the road unless the tree's location or site conditions make compliance with this requirement unreasonable, as determined by the City Arborist.
 - (5) *Posting location.* Property postings shall be placed in a prominent location on the affected property so that the posting sign(s) are clearly visible, and so that the sign(s) may be seen and read by passers-by. Where the affected property has frontage on more than one road, at least one sign shall be placed on each side of the property with road frontage. If the notice of preliminary approval is not posted as required by this section, no permit shall be issued. The City Arborist also shall add the posting information to the City of Atlanta website (www.atlantaga.gov).

- (6) *Content of postings.* Postings providing notice of the issuance of preliminary approval shall inform the reader that an appeal may be filed with the Tree Conservation Commission, and shall indicate the deadline by which the appeal must be filed. The posting shall further indicate that appeal rights will be forfeited upon failure to appeal within the designated time period.
- (E) *Appeals of preliminary approval to destroy or remove healthy, non-hazardous trees.*
- (1) *Applicability of this subsection.* The appeal criteria set forth below in this subsection apply to construction-related and landscaping-related tree removal permits only.
 - (2) *Who may appeal.*
 - (a) *Appeals regarding private property trees.* Appeals of a City Arborist's decision regarding a healthy, non-hazardous tree on private property may be filed by any person who is aggrieved by the decision and who resides or owns property or a business either within 500 feet or within the NPU of the property on which the tree(s) at issue are located.
 - (b) *Appeals regarding public property trees.* Appeals of a City Arborist's decision regarding a healthy, non-hazardous tree on public property may be filed by any aggrieved party who is: 1) an individual who resides or owns property or a business in the City of Atlanta; and/or 2) a civic association in the NPU in which the tree(s) at issue are located.
 - (3) *Timing of appeal.*
 - (a) *Timing of appeal for private property trees.* Appeals regarding trees on private property must be filed within five calendar days of the posting of the City Arborist's preliminary decision regarding the tree(s) at issue, per posting requirements described in Section 158-38(D).
 - (b) *Timing of appeal for public property trees.* Appeals regarding tree(s) on public property must be filed within 15 calendar days of the posting of the City Arborist's preliminary decision regarding the tree(s) at issue, per posting requirements described in Section 158-38(D).
 - (4) *Appeal requirements.* All appeals shall meet the requirements of Section 158-71.
 - (5) *After the appeal is filed/stay of activity.*
 - (a) *Appeal by non-applicant challenging issuance of Preliminary Approval.* If an appeal is filed by a non-applicant challenging the City Arborist's decision to issue preliminary approval of tree removal(s), the preliminarily approved activities, including tree removal and related earth disturbance, shall be stayed automatically. The City Arborist shall not grant final approval until the City appeal is resolved.
 - (b) *Appeal by applicant challenging denial of Preliminary Approval.* Where the City Arborist preliminarily approves certain portions of a tree removal application and denies other portions, an appeal filed by the applicant shall not stay the preliminarily approved activities nor prevent the City Arborist from issuing a final permit for those activities.
 - (c) *Appeal of recompense and/or replacement requirements.* If an appeal is filed challenging only the recompense and/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 pursuant to Section 158-50 of this Article. The City shall place these funds in an escrow or other similar account so that the applicant may be reimbursed if so directed on appeal. The appeal shall not stay the preliminarily approved activities and shall not prevent the City Arborist from issuing a final permit.
- (F) *Issuance of permit where no timely appeal filed.* If no appeal is filed within the time frames prescribed above, the permit shall be issued in accordance with the terms of said Notice of Preliminary Approval.
- (G) *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 that the City Arborist, in connection with such approval, shall certify in writing to the following, which certification shall be attached to the permitted amendments:
- (1) That the amendments do not alter or amend any rulings of the Tree Conservation Commission made in connection with the particular case; and
 - (2) That the amendments do not affect any trees on the property in question which are eligible under this article to be designated Historic, Landmark, or specimen trees; and
 - (3) That the amendments in the aggregate do not increase by more than 10% either the total number or the total DBH of the trees permitted for removal or destruction.

- (H) *Permits available for public inspection.* All tree removal permits shall be available for public inspection on the activity site.

Section 158-39. Removal and destruction of healthy, non-hazardous trees that are of an undesirable species

- (A) *Undesirable species defined.* The following species of trees are deemed to be undesirable: Bradford Pear (*Pyrus calleryana*); Carolina cherry laurel (*Prunus caroliniana*); Chinaberry (*Melia azedarach*); Eastern arborvitae (*Thuja occidentalis*); Mimosa (*Albizia julibrissin*); Princess tree (*Paulownia tomentosa*); Leyland cypress (*Cupressocyparis leylandii*); Paper mulberry (*Broussonetia papyrifera*); Privets (*Ligustrum species*); Red Tip (*Photinia x fraseri*); Tree of heaven (*Ailanthus altissima*); and White mulberry (*Morus alba*).
- (B) *Permit required.* Prior to removal or destruction of an undesirable species tree, a permit must be received from the City Arborist.
- (C) *Permitting removal of undesirable species trees from private property.* The permitting process for removal of healthy, non-hazardous undesirable species trees located on private property shall differ from the removal permitting of other healthy, non-hazardous, private property trees described in Section 158-39, as follows:
- (1) *Application.*
 - (a) Where a permit application is for removal of fewer than six trees of an undesirable species, the property owner may either submit to the City Arborist an application with at least two photographs showing each undesirable tree, or may request a site inspection by a City Arborist who may issue a removal permit based solely on the site inspection.
 - (b) Where a permit application is for removal of six or more undesirable species trees, the applicant shall submit to the City Arborist: at least two pictures of each tree at issue which are sufficient to allow the City Arborist to identify the species of the tree; a tree construction plan or landscaping plan as applicable, meeting the requirements set forth in Section 158-43 below; and a statement of the zoning category of the property at issue.
 - (2) *Posting.* No posting of an undesirable species tree is required in order to obtain a removal permit.
 - (3) *Recompense.* No recompense, as described in Section 158-45, shall be assessed for removal of an undesirable species tree.
 - (4) *Replacement.* Tree replacement requirements, set forth in Section 158-46, shall be applied for removal of an undesirable species tree only if the property at issue does not meet the site density requirements of Table 158-44 after the undesirable tree(s) is removed. Where replacement is needed, the applicant must satisfy only the minimum tree quantity requirements of Table 158-44; the minimum DBH requirements of said table need not be met. The requirements of this subsection notwithstanding, in no event shall the applicant be required to plant more replacement trees than the quantity of undesirable trees removed.
- (D) *Appeals.* Only the property owner shall have appeal rights associated with a permit for undesirable species removal from private property. Appeals must be filed within 15 calendar days of the owner's receipt of the City Arborist's written decision, and shall meet the requirements of Section 158-71 of this Article.

Section 158-40. Removal and destruction of healthy, non-hazardous trees based on proximity to dwelling

- (A) *Description of special removal permit for tree proximity to dwelling.* The City Arborist may issue a permit to remove any private property tree located within five feet of the structural foundation of an existing single family residential dwelling or duplex (pursuant to the criteria set forth in this section).
- (B) *Permit required.* Prior to removal or destruction of tree based upon its proximity to a dwelling, a permit must be received from the City Arborist.
- (C) *Permitting process for special removal permits.* The permitting process for a special removal permit differs from the removal permitting of other healthy, non-hazardous private property trees described in Section 158-36, as follows:
- (1) *Application.* The owner of the property on which the tree is located must submit a special removal application to the City Arborist in a format prescribed by the City Arborist.
 - (2) *Review of application by City Arborist.* In order to issue a special removal permit, the City Arborist must determine that the following conditions exist:
 - (a) The application is for a private property tree;

- (b) The tree is not a boundary tree, unless the conditions of Subsection (c) immediately below are met;
 - (c) If the tree is a boundary tree, the adjoining property owner is a co-applicant for the special removal permit;
 - (d) The tree is located within five feet of the structural foundation of an existing single family residential dwelling or duplex.
 - (i) To determine the distance of the tree from the structure, the tree shall be measured at the base of the tree, where the trunk of the tree meets the ground, on the side of the tree that is closest to the structure at issue. The trunk of the tree is the main stem of the tree and does not include the tree's structural root plate or root flare.
 - (ii) To determine the location of the foundation of the structure at issue, any portion of the structure constructed on piers or pilings shall not be deemed to be part of the foundation.
 - (e) There has been no removal of a tree pursuant to a special removal application for at least five years prior to the submission date of the current application. The five year time period between a previously approved application and a new application shall apply to the property and shall not be affected by any change of ownership or reconfiguration of the property boundaries.
 - (f) The property on which the tree is located has not been the subject of a violation of this Article within one year prior of the filing of the special removal permit application.
- (3) *Posting.* No posting of the property is required to receive a special removal permit.
- (4) *Recompense.* No recompense, as described in Section 158-45, shall be required to obtain a special removal permit.
- (5) *Replacement.* Tree replacement shall not be required to obtain a special removal permit, unless the property at issue will not meet the site density requirements of Table 158-44 after the tree is removed. Where replacement is needed, the applicant shall be required to replant one tree only.
- (D) *Appeals.* Only the property owner shall have appeal rights associated with a special removal permit. Appeals must be filed within 15 calendar days of the owner's receipt of the City Arborist's written decision, and shall meet the requirements of Section 158-65 of this Article.
- (E) *Unlawful removal.* Where a tree located within five feet of the structural foundation of an existing single family residential dwelling or duplex is removed without a permit, recompense and fines shall be calculated and owed as prescribed throughout this Article, even if the property would have been eligible for a special removal permit pursuant to this Subsection 158-40.

Section 158-41. Removal and destruction of healthy, non-hazardous trees for public safety emergency

- (A) *Description of removal permit based on public safety emergency.* A condition that has a substantial likelihood of causing significant personal injury or significant harm to property shall be deemed a public safety emergency. The City Arborist may issue a tree removal permit for a healthy, non-hazardous tree on public or private property where the City Arborist determines that removal will abate the public safety emergency.
- (B) *Permitting process for removal based on public safety emergency.* The permitting process for tree removal based upon a public safety emergency shall be exempt from the process for removal of healthy, non-hazardous trees set forth in Section 158-36, and instead shall be implemented as described in this section.
- (C) *Application.*
- (1) Where abatement of a public safety emergency requires removal of a healthy tree within less than 24 hours, an applicant may request approval for immediate removal by contacting the City Arborist by phone and providing the City Arborist with the information about the emergency circumstances and necessity of removing the tree.
 - (2) If the applicant is unable to reach the City Arborist, he/she may remove the tree without approval. Within five working days of the removal, the applicant shall apply for retroactive approval by submitting to the City Arborist: a tree removal application; photos and written descriptions that demonstrate the public safety hazard and the need to remove the tree to abate the emergency; and any other information reasonably requested by the City Arborist.
- (D) *Review of application by City Arborist.* To determine whether to issue a tree removal permit based on a public safety emergency, including whether to issue a retroactive permit, the City Arborist, in consultation

with the director of any City department with purview over the type of emergency alleged, must find at least one of the following conditions to be met:

- (1) A public safety emergency exists, and removal of the subject tree(s) will be reasonably likely to abate the emergency; and/or
 - (2) A public safety emergency existed and the removal of the subject tree(s) abated the emergency; and/or
 - (3) A public safety emergency existed and it appeared reasonably likely that the removal of the trees would abate the emergency.
- (E) *Posting.* No posting of the property is required for a removal permit based on public safety emergency.
- (F) *Replanting and Recompense.* No replanting or recompense, as described in Section 158-45, shall be required to obtain a removal permit based on public safety emergency.
- (G) *Denial.* Where an applicant requests tree removal pursuant to this Section 158-41 and the City Arborist denies the permit, the tree may not be removed pursuant to this section.
- (H) *City Arborist findings.* Where the City Arborist finds that the applicant did not follow procedures of this section and/or failed to demonstrate that the tree removal was required to abate a public emergency, the Arborist may charge the responsible party applicable recompense, replacement, and fines pursuant to Sections 158-45 and 158-61.
- (I) *Right of appeal.* No one other than the applicant or property owner on which the tree was located shall have the right to appeal a decision by the City Arborist made pursuant to this Section 158-41. Appeals must be filed within 15 calendar days of an applicant's/owner's receipt of the City Arborist's written decision, and shall meet the requirements of Section 158-65 of this Article.

DIVISION V. REMOVAL OF HEALTHY NON-HAZARDOUS TREES: REQUIREMENTS FOR SITE PLAN, TREE REPLACEMENT, AND RECOMPENSE

Section 158-42. Applicability of Division V to healthy non-hazardous trees only

The provisions of this Division V shall pertain to healthy non-hazardous trees only on both public and private property.

Section 158-43. Requirements for site plans

All requests for the removal, destruction, or incursion into the critical root zone of a tree must include a tree protection plan or a site plan pursuant to Section 158-42 above. For purposes of this Division V, "site plan" and "tree protection plan" are synonymous.

- (A) *General requirements.* Any site plan required under this Article shall contain topographic information at two-foot contour intervals and shall show all existing and proposed buildings and structures, driveways and parking areas, drainage structures, water detention areas, utilities, construction material staging grounds and all areas of requiring cut and fill of earth. Single family lots of record may be exempt from the requirement of the topographic survey provided that no grading or cut or fill-of-earth or other changes in topography will occur. The survey and tree replacement plan shall be signed or stamped by an ISA-certified arborist, landscape architect, architect, engineer, or professional surveyor. Minor site plans and landscape plans may be hand-drawn to scale by the applicant, subject to approval by the City Arborist.
- (B) *Tree survey.* The site plan shall include an inventory of existing trees, identifying the size, species, and location of all private property trees having a DBH of six inches or greater and public property trees having a DBH of 2.5 inches or greater.
 - (1) *Boundary trees.* Boundary trees shall be included in the site plan. The portion of the critical root zone of all boundary trees that overlaps the work limit area shall be enclosed in a tree protection fence according to established arboricultural standards. In consultation with a boundary tree's owner or his or her agent, the City Arborist may prescribe and the applicant shall institute additional protective measures to limit damage to a boundary tree during construction, including but not limited to watering regimes, root treatments, mulching, deadwood removal, and protective pruning.
 - (2) *Historic, Landmark, and specimen trees.* The site plan shall identify which (if any) trees on the site plan are Historic, Landmark, or specimen trees.

- (C) *Construction limits line.* A construction limit line shall be delineated on each site plan submitted for a building permit. Within the construction limit line, the tree replacement requirements of this Article shall be shown. Outside this limit line, only trees with a critical root zone entirely outside the work limit shall be exempt from the site plan.
- (D) *Environmentally sensitive areas.* The site plan shall identify any environmentally sensitive areas, noting the specific designation, including without limitation stream-buffers, wetlands and 100-year floodplains. Any requested disturbance of an environmentally sensitive area shall be detailed on the plan.
- (E) *Identification of trees to be saved or removed.* The site plan shall denote each private property hardwood tree six inches DBH or larger, each private property pine tree 12 inches DBH or greater, and each public property tree 2.5 inches or greater to be saved or destroyed and the percentage of critical root zone that will be damaged. If the site plan shows no trees will be damaged, the property owner or contractor must submit at least two photos clearly depicting the area affected by proposed construction and a signed statement attesting to this fact.
- (F) *Protection of saved trees and tree fencing.* The site plan must demonstrate that the location of improvements will protect existing trees on the property and abutting properties unless the plan identifies the tree as being removed or destroyed. The site plan must further show that damage to trees during grading, construction, or demolition will be minimized to the greatest degree possible under the particular circumstances, as determined by the City Arborist. Protection must include, without limitation, tree fencing that is shown on the site plan and that meets the following requirements:
- (1) *Location.* Tree fencing must be located so as to protect a minimum of 80% of a saved tree's critical root zone throughout construction. Where the City Arborist determines that this level of protection is not possible and pre-approves a silvicultural prescription as part of the site plan, the tree fencing must be located so as to protect at least 67% of the critical root zone and 100% of the structural root plate.
 - (2) *Material.* Tree fencing must be constructed of chain link or substantial mesh material that is erected around critical root zones of trees at a minimum height of four feet before the commencement of any land disturbance, demolition, or construction. The City Arborist may require more substantial wood or steel fencing and secured posts where s/he finds a significant risk of damage to the saved tree's critical root zone. The City Arborist may require these measures at any time, including after commencement of site disturbance.
- (G) *Silvicultural prescriptions.* Where more than 20% and less than 33% of a tree's critical root zone is damaged (known as a "technically destroyed tree") the City Arborist will not consider the tree to be destroyed, and will not assess recompense or require replanting or posting, but only if the following conditions are included in the site plan and satisfied throughout the construction and/or landscaping project:
- (1) Tree save fencing is established and maintained throughout the project to protect at least 67% of the tree's critical root zone;
 - (2) The tree's structural root plate is not disturbed;
 - (3) An ISA-certified arborist or registered forester is retained to prescribe and monitor the implementation of measures to maximize the survival and protection of the tree, including but not limited to root pruning, canopy pruning, mulching, watering, fertilization, and enhanced protective fencing;
 - (4) The prescription of the retained arborist is approved by the City Arborist in advance of construction and a paid-in-full receipt or the equivalent for implementation is provided; and
 - (5) A report on the effectiveness of the prescribed measures is submitted by the retained arborist to the City Arborist prior to issuance of a Certificate of Occupancy or completion of the landscaping project as applicable.
- (H) *Tree replacement plan and recompense calculations.* The site plan shall contain a proposed tree replacement plan and recompense calculations that meet all of the specifications set forth below in Division VI.

Section 158-44. Tree density standards

- (A) *Minimum tree density standards by zoning district.* When trees are removed from private and non-City-owned public property, sites must meet a minimum tree density standard, based on the zoning designation of the property as shown in Table 158-44 below. The minimum density standards require satisfaction of either the minimum number of trees or the minimum DBH provided in Table 158-44, and may be met by

retention of existing trees and/or replanting of new trees. Minimum density must be satisfied after the tree removal unless otherwise set forth in this Article, and may be met through the replanting of new trees on site as described in Section 158-45 below. For purposes of determining existing tree density prior to replanting, only trees of six inches DBH or larger may be counted.

Table 158-44. Tree density standards by zoning category

Minimum Tree Density Standards by Zoning Category for Private Property*				
<i>*And including Atlanta Housing Authority and Atlanta Public Schools</i>				
Description of Property			Requirement* (At least one minimum must be met)	
Zoning District	Minimum Lot Size in Acres (per Atlanta Zoning Ord.)	Minimum Area Available for Planting** (Percentage/Square Feet)	Minimum DBH of Mid-Story and Overstory Trees Required per Lot	Minimum Number of Mid-Story and Overstory Trees Required per Lot
R-1	2	75%/65,430 sf	1140" DBH	57
R-2	1	65%/28,314 sf	500" DBH	25
R-2A	0.69	65%/19,500 sf	340" DBH	17
R-2B	0.64	65%/16,800 sf	300" DBH	15
R-3	0.41	60%/10,800 sf	190" DBH	9
R-3A	0.31	55%/7,425 sf	120" DBH	6
R-4	0.21	50%/4,500 sf	80" DBH	4
R-4A	0.17	45%/3,375 sf	40" DBH	2: 1 front/1 rear
R-4B	0.06	15%/420 sf	20" DBH	1
R-5	0.17	45%/3,375 sf	40" DBH	2: 1 front/1 rear
R-G & non-residential districts	NA	15%/1,125 sf (est.)	90" DBH <i>per acre</i>	25 <i>per acre</i>

* For purposes of determining existing tree density prior to replanting, only trees of 6 inches DBH or larger may be counted
 **Minimum impervious area per lot, as identified in the City of Atlanta Zoning Ordinance.

- (B) *Trees in required front yard area.* A minimum of ten percent of the total DBH of trees required for a lot in each zoning district under Table 158-44 or one tree, whichever is greater, must be located in the required front yard area for a lot within that zoning district. Where applicable, there shall be at least one tree for every fifty linear feet of street frontage on any given property.
- (C) *Density requirements applied to all building permit applicants.* Where an applicant for a construction permit on private and non-city-owned public property requests a building permit for construction that will not require tree removal or destruction and the anticipated cost of the construction is less than \$20,000, the tree density requirements of this section shall be waived.
- (D) *Density requirements for Atlanta Housing Authority properties.* AHA shall be subject to underlying zoning requirements.
- (E) *Density requirements for Atlanta Public Schools.* On APS properties one tree shall be planted for every 1,215 square feet of open space which is not required for buildings, driveways, playing fields or other necessary structures. Overstory and midstory trees shall be planted where conditions permit, in accordance with spacing standards of Section 158-46(F). Parking areas are subject to the parking standards described in Section 158-57. In no case shall density be less than 90 inches DBH per acre.
- (F) *Exceptions to minimum tree density and front yard tree planting standard for private property.* Replacement trees planted to satisfy the standards of Table 158-44 must have the potential to reach mature growth based upon the species planted. Where the City Arborist determines that the site conditions (e.g., overhead utilities or the potential for tree overcrowding) will not allow for mature growth of all necessary replacement trees, the Arborist will modify the minimum standards consistent with the constraints of the site.

Section 158-45. Replacement and/or recompense required

The following requirements shall apply unless otherwise exempted by this Article:

- (A) *Minimum density after tree removal.* Any property from which a tree is removed must meet the minimum density standards set forth in Table 158-44. Tree replacement shall be required where needed to meet these minimum standards.
- (B) *Replacement or recompense for private property trees required.* Any person removing or destroying a private property tree as described in Section 158-36, must replace the tree and/or pay recompense pursuant to the rules set forth in this Article. The City Arborist may allow payment of recompense to offset the Value of Trees Removed only after minimum density standards have been met on the subject property.
- (C) *Replacement for public property trees required.* Any person removing or destroying a public property tree as described in Section 158-36, must replace the tree, and the cumulative DBH of the replacement trees planted shall be equal to or greater than the cumulative DBH of the tree(s) removed or destroyed and meet requirements of Section 158-55. The City Arborist may not allow payment of recompense in lieu of replanting.
- (D) *Replacement and recompense for destroyed trees.* Replacement and recompense shall be required for a destroyed tree regardless of whether it is removed from the site.
- (E) *Right of appeal.* The applicant or property owner shall have the right to appeal a decision by the City Arborist regarding tree removal or destruction. Appeals must be filed within 15 calendar days of the applicant's/owner's receipt of the City Arborist's written decision, and shall meet the requirements of Section 158-71 of this Article.

Section 158-46. Replacement tree specifications

- (A) *Replacement tree type and on-site planting requirements.*

Where tree replacement is required, the applicant must plant overstory and/or mid-story trees on-site. This rule notwithstanding, where the City Arborist determines that these requirements cannot feasibly be met due to site conditions (ex. overhead lines or likely overcrowding of trees), the Arborist may allow one or more of the following alternatives, or a combination thereof:

- (1) Planting understory trees on-site;
- (2) Planting of overstory and/or mid-story trees off-site; and
- (3) Payment of recompense.

- (B) *Off-site replacement locations.* Where off-site replanting is permitted, the City Arborist may approve planting in a City park or other City-owned property or along a right-of-way, provided that such plantings are within the same NPU district or within one mile of the NPU boundary, or at locations identified by the City's tree canopy study as a permissible planting area, and provided that the plans are approved by the City Commissioner with jurisdiction over the planting site.
- (C) *Size and quality of replacement trees.* Replacement trees shall be a minimum of 2.5 inches in caliper and must be of nursery stock quality.
- (D) *Species of replacement trees.*
- (1) *Recommended Tree List.* The species of acceptable replacement trees are listed on the City's Recommended Tree List. 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.* The following species of trees may not be used as replacement trees: Bradford Pear (*Pyrus calleryana*); Carolina cherry laurel (*Prunus caroliniana*); Chinaberry (*Melia azederach*); Eastern arborvitae (*Thuja occidentalis*); Mimosa (*Albizia julibrissin*); Princess tree (*Paulownia tomentosa*); Leyland cypress (*Cupressocyparis leylandii*); Honey locust (*Gleditsia triacanthos*); Paper mulberry (*Broussonetia papyrifera*); Privet (*Ligustrum vulgare*); Red Tip (*Photinia x fraseri*); Tree of heaven (*Ailanthus altissima*); and White mulberry (*Morus alba*). This list may be amended, as appropriate, in the Arborist Division's Standards and Practices documents.
 - (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 35% of all replantings. If 50 or more replacement trees are being planted on a site, no more than 30% 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 10% of all replacement trees shall be of the same species, no more than 20% shall be of the same genus, and no more than 30% shall be of the same family. New streetscape design for a continuous corridor may be exempted at the discretion of the City Arborist.
- (E) *Planting priority.* Where consistent with the relocation requirements of this Article, trees shall be replanted in the following locations where feasible:
- (1) *Heat islands.* Replacement trees shall be located to shade streets and other external heat islands, including front-yard or right-of-way plantings. 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. Streets and other external heat islands shall be shaded by new or existing trees at a spacing not to exceed 35 feet on center on average, with a minimum of two trees per lot where feasible.
 - (2) *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. Replacement trees less than 2.5 inches in caliper shall not be credited in the calculation of site density requirements.
 - (3) *Stormwater management.* Replacement trees shall be used to meet the requirements of the Post-development Stormwater Ordinance (Section 74, Article X) where feasible.
- (F) *Spacing standards.* Replacement trees shall meet the following spacing standards:
- (1) Overstory trees shall be planted at a minimum of 35 feet apart on center.
 - (2) Mid-story trees shall be planted at a minimum of 25 feet apart on center.
 - (3) Understory trees shall be planted at a minimum of 15 feet apart on center.
- (G) *Removal or destruction of replacement trees not authorized.* Regardless of caliper or DBH, replacement trees shall not be removed or destroyed without a permit pursuant to this Article.
- (H) *Maintenance.*
- (1) *Replacement trees must live for a minimum of two years.* The owner and his or her successor(s) in title shall be responsible for maintaining the health of all replacement trees for a minimum of two years from the date of planting or the date of issuance of the certificate of occupancy (where applicable), whichever is later. The owner or his or her successor shall replace within six months any tree which dies during this time period.

- (2) *Inspection required.* The City Arborist shall inspect the condition of replacement trees between 18 and 24 months after planting and shall notify the responsible party of any required replacements.

Section 158-47. Recompense to address tree losses

- (A) *Application and intent.* Recompense is applicable to private property trees only and is assessed to recoup some of the public value lost in the removal or destruction of the trees.
- (B) *Conditions for assessment of recompense.* An applicant who has obtained a permit for tree removal or destruction under this Article and has met the tree density standards set out in Table 158-44 may pay recompense in lieu of tree replacement if approved by the City Arborist.
- (C) *Recompense calculation.* Recompense shall be calculated as set forth in Division VI below. Recompense shall be paid into the Tree Trust Fund described in Section 158-73.

**DIVISION VI. REMOVAL OF HEALTHY NON-HAZARDOUS TREES:
TREE REPLACEMENT AND CALCULATION OF RECOMPENSE**

Section 158-48. Applicability of this Division VI to healthy non-hazardous trees only
The provisions of this Division VI shall pertain to healthy non-hazardous trees only.

Section 158-49. Replacement and/or recompense required

Any person removing or destroying a tree as described in Subsection 158-36(B) must replace the tree and/or pay recompense pursuant to the rules set forth in this Article, unless otherwise exempted by this Article.

Section 158-50. Replacement requirements and calculation of recompense for trees on private property

Applicability. This Section 158-50 shall apply to private property trees only.

- (A) *Calculation required on site plan.* The applicant's site plan shall include a calculation of the Value of Trees Removed, the Value of Replacement Trees and recompense owed, and shall use formulas and criteria set forth in this Division VI. The City Arborist shall confirm the accuracy of these calculations and shall require corrections as needed prior to granting preliminary approval.
- (B) *Value of Trees Removed.* The property owner must compensate the City for the value of trees removed by planting replacement trees and/or by paying recompense. The dollar value of a tree removed shall be determined by assigning a value of \$100.00 for each tree and a value of \$30.00 for each DBH inch removed.

Value of Trees Removed = (number of trees removed x \$100) + (DBH inches removed x \$30)

- (1) A cap on the Value of Trees Removed, based upon a per acre calculation, may apply for vacant lots, vacant new lots of record, new streets and infrastructure, and affordable housing meeting the criteria described in Section 158-51 below).
- (2) The Value of Trees Removed will be increased for destruction of Historic, Landmark, and specimen trees, as described in Section 158-52 below.
- (C) *Minimum density required.* The site plan shall indicate whether the property from which the tree is removed will meet the minimum tree density standards described in Table 158-44 above after tree removal. The plan shall show the minimum number of replacement trees required (if any) to meet minimum density standards. If site conditions preclude planting a quantity of trees sufficient to meet minimum density standards, the deficit shall be noted on the plan for review by the City Arborist.
- (D) *Value of Trees Replaced.* The dollar value of replacement trees shall be determined by utilizing the same formula set forth in Subsection (B) above, except that the size of the replacement trees shall be measured in caliper inches rather than DBH.

Value of Trees Replaced = (number of trees replaced x \$100) + (caliper inches replaced x \$30)

- (1) The Value of Trees Replaced may be increased or decreased depending upon the projected size of the replacement tree species at maturity, as described in Section 158-53.
- (2) The Value of Trees Replaced may be increased for use of innovative building techniques and adjustment to construction plans resulting in preservation of trees, as set forth in Section 158-53.

- (E) *Recompense owed.* The site plan shall show recompense owed (if any) by deducting the Value of Trees replaced from the Value of Trees Removed, as set forth in Subsections (D) and (B) respectively above. The remaining dollar amount shall be owed by the property owner as tree recompense.

$$\text{Recompense} = \text{Value of Trees Removed} (-) \text{Value of Trees Replaced}$$

Section 158-51. Adjustments to recompense: cap on Value of Trees Removed

The applicable formula for the calculation of recompense is:

$$\text{Recompense} = \text{Value of Trees Removed} (-) \text{Value of Trees Replaced}$$

The adjustments below place a maximum value on "Trees Removed," but shall not be applied where the removal or destruction occurs prior to receiving a permit issued by the City Arborist in accordance with the requirements of this Article.

(A) *Vacant lots, vacant new lots of record, and vacant new subdivisions: cap on Value of Trees Removed.*

- (1) The Value of Trees Removed, as defined in Section 158-49(a) above, may be determined on a per-acre basis, pro-rated, based on the total acreage of the lot, provided the following two conditions are met.
 - (a) The trees are destroyed or removed from a property for the purpose of building a new subdivision, for building on an existing vacant lot, or for building on a vacant new lot of record; and
 - (b) A minimum percentage of DBH inches or a minimum number of DBH inches (whichever is less) of trees on the lot, as set forth in Table 158-51 below, is retained on the property.
- (2) The per-acre value shall be capped as set forth in Table 158-51 below.
- (3) Where the Value of Trees Removed is determined by using a per-acre calculation, the applicant will be credited only for replacement trees spaced no closer than one tree per 400 square feet.
- (4) In calculating the recompense owed pursuant to Section 158-50 above, the applicant may utilize either the per-acre calculation of Value of Trees Removed (per Table 158-55) or the standard calculation of Value of Trees Removed (per Section 158-50(A)).

(B) *New streets and infrastructure: cap on Value of Trees Removed.*

- (1) The Value of Trees Removed, as defined in Section 158-45(a) above, may be determined on a per-acre basis, pro-rated, provided the following three conditions are met:
 - (a) The trees are removed to accommodate construction of streets and related infrastructure in planned developments;
 - (b) Mid-story and overstory trees are replanted along the newly-constructed streets in planting strips which measure a minimum of four feet in width by 25 feet in length, and with trees planted at a minimum of one tree per 50 linear feet. These trees may be credited as "Trees Replaced" when calculating the recompense owed; and
 - (c) The ratio of graded slopes is less than two feet of horizontal change for each one foot of vertical elevation.
- (2) The per-acre calculation shall be capped as set forth in Table 158-51 below. In calculating the recompense owed pursuant to Subsection 158-50 above, the applicant may utilize either the per-acre calculation of Value of Trees Removed or the standard calculation of Value of Trees Removed.
- (3) Where using the standard calculation of Value of Trees Removed for property that is one acre or larger, the calculation may be made by using a recognized sampling technique performed by an ISA-certified arborist rather than counting damaged trees. This option notwithstanding, all Historic, Landmark, and specimen trees must be identified by species and location on the site plan and must be counted separately in the Value of Trees Removed; such trees may not be included in the sampling calculation.

(C) *Affordable housing development: cap on Value of Trees Removed.*

- (1) The Value of Trees Removed, as defined in Section 158-45(a) above, may be determined on a reduced per-acre basis, pro-rated, where trees are removed or destroyed to accommodate the building of one or more affordable housing units as follows:
 - (a) The maximum per-acre amount shall be capped at 75% of the value shown on Table 158-51 below if:
 - (i) The sale cost of the unit does not exceed 80% of the Atlanta metropolitan statistical area (MSA) median sales price; and

- (ii) The unit is available for purchase only by a household with an annual income that is greater than 50% and not more than 80% of the median family income (as defined by the United States Department of Housing and Urban Development (HUD)) in the Atlanta MSA.
- (b) The maximum per-acre amount shall be capped at 50% of the value shown on Table 158-51 below if:
 - (i) The sale cost of the unit does not exceed 80% of the Atlanta MSA median sales price; and
 - (ii) The unit is available for purchase only by a household with an annual income that does not exceed 50% of the median family income (as defined by HUD) in the Atlanta MSA.
- (c) For rental housing units, the maximum per-acre amount shall be capped at 50% of the value shown on Table 158-51 below if the unit is available for rent only by a household with an annual income that does not exceed 80% of the median family income (as defined by HUD) in the Atlanta MSA.
- (2) Where the affordable housing unit described in Subsection 158-51(C)(1) above is part of a complex of units, the per-acre calculation may be used and the percentage reduction may be applied only if at least 20% of the total number of residential units constructed are affordable housing, as defined in Subsection (C)(1) above.
- (3) The per-acre calculation and percentage reduction described in Subsection 158-51(C)(1) above may be implemented only if a minimum percentage of DBH inches or a minimum number of DBH inches (whichever is less) of trees, as set forth in Table 158-51 below, is retained on the property.
- (4) Where the property qualifies for a cap on the Value of Trees Removed under this Subsection 158-51(C) and under Subsection 158-51(A), the cap set forth in this Subsection 158-51(C) shall be applied. As with Subsection 158-51(A), the Applicant will be credited only for Replacement Trees spaced no closer than one tree per 400 square feet.
- (5) In calculating the recompense owed pursuant to this Subsection 158-51(C), the Applicant may utilize either the reduced per-acre calculation of Value of Trees Removed or the standard calculation of Value of Trees Removed.

TABLE 158-51. Summary Table for Cap on Value of Trees Removed: for vacant lots, vacant new lots of record, vacant new subdivisions, new streets and infrastructure, and affordable housing.

Tree Retention Requirements for Eligibility for Cap on Value of Trees Removed As explained per Section 158-50		
Zoning District	Minimum Requirement for Retained Trees on Property Total DBH inches or % Total DBH inches remaining (each retained tree must be 6" DBH or greater)	Value of Trees Removed: (maximum per acre)
R-1	1140" DBH or 50%	\$20,000.00
R-2	500" DBH or 45%	\$20,000.00
R-2A	340" DBH or 45%	\$20,000.00
R-2B	300" DBH or 45%	\$20,000.00
R-3	190" DBH or 40%	\$20,000.00
R-3A	120" DBH or 40%	\$20,000.00
R-4	80" DBH or 35%	\$20,000.00
R-4A	40" DBH or 25%	\$20,000.00
R-4B	33" DBH or 25%	\$20,000.00

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R-5	40" DBH or 25%	\$20,000.00
R-LC , RG(1-5), and RG-C(1-5)	25%	\$30,000.00
O & I, C (1-5), I (1&2)	20%	\$30,000.00
PD, PD-H, PD-MU, PD-OC, PD-BP, SPI Districts, Landmark Districts, and other special zoning categories*	Treat according to underlying zoning categories	Treat according to underlying zoning categories

*Where an underlying zoning category does not apply, the Minimum Trees Retained (MTR) for planned developments shall be derived by multiplying the required percentage of the site required to be retained in pervious area by a factor of 0.60 which will establish the Minimum Trees Retained percentage (MTR%). This amount shall be calculated according to the formula: **Required Pervious Area (K) x .60 = MTR%**; **Maximum Recompense Per Acre = \$20,000.00.**

Section 158-52. Adjustments to recompense: increase in Value of Trees Removed for Historic, Landmark, and specimen trees

The applicable formulas for the calculations of recompense and Value of Trees Removed below are:

Recompense = Value of Trees Removed (-) Value of Trees Replaced

Value of Trees Removed = (number of trees removed x \$100) + (DBH inches removed x \$30)

The adjustments below pertain to the Value of Trees Removed.

- (A) *Historic and Landmark trees.* Where the tree removed is a Historic or Landmark tree, the "DBH inches" utilized in the Value of Trees Removed formula shall be double the measured DBH inches of the tree.
- (B) *Specimen trees.* Where the tree removed is a specimen tree, the "DBH inches" utilized in the Value of Trees Removed formula shall be double the measured DBH inches of the tree, except that this adjustment shall not be applied where the removal is required for construction of a dwelling.

Section 158-53. Adjustments to recompense: Value of Trees Replaced

The applicable formulas for the calculations of recompense and Value of Trees Replaced below are:

Recompense = Value of Trees Removed (-) Value of Trees Replaced

Value of Trees Replaced = (number of trees replaced x \$100) + (caliper inches replaced x \$30)

The adjustments below pertain to the Value of Trees Replaced.

- (A) *Type of replacement tree.*
 - (1) *Overstory and mid-story replacement trees.* Where the Replacement Tree is an overstory or mid-canopy tree, the Value of Trees Replaced shall be doubled.
 - (2) *Screening trees.* Where the Property Owner elects to plant trees for the purpose of screening, and the trees do not meet the spacing requirements set forth in Subsection 158-46(F), the City Arborist may count the trees as Replacement Trees where s/he determines that the trees are a species with a narrow growth habit, but shall use the following formula adjustments:
 - (a) Number of trees replaced shall be calculated by measuring the linear distance over which the trees are planted and dividing the total linear feet by 25.
 - (b) Number of caliper inches per tree shall be limited to 2.5.
- (B) *Credit for certain trees saved.*
 - (1) *Innovative building techniques.* Where the City Arborist determines that a property owner is saving an overstory or mid-story tree through use of innovative building techniques, including without limitation, building on piers, cantilevering, limited grading with retaining walls, and underground utilities, and that the tree meets the requirements of a "Replacement Tree" as set forth in Subsections 158-46(C) and (D), the following adjustment shall be made to the Value of Trees Replaced:
 - (a) The saved tree shall be counted as a Replacement Tree for purposes of calculating recompense.

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(b) Where the saved tree is a Historic, Landmark, or specimen tree, it shall be counted as a Replacement Tree for purposes of calculating Recompense, and the “value of tree replaced” shall be doubled.

(2) *Construction adjustments.* Where the City Arborist determines that a property owner has adjusted building plans in order to save an overstory or mid-story tree, and that the tree meets the requirements of a “replacement tree” as set forth in Subsections 158-46(C) and (D), the following adjustment shall be made to the Value of Trees Replaced:

(a) The saved tree shall be counted as a replacement tree for purposes of calculating recompense.

(b) Where the saved tree is a Historic, Landmark or specimen tree, it shall be counted as a replacement tree for purposes of calculating recompense, and the Value of the Tree Replaced shall be doubled.

Section 158-54. Adjustments to recompense: land donations and easements

The applicable formulas for the calculations below are:

$$\text{Recompense} = \text{Value of Trees Removed} (-) \text{Value of Trees Replaced}$$

(A) *Recompense reduction for fee simple land donation.* Where a property owner donates land to the City in fee simple, the City Arborist may reduce recompense owed at a rate of \$20,000 per acre of donated land, pro-rated for partial acres, where the donated land meets the following criteria:

(1) The property is no less than one acre in size and has a tree density of at least 100 inches DBH per acre;

(2) The property is accepted by the City through duly enacted legislation (the City may, but is not required to, accept the donation); and

(3) Through duly enacted legislation, the City dedicates the land for a purpose which preserves the land’s natural scenic or forest landscape in perpetuity.

(B) *Recompense reduction for conservation easements with a tree density of 100 inches DBH per acre.* Where a property owner donates a conservation easement to the City, the City Arborist may reduce recompense owed at a rate of \$20,000 per acre, pro-rated for partial acres, where the land meets the following criteria:

(1) The conservation easement property is no less than one acre in size and has a tree density of at 100 inches DBH per acre;

(2) The conservation easement is accepted by the City through duly enacted legislation (the City may, but is not required to, accept the donation); and

(3) The conservation easement preserves the property’s natural scenic or forest landscape in perpetuity.

(C) *Recompense reduction for conservation easements with a tree density of 500 inches DBH per acre.* Where a property owner donates a conservation easement to the City, the City Arborist may reduce recompense owed at a rate of \$30,000 per acre, pro-rated for partial acres, where the land meets the following criteria:

(1) The conservation easement property is no less than one acre in size and has a tree density of at least 500 inches DBH per acre;

(2) The conservation easement is accepted by the City through duly enacted legislation (the City may, but is not required to, accept the donation); and

(3) The conservation easement preserves the property’s natural scenic or forest landscape in perpetuity.

(D) *Recompense reduction for additional natural features.* Where the fee simple land donation or conservation easement donated by the property owner is accepted as described above in this Section 158-53, the City Arborist may give additional recompense reduction of \$5,000 per acre, prorated for partial acres, may be provided for every five Historic, Landmark, and specimen trees as defined in this Article.

Section 158-55. Replacement requirements for removal or destruction of trees on public property

Applicability. This Section 158-55 shall apply to Public Property Trees only.

(A) *Replacement of public property trees.* Any person removing or destroying a public property tree must replace the tree(s) pursuant to the rules set forth in this Article, unless otherwise exempted by this Article.

(B) *Inch-per-caliper-inch replacement required.* Trees destroyed or removed from public property must be replaced such that the total DBH of replacement trees is equal to or greater than the cumulative DBH of the trees removed or destroyed. Replacement trees shall be planted in accordance with the tree replacement plan requirements set forth in this Article.

(C) *Exceptions and adjustments to inch-for-inch requirements.*

- (1) Department of Watershed Management exemptions per Section 158-75 for Consent Decree projects supersede the general requirement.
- (2) For Department of Watershed Management and Department of Public Works projects, inch-for-inch planting requirements may be adjusted for the following green infrastructure improvements, which support the health of trees, in accordance with the requirements listed below:
 - (a) Eligible infrastructure improvements which are installed in association with tree planting and preservation include tree wells, structural soils, bioswales, and rain gardens meeting specifications listed in Table 158-55 below.
 - (b) The applicant's site plan shall include a detailed description of infrastructure improvements and a summary of caliper-inch credits proposed.
 - (c) Eligible improvements must be located within the same NPU district or within one mile of the NPU boundary from which the tree was removed or destroyed.
 - (d) Proposed infrastructure improvements may not be otherwise required by Code and must be approved by the City Arborist.
 - (e) A minimum of 50% of the total replacement caliper inches required must be met by planting of replacement trees.

Attachment: Tree Ordinance Attachments (14-O-1474 : Amending the Tree Protection Ordinance)

Table 158-55 Green Infrastructure Improvement on Public Property Tree Planting Credits		
<i>Improvement</i>	<i>Specs</i>	<i>Caliper inches credit</i>
<i>Tree well Tree planted without use of structural soil with min. depth of three feet.</i>	*up to 100 sq ft of soil	No additional credit
	101-125 sq ft of soil	.5" additional credit
	126-150 sq ft of soil	1" additional credit
	151-175 sq ft of soil	1.5" additional credit
	176-200 sq ft of soil	2" additional credit
	201-225 sq ft of soil	2.5" additional credit
	226-250 sq ft of soil	3" additional credit
	251-275 sq ft of soil	3.5" additional credit
	276-300 sq ft of soil	4" additional credit
	301-325 sq ft of soil	4.5" additional credit
	326-350 sq ft of soil	5" additional credit
	351-375 sq ft of soil	5.5" additional credit
	376-400 sq ft of soil	6" additional credit
400+ sq ft of soil	6.5" additional credit	
<i>Tree well Tree planted with use of structural soil, min. depth of three feet, and min. surface soil width as specified. (Amsterdam or Cornell mixes or high quality topsoil under reinforced concrete may be used with inspection and approval by City Arborist).</i>	up to 300 cubic ft of soil	No additional credit
	301-375cf; min width 6ft	.5" additional credit
	376-450cf; min width 6ft	1" additional credit
	451-525cf; min width 6ft	1.5" additional credit
	526-600cf; min width 6ft	2" additional credit
	601-675cf; min. width 8ft	2.5" additional credit
	676-750cf; min. width 8ft	3" additional credit
	751-825cf; min. width 8ft	3.5" additional credit
	826-900cf; min. width 8ft	4" additional credit
	901-975cf; min. width 8ft	4.5" additional credit
976-1050cf; min. width 8ft	5" additional credit	

	1051-1125cf; min. width 8ft	5.5" additional credit
	1126-1200cf; min. width 9ft	6" additional credit
	>1200cf; min width 9ft	6.5" additional credit
Permeable concrete or pervious pavers	Installed adjacent to tree well.	.01 caliper inch of credit for each square foot, up to 675 square feet per tree (or 6.75 inches).
Bioswales	5,000 sf drainage area; loading ratio of 10 to 1; within 10 feet of tree.	2.5 inches additional credit
Rain gardens	Min. 5,000 sf drainage area; rain garden within 10 feet of the tree (s).	2.5 inches additional credit

Section 158-56. Appeal of recompense and replanting requirements

- (A) *Appeal of recompense amount authorized.* City Arborist decisions regarding recompense and replanting requirements may be appealed by any aggrieved party to the Tree Conservation Commission within 15 calendar days of receipt of the written decision of the City Arborist, and shall meet the requirements set forth in this Section and Section 158-71.
- (B) *Finding of hardship may reduce recompense owed.* The Commission shall create written guidelines by which to determine whether and to what extent hardship exists. In the event that the Tree Conservation Commission decides that recompense should be assessed, but finds that the amount of recompense owed constitutes a financial hardship, the Commission shall have the authority to reduce or eliminate the recompense amount owed, provided that said decision is consistent with the guidelines. The guidelines shall include a requirement that the person requesting a finding of financial hardship make a written request and provide documentary evidence of such hardship. The specific documents to be provided shall be determined by the Commission. The Commission shall apply these guidelines consistently for all hardship requests and shall issue a written decision regarding hardship and the basis for the decision.
- (C) *Plan approval when appeal is pending.* An appeal for the sole purpose of requesting an adjustment in cash recompense shall not prohibit the issuance of the City Arborist’s final approval of a tree replacement plan if the appellant submits payment to the City in the amount of the calculated recompense along with the appeal. The City shall retain the funds until the appeal is decided. If a recompense adjustment is granted, the City shall reimburse the appellant accordingly.

Section 158-57. Parking lot landscaping and tree planting requirements

All surface parking lots, whether commercial or non-commercial, which are being built or resurfaced, and which have a total of 15 or more parking spaces, shall meet the landscaping requirements and tree planting requirements set forth in this section. For purposes of this section, a parking area on any property shall be deemed a separate parking lot if it is separated from other parking areas by a road or right-of-way.

- (A) *Landscaping requirements for parking lots.*
 - (1) *Minimum landscaped area.* Surface parking lots shall have a minimum interior landscaped area within the parking lot equal to at least ten percent of the paved area of such lot.
 - (2) *Landscaped areas adjacent to sidewalks and other rights-of-way.* Continuous landscaped areas of at least five 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.

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- (3) *Landscaped areas between parking spaces.* A landscaped area shall be installed after every group of 20 contiguous parking spaces. The area shall be a minimum of six feet in width and 20 feet in length unless adjacent to a compact car space and reduced to fit, per City Arborist's approval.
- (4) *Landscaped areas in large lots.* For lots of 30 or more spaces with two or more parking rows, every other parking row shall be divided by a landscaped area at least nine feet in width unless the conditions do not permit and the requirement is exempted by the City Arborist.
- (5) *Barrier curbs and wheel stops.* Where the end of a parking space abuts a landscaped area, 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 eight 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 contain one or more of the following types of ground cover in order to protect tree roots and prevent erosion: shrubs, 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.
- (B) *Tree planting requirements for parking lots.* In evaluating the tree plan for parking lots, the City Arborist shall require that trees be planted in a location and manner that facilitates survival and growth of the tree(s).
- (1) *Number and type of trees.* A minimum of one tree per eight parking spaces shall be planted in and/or on the perimeter of the parking lot. Newly planted trees shall meet the following requirements:
- 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 Z-60, 1-2004.
 - Trees shall have an anticipated mature height of at least 40 feet (except under utility lines).
 - Trees shall have a minimum limb clearance of 4.5 feet.
 - Trees shall be drought-tolerant.
 - Trees shall be broad-leaved overstory or mid-story shade trees.
 - Trees shall be on the City's Recommended Planting List and approved by the City Arborist.
- (2) *Credit for trees retained.* For the purpose of satisfying the tree-planting requirement, credit shall be given for retention of each existing healthy tree with a critical root zone within five feet of the parking lot which meets the criteria of Subsection (B)(1) above and the criteria of soil surface set forth in Subsection (B)(3) and (B)(5) below. A maximum credit of five trees may be given per each retained tree with a critical root zone that reaches within five feet of the parking lot; credit will equal one replacement tree per each 2.5 inches DBH of inches retained.
- (3) *Soil surface area without use of structural soil.* Except as set forth in Subsection (B)(4) immediately below, each tree must meet the following soil surface dimensions and utilize high quality native or amended quality soil, per specifications:
- Large canopy (overstory) trees: 400 square feet with one dimension of at least nine feet.
 - Medium canopy (mid-story) trees: 225 square feet with one dimension of at least nine feet.
 - Small canopy (understory) trees: 100 square feet with one dimension of at least nine feet.
- (4) *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, trees may be planted if the criteria below are met.
- Minimum soil volume must be as follows:
 - Large canopy (overstory) trees: 1,200 cubic feet; minimum soil depth of three feet; minimum width of nine feet.
 - Medium canopy (midstory) trees: 675 cubic feet; minimum soil depth of three feet; minimum width of eight feet.

- (3) Small canopy (understory) trees: 300 cubic feet; minimum soil depth of three feet; minimum width of six feet.
- (b) Structural soils such as Amsterdam or Cornell mixes or an equivalent system, or use of high quality soil under reinforced concrete/cells that is approved by the City Arborist must be utilized. Installation and inspection requirements described in the Standards of Practice must be followed.
- (c) The City Arborist may require that pervious pavers or pervious pavement be used in a manner that increases water retention by the structural soils if the Arborist determines that these improvements are needed to ensure that the tree will flourish and have a reasonable life expectancy.
- (5) *Spacing.* Trees must be planted no less than 42.5 feet apart (as measured on center). The base of the tree closest to the edge of the paved parking lot must be no more than ten feet and no closer than five feet from the pavement. Trees shall be planted a minimum of 30 inches from any barrier curb so as to prevent injury to trees from vehicle bumpers.
- (6) *Maintenance.* Maintenance of trees planted pursuant to this Article shall meet the requirements of Replacement Tree maintenance set forth in Section 158-57(B)(5) above and when trees fail shall be replaced within one year by the current owner.
- (7) *Credits for green infrastructure, double-sided landscape areas, and overstory trees.*
- (a) *Green infrastructure credit.* When trees are incorporated in bioretention areas and utilized in the design of the parking lot, and such practices meet the design standards of the City Code, Chapter 74 Article X, entitled City of Atlanta Post-Development Stormwater Management Ordinance the City Arborist may give double credit for each tree, not to exceed five inches per tree.
- (b) *Landscape area between parking rows.* Where a parking lot has a two rows of parking that are separated by one continuous Landscaping Area, and where trees are planted in the landscaping area consistent with the requirements of this Article, each mid-story and overstory tree shall be credited as two trees.
- (c) *Overstory trees.* Where overstory trees are planted in parking areas in locations in addition to the landscape area described in Subsection (B)(7)(b) above and meet the planting requirements of this Article, each tree shall be credited as two trees.
- (d) *Cap on credits.* Credits described in the Subsection (B)(7) shall not result in a total number of trees of less than one tree per 16 parking spaces.
- (8) *Existing parking lots.*
- (a) If it is determined by the City Arborist that implementation of these regulations will result in the loss of parking spaces in an existing lot, the Director of the Office of Buildings or her/his designee may increase the allowable percentage of compact car spaces from 25% up to 35% to minimize the loss of parking spaces.
- (b) For existing parking lots with fewer than 30 spaces, no more than three percent of parking spaces may be required to be lost to meet the requirements of this subsection. For existing parking lots with 30 or more spaces, no more than ten percent of parking spaces may be required to be lost, provided that the minimum number of spaces required by Code are retained.
- (9) *Administrative variances authorized.* The Director of the Office of Buildings is authorized to grant administrative variances to the requirements of this parking lot subsection upon written application by any person subject to this Article. A variance shall be granted only if all of the following findings can be made:
- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, subsurface conditions, and/or overhead structures; and
- (b) Such conditions are peculiar to the particular piece of property involved; and
- (c) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Article and of Part 16 (Zoning) of the Code.

Section 158-58. Requirements for construction and issuance of certificate of occupancy

- (A) *Preconstruction conference required.* Upon approval of any permit for grading, demolition, or construction, no work shall commence, no grading shall be undertaken, and no trees shall be removed prior

to a preconstruction conference on the site between the City Arborist and the applicant or his/her designee. The City Arborist shall inspect the site to assure the accuracy of permit application data and shall inspect tree protection fences and other protective devices which have been installed to protect trees. After the inspection is complete, the City Arborist shall document inspection results. Demolition, grading, or construction may proceed only upon City Arborist approval.

- (1) *Exception.* For any permit for an addition to a one-family or two-family residence, the City Arborist may elect to rely on data submitted in the application and certified by the applicant for the building permit in lieu of a preconstruction conference on the site.
- (B) *Site inspection required during construction.* A site inspection shall be conducted at least once during land disturbance, construction, or demolition activities to verify that the site work is proceeding in accordance with the approved site plan and all requirements of this Article.
- (C) *Fencing during construction.* No activity, including construction material storage, shall occur in areas protected by tree fences. Tree protection fences must remain upright and in place as shown on the site plan at all times after land disturbance, construction or demolition begins. Fences must comply with all provisions of this Article, stamped site plans, and any permit conditions at all times throughout land disturbance, construction, or demolition activities. Fencing must remain in place until such time as construction is complete and final landscaping of a site requires its removal. Until the final Certificate of Occupancy is issued, the protected area within tree fencing shall contain two to four inches of organic mulch; no sod or turf shall be placed in this area.
- (D) *Site inspection required prior to issuance of Certificate of Occupancy.* No Certificate of Occupancy shall be issued by the Director of the Office of Buildings or a designee with respect to any permit unless and until the City Arborist has inspected such site and confirmed that all replacement trees have been planted in accordance with this Article, all trees shown to be saved on the City Arborist-approved site plan have been saved in accordance with the provisions of this Article, and all fines and fees associated with illegal destruction or removal of trees have been paid in full.

DIVISION VII. VIOLATIONS AND ENFORCEMENT

Section 158-59. Enforcement Authority

The Office of Parks, Office of Buildings, Atlanta Police Department, Tree Conservation Commission and Atlanta Municipal Court shall be charged with the enforcement of this Article. Employees of the Office of Parks and Office of Buildings Arborist Divisions shall have police power to perform all acts necessary for enforcement.

Section 158-60. Finding of violation- notification to responsible party

Where a person with enforcement authority finds that a violation of this Article has been committed, s/he shall provide written notice of said finding to the responsible party/parties by issuance of a Warning, a Notice of Violation or a Citation. Violations of this Article include without limitation failure to perform remedial acts required by the City Arborist, and failure to pay recompense or fines assessed pursuant to this Article.

(A) *Written notice.* The forms of written notice are:

- (1) *Warning.* A warning may be issued by the City Arborist where: a) none of the responsible parties has been charged previously with a violation of this Article (including receipt of a warning); and b) the City Arborist finds that the violation has not caused any apparent harm to the tree, including without limitation any part of the tree's critical root zone. A warning may be issued verbally first, but must be documented and issued to the responsible party in writing within seven working days thereafter. Where the responsible party is issued a warning only, s/he shall not be charged penalties pursuant to Code Section 1-8.
- (2) *Notice of Violation.* Any person with enforcement authority of this Article, as described herein above, may issue a notice of violation to a responsible party or parties for an alleged violation of this Article. Notices of Violation are subject to the jurisdiction and rules of the Tree Conservation Commission and may be appealed thereto. The Code Section 1-8 penalties applied pursuant to a Notice of Violation shall be limited to monetary fines.

- (3) *Citation.* Any person with enforcement authority of this Article, as described herein above, may issue a citation to a responsible party for an alleged violation of this Article.
- (a) 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.
- (b) 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, and shall assess fines or other penalties pursuant to Code Section 1-8.
- (E) *Specification of violations and remedial acts required.* Notices of Violation, Citations, and the written documentation of warnings shall state with specificity the actions or failures to act that are the basis of the charges and the Code sections that have been violated. The City Arborist shall identify the remedial actions required in order to comply with this Article.
- (C) *Penalties.* Where a Notice of Violation or Citation is issued, all responsible parties may be subject to the penalties set forth in this Article and in Code Section 1-8.
- (D) *Depositing funds.* Any recompense and fines recovered pursuant to this Section 158-73, excluding court costs, shall be deposited into the Tree Trust Fund.

Section 158-61. Remedial actions required for compliance with Article after violation

- (A) *Remedial actions.* If the City Arborist reasonably determines that someone has violated the terms of this Article, s/he shall determine the replacement and recompense owed if the tree is destroyed, or may require alternatives to replacement and recompense where the tree may be saved (“remedial actions”). Where more than one responsible party exists, only one shall be required to perform the remedial actions. The City Arborist shall have authority to require remedial actions by a responsible party whose specific actions or inaction violated the Article; however, the property owner shall be the party ultimately responsible for performing such remedial actions.
- (1) *No apparent harm to tree.* Where the City Arborist finds that the violation has not caused any apparent harm to the tree, including without limitation any part of its critical root zone, s/he shall identify the acts needed to comply with the Article and shall require that the responsible party perform said remedial actions within a set period of time. No recompense shall be charged.
- (2) *Tree is destroyed or removed: replacement and recompense.* 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 assess the replacement and recompense owed. The density requirements for the property, as set forth in Table 158-44 above, must be met. The responsible party shall be required to replant and/or pay recompense as described in Division VI above. Where the City Arborist is unable to determine the DBH inches of trees removed and/or the quantity of trees removed, replacement and recompense calculations shall assume the existence of 1,000 inches of DBH per acre, and shall impose a fine of \$60,000 per acre of land where the offenses occurred, prorated for property less than one acre in size.
- (3) *Tree may be saved: prescriptive measures.* Where the City Arborist finds that despite the violation, the tree may be saved, s/he may require performance of specific tree-saving measures, including without limitation application of a silvicultural prescription, and shall establish a time-frame 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 time-frame, replacement and/or recompense will be owed. In addition, failure to implement the required tree saving measures within the established time-frame 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 reasonable, documented cost of the assessment shall 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.

- (B) *Appeal rights.* Any party aggrieved by a City Arborist decision made pursuant to this Section 158-61 may appeal the decision to the Tree Conservation Commission as set forth in Section 158-65 below.

Section 158-62. Penalties

- (A) *Violations.* In addition to the violations described above, for which a Notice of Violation or Citation is issued, the following shall be deemed violations of this Article and the Responsible Party shall be issued a Notice of Violation or Citation:
- (1) 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, including without limitation a tree replacement plan, site plan, and photographs.
 - (2) It shall be a violation of this Article to fail to abide by the material conditions set forth in a tree removal permit issued by the City.
- (B) *Penalties.* Any person who is issued a Notice of Violation or a Citation, and who is found in violation of any of the provisions of this Article shall be deemed guilty of an offense and shall be subject to the penalties set forth in Code Section 1-8. These penalties shall be in addition to the remedial actions required of the violator.
- (C) *Calculation of fine owed.* The following factors shall be considered when calculating a fine owed pursuant to Code Section 1-8 for violation of this Article:
- (1) Where the Enforcement Authority is able to determine the exact number of trees removed or destroyed in violation of this Article, the responsible party shall be fined no less than \$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. If the first violation is for destruction of a Historic, Landmark, or specimen tree, the fine shall be \$1,000. Each tree upon which a violation occurred may be deemed a separate violation of this Article.
 - (2) Where the Enforcement Authority is unable to determine the exact number of trees upon which a violation of this Article occurred, the assessed fine shall assume a density of 1,000 inches DBH and 60 trees per acre, and shall impose a fine of \$60,000 per acre of land where the offenses occurred. Where the subject area is smaller than one acre, the fine shall be prorated.
 - (3) A fine of \$1,000 shall be imposed for each violation of a stop work order issued pursuant to this Article.
 - (4) 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 Enforcement Authority, and no minimum amount shall apply.
 - (5) 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 a separate offense.

Section 158-63. Suspension or revocation of tree removal permit

Where the City Arborist reasonably finds that the material terms of a permit issued pursuant to this Article are not being met, the City Arborist may suspend or revoke the permit via written notification to the permittee(s).

- (A) *Contents of notice of suspension or revocation.* Notice of suspension or revocation must be provided in writing to the property owner, and shall include without limitation the basis for the action, the evidence supporting the determination, and the right to appeal the decision to the Tree Conservation Commission.
- (B) *Term of suspension or revocation.* The permit suspension or revocation shall remain in effect until the City Arborist finds that the permittee has come into compliance with the material permit terms and conditions and any related provisions of this Article.

Section 158-64. Stop work orders

Any person with enforcement authority of this Article may issue a stop work order to a property owner or other responsible party for an alleged violation of this Article where the immediate cessation of work is needed to address, prevent, or assess harmful actions or damage associated with the alleged violation, including without limitation to stop the unpermitted removal or destruction of a healthy non-hazardous tree.

- (A) *Applicability.* The stop work Order may apply to any location where and/or activity for which the immediate cessation is needed as described above.

- (B) *Activity permitted after receipt of order.* In a location that is subject to a stop work order, only activities needed to correct the violation and/or prevent or eliminate hazardous conditions are permitted.
- (C) *Term of order.* A stop work order will be lifted upon a finding by the City Arborist that the necessary corrective actions or remedial measures have been implemented as required.
- (D) *Penalties for violating order provisions.* Violating the provisions of a stop work Order constitutes an offense subject to the penalties set forth in Code Section 1-8. Penalties shall be cumulative.
- (E) *Relation to other enforcement actions.* The issuance of a stop work order does not preclude the City from proceeding with any other enforcement actions authorized by this Article.
- (F) *Cease and desist orders.* 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 Atlanta Police Department may issue a cease and desist order that terminates at the conclusion of two business days from the date of issuance. 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.

Section 158-65. Appeal of penalties

Where a penalty citation indicates that a hearing will be held in the Atlanta Municipal Court, the aggrieved party shall not have the right to appeal to the Tree Conservation Commission. All other aggrieved parties may appeal the penalties set forth in this Division pursuant to the procedures established by Section 158-71.

DIVISION VIII. TREE CONSERVATION COMMISSION

Section 158-66. Establishment; function, powers, 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 as provided in Section 158-56.
 - (3) Serving as a citizen advisory panel for administration and enforcement procedures of this Article.
 - (4) Reviewing and advising on arboricultural specifications and standards of practice implemented by the City Arborist.
 - (5) Providing consultation and assistance regarding the preparation and implementation of an Urban Forestry Master Plan.
 - (6) Designating and maintaining a written record of Historic and Landmark Trees.
 - (7) Providing review of and recommendations to the Atlanta City Council regarding expenditures from the Tree Trust Fund.
 - (8) Establishing educational and other programs to encourage proper management and maintenance of trees on private and public property in the City.

Section 158-67. Appointment of members and Commission composition

The Commission shall consist of 11 members, 6 of which shall be appointed by the Mayor and 5 by the City Council. All members shall be confirmed by the City Council pursuant to the process set forth in Code Section 2-1855. Each of the members shall have specialized knowledge about trees, the Tree Protection Ordinance, and/or the impact of construction activities on trees.

- (A) *Mayoral appointees.*
- (1) One ISA-certified private arborist;
 - (2) One registered architect;

- (3) One landscape architect;
 - (4) One botanist, forester, horticulturist, nursery worker, or arborist;
 - (5) One member of an environmental organization; and
 - (6) One lay citizen interested in environmental protection.
- (B) *City Council appointees.*
- (1) One residential or commercial builder or developer appointed by the full City Council;
 - (2) One urban planner or environmental resource planner 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.
- (C) *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.

Section 158-68. Terms; vacancies; 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 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.
- (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, and/or the impact of construction activities on trees.
- (D) *Compensation of members.* Each Commission member shall receive a \$75.00 per month honorarium, but only if the member attends at least two of the hearings and/or business meetings 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 nonperformance of duty or failure to meet the attendance requirements established by the Commission.

Section 158-69. Administrative meetings and hearings

The Commission shall hold business meetings and appeal hearings, and shall adopt procedural rules for each.

Section 158-70. Staff; administrative analyst; court reporter

- (A) *Clerk to Commission.* The Commissioner of the Department of Planning and Community Development shall designate an employee of the department as clerk to the Tree Conservation Commission. The clerk also shall be responsible for the administration of the appeals process established in Section 158-71, 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 clerk also shall direct and supervise the giving of 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.
- (B) *Tree Conservation Commission staff.* The Commissioner of the Department of Planning and Community Development shall designate an additional employee of the department to serve as the Tree Commission's administrative analyst. The administrative analyst's primary responsibility shall be education, outreach, and policy development regarding tree maintenance and preservation, implementation of the Urban Forestry Master Plan, and other similar issues arising from this Article.
- (C) *Court reporter.* The Commission's appeal hearings shall be recorded by a court reporter who is paid for from the proceeds of the Tree Trust Fund.

Section 158-71. Appeal of decisions of City Arborist

- (A) *Authority to hear appeals.* The Tree Conservation Commission is authorized to hear and rule upon the following issues provided that the application for appeal meets all of the requirements of this Article:
- (1) Appeals of decisions made by a City Arborist regarding application of this Article;
 - (2) Requests for waivers and reductions of fees, recompense and fines based upon a claim of hardship as provided in Section 158-56;
 - (3) Appeals of denial to remove an alleged dead, dying or hazardous tree on private property or on non-City-owned property, but only where the appeal is filed by the applicant. There shall be no right of appeal for trees on City-owned property or for non-applicants.
 - (4) Appeals regarding the removal of a dead, dying, and hazardous tree posing an imminent danger on private property and non-City-owned public property, but only where the appeal is filed by the applicant or property owner on which the tree is located.
- (B) *Who may appeal and timing of appeal.*
Appeal rights are set forth throughout this Article, and specifically in the following locations:
- (1) *Dead, dying and hazardous trees*
 - (a) In general: Subsection 158-71(C)
 - (b) Trees posing imminent danger: Subsection 158-32(B)(3)(c)
 - (c) Nuisance trees: Appeals subject to Atlanta Code Enforcement provisions, Code Section 17-9013(a)5.
 - (2) *Healthy non-hazardous trees.*
 - (a) Construction, demolition, and landscaping tree removals - application denial: Subsection 158-38(C)(6)
 - (b) Construction, demolition, and landscaping tree removals - application approval: Subsection 158-38(E)
 - (c) Undesirable species tree removals: Subsection 158-39(D)
 - (d) Proximity to dwelling tree removals: Subsection 158-40(I)
 - (e) Public safety tree removals: Subsection 158-41(I)
 - (f) Department of Watershed Management tree removals: see Section 158-74
 - (3) *Replanting and recompense requirements.* Section 158-45(E).
 - (4) *Penalties, including without limitation fine, permit suspensions, or revocations, and stop work orders.* See Division VII: Violations and Enforcement.
- (C) *Appeal requirements.*
- (1) *Submission of appeals.* All appeals must be filed with the clerk of the Tree Conservation Commission.
 - (2) *Filing fee.* An appeal shall not be deemed filed until the clerk receives a completed appeal package, along with either a \$75.00 filing fee used to help defray the administrative costs of the appeal or a hardship letter requesting a fee waiver. Where a 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 or before the time of the appeal hearing.
 - (3) *Appeal content.* The Notice of Appeal shall state, at a minimum, the name, address, phone number, and e-mail 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 and applicable, 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 Notice of Appeal Appeals shall specify, at a minimum: the appeal 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 misinterpreted or misunderstood.
 - (5) *Appeal for only one property or project.* An appeal may challenge a decision(s) regarding one property or one project only.
- (D) *Stay of activity after appeal is filed.* Filing an appeal shall result in a stay of activity only as set forth in Subsection 158-38(E)(5).
- (E) *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 clerk 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 ten calendar days before the date of the hearing.

- (F) *Submission of evidence.* The property owner on which the subject tree is located and each additional party shall submit to the Commission Clerk all documentary evidence supporting his or her arguments at least one calendar week prior to the hearing except rebuttal evidence and evidence not available one week prior to the hearing.
- (G) *The appeal hearing.*
- (1) *Who may appeal.* At the hearing, the property owner and any party may 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.
 - (3) *Appeal of decision.* The Tree Conservation Commission shall issue a final decision at the hearing where the appeal is presented, except that the Commission may defer a decision if they find that additional evidence is required to render such decision. In such event, the Commission shall delineate the evidence needed and shall provide a reasonable time certain in which the evidence must be submitted. The Tree Conservation Commission may issue one additional deferral for a period not to exceed three weeks upon a finding that the parties have diligently attempted to obtain the additional evidence and need extra time. The Tree Conservation Commission shall issue a final decision on the appeal at the first hearing immediately following receipt of the additional evidence.
- (H) *Tree Conservation Commission's ruling.*
- (1) *Decision of Commission.* Except as described in Subsection (I)(2) and (I)(3) below, the Tree Conservation Commission shall sustain an appeal upon an express finding that the City Arborist's action was based upon a misinterpretation, erroneous finding of a material fact, or an erroneous application of law. If no such finding is made, the Commission shall deny the appeal. 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) *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 and/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.
 - (3) *Unique or special conditions.* The Tree Conservation Commission shall have the authority to sustain an appeal based upon a finding of a unique or otherwise special existing condition not addressed by this Article. Any appellant requesting that an appeal be upheld on this ground must make the request on the initial appeal form and must provide documentary evidence of the unique or special condition. When the Commission finds that a special condition exists which justifies sustaining the appeal, the Commission shall have the authority to reduce or eliminate the amount owed if applicable. Where the Commission's decision is based upon a special or unique condition, its order shall be written and shall include the supporting findings and documentation.
- (I) *Invalid appeals.* An appeal may be dismissed as invalid by a vote of the Commission in advance of the time that would be set for hearing. In such instances, the members may be polled without meeting. An appeal is invalid if it clearly appears from the face of the notice of the appeal and the justification set forth, that no facts could be brought forth at a hearing that could sustain such an appeal as a matter of law. In the event that an appeal is dismissed as invalid, the stay on the activity appealed shall be lifted immediately and all parties shall be notified in writing by the clerk.

Section 158-72. Appeal of decision of Tree Conservation Commission

- (A) *Appeal of Tree Conservation Commission decision to Superior Court.* 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.

- (B) *Lifting of stay.* Any person desiring to appeal a decision of the Tree Conservation Commission shall notify the clerk of the Commission, in writing, of such intent within six business days of the date of the written decision of the Commission. Barring such notice of intent, the stay on the activity that was the basis for the decision appealed shall be lifted and the Commission's decision shall take effect. This six-day waiting period shall not apply to the circumstances described in Subsection 158-71(J) above, pursuant to which the stay shall be lifted immediately upon the ruling of the Commission.

DIVISION IX. TREE TRUST FUNDS

Section 158-73. Tree Trust Fund

- (A) *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. It is the policy of the City of Atlanta to utilize the Tree Trust Fund to ensure the replanting and establishment of trees when healthy trees are removed from private property and trees cannot be replaced on site in accordance with the provisions of this Article.
- (1) *Record of location.* The location of trees planted and maintained utilizing Tree Trust Funds shall be recorded by the City or its agent.
 - (2) *Replacement.* The City shall require a minimum two-year replacement guarantee for all trees planted utilizing Tree Trust Funds.
 - (3) *Monitoring.* The City Arborist shall inspect all trees planted under the Tree Trust Fund at least once between 23 and 24 months after planting and shall notify responsible party of the number of required replacement trees.
- (B) *Recompense to be paid to fund.* All monies collected pursuant to this Article shall be paid to the Tree Trust Fund.
- (C) *Authorized expenditures.* In addition to paying for the planting of new trees and maintenance of existing trees, the Tree Trust Fund may be used for the following expenses:
- (1) *Program expenditures.*
 - (a) *Forested land purchases.* Trust funds may be utilized to purchase land meeting minimum forestation standards of 1,000 DBH inches and/or 50 trees per acre, provided that 1) the Departments of Planning and Parks shall establish written criteria for selection of eligible land purchases; 2) the Commissioner of the Department of Parks and Recreation and the Commissioner of the Department of Planning and Community Development provide a recommendation regarding the proposed purchase; and 3) legislative approval of the purchase requires that the land be preserved in perpetuity as forested land.
 - (b) *Forested easement purchases.* Trust funds may be utilized to purchase easements on land meeting minimum forestation standards of 1,000 DBH inches and/or 50 trees per acre, provided that 1) the Commissioner of the Department of Parks and Recreation and the Commissioner of the Department of Planning and Community Development provide a recommendation regarding the proposed purchase; and 2) legislative approval of the purchase requires that the land be preserved in perpetuity as forested land.
 - (c) *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 cost of posting trees to be removed, the cost of supplies and field equipment, the cost of court reporter services at Tree Conservation Commission hearings, and honoraria for Tree Conservation Commission members.
 - (d) *Educational expenditures.* During any given fiscal year, five percent 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 Education Outreach account, and such monies shall be used for educational materials, educational programs, and educational outreach. Any amount not expended in the given fiscal year shall remain in the account to be utilized in future years.
 - (e) *Park Pride matching program.* A tree planting matching program, administered by Park Pride, shall be funded in an amount not to exceed \$100,000 per year. Each matching amount must be reviewed and

approved by the Commissioner of the Department of Parks and Recreation, or his designee, per Ordinance 04-0-2219.

(2) *Salary expenditures.*

- (a) *Funds for City Arborist positions.* A maximum of \$110,000 per year of the Tree Trust Fund may be used for the annual salary and benefits of two arborist positions in the Department of Planning and Community Development. In the event that the costs of the salary and benefits of these positions exceed \$110,000.00, the remainder of the cost shall be assumed by the General Fund budget in the Department of Planning and Community Development.
- (b) *Funds for 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. The person in this position shall act as a project manager for the various projects funded by Tree Trust Fund monies, namely new tree plantings, tree maintenance, removal of invasive plant species from forested areas, and master planning. All of the responsibilities of this position must be related to oversight of projects financed by the Tree Trust Fund, including planting and maintenance of trees within the City, research and identification of qualifications required for proposals for contractors that will perform tree maintenance and planting, and preparation of requests for proposals for contractors that will perform tree maintenance and planting.
- (c) *Urban Forestry Crew.* A maximum of \$200,000 per year of the fund may be used to pay for the annual salary and benefits of an Office of Parks Tree Pruning Crew. The Tree Pruning Crew shall be comprised of one Forestry Crew Supervisor, one Tree Trimmer Senior, and one Tree Trimmer. The members of this crew will be responsible for providing services that maintain and enhance the health of the City's tree canopy, including pruning and limbing trees that are located in City-owned parks and rights-of-way.
- (d) *Administrative analyst.* A maximum of \$60,000 per year of the Tree Trust Fund may be used to pay for the annual salary and benefits of the administrative analyst. In the event that the cost of the salary and benefits exceeds \$60,000, the remainder of the cost may be paid for from the Tree Trust Fund's education account.
- (3) *Urban Forest Master Plan.* Tree Trust Fund monies may be expended on activities associated with implementation of the City's Urban Forest Master Plan.
- (4) *Tree canopy study.* Tree Trust Fund monies may be expended to update tree canopy imagery and analyses on a five- to seven-year update cycle.
- (5) *Retention of sidewalk trees.* Tree Trust Fund monies may be expended to design, purchase, construct and/or implement techniques and materials for sidewalk and/or roadway construction, 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, including without limitation alternative sidewalk materials, root bridging, and hand digging. Where the cumulative expenditures pursuant to this subsection exceed \$100,000 in any fiscal year, all additional expenditures under this subsection during said fiscal year must be authorized by duly enacted legislation, even if not required under the City's Procurement Code.

DIVISION X. SPECIAL REQUIREMENTS FOR FEDERAL CONSENT DECREE-RELATED ACTIONS

The provisions set forth in this Division apply only to removal, destruction, or injury performed as a result of the City of Atlanta's compliance with the CSO Consent Decree entered in Civil Action No. 1:95-CV-2550-TWT (U.S. District Court, Northern District of Georgia), and/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). These decrees (collectively the "Consent Decrees") relate to improving water quality through upgrades to the City's sewer system. For the purposes of this Division only, the City is deemed to hold an easement on any land located above City sewer lines.

Section 158-74. Special requirements for the Department of Watershed Management for tree removal based upon achieving compliance with federal Consent Decrees

- (A) *Permit required for removal or destruction.* The Department of Watershed Management may only remove, destroy, or injure any tree in order to comply with the Consent Decrees if one of the following conditions is met:
- (1) *Removal or destruction of private property tree.* Removal or destruction of any private property tree as defined in Section 158-29, including without limitation private property trees in City easements over private property and private property trees located in part on City-owned property, may occur when such action is required for compliance with the Consent Decrees and a removal permit has been obtained from the appropriate authority. Permit decisions for trees located wholly on private property or trees deemed private property trees shall be made by the City Arborist in the Department of Planning and Community Development.
 - (2) *Removal or destruction of public property tree.* Removal or destruction of any public property tree as defined in Section 158-29, including without limitation public property trees located in City parks, on streets, sidewalks, and other property owned by the City of Atlanta, may occur when such action is required for compliance with the Consent Decrees and a removal permit has been obtained from the appropriate permitting authority. Permit decisions for trees located wholly on public property or trees deemed public property trees shall be made by the Parks Arborist.
- (B) *Submission of permit application.* The City's Department of Watershed Management must submit an application to the appropriate permitting authority in a form prescribed by said permitting authority. For public property trees, application may be made by projects, as defined in the Consent Decrees. Permit applications for public property trees may be made on a quarterly basis, provided that the application for each tree to be removed is submitted and approved prior to the tree's removal.
- (1) *Site plan required.* The Department of Watershed Management shall submit a site plan drawn to scale that meets the standards set forth in Division V. This site plan must include each tree's critical root zone, structural root plate, identification of boundary trees (if any), silvicultural prescriptions to be used (if applicable), and the construction methodology to be utilized by location. It also shall provide the total DBH of all trees to be removed and a calculation of the percentage of damage on each tree that is not removed.
 - (2) *Tree survey required.* A survey shall be required showing all damaged trees that will not be removed, though the survey may be performed by GPS coordinates, via a sketch describing each tree and showing its DBH. The sketch need not be performed by a registered surveyor or landscape architect.
 - (3) *Identification of Historic, Landmark, and specimen trees required.* The Department of Watershed Management's site plan must designate all Historic, Landmark, and specimen trees, except for the special condition of a public health emergency as described in Section 158-41. The City Arborist may discuss with the Department of Watershed Management alternative routes for the work to be performed that may allow the Historic/Landmark/specimen tree to survive, though the City Arborist may not deny the removal/destruction permit in the event the Department of Watershed Management is unable to identify an alternative route.
 - (4) *Tree replacement plan required.* The proposed location of any replacement plantings required pursuant to Division V should be included in the application.
 - (a) *Exception.* The Parks Arborist need not approve a tree replacement plan prior to issuing a tree removal permit when the Commissioner of the Department of Watershed Management or his/her designee, working in good faith cooperation with the Director of the Office of Parks or his/her designee, is unable to identify locations in which to plant the number of requisite replacement trees at the time of granting the Consent Decree tree removal permit. Special replanting requirements detailed in Subsection 158-75 (B) and (C) shall apply to this circumstance.
 - (5) *Recompense calculation required.* If applicable, the amount of recompense owed pursuant to Section 158-50 shall be included in the application.
 - (6) *Special requirements for permit applications involving non-boundary trees in a City easement.* For trees located in a City easement that are not boundary trees, the Department of Watershed Management may destroy, remove, and/or injure trees as prescribed in Section 158-37 of this Article, except that the number of trees to be destroyed, removed, and/or injured may be determined by acre rather than by tree-per-tree or sampling techniques, and except that Historic, Landmark, and specimen trees need not

be identified. A site plan drawn to scale shall be required for these trees showing locations of damaged trees by acre, but not showing individually damaged trees. No survey shall be required.

- (7) *Property owner consent not required.* The City Arborist shall not require the Department of Watershed Management, as part of its Consent Decree tree removal permit application, to produce evidence of consent by a private property owner regarding removal or destruction of a tree that impacts said private property owner's property. Impact of tree removal from privately-owned property will be addressed directly by the Department of Watershed Management.
- (C) *Posting not required for Consent Decree tree removal permit application.* No posting of private or public property is required prior to the issuance of a Consent Decree tree removal permit.
- (D) *Exemption from Preliminary Approval requirements.* Applications for a Consent Decree tree removal permit are not subject to the Preliminary Approval requirements of Subsection 158-38.
- (E) *Replacement and recompense.* Any removal, destruction, or injury of a tree authorized by a Consent Decree tree removal permit shall be subject to special replacement and recompense requirements found in Section 158-45 and Section 158-46 of this Article.
- (F) *No right of appeal for Consent Decree tree removal permit.* No right of appeal is associated with a Consent Decree tree removal permit. The Tree Conservation Commission shall not have the authority to hear or in any other way consider an appeal regarding the granting or denial of such permit.
- (G) *Report of removal, destruction, or injury without permit required; penalties.* Where a tree is removed, destroyed, or injured without a Consent Decree tree removal permit by the Department of Watershed Management, its contractor, or any City employee or contractor during work related to the Consent Decrees, the Department of Watershed Management must report the removal, destruction, or injury to the appropriate permitting authority by the close of the following business day. In such instance, the permitting authority shall calculate the tree replacement required and/or recompense due. Where the City Arborist learns of a Consent Decree-related tree removal or destruction caused and not timely reported by the Department of Watershed Management or its contractor/subcontractor, the appropriate City authority shall institute enforcement actions pursuant to Section 158-59 of this Article, and also shall require that recompense be paid and/or replacement be performed pursuant to Sections 158-60 and 158-61.

Section 158-75. Tree replacement standards for tree removal based upon achieving compliance with federal Consent Decrees

- (A) *Tree replacement required for federal Consent Decree work.* The Department of Watershed Management shall replace all public property trees that it destroys, removes, or injures on property owned by the City of Atlanta, such that the DBH of the replacement trees is equal to or greater than the cumulative DBH of the trees removed, destroyed, and/or injured. Replacement plantings should be in accordance with the tree replacement plan and exceptions described under Subsection (B) below.
- (B) *Replacement tree requirements.* The City Arborist need not require the replacement trees to meet the descriptions set forth in Section 158-46, but rather may give replacement tree credit for newly planted trees to the Department of Watershed Management as follows:
- (1) The replacement trees need not be located within the same NPU district or within one mile of the NPU boundary from which the tree was removed or destroyed.
 - (2) The Department of Watershed Management shall not be required to replant trees within a City easement.
 - (3) For replacement trees that meet the requirements of Section 158-46, the replacement credit shall be the DBH of the replacement tree.
 - (4) If more than 15 but fewer than 50 replacement trees are being planted on a site, a single species shall comprise no more than 35 percent of all replantings. If 50 or more replacement trees are being planted on a site, no more than 30 percent of all replacement trees shall be of the same species.
 - (5) The Department of Watershed Management may plant understory trees on public property for the purpose of restoring stream banks or other environmentally sensitive areas. The replacement credit shall be the DBH of the replacement tree.
 - (6) The Department of Watershed Management may receive replacement credit for planting a live stakes, as defined in Section 158-29, on public property for the purpose of stream bank erosion control, stream bank stabilization, or stream or wetland restoration. The replacement credit shall be the DBH of the

live stake, except that a live stake with a DBH that is less than one caliper inch shall be credited as one caliper inch.

- (7) The Department of Watershed Management may receive replacement credit for removal of invasive species from trees on public property where the species threatens the life of the tree. The replacement credit shall be for the DBH of the saved tree as determined by the Parks Department.
- (C) *Special replanting requirements in the event appropriate location cannot be found for required replacement trees at time of tree removal permit approval.* The Parks Arborist need not approve a tree replacement plan prior to issuing a Consent Decree tree removal permit, provided that all of the following conditions exist:
- (1) The Director of the Office of Parks, or his/her designee, calculates the number of caliper inches of trees that must be replanted in order to satisfy the tree protection ordinance's inch-per-inch replacement requirement. He or she shall communicate that number in writing to the Commissioner of the Department of Watershed Management or his/her designee.
 - (2) The Department of Watershed Management agrees to plant, at its own expense, the requisite number of trees, as calculated by caliper inch, within the time frame described in (4) below. It shall be the responsibility of the Department of Watershed Management to identify potential sites for replanting, but upon request, the Director of the Office of Parks, or his/her designee, shall make a good faith attempt to assist the Department of Watershed Management with this task.
 - (3) The Commissioner of the Department of Watershed Management or his/her designee, working in good faith cooperation with the Director of the Office of Parks or his/her designee, is unable to identify locations in which to plant the number of requisite replacement trees at the time of granting the tree removal permit.
 - (4) The Commissioner of the Department of Watershed Management and the Commissioner of the Department of Parks and Recreation enter into a letter of understanding that accompanies each Consent Decree tree removal permit. The letter of understanding must set forth those replacement inches for which locations already have been identified, and additionally the number of caliper inches that the Department of Watershed Management must and agrees to plant by a date certain, but for which locations have not yet been located. The date certain shall be no greater than one year after the effective date of the decree tree removal permit, except that under extenuating circumstances, the Commissioner or his/her designee may approve an extension. The letter of understanding also shall include the requirements set forth in Subsection 158-74(B).
 - (5) The exact location of the replacement trees, the type of trees, and the size of each tree must be approved by the Director of the Office of Parks or his/her designee prior to the trees being planted. The Department of Watershed Management shall guarantee the life of each replacement tree for two years from the time of planting. The Director of the Office of Parks shall forward this replanting information to the impacted Councilmember for review.
 - (6) The Department of Watershed Management must prepare an annual report showing, for each project for which a Letter of Understanding was executed, the number of trees planted, the size by caliper inch of each tree planted, the type of each tree planted, the approximate date of planting, and the remaining balance of trees for each application. This report shall be submitted to the Director of the Office of Parks no later than May 1 of each year.
 - (7) The Department of Parks and Recreation shall inspect the trees between 18 and 24 months after planting and shall notify the Department of Watershed Management of any required replacement trees.
- (D) *Replacement trees must live for a minimum of two years or additional replacement required.* The Department of Watershed Management shall be responsible for maintaining the health of all replacement trees for a period of two years from the date of planting. The Department of Watershed Management shall replace any replacement tree which dies during this time period.

Section 158-76. Recompense requirements for tree removal based upon achieving compliance with federal Consent Decrees

- (A) *Recompense authorized for federal Consent Decree work.* Recompense may be assessed for trees removed as part of Department of Watershed Management work pursuant to Division VI.

- (B) *Recompense calculation.* Recompense for federal Consent Decree work shall be calculated according to the formula contained in Division VI.
- (C) *Cap on recompense for federal Consent Decree work affecting non-boundary trees in a City easement.* For trees removed as part of Department of Watershed Management work pursuant to 158-51, a maximum shall be set on recompense at \$20,000.00 per acre, pro-rated.
- (D) *Credit against recompense for replanting associated with federal Consent Decree work.* The City shall give recompense credit to the Department of Watershed Management for newly planted trees only if the applicable replanting requirements set forth in this Article are met, but shall not give any recompense credit for new trees planted within the City's easement.

Section 158-77- 158-110. Reserved.”

Section 2. This ordinance shall become effective thirty (30) days following signature of the Mayor or approval by operation of law.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only 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: Finance Executive Committee

Caption: AN ORDINANCE

BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND THE CITY OF ATLANTA TREE PROTECTION ORDINANCE, SET FORTH IN ATLANTA CODE OF ORDINANCES CHAPTER 158 (VEGETATION), ARTICLE II (TREE PROTECTION), CODE SECTIONS 158-26 THROUGH 158-110, FOR THE PURPOSE OF REORGANIZING, CLARIFYING AND UPDATING THE SAME; AND SPECIFICALLY TO DELETE CODE SECTIONS 158-26 THROUGH 158-110 IN THEIR ENTIRETY AND REPLACE THEM AS SET FORTH HEREIN; AND FOR OTHER PURPOSES.

Council Meeting Date: October 6, 2014

Requesting Dept.: Department of Parks and Recreation

B. To be completed by the department:

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

THE PURPOSE OF THIS LEGISLATION IS TO AMEND THE CITY OF ATLANTA TREE PROTECTION ORDINANCE, SET FORTH IN ATLANTA CODE OF ORDINANCES CHAPTER 158 (VEGETATION), ARTICLE II (TREE PROTECTION), CODE SECTIONS 158-26 THROUGH 158-110, FOR THE PURPOSE OF REORGANIZING, CLARIFYING AND UPDATING THE SAME; AND SPECIFICALLY TO DELETE CODE SECTIONS 158-26 THROUGH 158-110 IN THEIR ENTIRETY AND REPLACE THEM AS SET FORTH HEREIN.

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

- (a) Contract Type:**
- (b) Source Selection:**
- (c) Proposals Due:**
- (d) Invitations Issued:**
- (e) Number of Bids/Proposals:**
- (f) Proposals Received:**
- (g) Proponents:**
- (h) Term of Contract:**

4. Fund Account Center: n/a

5. Source of Funds:

6. Fiscal Impact: n/a

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Trina Horton, Departmental Contracting Officer

Attachment: Tree Ordinance Attachments (14-O-1474 : Amending the Tree Protection Ordinance)

<p>(Do Not Write Above This Line)</p> <p>AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE</p>	<p>Committee _____ Date _____ Chair _____ Referred To _____</p>	<p>First Reading Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p>	<p>FINAL COUNCIL ACTION 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd <input type="checkbox"/> Readings Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote <input type="checkbox"/></p> <p>CERTIFIED</p>
<p>AN ORDINANCE TO AMEND THE CITY OF ATLANTA TREE PROTECTION ORDINANCE, SET FORTH IN ATLANTA CODE OF ORDINANCES CHAPTER 158 (VEGETATION), ARTICLE II (TREE PROTECTION), CODE SECTIONS 158-26 THROUGH 158-110, FOR THE PURPOSE OF REORGANIZING, CLARIFYING AND UPDATING THE SAME; AND SPECIFICALLY TO DELETE CODE SECTIONS 158-26 THROUGH 158-110 IN THEIR ENTIRETY AND REPLACE THEM AS SET FORTH HEREIN; AND FOR OTHER PURPOSES.</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p>	<p>MAYOR'S ACTION</p>
<p><input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1ST ADOPT 2ND READ & REFER <input type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred _____ Referred To: _____ Date Referred _____ Referred To: _____ Date Referred: _____ Referred To: _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p>	<p>MAYOR'S ACTION</p>

CDP-14-019 AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTIES LOCATED AT 658 AND 690 LINDBERGH DRIVE FROM THE HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION TO THE HIGH DENSITY COMMERCIAL LAND USE DESIGNATION; AND FOR OTHER PURPOSES (Z-14-037). NPU-B COUNCIL DISTRICT 6

(Public Hearing held 9/8/14; Held 9/9/14 by the Committee to wait for companion legislation from Zoning; Advertised for a Public Hearing to be held on November 18, 2014.)

Workflow List:

Charletta Jacks	Completed	07/28/2014 1:11 PM
James Shelby	Completed	07/28/2014 5:36 PM
Office of Research and Policy Analysis	Completed	08/19/2014 1:04 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:49 PM
Atlanta City Council	Completed	11/10/2014 1:33 PM
Community Development & Human Resources Committee	Completed	10/16/2014 5:05 PM
Atlanta City Council	Completed	10/07/2014 9:12 AM
Community Development & Human Resources Committee	Completed	10/22/2014 9:33 AM
Atlanta City Council	Completed	10/10/2014 5:45 PM
Community Development & Human Resources Committee	Completed	10/30/2014 3:29 PM
Atlanta City Council	Completed	10/24/2014 12:35 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee		Pending
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

08/26/14	Community Development & Human Resources Committee	
09/02/14	Atlanta City Council	REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [13 TO 0]	Next: 9/9/2014 12:30 PM
AYES:	Bond, Norwood, Dickens, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
AWAY:	Carla Smith, Kwanza Hall	

09/09/14 Community Development & Human Resources Committee HELD IN COMMITTEE

LEGISLATION HISTORY – BLUE BACK

RESULT: HELD IN COMMITTEE [UNANIMOUS]
AYES: Dickens, Young Jr., Bottoms, Hall, Sheperd
ABSENT: Michael Julian Bond, Cleta Winslow

09/15/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD **Next: 9/23/2014 12:30 PM**

09/23/14 Community Development & Human Resources Committee

10/06/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 10/14/2014 12:30 PM**

10/14/14 Community Development & Human Resources Committee

10/20/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 10/28/2014 12:30 PM**

10/28/14 Community Development & Human Resources Committee

11/03/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 11/10/2014 12:30 PM**

11/10/14 Community Development & Human Resources Committee

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 11/24/2014 12:30 PM**

11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 12/9/2014 12:30 PM**

RESULT: RETURNED AS HELD **Next: 12/9/2014 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

CDP-14-019 AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTIES LOCATED AT 658 AND 690 LINDBERGH DRIVE FROM THE HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION TO THE HIGH DENSITY COMMERCIAL LAND USE DESIGNATION; AND FOR OTHER PURPOSES (Z-14-037). NPU-B COUNCIL DISTRICT 6 (PUBLIC HEARING HELD 9/8/14; HELD 9/9/14 BY THE COMMITTEE TO WAIT FOR COMPANION LEGISLATION FROM ZONING; ADVERTISED FOR A PUBLIC HEARING TO BE HELD ON NOVEMBER 18, 2014.)

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

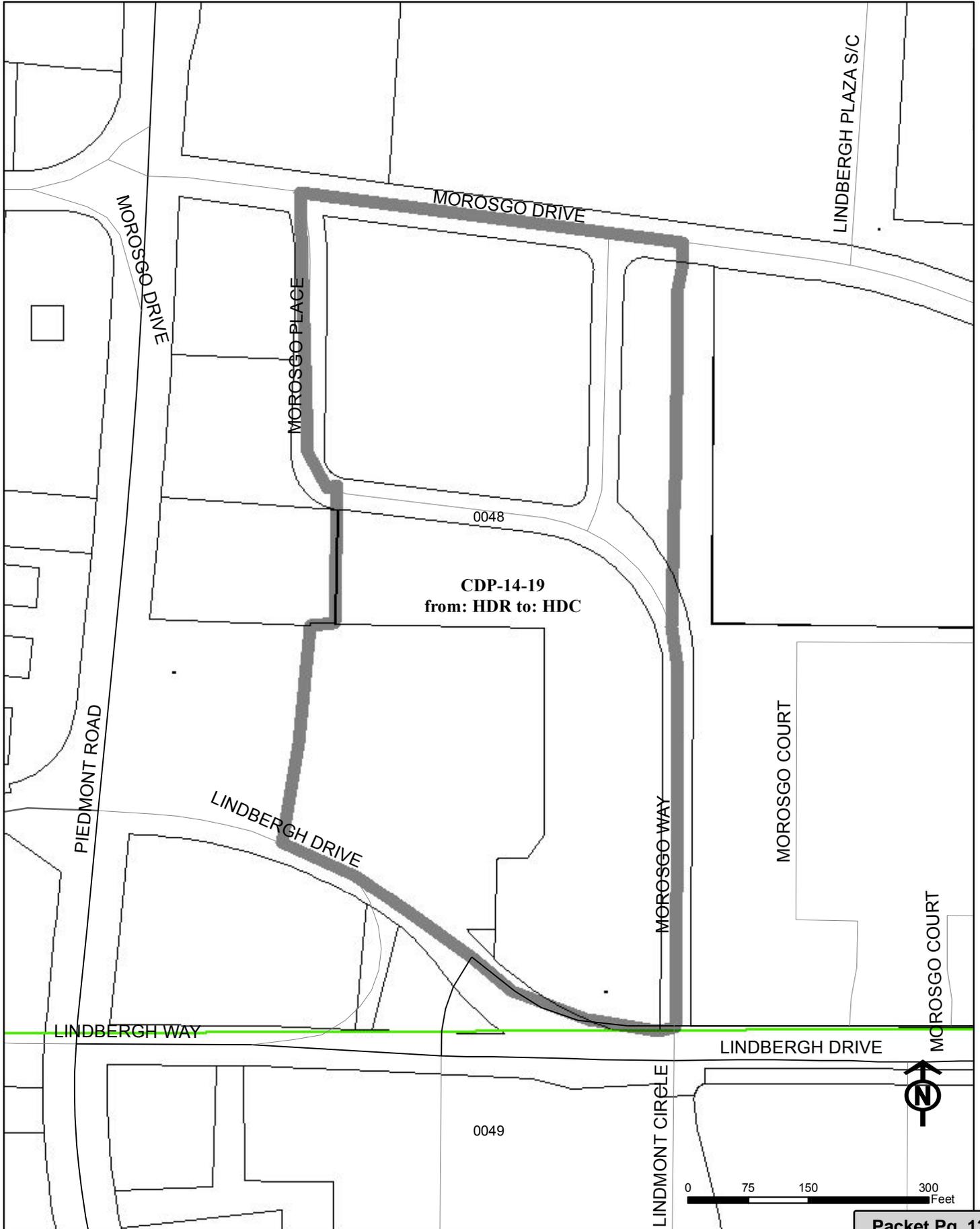
SECTION 1. The Land Use element of the 2011 Atlanta Comprehensive Development Plan (CDP) to redesignate properties located at 658 and 690 Lindbergh Drive from the High Density Residential land use designation to the High Density Commercial land use designation and for other purposes (Z-14-037) designation to wit:

All that tract or parcels of land lying and being in Land Lots 48 of the 17th of Fulton County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

Exhibit "A"

CDP-14-19



Attachment: CDP-14-19 map (14-O-1435 : Land Use Amendment on 658 and 690 Lindbergh Drive District 6 NPU-B)

CDP-14-029 AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1760 MEMORIAL DRIVE FROM THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES. (Z-14-23) NPU-O, COUNCIL DISTRICT 5.

(To be advertised for a Public Hearing.)

Workflow List:

Charletta Jacks	Completed	11/18/2014 1:43 PM
Terri Lee	Completed	11/18/2014 1:47 PM
Finance	Pending	
Information Technology	Pending	
Procurement	Pending	
Adam Smith	Pending	
Mayor's Office	Pending	
Office of Research and Policy Analysis	Completed	12/01/2014 12:29 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**CDP-14-029 AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1760 MEMORIAL DRIVE FROM THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES. (Z-14-23) NPU-O, COUNCIL DISTRICT 5.
(TO BE ADVERTISED FOR A PUBLIC HEARING.)**

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

SECTION 1. The Land Use element of the 2011 Atlanta Comprehensive Development Plan (CDP) to redesignate property located at 1760 Memorial Drive from the Medium Density Residential land use Designation to the Low Density Commercial land use designation and for other purposes (Z-14-23) to wit:

All that tract or parcels of land lying and being in Land Lot 206 of the 15th of Dekalb County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

Municipal Clerk
Atlanta, Georgia

AN ORDINANCE
BY: COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

CDP-14-029

AN ORDINANCE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1760 MEMORIAL DRIVE FROM THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES (Z-14-23).

NPU-O

COUNCIL DISTRICT 5

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

SECTION 1. The Land Use element of the 2011 Atlanta Comprehensive Development Plan (CDP) to redesignate property located at 1760 Memorial Drive from the Medium Density Residential land use Designation to the Low Density Commercial land use designation and for other purposes (Z-14-23) to wit:

All that tract or parcels of land lying and being in Land Lot 206 of the 15th of Dekalb County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

EXHIBIT 'A'

CDP-14-29



Attachment: CDP-14-29 Memorial legislation (14-O-1628 : Land Use Amendment at 1760 Memorial Drive)

(Do Not Write Above This Line)

AN ORDINANCE CDP-14-029

BY: COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1760 MEMORIAL DRIVE FROM THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES (Z-14-23).

NPU-O COUNCIL DISTRICT 5

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Committee

Date

Chair

Action
Fav, Adv, Hold (See rev.side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (See rev.side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (See rev.side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (See rev.side)
Other

Members

Refer To

FINAL COUNCIL ACTION

2ND 1ST & 2ND 3RD

Readings

Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION

Attachment: CDP-14-29 Memorial legislation (14-O-1628 : Land Use Amendment at 1760 Memorial Drive)



DEPARTMENTAL AUTHORIZATION

CDP-14-030 AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1791 PIEDMONT ROAD FROM THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO THE HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES. (Z-14-41) NPU-F, COUNCIL DISTRICT 6.

(To be advertised for a Public Hearing.)

Workflow List:

Charletta Jacks	Completed	11/26/2014 2:50 PM
Terri Lee	Completed	11/26/2014 3:12 PM
Finance	Pending	
Information Technology	Pending	
Procurement	Pending	
Adam Smith	Pending	
Mayor's Office	Pending	
Office of Research and Policy Analysis	Completed	12/01/2014 12:30 PM
Atlanta City Council	Pending	
Community Development & Human Resources Committee		Pending
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**CDP-14-030 AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1791 PIEDMONT ROAD FROM THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO THE HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES. (Z-14-41) NPU-F, COUNCIL DISTRICT 6.
(TO BE ADVERTISED FOR A PUBLIC HEARING.)**

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

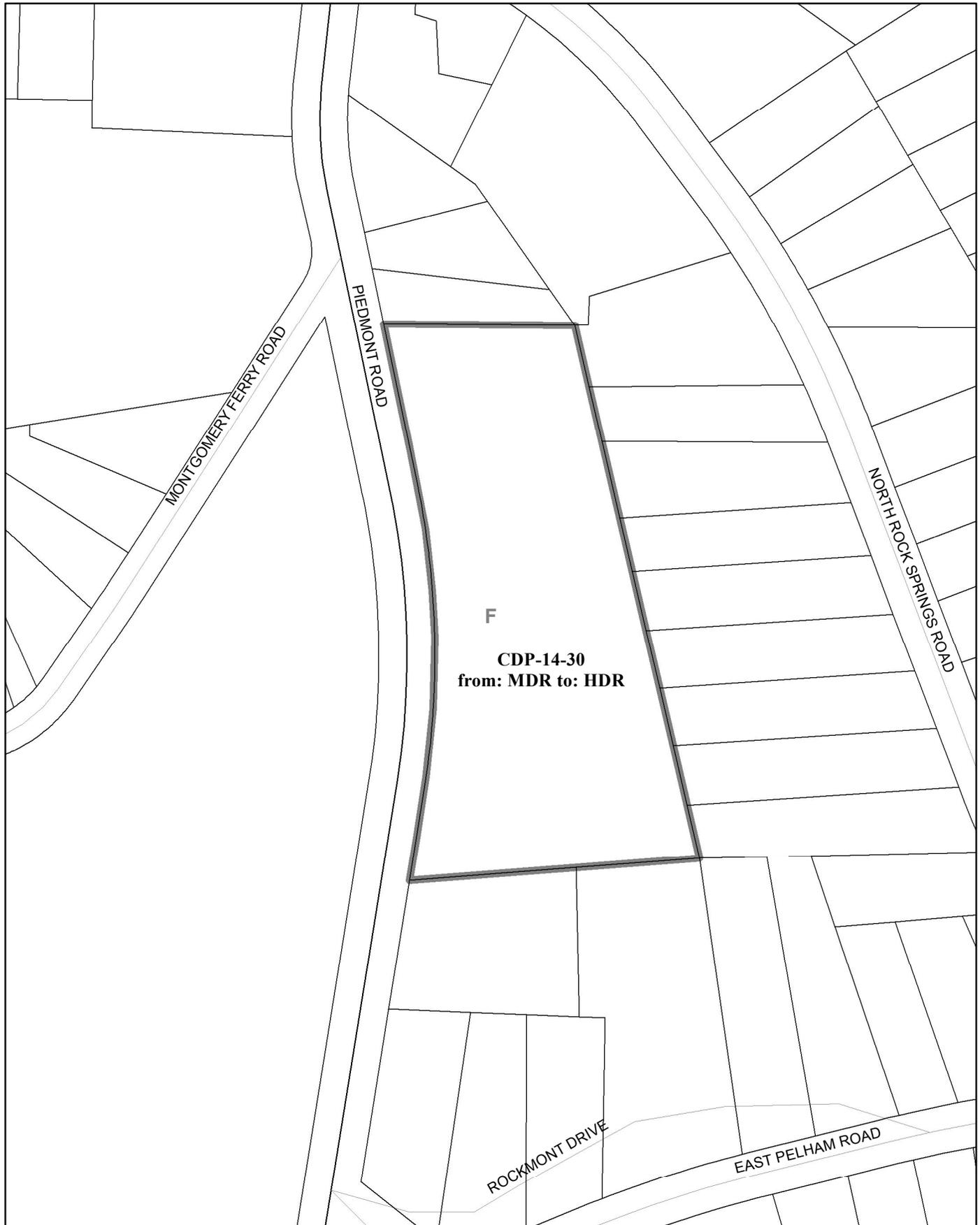
SECTION 1. The Land Use element of the 2011 Atlanta Comprehensive Development Plan (CDP) to redesignate property located at 1791 Piedmont Road from the Medium Density Residential Land Use designation to the High Density Residential Land Use designation and for other purposes (Z-14-41) to wit:

All that tract or parcels of land lying and being in Land Lot 51 of the 17th of Fulton County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

EXHIBIT 'A'

CDP-14-30



Attachment: CDP-14-30 map (14-O-1629 : Land Use Amendment at 1791 Piedmont Road)

Municipal Clerk
Atlanta, Georgia

AN ORDINANCE
BY: COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

CDP-14-030

AN ORDINANCE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1791 PIEDMONT ROAD FROM THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO THE HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES (Z-14-41).

NPU-F

COUNCIL DISTRICT 6

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

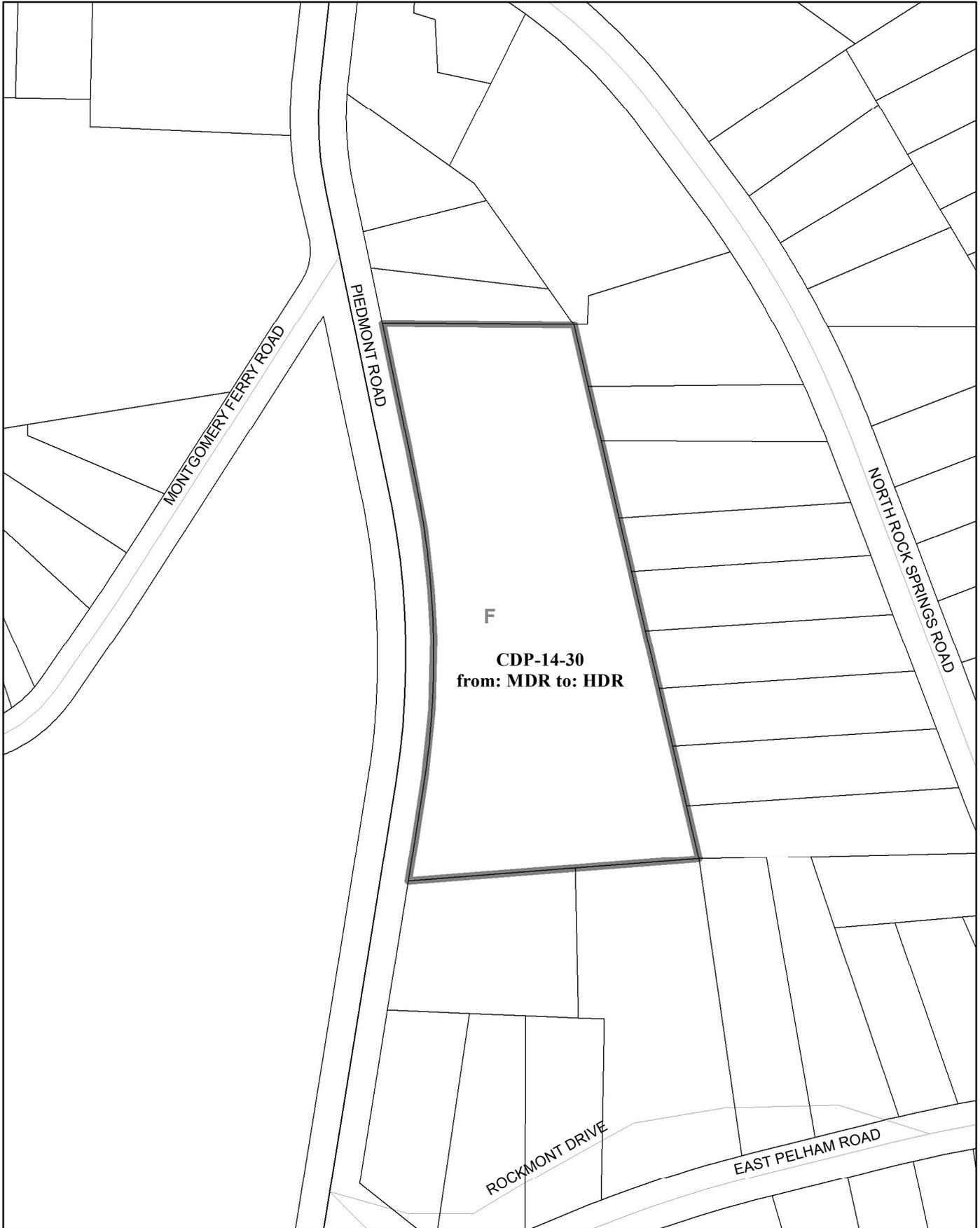
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All that tract or parcels of land lying and being in Land Lot 51 of the 17th of Fulton County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

EXHIBIT 'A'

CDP-14-30



Attachment: CDP-14-30 Piedmont legislation (14-O-1629 : Land Use Amendment at 1791 Piedmont Road)

(Do Not Write Above This Line)

AN ORDINANCE CDP-14-030
 BY: COMMUNITY DEVELOPMENT/
 HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND THE LAND
 USE ELEMENT OF THE 2011 ATLANTA
 COMPREHENSIVE DEVELOPMENT PLAN
 (CDP) SO AS TO REDESIGNATE
 PROPERTY LOCATED AT 1791
 PIEDMONT ROAD FROM THE MEDIUM
 DENSITY RESIDENTIAL LAND USE
 DESIGNATION TO THE HIGH DENSITY
 RESIDENTIAL LAND USE DESIGNATION
 AND FOR OTHER PURPOSES (Z-14-41).

NPU-F COUNCIL DISTRICT 6

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Committee _____

Date _____

Chair _____

Action
 Fav, Adv, Hold (See rev.side)
 Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action
 Fav, Adv, Hold (See rev.side)
 Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action
 Fav, Adv, Hold (See rev.side)
 Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action
 Fav, Adv, Hold (See rev.side)
 Other _____

Members _____

Refer To _____

FINAL COUNCIL ACTION

2ND 1ST & 2ND 3RD

Readings

Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION

Attachment: CDP-14-30 Piedmont legislation (14-O-1629 : Land Use Amendment at 1791 Piedmont Road)



DEPARTMENTAL AUTHORIZATION

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE CITY OF ATLANTA, GEORGIA CODE OF ORDINANCES, PART I (CHARTER AND RELATED LAWS), CHAPTER 54 (COMMUNITY DEVELOPMENT), ARTICLE I (GENERAL), BY ADDING A NEW SECTION, 54-2, AFFORDABLE HOUSING IMPACT STATEMENTS; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

Workflow List:

Office of Research and Policy Analysis	Completed	11/24/2014 5:50 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	

HISTORY:

11/24/14	Community Development & Human Resources Committee	
12/01/14	Atlanta City Council	REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [13 TO 0]	Next: 12/9/2014 12:30 PM
AYES:	Norwood, Dickens, Smith, Hall, Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
EXCUSED:	Michael Julian Bond	
AWAY:	Ivory Lee Young Jr.	

RESULT:	REFERRED TO COMMITTEE [13 TO 0]	Next: 12/9/2014 12:30 PM
AYES:	Norwood, Dickens, Smith, Hall, Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
EXCUSED:	Michael Julian Bond	
AWAY:	Ivory Lee Young Jr.	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action	
<i>See Authentication Page Attachment</i>	

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE CITY OF ATLANTA, GEORGIA CODE OF ORDINANCES, PART I (CHARTER AND RELATED LAWS), CHAPTER 54 (COMMUNITY DEVELOPMENT), ARTICLE I (GENERAL), BY ADDING A NEW SECTION, 54-2, AFFORDABLE HOUSING IMPACT STATEMENTS; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

WHEREAS, the cost of housing is out of reach for tens of thousands of Atlanta families; and

WHEREAS, according to a recent report by HR&A Advisors and Enterprise, Inc., on behalf of the City of Atlanta, tens of thousands of Atlanta households are cost-burdened, meaning that they pay more than thirty percent of their income towards rent, according to the report; and

WHEREAS, this includes more than 25,000 cost-burdened renter households subsisting on 20,000 dollars or less per year; and about 13,000 cost-burdened renter households making between 20,000 and 34,999 dollars per year; and

WHEREAS, the City of Atlanta has adopted several affordable housing goals, including those adopted in 2001 per ordinance 01-O-2014 and codified in Atlanta's City Code of Ordinances, Part 1, Chapter 54, Section 54-1, Subsection (b); and

WHEREAS, the Community Development/Human Resources Committee ("Committee") of the City Council of Atlanta regularly hears legislation that, when enacted, impacts the overall housing stock of the City of Atlanta; and

WHEREAS, the Council desires a mechanism to track the impacts of such legislation - both resolutions and ordinances - that come before the Committee and then the Council, to document such legislations' impact upon the affordable housing stock of the City of Atlanta; and

WHEREAS, jurisdictions such as Austin, Texas and San Diego, California have had an Affordable Housing Impact Statement (AHIS) policy for several years; and

WHEREAS, those jurisdictions have found the policy to be helpful in encouraging coordination among departments, empowering policymakers with meaningful information, and sometimes incentivizing developers and stakeholders to alter their plans to include more affordable housing; and

WHEREAS, the Committee and Council desire to draw upon the expertise of the Office of Housing of the City of Atlanta to estimate, in a consistent, ongoing basis, the impacts of certain legislation on the affordable housing stock of the City of Atlanta.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That Part I (Charter and Related Laws), Chapter 54 (Community Development), Article I (General), be amended to add a new section, 54-2, Affordable Housing Impact Statements:

Section 54-2.- Affordable Housing Impact Statements.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) Affordable Housing Impact Statement means a statement, attached to proposed Housing **Stock Impact Legislation**, that estimates and describes the impact the legislation would have, if enacted, on the affordable housing stock of the City of Atlanta.

(2) Housing Stock Impact Legislation means any and all legislation--including Ordinances and Resolutions--that come before the Community Development/Human Resources Committee of the City Council of Atlanta that, if enacted, are estimated to have an impact on the affordable housing stock of the City of Atlanta, including, but not limited to: Land Use Elements to the City's Comprehensive Development Plan; acceptance of public and private grants including federal and state funding for the construction and/or rehabilitation of affordable housing units; changes to boundaries of Community Improvement Districts; adoption of or changes to Beltline plans that relate to housing; abandoned and blighted property legislation; adoption of or changes to Urban Development Areas; changes to building permit fees; millage rate increases for blighted properties; and changes to demolition policies.

(b) Any Councilmember or Department that is planning to propose Housing Stock Impact Legislation shall submit a draft of such legislation to the Office of Housing of the City of Atlanta.

(c) Upon receiving a draft of Housing Stock Impact Legislation, the Office of Housing shall, within ten business days, produce an Affordable Housing Impact Statement.

(d) Any Councilmember or Department that is planning to propose Housing Stock Impact Legislation shall attach the statement completed by the Office of Housing to such legislation prior to its introduction to City Council.

(e) Affordable Housing Impact Statements shall include a quantitative, or numeric section, that shall provide numeric estimates of impacts, quantifying numbers of units impacted at certain levels of affordability; and a narrative section to provide an explanation of the analyses that led to the estimates. Where the estimates are derived from existing grant applications or the basis of those estimates are otherwise straightforward, the narrative section shall state as such. Where the proposals being considered require the Office of Housing to draw upon their experience and expertise to come up with a projected impact, the narrative section shall specify what assumptions were used in creating the estimates.

(f) The quantitative, or numeric section, shall take the following form, where the Office of Housing shall fill in the blanks with appropriate estimates:

This legislation, if enacted, is estimated to have a projected impact upon the affordable housing stock of the City of Atlanta by:

Adding ___ or decreasing ___ units affordable at 30 or below percent of the City of Atlanta Area Median Income (AMI); and

Adding ___ or decreasing ___ units affordable between 30.01 and 50 percent of AMI; and

Adding ___ or decreasing ___ units affordable at between 50.01 and 80 percent of AMI; and

Adding ___ or decreasing ___ units affordable at over 80 percent of AMI.

(g) The City's Office of the Municipal Clerk shall maintain a repository for all Affordable Housing Impact Statements prepared pursuant to this section.

SECTION 2: Except as otherwise provided, the provisions of Section 1 are effective as of the date of adoption of this legislation.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AMENDING THE 2014 (COMMUNITY DEVELOPMENT FUND) BUDGET BY REDUCING ANTICIPATIONS AND TRANSFERRING FROM APPROPRIATIONS IN THE AMOUNT OF \$48,306.25 AND ADDING TO ANTICIPATIONS AND TRANSFERRING TO APPROPRIATIONS IN THE AMOUNT OF \$48,306.25 AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT AMENDMENT WITH THE GEORGIA LAW CENTER; AND FOR OTHER PURPOSES.

Workflow List:

Charlene Parker	Completed	11/25/2014 9:16 AM
Jim Beard	Completed	11/25/2014 10:44 AM
Finance	Completed	11/25/2014 10:48 AM
Procurement	Skipped	11/25/2014 10:46 AM
Information Technology	Skipped	11/25/2014 10:47 AM
Adam Smith	Skipped	11/25/2014 10:47 AM
Mayor's Office	Skipped	11/25/2014 3:20 PM
Office of Research and Policy Analysis	Completed	11/25/2014 3:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

11/24/14	Community Development & Human Resources Committee	
12/01/14	Atlanta City Council	REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [13 TO 0]	Next: 12/9/2014 12:30 PM
AYES:	Norwood, Dickens, Smith, Hall, Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
EXCUSED:	Michael Julian Bond	
AWAY:	Ivory Lee Young Jr.	

RESULT:	REFERRED TO COMMITTEE [13 TO 0]	Next: 12/9/2014 12:30 PM
AYES:	Norwood, Dickens, Smith, Hall, Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
EXCUSED:	Michael Julian Bond	
AWAY:	Ivory Lee Young Jr.	

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AMENDING THE 2014 (COMMUNITY DEVELOPMENT FUND) BUDGET BY REDUCING ANTICIPATIONS AND TRANSFERRING FROM APPROPRIATIONS IN THE AMOUNT OF \$48,306.25 AND ADDING TO ANTICIPATIONS AND TRANSFERRING TO APPROPRIATIONS IN THE AMOUNT OF \$48,306.25 AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT AMENDMENT WITH THE GEORGIA LAW CENTER; AND FOR OTHER PURPOSES.

WHEREAS, various Emergency Solutions Grant projects are complete and/or not feasible to be implemented and their remaining balances need to be reprogrammed; and

WHEREAS, these projects have balances totaling \$48,306.25 which are ready to be reprogrammed; and

WHEREAS, the 2014 Community Development Fund Budget must be amended appropriating the various Emergency Solutions Grant projects funds to different projects; and

WHEREAS, it is in the best interest of the City to grant the remaining funds to the Georgia Law Center to ensure timely expenditure of the funds; and

WHEREAS, the necessary environmental clearances have been obtained from the U.S. Department of Housing and Urban Development.

NOW THEREFORE THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That the 2014 Community Development Fund Budget be amended as shown on Attachment 1.

Section 2: That the Mayor or his designee is hereby authorized to enter into a contract amendment with the Georgia Law Center.

Section 3: That all ordinances and parts of ordinances in conflict with this ordinance are hereby waived to the extent of the conflict.

Attachment 1 of 1

2012 COMMUNITY DEVELOPMENT FUND BUDGET

REDUCE ANTICIPATIONS (CDBG REVENUE)

Fund	Org	Account	Func Act	Project	Fd Source
2201	040208	3311101	5410000	211231	31975
2201	040208	3311101	5410000	211232	31975
2201	040208	3311101	5410000	211258	31975
2201	040208	3311101	5410000	211298	31975
2201	100601	3311101	1512000	211294	31975

Amount
 \$30,000.00
 127.69
 6806.83
 580.52
 \$10,791.21
 \$48,306.25

Midtown Assistance 2012 ES (EXE DIR Hu
 Night Hospitality 2012 ES/CD (EXE DIR Hu
 Trinity Hall 2012 ES (EXE DIR Human Serv
 Feed The Hungry 2012 ES/CD (EXE DIR Hu
 ESG Program Admin, 2012 ES (EXE DIR Hu

TRANSFER FROM APPROPRIATIONS (CDBG BUDGET)

Fund	Org	Account	Func Act	Project	Fd Source
2201	040208	5999999	5410000	211231	31975
2201	040208	5999999	5410000	211232	31975
2201	040208	5999999	5410000	211258	31975
2201	040208	5999999	5410000	211298	31975
2201	100601	5999999	1512000	211294	31975

Amount

\$30,000.00
 127.69
 6806.83
 580.52
\$10,791.21
\$48,306.25

Midtown Assistance 2012 ES (EXE DIR Hu
Night Hospitality 2012 ES/CD (EXE DIR Hu
Trinity Hall 2012 ES (EXE DIR Human Serv
Feed The Hungry 2012 ES/CD (EXE DIR Hu
ESG Program Admin, 2012 ES (EXE DIR H

ADD TO ANTICIPATIONS (CDBG REVENUE)

Fund Org Account Func Act Project Fd Source Amount
 Services/Welfare Admin) \$48,306.25

2201 040208 3311101 541000

TRANSFER TO APPROPRIATIONS (CDBG BUDGET)

Fund	Org	Account	Func Act	Project	Fd Source
2201	040208	5999999	5410000	211792	31975

Amount

\$48,306.25
\$48,306.25

The Law Center 2014 ES/CD (EXE DIR Hur

I.8.a

Packet Pg. 153

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Charlene Parker

Contact Number: X6616

Originating Department: Department of Finance-Office of Grants Management

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

Chief of Staff Deadline: Nov. 7, 2014

Anticipated Committee Meeting Date(s): November 24, 2014

Anticipated Full Council Date: Jan. 5, 2015

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: [Signature]

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE AMENDING THE 2014 (COMMUNITY DEVELOPMENT FUND) BUDGET BY REDUCING ANTICIPATIONS AND TRANSFERRING FROM APPROPRIATIONS IN THE AMOUNT OF \$48,306.25 AND ADDING TO ANTICIPATIONS AND TRANSFERRING TO APPROPRIATIONS IN THE AMOUNT OF \$48,306.25 AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT AMENDMENT WITH THE GEORGIA LAW CENTER; AND FOR OTHER PURPOSES.

Mayor's Staff Only

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

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

Submitted to Council: _____ (date)

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

AN ORDINANCE AMENDING THE 2014 (COMMUNITY DEVELOPMENT FUND) BUDGET BY REDUCING ANTICIPATIONS AND TRANSFERRING FROM APPROPRIATIONS IN THE AMOUNT OF \$48,306.25 AND ADDING TO ANTICIPATIONS AND TRANSFERRING TO APPROPRIATIONS IN THE AMOUNT OF \$48,306.25 AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT AMENDMENT WITH THE GEORGIA LAW CENTER; AND FOR OTHER PURPOSES.

WHEREAS, various Emergency Solutions Grant projects are complete and/or not feasible to be implemented and their remaining balances need to be reprogrammed; and

WHEREAS, these projects have balances totaling \$48,306.25 which are ready to be reprogrammed; and

WHEREAS, the 2014 Community Development Fund Budget must be amended appropriating the various Emergency Solutions Grant projects funds to different projects; and

WHEREAS, it is in the best interest of the City to grant the remaining funds to the Georgia Law Center to ensure timely expenditure of the funds; and

WHEREAS, the necessary environmental clearances have been obtained from the U.S. Department of Housing and Urban Development.

NOW THEREFORE THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That the 2014 Community Development Fund Budget be amended as shown on Attachment 1.

Section 2: That the Mayor or his designee is hereby authorized to enter into a contract amendment with the Georgia Law Center.

Section 3: That all ordinances and parts of ordinances in conflict with this ordinance are hereby waived to the extent of the conflict.

Attachment 1 of 1

2012 COMMUNITY DEVELOPMENT FUND BUDGET

REDUCE ANTICIPATIONS (CDBG REVENUE)

Fund	Org	Account	Func Act	Project	Fd Source
2201	040208	3311101	5410000	211231	31975
2201	040208	3311101	5410000	211232	31975
2201	040208	3311101	5410000	211258	31975
2201	040208	3311101	5410000	211298	31975
2201	100601	3311101	1512000	211294	31975

Amount
 \$30,000.00
 127.69
 6806.83
 580.52
\$10,791.21
 \$48,306.25

Midtown Assistance 2012 ES (EXE DIR Human Services/Welfare Admin)
Night Hospitality 2012 ES/CD (EXE DIR Human Services/Welfare Admin)
Trinity Hall 2012 ES (EXE DIR Human Services/Welfare Admin)
Feed The Hungry 2012 ES/CD (EXE DIR Human Services/Welfare Admin)
ESG Program Admin, 2012 ES (EXE DIR Human Services/Welfare Admin)

TRANSFER FROM APPROPRIATIONS (CDBG BUDGET)

Fund	Org	Account	Func Act	Project	Fd Source
2201	040208	5999999	5410000	211231	31975
2201	040208	5999999	5410000	211232	31975
2201	040208	5999999	5410000	211258	31975
2201	040208	5999999	5410000	211298	31975
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Midtown Assistance 2012 ES (EXE DIR Human Services/Welfare Admin)
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Feed The Hungry 2012 ES/CD (EXE DIR Human Services/Welfare Admin)
ESG Program Admin, 2012 ES (EXE DIR Human Services/Welfare Admin)

ADD TO ANTICIPATIONS (CDBG REVENUE)

Fund	Org	Account	Func Act	Project	Fd Source
2201	040208	33111101	5410000	211792	31975

Amount

\$48,306.25

\$48,306.25

The Law Center 2014 ES/CD (EXE DIR Human Services/Welfare Admin)

TRANSFER TO APPROPRIATIONS (CDBG BUDGET)

Fund	Org	Account	Func Act	Project	Fd Source
2201	040208	5999999	5410000	211792	31975

Amount

\$48,306.25

\$48,306.25

The Law Center 2014 ES/CD (EXE DIR Human Services/Welfare Admin)

<p>(Do Not Write Above This Line)</p>	<p>Committee _____ Date _____ Chair _____ Referred To _____</p>	<p>First Reading</p>	<p>FINAL COUNCIL ACTION <input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote CERTIFIED</p>
<p>AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____ Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____ Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____ Refer To _____</p>
<p>AN ORDINANCE AMENDING THE 2014 (COMMUNITY DEVELOPMENT FUND) BUDGET BY REDUCING ANTICIPATIONS AND TRANSFERRING FROM APPROPRIATIONS IN THE AMOUNT OF \$48,306.25 AND ADDING TO ANTICIPATIONS AND TRANSFERRING TO APPROPRIATIONS IN THE AMOUNT OF \$48,306.25 AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT AMENDMENT WITH THE GEORGIA LAW CENTER; AND FOR OTHER PURPOSES.</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____ Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____ Refer To _____</p>	<p>MAYOR'S ACTION</p>
<p><input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1st ADOPT 2ND READ & REFER <input type="checkbox"/> PERSONAL PAPER REFER</p>	<p>Date Referred _____ Referred To: _____</p>	<p>Date Referred _____ Referred To: _____</p>	<p>Date Referred _____ Referred To: _____</p>

**A RESOLUTION BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AGREEMENT WITH
_____ FOR FC-7581 BROWNFIELD ASSESSMENT; AND FOR OTHER PURPOSES.**

Workflow List:

Charletta Jacks	Completed	11/26/2014 2:39 PM
Terri Lee	Completed	11/26/2014 2:48 PM
Finance	Completed	12/01/2014 8:20 AM
Procurement	Completed	12/01/2014 10:23 AM
Adam Smith	Completed	12/01/2014 11:05 AM
Mayor's Office	Completed	12/01/2014 11:13 AM
Office of Research and Policy Analysis	Completed	12/04/2014 2:09 PM
Atlanta City Council	Pending	
Community Development & Human Resources Committee		Pending
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

**A RESOLUTION BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AGREEMENT WITH
_____ FOR FC-7581 BROWNFIELD ASSESSMENT; AND FOR OTHER PURPOSES.**

WHEREAS, the U.S. Environmental Protection Agency awarded the City of Atlanta a Brownfield Assessment Grant for the purpose of identifying and assessing brownfield hazardous sites and brownfield petroleum sites within the City;

WHEREAS, under FC-7581, the Department of Procurement solicited proposals for geo-technical environmental consulting services for this project and through a prescribed evaluation process, the Office of Planning has recommended that _____ be awarded the contract for the services.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the Mayor is hereby authorized to enter into a contractual agreement with _____ for FC-7581 Brownfield Assessment in an amount not to exceed Three Hundred and Ninety Two Thousand Dollars (\$392,000) to be paid from and charged to Project Number 211728 and Account Number 2501 250401 5212001 7410000 211728 32182

Section 2: The term of the agreement shall begin on the effective date of the agreement and end on December 31, 2016.

Section 3: That the Chief Procurement Officer be and is hereby directed to prepare an agreement for execution by the Mayor to be approved by the City Attorney as to form.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

**ATTN: CANDACE L. BYRD
CHIEF OF STAFF**

Dept.'s Legislative Liaison: Jessica Lavandier

Contact Number: 404-865-8522

Originating Department: Planning and Community Development

Committee(s) of Purview: Committee Development/Human Resources

Chief of Staff Deadline: November 19, 2014

Anticipated Committee Meeting Date(s): December 9, 2014

Anticipated Full Council Date: January 5, 2015

Legislative Counsel's Signature: _____

Commissioner Signature: _____

Chief Procurement Officer Signature: _____

Chief Financial Officer Signature: _____

CAPTION

**A RESOLUTION
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
AGREEMENT WITH _____ FOR FC-7581 BROWNFIELD
ASSESSMENT; AND FOR OTHER PURPOSES.**

FINANCIAL IMPACT (if any): None. No matching funds required.

Mayor's Staff Only

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

Received by Mayor's Office: 11/19/14 Reviewed by KSP, DCOS
(date) (date) 11/20/14

Submitted to Council: _____
(date)

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD
CHIEF OF STAFF

Dept.'s Legislative Liaison: Jessica Lavandier

Contact Number: 404-865-8522

Originating Department: Planning and Community Development

Committee(s) of Purview: Committee Development/Human Resources

Chief of Staff Deadline: November 19, 2014

Anticipated Committee Meeting Date(s): December 9, 2014

Anticipated Full Council Date: January 5, 2015

Legislative Counsel's Signature: _____

of Commissioner Signature: _____

Chief Procurement Officer Signature: _____

Chief Financial Officer Signature: _____

CAPTION

A RESOLUTION
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
AGREEMENT WITH _____ FOR FC-7581 BROWNFIELD
ASSESSMENT; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): None. No matching funds required.

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)

Attachment: Brownfield contract Transmittal form (14-R-4523 : Brownfield Assessment Contract)

**A RESOLUTION
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AGREEMENT WITH _____ FOR FC-7581 BROWNFIELD ASSESSMENT; AND FOR OTHER PURPOSES.

WHEREAS, the U.S. Environmental Protection Agency awarded the City of Atlanta a Brownfield Assessment Grant for the purpose of identifying and assessing brownfield hazardous sites and brownfield petroleum sites within the City;

WHEREAS, under FC-7581, the Department of Procurement solicited proposals for geo-technical environmental consulting services for this project and through a prescribed evaluation process, the Office of Planning has recommended that _____ be awarded the contract for the services.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the Mayor is hereby authorized to enter into a contractual agreement with _____ for FC-7581 Brownfield Assessment in an amount not to exceed Three Hundred and Ninety Two Thousand Dollars (\$392,000) to be paid from and charged to Project Number 211728 and Account Number 2501 250401 5212001 7410000 211728 32182

Section 2: The term of the agreement shall begin on the effective date of the agreement and end on December 31, 2016.

Section 3: That the Chief Procurement Officer be and is hereby directed to prepare an agreement for execution by the Mayor to be approved by the City Attorney as to form.

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/Human Resource Committee

Caption:

**A RESOLUTION
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AGREEMENT WITH ABC CONSULTANT IN THE AMOUNT OF THREE HUNDRED AND NINETE TWO THOUSAND DOALLERS AND NO CENTS (\$392,000) FOR FC-7581 BROWNFIELD ASSESSMENT; AND FOR OTHER PURPOSES.

Council Meeting Date: 01/5/2015

Requesting Dept.: Planning and Community Development

FAC Confirmed by: N/A

B. To be completed by the department:

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

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to award a Brownfield Assessment contract to a consulting firm.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

City of Atlanta received a Brownfield Assessment Grant from EPA. The Office of Procurement solicited proposals for geo-technical services. The four tasks of the project will be: project management and reporting, Community Engagement and Partnerships, Assessments of Targeted properties and Cleanup Planning. Through an evaluation process, the Office of Planning selected a consulting firm.

3. If Applicable/Known:

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

- (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 (Ex. Name and number):

2501 250401 5212001 7410000 211728 32182

5. Source of Funds: Example: Local Assistance Grant The US Environmental Protection Agency will provide \$400,000 in funds.

6. Fiscal Impact: This legislation will identify brownfields that could be eligible for clean up funds under the Revolving Loan Fund.

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery:

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.

This Legislative Request Form Was Prepared By: Charletta Jacks.

(Do Not Write Above This Line)

**A RESOLUTION BY
COMMUNITY
DEVELOPMENT/HUMAN
RESOURCES COMMITTEE:**

**A RESOLUTION AUTHORIZING
THE MAYOR TO ENTER INTO A
CONTRACT AGREEMENT WITH
FOR FC-
7581 BROWNFIELD
ASSESSMENT; AND FOR OTHER
PURPOSES.**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading
Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action
Fav, Adv, Hold (See rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (See rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (See rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (See rev. side)
Other

Members

Refer To

- FINAL COUNCIL ACTION
- 2ND
 - 1ST & 2ND
 - 3RD
 - Consent
 - V Vote
 - RC Vote
- Readings

CERTIFIED

MAYOR'S ACTION

AN ORDINANCE BY COUNCILMEMBER JOYCE M. SHEPERD TO IMPOSE A HIGHER PROPERTY TAX RATE FOR BLIGHTED, VACANT PROPERTIES; AND FOR OTHER PURPOSES.(HELD 1/14/14) (A WORK SESSION TO BE SCHEDULED)

Workflow List:

Atlanta City Council	Completed	02/25/2014 4:14 PM
Community Development & Human Resources Committee	Completed	09/02/2014 5:19 PM
Atlanta City Council	Completed	07/09/2014 10:59 AM
Community Development & Human Resources Committee	Completed	09/02/2014 5:31 PM
Atlanta City Council	Completed	11/20/2014 12:02 PM
Atlanta City Council	Completed	03/05/2014 2:54 PM
Community Development & Human Resources Committee	Completed	09/02/2014 5:48 PM
Atlanta City Council	Completed	05/19/2014 10:47 AM
Community Development & Human Resources Committee	Completed	09/02/2014 5:58 PM
Atlanta City Council	Completed	03/21/2014 4:33 PM
Community Development & Human Resources Committee	Completed	09/02/2014 6:04 PM
Atlanta City Council	Completed	05/05/2014 6:24 PM
Community Development & Human Resources Committee	Completed	09/02/2014 6:20 PM
Atlanta City Council	Completed	05/12/2014 5:52 PM
Community Development & Human Resources Committee	Completed	09/02/2014 6:29 PM
Atlanta City Council	Completed	05/30/2014 3:59 PM
Community Development & Human Resources Committee	Completed	09/03/2014 9:37 AM
Atlanta City Council	Completed	07/01/2014 3:23 PM
Community Development & Human Resources Committee	Completed	09/03/2014 12:57 PM
Atlanta City Council	Completed	06/19/2014 3:09 PM
Community Development & Human Resources Committee	Completed	09/03/2014 1:57 PM
Atlanta City Council	Completed	07/25/2014 1:25 PM
Community Development & Human Resources Committee	Completed	09/03/2014 2:23 PM
Atlanta City Council	Completed	11/10/2014 5:05 PM
Community Development & Human Resources Committee	Completed	09/03/2014 2:37 PM
Atlanta City Council	Completed	08/26/2014 4:17 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:49 PM
Atlanta City Council	Completed	11/10/2014 1:33 PM
Community Development & Human Resources Committee	Completed	10/16/2014 5:05 PM
Atlanta City Council	Completed	10/07/2014 9:12 AM
Community Development & Human Resources Committee	Completed	10/22/2014 9:33 AM
Atlanta City Council	Completed	10/10/2014 5:45 PM
Community Development & Human Resources Committee	Completed	10/30/2014 3:29 PM
Atlanta City Council	Completed	10/24/2014 12:35 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

01/06/14 Atlanta City Council
 01/14/14 Community Development & Human Resources Committee HELD IN
 COMMITTEE

RESULT: HELD IN COMMITTEE

01/21/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 1/28/2014 12:30 PM

01/28/14 Community Development & Human Resources Committee

02/03/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD

02/17/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 2/25/2014 12:30 PM

02/25/14 Community Development & Human Resources Committee

03/03/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 3/11/2014 12:30 PM

03/11/14 Community Development & Human Resources Committee

03/17/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 3/25/2014 12:30 PM

03/25/14 Community Development & Human Resources Committee

04/21/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 4/29/2014 12:30 PM

04/29/14 Community Development & Human Resources Committee

05/05/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 5/13/2014 12:30 PM

05/13/14 Community Development & Human Resources Committee

05/19/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 5/27/2014 12:30 PM

05/27/14 Community Development & Human Resources Committee

06/02/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 6/10/2014 12:30 PM

06/10/14 Community Development & Human Resources Committee

06/16/14 Atlanta City Council REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 6/24/2014 12:30 PM
06/24/14	Community Development & Human Resources Committee	
07/07/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 7/15/2014 12:30 PM
07/15/14	Community Development & Human Resources Committee	
07/21/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 7/29/2014 12:30 PM
07/29/14	Community Development & Human Resources Committee	
08/18/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 8/26/2014 12:30 PM
08/26/14	Community Development & Human Resources Committee	
09/02/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/9/2014 12:30 PM
09/09/14	Community Development & Human Resources Committee	
09/15/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/23/2014 12:30 PM
09/23/14	Community Development & Human Resources Committee	
10/06/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 10/14/2014 12:30 PM
10/14/14	Community Development & Human Resources Committee	
10/20/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 10/28/2014 12:30 PM
10/28/14	Community Development & Human Resources Committee	
11/03/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 11/10/2014 12:30 PM
11/10/14	Community Development & Human Resources Committee	
11/17/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 11/24/2014 12:30 PM
11/24/14	Community Development & Human Resources Committee	
12/01/14	Atlanta City Council	RETURNED AS HELD

RESULT: RETURNED AS HELD

Next: 12/9/2014 12:30 PM

RESULT: RETURNED AS HELD

Next: 12/9/2014 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action <i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1023

SPONSOR SIGNATURES


Joyce Sheperd, Councilmember, District 12

AN ORDINANCE BY COUNCILMEMBER JOYCE M. SHEPERD TO IMPOSE A HIGHER PROPERTY TAX RATE FOR BLIGHTED, VACANT PROPERTIES; AND FOR OTHER PURPOSES.(HELD 1/14/14) (A WORK SESSION TO BE SCHEDULED)

WHEREAS, the City of Atlanta ("City") has been hit hard economically and socially by the waves of home foreclosures in recent years; and

WHEREAS, the City is saddled with thousands of vacant and dilapidated properties especially in southeast and southwest Atlanta; and

WHEREAS, these properties pose as safety hazards and have turned neighborhoods into blighted blocks; and

WHEREAS, blighted neighborhoods burden the City with increasing need for government services from social services to code enforcement services; and

WHEREAS, the Atlanta City Council finds it in the public health, safety and welfare to promulgate laws and regulations to mitigate with objective to eradicate conditions of slum and blight within the City of Atlanta.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: The Atlanta City Council wishes to exercise the powers granted to the City of Atlanta by the State of Georgia via Chapter 61, Urban Redevelopment. of Title 36 of the Official Code of Georgia Annotated and Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia by amending the Atlanta Code of Ordinances by adding a new article, Article V, to Chapter 146 -TAXATION under PART U-CODE OF ORDINANCES.

SECTION 2: The new Article V, entitled "COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM", shall read as follows:

ARTICLE V. COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM

Sec. 146-131. - Purpose. Sec. 146-132. - Definitions.

Sec. 146-133.- Levy of increase ad valorem tax on blighted real property.

Sec. 146-134. - Official identification of property maintained in blighted condition.

Sec. 146-135.- Remediation or redevelopment to remove designation of blighted condition.

Sec. 146-136. - Decreased rate of taxation to be applied after successful remedial action or redevelopment of blighted property.

Sec. 146-137. - Duty of public officer to provide notice to county tax commissioner. Sec. 146-131.- Purpose.

The existence of real property which is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

In furtherance of its objective to eradicate conditions of slum and blight within the city, the Atlanta City Council, in exercise of the powers granted to municipal corporations at Chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated those areas of the city where conditions of slum and blight are found or are likely to spread.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

Sec. 146-132. - Definitions.

Blighted property, blighted, or blight means any urbanized or developed property which:

(1) Presents two or more of the following conditions:

- a. Uninhabitable, unsafe, or abandoned structure;
- b. Inadequate provisions for ventilation, light, air, or sanitation;
- c. An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
- d. A site identified by the federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;

e. Repeated illegal activity on the individual property of which the property owner knew or should have known; or

f. The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and

(2) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property.

Property shall not be deemed blighted solely because of esthetic conditions.

Building inspector means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

Community redevelopment means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or thorough local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

Governing authority means the Council of the City of Atlanta, a Georgia municipal corporation.

Millage or *millage rate* means the levy, in mills, which is established by the governing authority for purposes of financing, in whole or in part, the levying jurisdiction's general fund expenses for the fiscal year.

Person means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.

Public officer means the Commissioner of the Department of Planning and Community Development or his designee to perform the duties and responsibilities hereafter set forth in this article.

Sec.146-133.- Levy of increase ad valorem tax on blighted real property.

There is hereby levied on all real property within the city which has been officially identified as maintained in a blighted condition an increased ad valorem tax by applying a factor of seven (7.0) to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law; provided, however, real property on which there is situated a dwelling house which is being occupied as the primary

residence of one or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increased taxation.

Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted.

Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the Chief Financial Officer and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the city's program to close, repair, or demolish unfit building and structures.

Sec. 146-134.- Official identification of property maintained in blighted condition.

(a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:

(1) An inspection must be performed on the parcel of property. In order for an inspection to be performed,

a. A request may be made by the public officer or by at least five residents of the city for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or

b. The public officer may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.

(2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the public officer. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the city are in question, the inspection shall be conducted by a certified inspector possessing the requisite qualifications to determine minimal code compliance.

(3) Following completion of the inspection report, the public officer shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.

(4) The public officer shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent

tax digest of Fulton County or DeKalb County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the public officer that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.

(b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the public officer's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the public officer's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice in which to request a hearing before the city's municipal court. Written request for hearing shall be filed with the public officer and shall be date stamped upon receipt. Upon receipt of a request for hearing, the public officer shall notify the municipal court and the building inspector or person who performed the inspection and prepared the inspection report.

(c) Within 30 days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten business days notice to the person(s) requesting the hearing, the public officer and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the Atlanta Journal & Constitution, or other designated legal organ in Fulton County, at least five days prior to the hearing. Hearings may be continued by the municipal court judge upon request of any party, for good cause.

(d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The municipal court judge shall cause a record of the evidence submitted at the hearing to

be maintained. Upon hearing from the public officer and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the Tax Commissioner of Fulton County or DeKalb County, who shall include the increased tax on the next regular tax bill rendered on behalf of the city.

(e) Persons aggrieved by the determination of the court affirming the determination of the public officer may petition the Superior Court of Fulton County or DeKalb County for a writ of certiorari within 30 days of issuance of the court's written determination.

Sec.146-135. - Remediation or redevelopment to remove designation of blighted condition.

(a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this article as property maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:

(1) Completion of work required under a plan of remedial action or redevelopment approved by the city's planning and development director which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or

(2) Completion of work required under a court order entered in a proceeding brought pursuant to the Atlanta Housing Code.

(b) Before action on a petition to lift the designation, the public officer shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the public officer shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the Tax Commissioner of Fulton or DeKalb County.

(c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the director of the city's planning and development department, and contain the following:

(1) The plan shall be consistent with the city's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the property lies;

(2) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization and landscaping of the property;

(3) On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;

(4) The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;

(5) The plan shall contain a timetable for completion of required work; and

(6) Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

Sec. 146-136. - Decreased rate of taxation to be applied after successful remedial action or redevelopment of blighted property.

(a) Real property which has had its designation as maintained in a blighted condition removed by the public officer, as provided in section 146-134 of this article, shall be eligible for a

decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every \$25,000.00 or portion thereof equaling one year of tax reduction; provided, however, that no property shall be entitled to reduction in city ad valorem taxes for more than four successive years.

(b) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a notarized affidavit to the public officer, supported by receipts or other evidence of payment, of the amount expended.

Sec. 146-137.- Duty of public officer to provide notice to county tax commissioner.

It shall be the duty of the public officer to notify the Tax Commissioner of Fulton County or DeKalb County in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the Fulton County or DeKalb County Tax Assessor's Office. The public officer shall cooperate with the tax commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this article.

SECTION 3: All ordinances or parts of ordinances in conflict with this ordinance are hereby waived in this instance only.

AN ORDINANCE BY COUNCILMEMBER ANDRE DICKENS AS AMENDED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE ADOPTING THE ATLANTA BELTLINE AND ATLANTA STREETCAR SYSTEM PLAN AS A SUPPLEMENT TO THE 2008 CONNECT ATLANTA PLAN; AND FOR OTHER PURPOSES.

(Amended and held 2/25/14 by the Committee for a Public Hearing on March 10, 2014; Public Hearing held 3/10/14; Continue to hold for additional information and further review.)

Workflow List:

Atlanta City Council	Completed	03/05/2014 2:54 PM
Community Development & Human Resources Committee	Completed	09/02/2014 5:48 PM
Atlanta City Council	Completed	05/19/2014 10:47 AM
Community Development & Human Resources Committee	Completed	09/02/2014 5:58 PM
Atlanta City Council	Completed	03/21/2014 4:33 PM
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Atlanta City Council	Completed	05/12/2014 5:52 PM
Community Development & Human Resources Committee	Completed	09/02/2014 6:29 PM
Atlanta City Council	Completed	05/30/2014 3:59 PM
Community Development & Human Resources Committee	Completed	09/03/2014 9:37 AM
Atlanta City Council	Completed	07/01/2014 3:23 PM
Community Development & Human Resources Committee	Completed	09/03/2014 12:57 PM
Atlanta City Council	Completed	06/19/2014 3:09 PM
Community Development & Human Resources Committee	Completed	09/03/2014 1:57 PM
Atlanta City Council	Completed	07/25/2014 1:25 PM
Community Development & Human Resources Committee	Completed	09/03/2014 2:23 PM
Atlanta City Council	Completed	11/10/2014 5:05 PM
Community Development & Human Resources Committee	Completed	09/03/2014 2:37 PM
Atlanta City Council	Completed	08/26/2014 4:17 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:49 PM
Atlanta City Council	Completed	11/10/2014 1:33 PM
Community Development & Human Resources Committee	Completed	10/16/2014 5:05 PM
Atlanta City Council	Completed	10/07/2014 9:12 AM
Community Development & Human Resources Committee	Completed	10/22/2014 9:33 AM
Atlanta City Council	Completed	10/10/2014 5:45 PM
Community Development & Human Resources Committee	Completed	10/30/2014 3:29 PM
Atlanta City Council	Completed	10/24/2014 12:35 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM

Community Development & Human Resources Committee	Pending
Atlanta City Council	Pending
Mayor's Office	Pending

HISTORY:

02/17/14	Atlanta City Council	REFERRED WITHOUT OBJECTION
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 2/25/2014 12:30 PM
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02/25/14	Community Development & Human Resources Committee	HELD IN COMMITTEE
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RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Dickens, Young Jr., Bottoms, Hall, Sheperd, Winslow
ABSENT:	Michael Julian Bond

03/03/14	Atlanta City Council	REFERRED AS HELD
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RESULT:	REFERRED AS HELD	Next: 3/11/2014 12:30 PM
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03/11/14	Community Development & Human Resources Committee
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03/17/14	Atlanta City Council	REFERRED AS HELD
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RESULT:	REFERRED AS HELD	Next: 3/25/2014 12:30 PM
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03/25/14	Community Development & Human Resources Committee
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04/21/14	Atlanta City Council	REFERRED AS HELD
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RESULT:	REFERRED AS HELD	Next: 4/29/2014 12:30 PM
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04/29/14	Community Development & Human Resources Committee
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05/05/14	Atlanta City Council	REFERRED AS HELD
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RESULT:	REFERRED AS HELD	Next: 5/13/2014 12:30 PM
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05/13/14	Community Development & Human Resources Committee
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05/19/14	Atlanta City Council	REFERRED AS HELD
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RESULT:	REFERRED AS HELD	Next: 5/27/2014 12:30 PM
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05/27/14	Community Development & Human Resources Committee
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06/02/14	Atlanta City Council	REFERRED AS HELD
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RESULT:	REFERRED AS HELD	Next: 6/10/2014 12:30 PM
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06/10/14	Community Development & Human Resources Committee
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06/16/14	Atlanta City Council	REFERRED AS HELD
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RESULT:	REFERRED AS HELD	Next: 6/24/2014 12:30 PM
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06/24/14	Community Development & Human Resources Committee
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07/07/14	Atlanta City Council	REFERRED AS HELD
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RESULT:	REFERRED AS HELD	Next: 7/15/2014 12:30 PM
07/15/14	Community Development & Human Resources Committee	
07/21/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 7/29/2014 12:30 PM
07/29/14	Community Development & Human Resources Committee	
08/18/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 8/26/2014 12:30 PM
08/26/14	Community Development & Human Resources Committee	
09/02/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/9/2014 12:30 PM
09/09/14	Community Development & Human Resources Committee	
09/15/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/23/2014 12:30 PM
09/23/14	Community Development & Human Resources Committee	
10/06/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 10/14/2014 12:30 PM
10/14/14	Community Development & Human Resources Committee	
10/20/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 10/28/2014 12:30 PM
10/28/14	Community Development & Human Resources Committee	
11/03/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 11/10/2014 12:30 PM
11/10/14	Community Development & Human Resources Committee	
11/17/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 11/24/2014 12:30 PM
11/24/14	Community Development & Human Resources Committee	
12/01/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 12/9/2014 12:30 PM
RESULT:	RETURNED AS HELD	Next: 12/9/2014 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

AN ORDINANCE BY COUNCILMEMBER ANDRE DICKENS AS AMENDED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE ADOPTING THE ATLANTA BELTLINE AND ATLANTA STREETCAR SYSTEM PLAN AS A SUPPLEMENT TO THE 2008 CONNECT ATLANTA PLAN; AND FOR OTHER PURPOSES.

(AMENDED AND HELD 2/25/14 BY THE COMMITTEE FOR A PUBLIC HEARING ON MARCH 10, 2014; PUBLIC HEARING HELD 3/10/14; CONTINUE TO HOLD FOR ADDITIONAL INFORMATION AND FURTHER REVIEW.)

WHEREAS, Atlanta BeltLine, Inc. (“ABI”) has been formed by The Atlanta Development Authority to perform certain of The Atlanta Development Authority d/b/a Invest Atlanta (“IA”) redevelopment, transit and transportation planning responsibilities for the City of Atlanta (the “City”) with respect to the City of Atlanta Tax Allocation District Number Six - BeltLine (the “BeltLine TAD”) and the BeltLine Redevelopment Plan (the “Redevelopment Plan”) approved and adopted pursuant to Ordinance 05-O-1733 (the “BeltLine Ordinance”) duly adopted by the City Council of the City on November 7, 2005, as approved by the Mayor of the City on November 9, 2005; and

WHEREAS, Ordinance 05-0-1733 recognized the importance of a Transportation Master Plan for the BeltLine Redevelopment Area and intended that all new development that occurs within the BeltLine Redevelopment Area shall include an emphasis on connectivity among new developments, existing neighborhoods and activity centers, and the BeltLine capital projects; and

WHEREAS, the City Council of the City, by Ordinance 06-O-1568, adopted on July 17, 2006, and approved by the Mayor of the City on July 18, 2006, certain projects or phases of projects to implement the Redevelopment Plan (the “Five-Year Work Plan”); and

WHEREAS, the *Connect Atlanta Plan* was adopted in 2008 as the City of Atlanta comprehensive transportation plan, which guides the City’s transportation policies, goals, and priorities; and

WHEREAS, the *Connect Atlanta Plan Progress Report* was adopted in 2013 as an update and companion document to the *Connect Atlanta Plan*; and

WHEREAS, the *Connect Atlanta Plan* and *Connect Atlanta Plan Progress Report* seek to meet the demands of population growth and continue to promote Atlanta as an attractive place for area residents and visitors to work, shop, and play, balancing the transportation system among all of its travel modes; and

WHEREAS, the *Connect Atlanta Plan* and *Connect Atlanta Plan Progress Report* identify a network of streetcar/light-rail corridors, but do not provide preliminary designs or cost estimates for the components of this citywide streetcar/light-rail network; and

WHEREAS, the City Council of the City, by Ordinance 13-R-3314, adopted on August 9th, 2013, and approved by the Mayor of the City on August 9th, 2013, the Services Agreement between ABI and City authorizing ABI to as its agent to oversee and contract for the planning and design of the transit corridors identified in the Atlanta Beltline and Atlanta Streetcar System Plan including the Atlanta BeltLine Transit Element; and

WHEREAS, in performing its transit and transportation planning responsibilities, the City of Atlanta, Invest Atlanta, and ABI created a transit implementation strategy, herein referred to as the Atlanta Beltline and Atlanta Streetcar System Plan , to guide the implementation of the expansion of the Atlanta (Downtown) Streetcar project, the transit component of the Atlanta BeltLine, and the City of Atlanta rail transit corridors identified in the Connect Atlanta Plan over the remaining years of the program; and

WHEREAS, the *Atlanta Beltline and Atlanta Streetcar System Plan* is now complete and it identifies specific streetcar/light-rail investments required to connect the Atlanta BeltLine and surrounding residential areas to job centers, MARTA Rapid Rail stations and other destinations in the central core of the City; and

WHEREAS, the development of *Atlanta Beltline and Atlanta Streetcar System Plan* was guided by the community, as represented through stakeholder advisory committees, technical advisory committees, Atlanta BeltLine study groups, Citywide Conversation meetings, and an online Peak Diplomacy survey; and

WHEREAS, site plans, transportation recommendations and projects, and funding requests will be evaluated based upon level of consistency with the adopted *Connect Atlanta Plan*, the *Connect Atlanta Plan Progress Report*, and any supplements to the *Connect Atlanta Plan*.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES:

SECTION 1: That the *Atlanta Beltline and Atlanta Streetcar System Plan* is hereby adopted as a supplement to the current *Connect Atlanta Plan*, attached hereto as Exhibit "A", and incorporated herein by reference.

SECTION 2: That transit phasing recommendations from the *Atlanta Beltline and Atlanta Streetcar System Plan* will guide the implementation of: the expansion of the Atlanta (Downtown) Streetcar project; the transit component of the Atlanta BeltLine; the City of Atlanta rail transit corridors identified in the *Connect Atlanta Plan*; and provide project recommendations for future updates of the transportation section of the *Capital Improvement Program-Short Term Work Program (CIP-STWP)*.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

A RESOLUTION BY COUNCILMEMBER KWANZA HALL AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE CONSENTING TO THE EXPANSION OF THE LITTLE FIVE POINTS COMMUNITY IMPROVEMENT DISTRICT AS AUTHORIZED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA IN THE ATLANTA COMMUNITY IMPROVEMENT DISTRICT ACT AND BASED ON THE CONSENT OF THE MAJORITY OF THE OWNERS OF REAL PROPERTY WITHIN THE EXPANDED BOUNDARIES; AND FOR OTHER PURPOSES.(SUBSTITUTED AND HELD 7/15/14 BY THE COMMITTEE FOR FURTHER REVIEW.)

Workflow List:

Atlanta City Council	Completed	07/25/2014 1:25 PM
Community Development & Human Resources Committee	Completed	09/03/2014 2:23 PM
Atlanta City Council	Completed	11/10/2014 5:05 PM
Community Development & Human Resources Committee	Completed	09/03/2014 2:37 PM
Atlanta City Council	Completed	08/26/2014 4:17 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:49 PM
Atlanta City Council	Completed	11/10/2014 1:33 PM
Community Development & Human Resources Committee	Completed	10/16/2014 5:05 PM
Atlanta City Council	Completed	10/07/2014 9:12 AM
Community Development & Human Resources Committee	Completed	10/22/2014 9:33 AM
Atlanta City Council	Completed	10/10/2014 5:45 PM
Community Development & Human Resources Committee	Completed	10/30/2014 3:29 PM
Atlanta City Council	Completed	10/24/2014 12:35 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	

HISTORY:

07/07/14 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/15/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE [5 TO 0]
AYES: Dickens, Young Jr., Bottoms, Hall, Winslow
ABSENT: Michael Julian Bond
AWAY: Joyce Sheperd

07/21/14 Atlanta City Council REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 7/29/2014 12:30 PM
07/29/14	Community Development & Human Resources Committee	
08/18/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 8/26/2014 12:30 PM
08/26/14	Community Development & Human Resources Committee	
09/02/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/9/2014 12:30 PM
09/09/14	Community Development & Human Resources Committee	
09/15/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 9/23/2014 12:30 PM
09/23/14	Community Development & Human Resources Committee	
10/06/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 10/14/2014 12:30 PM
10/14/14	Community Development & Human Resources Committee	
10/20/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 10/28/2014 12:30 PM
10/28/14	Community Development & Human Resources Committee	
11/03/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 11/10/2014 12:30 PM
11/10/14	Community Development & Human Resources Committee	
11/17/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 11/24/2014 12:30 PM
11/24/14	Community Development & Human Resources Committee	
12/01/14	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 12/9/2014 12:30 PM
RESULT:	RETURNED AS HELD	Next: 12/9/2014 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA

14-R-3825

SPONSOR SIGNATURES


Kwana Hall, Councilmember, District 2

A RESOLUTION BY COUNCILMEMBER KWANZA HALL AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE CONSENTING TO THE EXPANSION OF THE LITTLE FIVE POINTS COMMUNITY IMPROVEMENT DISTRICT AS AUTHORIZED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA IN THE ATLANTA COMMUNITY IMPROVEMENT DISTRICT ACT AND BASED ON THE CONSENT OF THE MAJORITY OF THE OWNERS OF REAL PROPERTY WITHIN THE EXPANDED BOUNDARIES; AND FOR OTHER PURPOSES.(SUBSTITUTED AND HELD 7/15/14 BY THE COMMITTEE FOR FURTHER REVIEW.)

WHEREAS, by Act of the Legislature, 1991 Ga. L. 3653, as amended, (the "Act"), the Georgia Legislature enacted the Atlanta Community Improvement District Act; and

WHEREAS, on July 7, 2014, the Atlanta City Council approved Resolution 14-R-3508, creating the Little Five Points Community Improvement District , and

WHEREAS, a majority of the owners of real property within a proposed expansion of the Little Five Points CID, as shown on the map attached as Exhibit "A" comprising the parcels enumerated in Exhibit "B", which are incorporated by reference hereof, which will be subject to taxes, fees, and assessments levied by the District Board, have consented in writing to adding their property to the Community Improvement District ("CID") with boundaries as shown on said map; and

WHEREAS, the owners of real property within the above referenced expansion of the Little Five Points CID as shown on the map attached as Exhibit "A" comprising the parcels enumerated in Exhibit "B", which constitute at least 75% by value of all real property within the expansion of the said CID which will be subject to taxes, fees and assessments levied by the District Board, according to the most recent approved County ad valorem tax digest, have consented in writing to adding their property to the CID with boundaries as shown on said map; and

WHEREAS, the Atlanta City Council has determined that the expansion of such CID would be in the best interest of the citizens of Atlanta;

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA that the City of Atlanta consents to the expansion of the Little 5 Points Community Improvement District to be comprised of the geographical area as shown on the map attached as Exhibit "A" and comprising the parcels enumerated in the list attached as Exhibit "B".

EXHIBIT "A"

THE LITTLE FIVE POINTS COMMUNITY IMPROVEMENTDISTRICT MAP, DELINIATING THE
EXPANSION THEREOF



EXHIBIT "B"

Parcels Comprising the Expansion of the Little Five Points Community Improvement District

L5P CID ENLARGEMENT

Petitioning Properties

	Parcel ID	Address	Owner	Assessment
1	14 001500070684	484 MORELAND AVE NE	LITTLE FIVE POINTS PARTNERSHIP	\$ 818,800
2	14 001500070171	0 SEMINOLE AVE NE	PARKING ASSOCIATION OF EUCLID AVENUE INC	\$ 30,080
3	14 001500070221	1152 EUCLID AVE NE	STOWERS SALLY J ET AL	\$ 340,000
4	14 001500070247	1140 EUCLID AVE NE	PENDERGRAST BUILDING L L C THE	\$ 275,560
5	14 001500070494	420 MORELAND AVE NE	MORELAND AVENUE ASSOCIATES LLC	\$ 317,760
6	14 001500070593	1174 EUCLID AVE NE	PUB PARTNERS L P	\$ 240,000
7	14 001500070619	424 SEMINOLE AVE NE	BLUE CHIP PIZZA PRODUCTS LLC	\$ 63,240
8	14 001500070635	450 MORELAND AVE NE	MAJORS PAMELA G & LITTLE FIVE POINTS PARTNERSHIP	\$ 1,024,000
9*	14 001500070726	1166 EUCLID AVE NE	BLUE CHIP PIZZA PRODUCTS LLC	\$ 164,800
10	14 001500100655	1127 COLQUITT AVE NE	FUCHS BARRY M & PAULETTE M	\$ 203,160
11*	14 001500130389	1091 EUCLID AVE NE	LITTLE FIVE POINTS PRTN SHP	\$ 458,280
12*	14 001500130447	1129 EUCLID AVE NE	BLUE CHIP PIZZA PRODUCTS LLC	\$ 235,560
13	14 001500130496	292 MORELAND AVE NE	FAT CAT PROPERTIES LLC	\$ 264,000
14	14 001500130678	1107 EUCLID AVE NE	METROPOLITAN FOUNDATION OF ATL INC	\$ 41,680
Petitioning Subtotal of District Assessment				\$ 4,476,920

Non-Petitioning Properties

	Parcel ID	Address	Owner	Assessment
15	14 001500070718	1168 EUCLID AVE NE	VAILLANCOURT WAYNE L	\$ 96,200
16	14 001500070205	1160 EUCLID AVE NE	DKONYSIUS ASSET MANAGEMENT LLC	\$ 236,000
17	14 001500070213	1156 EUCLID AVE NE	KELLY & SANDRA LLC	\$ 321,160
18	14 001500070239	1150 EUCLID AVE NE	HARTZ JAMES E	\$ 298,120
19	14 001500130421	1111 EUCLID AVE NE	BANKS IRVING FAMILY TRUST	\$ 386,400
20	14 001500130454	1133 EUCLID AVE NE	FEINBERG STEPHEN ET AL	\$ 137,080
Non-petitioning Subtotal of District Assessment				\$ 1,474,960

Total Assessment \$ 5,951,880

Petitioning Properties as Percentage of Total Assessment 75.2%
as Percentage of Owner Count 55.00%

* Indicates that this is a second or third parcel owned by the same entity. Petitions must represent a majority of owners and three parcels of the twenty total do not contribute to the owner count.

**A RESOLUTION BY
COUNCILMEMBER KWANZA HALL**



A RESOLUTION CONSENTING TO THE CREATION OF THE LITTLE 5 POINTS COMMUNITY IMPROVEMENT DISTRICT AS AUTHORIZED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA IN THE ATLANTA COMMUNITY IMPROVEMENT DISTRICT ACT AND BASED ON THE CONSENT OF THE MAJORITY OF THE OWNERS OF REAL PROPERTY WITHIN THE DISTRICT BOUNDARIES; AND FOR OTHER PURPOSES.

WHEREAS, by Act of the Legislature, 1991 Ga. L. 3653, as amended, (the "Act"), the Georgia Legislature enacted the Atlanta Community Improvement District Act; and

WHEREAS, a majority of the owners of real property within a proposed district, as shown on the map attached as Exhibit "A"; and incorporated by reference hereof, which will be subject to taxes, fees, and assessments levied by the District Board, have consented in writing to the creation of a Community Improvement District ("CID") with boundaries as shown on said map; and

WHEREAS, the owners of real property within the proposed CID which constitute at least 75% by value of all real property within said CID which will be subject to taxes, fees and assessments levied by the District Board, according to the most recent approved County ad valorem tax digest, have consented in writing to the creation of a CID with boundaries as shown on said map; and

WHEREAS, the Fulton County Tax Commissioner has certified that the aforesaid majority and 75% by value of written consents are satisfactory, said Certification of Compliance being attached as Exhibit "B"; and

WHEREAS, it is the intention of the Atlanta City Council by activation of such CID, to enhance and supplement certain governmental services and facilities within said district; and

WHEREAS, the Atlanta City Council has determined that the activation of such CID would be in the best interest of the citizens of Atlanta.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA that the City of Atlanta consents to the creation of the Little 5 Points Community Improvement District to be comprised of the geographical area as shown on the map attached as Exhibit "A", for the provision of the following governmental services and facilities:

Construction and maintenance of local, collector and arterial streets as shown on the city's street classification map or as otherwise included in the city's street classification map or as otherwise included in the city's most recently adopted Comprehensive

Development Plan, including curbs, sidewalks, street lights and devices to control the flow of traffic on local, collector and arterial streets;

Public transportation, including but not limited to services intended to reduce the volume of automobile traffic, to transport two or more persons in conveyances, to improve air quality, and to provide bicycle and pedestrian facilities and the operation of a Traffic Management Association or similar entity;

Development and management of terminal and parking facilities and adjacent development;

Development and management of parks, recreational, and cultural areas and facilities;

Development, storage, and management of storm water.

Such other services and facilities as may be provided for by general law.

BE IT FURTHER RESOLVED, that the City Council relies on the facts certified by the Tax Commissioners of Fulton County as to the satisfaction of conditions relating to the consent of property owners and that neither the City nor the City Council will undertake any obligation to verify said certification and shall assume no liability for any errors and omissions of the Tax Commissioner;

BE IT FURTHER RESOLVED, that any projects and activities which may be undertaken by the CID will be governed by such conditions as will insure their compatibility with adopted City policies in planning for the area;

BE IT FURTHER RESOLVED, that the Chairman of the Finance/Executive Committee, who is made an ex officio member of the Board by the terms of Section 5 of the Act, 1991 Ga. L. 3653, 3661, after appointment by the President of Council, be so appointed and serve on the Board pursuant to the terms of the Act.

BE IT FURTHER RESOLVED, that the Mayor and President of Council, who are each given the right to appoint one member of the Board by the terms of Section 5 of the Act, 1991 Ga. L. 3653, 3661, so appoint said Board member who shall serve pursuant to the terms of the Act.

BE IT FURTHER RESOLVED, that a caucus of electors, as defined in the Act, be held within 60 days at Front Page News, 351 Moreland Ave NE, Atlanta, GA 30307 for the purpose of electing six (6) additional District Board Members. Registration shall begin at 5:30 o'clock p.m. and conclude at 6:00 o'clock p.m., at which time the election caucus will convene.

Notice of said caucus shall be given to the electors by publication in the legal organ, the Fulton County Daily Report on four dates, at least forty-five (45) days, thirty one (31) days, seventeen (17) days, and ten (10) days, respectively, prior to such election.

Post 4 on the District Board shall be an "Elector" post, with that board member elected by a majority vote of the electors present and voting at the caucus, on the basis of one vote for each elector. This board member shall initially have a two-year term. Thereafter, the term for this post will be four years.

Posts 5, 6, 7, 8 and 9 on the District Board shall be "Equity Elector" posts, with each board member elected by a majority of the votes cast by the electors present and voting at the caucus, with each elector having one vote for each \$1,000.00 (or fraction thereof) in assessed value of the property owned by the elector subject to taxes, fees or assessments levied by the Board. Post 6 and 8 board members shall initially have two year terms, and Post 5, 7 and 9 board members shall initially have four year terms. Thereafter, the terms for Posts 5, 6, 7, 8 and 9 will be four years.

One or more of the appointed board members shall conduct the initial caucus of electors. If no board members are appointed by the date set for the caucus, the City Attorney or a designee appointed by the City Attorney shall preside at the initial caucus of electors;

BE IT FURTHER RESOLVED, that all Board members take an oath of office upon election or appointment to faithfully administer their duties under the Act.

BE IT FINALLY RESOLVED, that the Mayor be and is hereby authorized to enter into a Cooperation Agreement with the CID Board to allow for the provision of services and facilities as provided under the Act substantially in the form attached hereto, as Exhibit "C" with such further changes as the City Attorney shall deem appropriate and shall not be binding on the City and the City shall incur no liability upon same until execution by the Mayor and delivery to the CID Board.

<p>(Do Not Write Above This Line)</p> <p>A RESOLUTION BY COUNCILMEMBER KWANZA HALL</p> <p style="text-align: right;"><i>[Signature]</i></p> <p>A RESOLUTION CONSENTING TO THE CREATION OF THE LITTLE 5 POINTS COMMUNITY IMPROVEMENT DISTRICT AS AUTHORIZED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA IN THE ATLANTA COMMUNITY IMPROVEMENT DISTRICT ACT AND BASED ON THE CONSENT OF THE MAJORITY OF THE OWNERS OF REAL PROPERTY WITHIN THE DISTRICT BOUNDARIES; AND FOR OTHER PURPOSES.</p> <p> <input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1st ADOPT 2nd READ & REFER <input type="checkbox"/> PERSONAL PAPER REFER </p> <p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p>	<p style="text-align: center;">First Reading</p> <p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Referred To _____</p> <hr/> <p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p> <hr/> <p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p style="text-align: center;">FINAL COUNCIL ACTION</p> <p> <input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote </p> <p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">MAYOR'S ACTION</p>
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AN ORDINANCE BY COUNCILMEMBER FELICIA A. MOORE AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE AMENDING CHAPTER 74, ARTICLE V OF THE CITY OF ATLANTA CODE OF ORDINANCES, BY CREATING SECTION 175, FOR THE PURPOSE OF LIMITING THE NUMBER OF TIMES GARAGE/YARD SALES MAY BE HELD IN A CALENDAR YEAR; AND FOR OTHER PURPOSES.(REFERRED BACK TO CDHR BY FULL COUNCIL 7/21/14; HELD 7/29/14 AT THE REQUEST OF THE AUTHOR FOR FURTHER REVIEW.)

Workflow List:

Atlanta City Council	Completed	07/25/2014 1:25 PM
Community Development & Human Resources Committee	Completed	09/03/2014 2:23 PM
Atlanta City Council	Completed	11/10/2014 5:05 PM
Community Development & Human Resources Committee	Completed	09/03/2014 2:37 PM
Atlanta City Council	Completed	08/26/2014 4:17 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:49 PM
Atlanta City Council	Completed	11/10/2014 1:33 PM
Community Development & Human Resources Committee	Completed	10/16/2014 5:05 PM
Atlanta City Council	Completed	10/07/2014 9:12 AM
Community Development & Human Resources Committee	Completed	10/22/2014 9:33 AM
Atlanta City Council	Completed	10/10/2014 5:45 PM
Community Development & Human Resources Committee	Completed	10/30/2014 3:29 PM
Atlanta City Council	Completed	10/24/2014 12:35 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	

HISTORY:

07/07/14 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/15/2014 12:30 PM
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07/15/14 Community Development & Human Resources Committee APPROVED ON SUBSTITUTE

RESULT:	APPROVED ON SUBSTITUTE [4 TO 0]
AYES:	Andre Dickens, Ivory Lee Young Jr., Kwanza Hall, Joyce Sheperd
ABSTAIN:	Keisha Lance Bottoms
ABSENT:	Michael Julian Bond, Cleta Winslow

07/21/14 Atlanta City Council REFERRED TO COMMITTEE

RESULT: REFERRED TO COMMITTEE [UNANIMOUS] Next: 7/29/2014 12:30 PM
MOVER: Felicia A. Moore, Councilmember, District 9
AYES: Bond, Norwood, Dickens, Smith, Young Jr., Winslow, Archibong, Wan, Adrean, Moore, Martin, Sheperd
ABSENT: Kwanza Hall, Howard Shook, Keisha Lance Bottoms

07/29/14 Community Development & Human Resources Committee HELD IN
 COMMITTEE

RESULT: HELD IN COMMITTEE [UNANIMOUS]
AYES: Dickens, Young Jr., Bond, Hall, Sheperd, Winslow
ABSENT: Keisha Lance Bottoms

08/18/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 8/26/2014 12:30 PM

08/26/14 Community Development & Human Resources Committee

09/02/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 9/9/2014 12:30 PM

09/09/14 Community Development & Human Resources Committee

09/15/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD Next: 9/23/2014 12:30 PM

09/23/14 Community Development & Human Resources Committee

10/06/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 10/14/2014 12:30 PM

10/14/14 Community Development & Human Resources Committee

10/20/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 10/28/2014 12:30 PM

10/28/14 Community Development & Human Resources Committee

11/03/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 11/10/2014 12:30 PM

11/10/14 Community Development & Human Resources Committee

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 11/24/2014 12:30 PM

11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

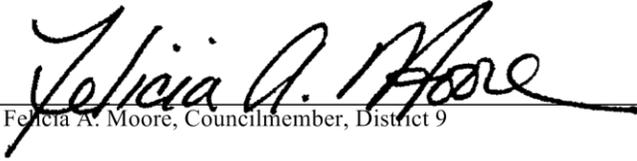
RESULT: RETURNED AS HELD**Next: 12/9/2014 12:30 PM****RESULT: RETURNED AS HELD****Next: 12/9/2014 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1362

SPONSOR SIGNATURES


Felicia A. Moore, Councilmember, District 9

AN ORDINANCE BY COUNCILMEMBER FELICIA A. MOORE AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE AMENDING CHAPTER 74, ARTICLE V OF THE CITY OF ATLANTA CODE OF ORDINANCES, BY CREATING SECTION 175, FOR THE PURPOSE OF LIMITING THE NUMBER OF TIMES GARAGE/YARD SALES MAY BE HELD IN A CALENDAR YEAR; AND FOR OTHER PURPOSES.(REFERRED BACK TO CDHR BY FULL COUNCIL 7/21/14; HELD 7/29/14 AT THE REQUEST OF THE AUTHOR FOR FURTHER REVIEW.)

WHEREAS, Chapter 74 of the City of Atlanta (“City”) Code of Ordinance establishes regulations for the environment within the City; and

WHEREAS, the City has no policies to regulate the operation of garage/yard sales; and

WHEREAS, multiple cities in the Metro Atlanta area, including Decatur, Douglasville, East Point, Peachtree City, Roswell, and Sandy Springs have enacted legislation that regulates garage/yard sales; and

WHEREAS, multiple counties in the Metro Atlanta area, including Douglas and Gwinnett, have also enacted legislation that regulates garage/yard sales; and

WHEREAS, the City desires to regulate the number of times individuals, churches and nonprofits may hold a garage/yard sale in a calendar year.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: City of Atlanta Code of Ordinances Chapter 74 (entitled “Environment”), Article V (“Nuisances”) shall be amended to create Section 175 and shall read as follows:

Article V- Nuisances

Section 74-175. - Garage/Yard Sales

It shall constitute a nuisance for any person to commit the following acts:

- (1) To hold more than four (4) garage/yard sales per calendar year. Such sale shall be conducted at such location for not more than three (3) days. For purposes of this article, a Garage Sale means a sale or any other commercial transaction including, but not limited to, the trading or sale from a residential location within the city for the purpose of selling or trading clothing, furniture, household items, dishes, antiques,

and any and all other personal property of every type and description. The term garage sale shall include yard sales, carport sales, and all other similar types of sales or events.

Secs. 74-176-74-200. Reserved.

SECTION 2: This Ordinance shall take effect immediately upon approval.

SECTION 3: All ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of said conflict.

AN ORDINANCE BY
COUNCILMEMBER FELICIA A. MOORE



AN ORDINANCE AMENDING CHAPTER 74, ARTICLE V OF THE CITY OF ATLANTA CODE OF ORDINANCES, BY CREATING SECTION 175, FOR THE PURPOSE OF PERMITTING THE NUMBER OF TIMES GARAGE/YARD SALES MAY BE HELD IN A CALENDAR YEAR; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 74 of the City of Atlanta (“City”) Code of Ordinance establishes regulations for the environment within the City; and

WHEREAS, the City has no policies to regulate the operation of garage/yard sales; and

WHEREAS, multiple cities in the Metro Atlanta area, including Decatur, Douglasville, East Point, Peachtree City, Roswell, and Sandy Springs have enacted legislation that regulates garage/yard sales; and

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SECTION 2: This Ordinance shall take effect immediately upon approval.

SECTION 3: All ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of said conflict.

(Do Not Write Above This Line)

AN ORDINANCE BY

COUNCILMEMBER
FELICIA A. MOORE

Felicia A. Moore

AN ORDINANCE AMENDING CHAPTER 74, ARTICLE V OF THE CITY OF ATLANTA CODE OF ORDINANCES, BY CREATING SECTION 175, FOR THE PURPOSE OF PERMITTING THE NUMBER OF TIMES GARAGE/YARD SALES MAY BE HELD IN A CALENDAR YEAR; AND FOR OTHER PURPOSES.

Committee _____
Date _____
Chair _____
Referred To _____

First Reading

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION

RESULT: REFERRED AS HELD **Next: 9/9/2014 12:30 PM**

09/09/14 Community Development & Human Resources Committee

09/15/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD **Next: 9/23/2014 12:30 PM**

09/23/14 Community Development & Human Resources Committee

10/06/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 10/14/2014 12:30 PM**

10/14/14 Community Development & Human Resources Committee

10/20/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 10/28/2014 12:30 PM**

10/28/14 Community Development & Human Resources Committee

11/03/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 11/10/2014 12:30 PM**

11/10/14 Community Development & Human Resources Committee

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 11/24/2014 12:30 PM**

11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 12/9/2014 12:30 PM**

RESULT: RETURNED AS HELD **Next: 12/9/2014 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA

14-R-3906

SPONSOR SIGNATURES


Joyce Sheperd, Councilmember, District 12

A RESOLUTION BY COUNCILMEMBER JOYCE M. SHEPERD AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO AMEND THE COMMUNITY GARDEN PROGRAM AGREEMENT WITH PARK PRIDE ATLANTA, INC. TO INCLUDE A CITY-OWNED PARCEL OF LAND LOCATED AT 1479 ATHENS AVENUE, S.W. IN COUNCIL DISTRICT 12 AS PART OF THE COMMUNITY GARDEN PROGRAM; AND FOR OTHER PURPOSES.(HELD 7/29/14 AT THE REQUEST OF THE AUTHOR FOR FURTHER REVIEW.)

WHEREAS, Park Pride Atlanta, Inc. ("Park Pride") currently operates the Adopt-A-Community Garden Program (the "Program") on behalf of the City of Atlanta ("City") pursuant to the Community Garden Program Agreement ("Agreement"), authorized by Resolution 07-R-1363. The Resolution was adopted by the City Council on July 16, 2007, and approved by the Mayor on July 19, 2007; and

WHEREAS, the Program offers a way to build relationships with neighbors, revitalize public spaces, and provides for an enjoyable activity for people of all ages; and

WHEREAS, Park Pride would like to implement a Community Garden located at 1479 Athens Avenue, S.W. in Land Lot 105 of the 14th District of Fulton County, Georgia, said property being more particularly described in Exhibit "A" attached hereto; and

WHEREAS, the Department of Parks and Recreation ("DPR") and Park Pride would like to establish a Community Garden on the Property for the benefit of the Capital View Community; and

WHEREAS, it is the recommendation of the DPR Commissioner, the Director of the Office of Parks, and Park Pride that the Community Garden Program Agreement be amended to add this property to the Program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES, that the Mayor, or his designee, on behalf of the City, is hereby authorized to amend the Community Garden Program Agreement with Park Pride Atlanta, Inc. to include 1479 Athens Avenue, S.W. in the Adopt-A-Community Garden Program.

BE IT FURTHER RESOLVED, that the property is and will be deemed a Garden Park, and the Department of Parks and Recreation will be responsible for maintaining this Property as a Garden Park.

BE IT FINALLY RESOLVED, that all remaining terms of this Agreement between the City and Park Pride shall remain in effect.

**A RESOLUTION BY
COUNCILMEMBER JOYCE SHEPERD**



A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO AMEND THE COMMUNITY GARDEN PROGRAM AGREEMENT WITH PARK PRIDE ATLANTA, INC. TO INCLUDE CITY-OWNED PARCEL OF LAND LOCATED AT 1479 ATHENS AVENUE, S.W. IN COUNCIL DISTRICT 12 AS PART OF THE COMMUNITY GARDEN PROGRAM; AND FOR OTHER PURPOSES.

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<p>(Do Not Write Above This Line)</p> <p>A RESOLUTION BY COUNCILMEMBER JOYCE SHEPERD <i>Joyce n. Sheperd</i></p> <p>A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO AMEND THE COMMUNITY GARDEN PROGRAM AGREEMENT WITH PARK PRIDE ATLANTA, INC. TO INCLUDE CITY-OWNED PARCEL OF LAND LOCATED AT 1479 ATHENS AVENUE, S.W. IN COUNCIL DISTRICT 12 AS PART OF THE COMMUNITY GARDEN PROGRAM; AND FOR OTHER PURPOSES.</p> <p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE & REFER</p> <p><input type="checkbox"/> 1st ADOPT 2nd READ & REFER</p> <p><input checked="" type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred: <u>7/21/14</u></p> <p>Referred To: <u>CD/HZ</u></p> <p>Date Referred: _____</p> <p>Referred To: _____</p> <p>Date Referred: _____</p> <p>Referred To: _____</p>	<p style="text-align: center;">First Reading</p> <p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Referred To _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; vertical-align: top;"> <p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p> </td> <td style="width:50%; vertical-align: top;"> <p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p> </td> </tr> </table>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p style="text-align: center;">FINAL COUNCIL ACTION</p> <p><input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd</p> <p><input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p> <p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">MAYOR'S ACTION</p>
<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>			

RESULT: REFERRED TO COMMITTEE [10 TO 0] **Next:** 8/26/2014 12:30 PM
MOVER: Michael Julian Bond, Councilmember, Post 1 At-Large
AYES: Norwood, Dickens, Young Jr., Archibong, Wan, Adrean, Moore, Martin, Bottoms, Sheperd
ABSENT: Michael Julian Bond, Carla Smith, Clea Winslow
AWAY: Kwanza Hall, Howard Shook

08/26/14 Community Development & Human Resources Committee HELD IN
 COMMITTEE

RESULT: HELD IN COMMITTEE [5 TO 0]
AYES: Dickens, Young Jr., Bond, Sheperd, Winslow
AWAY: Keisha Lance Bottoms, Kwanza Hall

09/02/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD **Next:** 9/9/2014 12:30 PM

09/09/14 Community Development & Human Resources Committee

09/15/14 Atlanta City Council REFERRED AS HELD

RESULT: REFERRED AS HELD **Next:** 9/23/2014 12:30 PM

09/23/14 Community Development & Human Resources Committee

10/06/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next:** 10/14/2014 12:30 PM

10/14/14 Community Development & Human Resources Committee

10/20/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next:** 10/28/2014 12:30 PM

10/28/14 Community Development & Human Resources Committee

11/03/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next:** 11/10/2014 12:30 PM

11/10/14 Community Development & Human Resources Committee

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next:** 11/24/2014 12:30 PM

11/24/14 Community Development & Human Resources Committee

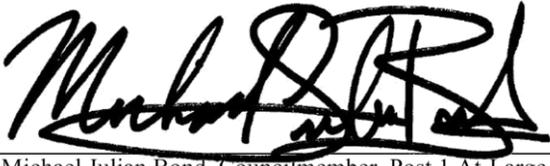
12/01/14 Atlanta City Council

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1378

SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Michael Julian Bond", written over a horizontal line.

Michael Julian Bond, Councilmember, Post 1 At-Large

AN ORDINANCE BY COUNCILMEMBER MICHAEL JULIAN BOND TO AMEND THE BUILDING CODE OF THE CITY OF ATLANTA REGARDING REQUESTS FOR REFUNDS OF BUILDING PERMIT FEES; AND FOR OTHER PURPOSES.(REFERRED BACK TO CDHR BY FULL COUNCIL 8/18/14; HELD 8/26/14 AT THE REQUEST OF THE DEPARTMENT FOR FURTHER REVIEW.)

WHEREAS, the City of Atlanta Building Code regulates the manner in which building permit fees within the City are calculated and charged; and

WHEREAS, the amount of building permit fees charged by the Office of Buildings for certain types of building permits is based on the square footage of the construction type being applied to a valuation table in the Building Code which results in an expected job cost valuation; and

WHEREAS when an applicant submits an application for a building permit where the valuation table will be employed, the applicant is required to pay a plan review fee which is estimated to be one-half of amount of the fee based on the applicant's projection of their expected cost to construct the project which is the subject of the application; and

WHEREAS, when building plans are approved after review and the permit is ready for issuance, the Office of Buildings calculates the remaining building permit fee based upon its job cost valuation by using the valuation table as the basis for their job cost estimate, crediting the applicant's plan review fee and imposing the final permit fee; and

WHEREAS, for the type of building permit when the valuation table is employed, the job cost valuation is multiplied by .0007 for each one thousand dollars of the job cost valuation to yield the amount of the principal building permit fee; and

WHEREAS, those building permit fees based on the valuation table may from time to time result in job cost valuations by the Office of Buildings that are above the amount which the applicant believes to be the true cost to conduct the project which is the result of the application; and

WHEREAS, it is in the best interest of the City and those seeking to construct projects in the City for there to be a clearly defined method to determine whether the City's job cost calculation will actually exceed the true cost to construct the project which is the result of the application; and

WHEREAS, the provision of an appeal process that also will provide a method to allow applicants to continue with the construction of their projects will separate the issue of permit cost from the City's interest in allowing development project to continue; and

WHEREAS, such a process will allow those seeking to construct projects in the City to have assurance that their claim will ultimately be determined in a manner that will allow the project to go forward and preserve their right to seek a refund; and

WHEREAS, the creation of this administrative process, requires the approval of the City Council through an amendment to the Building Code;

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY
ORDAINS:

SECTION 1: The Building Code of the City of Atlanta Georgia which appears in Appendix A of Part III at Chapter I entitled "Administration" is hereby amended by adding a new subsection as a part of Section 104.3, such new subsection to be entitled "Permit Fee Refund Requests for Completed Projects," and which is to be numbered as Section 104.3.1 and which shall read as follows:

104.3.1. PERMIT FEE REFUND REQUESTS FOR COMPLETED PROJECTS.

(a) Upon full payment of the building permit fee calculated by the director, the owner of the property which is the subject of the permit (the "owner") has the right to give notice to the director in compliance with this section that the job cost calculation on which the permit fee is based will exceed the actual cost to construct the building or structure which is the subject of the permit (the "project") and seek a refund under the procedures set forth herein.

(b) The procedure set forth in this section shall be applied only where a project is actually completed and a temporary certificate of occupancy is issued except where procedures are authorized for projects where the permit has been issued but no work has been undertaken. There are no refunds authorized for projects in which the work is

abandoned before the issuance of the certificate of occupancy for the project for which the request was filed or where the building permit has been revoked or has expired and such revocation or expiration has become final.

(c) The right to and method for seeking a review of the director's determination of the amount of the building permit fee for a completed project and a decision as to whether the amount of the refund sought by the applicant on a completed project will be recommended to the governing authority under the procedures set forth herein is a refund request that is processed as an administrative appeal to the director.

(d) All notices from the director and decisions of the director denying any refund request shall be in writing. Appeals of such denials may proceed in the manner set forth elsewhere in the section. The director shall not be required to send any notice to any person other than a person designated under these procedures and it shall be the responsibility of the owner to update the contact person and address to which notices shall be sent in the event that either has changed.

(e) The director shall not be required to give notice that a deadline set forth in this section is about to expire. This section shall be considered sufficient notice of the actions required by such deadlines, and sufficient notice that the failure to meet such deadlines may result in the denial of a refund request.

(f) The procedures, under which the request for a refund authorized by this section is submitted, processed and either recommended to the governing authority by the director or denied by the director, shall be as set forth herein but the director is authorized for good cause shown in writing to extend certain deadlines as stated herein; provided however that the date to file the initial notice of the request for refund shall under no circumstances be extended.

(g) The project shall have required the submission of plans and the calculation of the permit fee from such plans using Table 100.

(h) Initial notice of the request for refund must be given to the director "Within ten (10) days from the date of issuance of the permit for which the fee was paid by

submitting the same to the director in the same manner as the building permit application was filed and must contain, at a minimum:

(i) the permit number;

(ii) the street address of the project;

(iii) the permit fee amount paid;

(iv) the permit holder's approximate expected cost to construct that part of the project for which the refund is sought;

(v) a demand for refund and a statement that the amount of the demand;

(vi) the name and street address for the person authorized to receive notices from the director. No post office box may be used to receive notice from the director;

(vii) a statement agreeing that the payment of all reasonable costs associated with the director's review of the refund request will be paid before a final certificate of occupancy is issued.

(i) The director shall cause the initial notice of refund request to be made a part of the building permit application file but it shall be the responsibility of the owner to obtain an acknowledgment of the date that the refund request was filed with the director and maintain its own record of when such notice was actually given. Unless the owner can produce proof of timely notice or unless the director has sufficient proof of the date of receipt, the director is not authorized to process such request.

(i) The permit holder or the leaseholder of the property on which project is to be constructed shall have the same rights as the owner of the property to seek a refund of the permit fee charged but in no case shall the director be required to extend the time for the filing on an initial notice of a request for refund based on the failure of the permit holder to receive authorization to file the request

however and from whom such authorization must be obtained.

(j) Within thirty (30) days of the date of the initial notice of the request for refund, two sworn affidavits shall be submitted to the director and unless such affidavits are submitted, the director is not authorized to process the request for refund and shall deny the request; provided however that for good cause shown in a written request submitted to the director prior to the expiration of this period, the director may extend the time for compliance for a period not to exceed thirty (30) additional days:

(i) the permit applicant shall submit an affidavit from a professional engineer or architect, registered in the State of Georgia, that the costs stated in the notice given to the director are not expected to exceed the actual cost to construct the project and shall specifically identify and agree to produce the data on which this statement is based after the certificate of occupancy is issued;

(ii) the owner of the property, the leaseholder or the person who is responsible for payment of the cost to construct the project shall file an affidavit with the director stating that all forms of payment used to pay the total amount that will be paid to construct the project will be submitted as proof of payment of the job cost amount. The proof of payment is required to confirm that the job cost calculation on which the permit fee was based did exceed the actual cost to complete the project such that a refund is appropriate and will agree to produce such documents after the certificate of occupancy is issued in conjunction with the audit required by this section;

(iii) both affidavits shall contain a statement that the affiant has on behalf of all entities who have or will provided goods or services to the project or have made or will make any payments to those who have provided or will provide goods or services to the project have consented or will consent to produce any document reasonably relevant to the project when requested by the director and will produce such documents upon the directors request;

(iv) it shall not be sufficient for the purpose of the refund request to identify contract documents as the only documents which shall form the basis for either

affidavit or the refund request and unless both affidavits contain an agreement to produce any document reasonably relevant to the project when requested by the director and to produce such documents upon the directors request, the director may deny the request;

(v) any person who knowingly and willfully makes false statements in an affidavit used or attempted to be used to obtain a refund pursuant to this section may be prosecuted under the City Code or applicable state laws, including without limitation O.C.G.A. 1§ 6-10-71, and punished in the manner provided for conviction of such violations.

(k) With respect to any refund request under an issued permit which is abandoned or withdrawn after work is begun but for which no temporary certificate of occupancy is issued or which has been revoked by the director prior to the issuance of the certificate of occupancy and such revocation has become final, the refund request shall be deemed withdrawn.

(1) The owner shall, within thirty (30) days after issuance of the temporary certificate of occupancy notify the director of the name of a certified public accountant licensed to practice in the State of Georgia (the "auditor") that will conduct an independent audit of the project (the "audit") on behalf of the owner for the purpose of seeking a refund from the City. The auditor's report shall make a certified finding as to whether the affidavits submitted by the architect or engineer and the owner fairly represent the cost associated with the construction of the project and the amounts actually paid and if such representations by the architect or engineer and owner as made in their affidavits do or do not fairly represent the costs and payments associated with the construction of the project and state their opinion as to the amount by which the refund claim set forth in the affidavits should be adjusted.

(i) The owner shall be responsible for engaging the auditor to conduct the audit and shall pay all costs associated with conducting the audit.

(ii) The failure of the owner to notify the director in writing within sixty (60) days after issuance of the temporary certificate of occupancy that the auditor has been engaged and will complete the audit within thirty (30) days is cause for the

request to be denied.

(iii) A temporary certificate of occupancy issued for the purposes of a refund request shall meet all requirements for the issuance of a final certificate of occupancy so that the most accurate cost to complete the project can be obtained. It shall be in the owner's sole discretion as to whether and when a temporary certificate of occupancy shall be requested and the director may issue such temporary certificate of occupancy under terms and conditions that would otherwise be allowed by the Building Code for the issuance of a final certificate of occupancy.

(iv) Until the time required for final submission of the independent audit, the architect or engineer may amend the amount of the refund request to reflect any change in actual costs which would affect the amounts stated in the initial affidavit by submission of a new affidavit amending the first affidavit.

(m) The owner shall present the result of the audit to the director within ninety (90) days after issuance of the temporary certificate of occupancy. The director may extend the time for submission upon request but the failure to submit the audit to the director by the agreed upon date shall be cause for the request to be denied.

(n) In evaluating the audit, the director shall be entitled to receive any documentation relied upon by the auditor or such other documents as the director may reasonably deem relevant for review; provided however that such request shall be made by the director within thirty (30) days of the owner's submission. The director may but is not required to engage an auditor to review the submission of the owner. The owner's failure to produce the requested documents to the director within thirty (30) days without cause shall allow the director to deny the request.

(o) Within sixty (60) days after the director has received all documents requested, the director shall make reasonable efforts to issue a written finding approving the amount of the refund requested, recommending a different amount be refunded; or denying the refund request; provided however that the director's failure to make a finding shall in no circumstance be considered the director's approval of the request.

(i) If the owner disputes the director's denial of the administrative refund request or the directors decision to recommend a different amount and pays the director's cost to conduct the review, the owner may appeal from such decision to the Superior Court of Fulton County by filing with the clerk of said court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law.

(1) Such appeal shall be filed within 30 days after decision of the director is rendered. Upon such filing, the clerk of the superior court shall give immediate notice thereof to the director.

(2) Such appeal to superior court shall be served on the director as provided by law.

(3) Within the time prescribed by law, the director shall cause to be filed with said clerk a duly certified copy of the administrative record created in connection with the refund request and such evidence on which his decision was based; provided however that the building plans for the project shall not be submitted as a part of the administrative record of the refund request unless the specific plan sheets are identified by the owner and the owner agrees to pay the cost of copying the original plans to be submitted to the court.

(4) The process stated herein may also be used to appeal the director's denial of a refund request for failure to meet the deadlines required for the processing of the refund request provided however that the appeal of the director's denial of the refund request for failure to meet any of the deadlines for submission of documents shall be filed within thirty (30) days of the date of the written denial.

(ii) If no appeal of the director's decision to recommend that a different amount be refunded is filed within the thirty (30) days after such decision or the owner waives such appeal, the administratively approved request refund may

proceed in the same manner as an approval.

(iii) The director may upon payment of the costs necessary to engage an auditor to review the submission of the owner issue a final certificate of occupancy.

(iv) The temporary certificate of occupancy issued for the purpose of processing the refund request shall not remain in effect for more than 180 days after the completion of the director's audit by which time, the owner or lessor shall have satisfied its obligations to pay the cost for such audit ordered by the director. The failure to obtain a final certificate of occupancy shall be cause for the director to order the discontinuance of the occupancy of the structure.

(p) After administratively approving a request for refund and payment by the owner of the director's cost to conduct the review, the director shall within a reasonable time cause the necessary legislation to be submitted to the governing authority. No administratively approved request refund of any permit fee under the process provided in this by section shall be paid until it has been legislatively adopted by the governing authority and approved by the mayor consistent the City Code and Charter.

(q) An appeal of the denial by the governing authority of the refund request shall be as provided by applicable law

(r) Except for those permit fees which required the submission of plans and the calculation of the amount of the permit fee using the data set forth in Table 100, no refund of any part of any other fee, including without limitation, impact fees, may be requested under this section and the director is not authorized to accept such requests for refunds. The director's refusal to accept a refund request which did not require the submission of plans and the calculation of the amount of the permit fee using the data set forth in Table 100 shall not be subject to the appeal provisions of this section.

(s) This section is provided solely to allow the Office of Buildings to make a determination through the director whether the determination of the job cost valuations by the use of Table 100 have resulted in a fee amount that is consistent with the actual

cost to construct a project and is not intended for any other purpose, including without limitation, the appeal of fees determined by other means.

Section 2: The Mayor by and through the director of the Office of Buildings or a designee is authorized to undertake such steps as are necessary to implement the procedures set forth in this ordinance.

Section 3: The process set forth in this ordinance may be utilized by any current applicant who has not paid a final building permit fee or by any current applicant who has paid such fee within thirty (30) days prior to the effective date of this ordinance or who has an outstanding claim for refund that has not been otherwise resolved by action of the City Council and who declines a proposed resolution made available by the director of the Office of Buildings.

Section 4: This ordinance shall become effective when signed by the Mayor or as otherwise provided by operation of law.

AN ORDINANCE BY:

[Handwritten signature]

AN ORDINANCE TO AMEND THE BUILDING CODE OF THE CITY OF ATLANTA REGARDING REQUESTS FOR REFUNDS OF BUILDING PERMIT FEES; AND FOR OTHER PURPOSES.

more negotiate
[Signature]

WHEREAS, the City of Atlanta Building Code regulates the manner in which building permit fees within the City are calculated and charged; and

WHEREAS, the amount of building permit fees charged by the Office of Buildings for certain types of building permits is based on the square footage of the construction type being applied to a valuation table in the Building Code which results in an expected job cost valuation; and

WHEREAS when an applicant submits an application for a building permit where the valuation table will be employed, the applicant is required to pay a plan review fee which is estimated to be one-half of amount of the fee based on the applicant's projection of their expected cost to construct the project which is the subject of the application; and

WHEREAS, when building plans are approved after review and the permit is ready for issuance, the Office of Buildings calculates the remaining building permit fee based upon its job cost valuation by using the valuation table as the basis for their job cost estimate, crediting the applicant's plan review fee and imposing the final permit fee; and

WHEREAS, for the type of building permit when the valuation table is employed, the job cost valuation is multiplied by .0007 for each one thousand dollars of the job cost valuation to yield the amount of the principal building permit fee; and

WHEREAS, those building permit fees based on the valuation table may from time to time result in job cost valuations by the Office of Buildings that are above the amount which the applicant believes to be the true cost to conduct the project which is the result of the application; and

WHEREAS, it is in the best interest of the City and those seeking to construct projects in the City for there to be a clearly defined method to determine whether the City's job cost calculation will actually exceed the true cost to construct the project which is the result of the application; and

WHEREAS, the provision of an appeal process that also will provide a method to allow applicants to continue with the construction of their projects will separate the issue of permit cost from the City's interest in allowing development project to continue; and

WHEREAS, such a process will allow those seeking to construct projects in the City to have assurance that their claim will ultimately be determined in a manner that will allow the project to go forward and preserve their right to seek a refund; and

WHEREAS, the creation of this administrative process requires the approval of the City Council through an amendment to the Building Code;

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: The Building Code of the City of Atlanta Georgia which appears in Appendix A of Part III at Chapter I entitled “Administration” is hereby amended by adding a new subsection as a part of Section 104.3, such new subsection to be entitled “Permit Fee Refund Requests for Completed Projects,” and which is to be numbered as Section 104.3.1 and which shall read as follows:

104.3.1. PERMIT FEE REFUND REQUESTS FOR COMPLETED PROJECTS.

(a) Upon full payment of the building permit fee calculated by the director, the owner of the property which is the subject of the permit (the “owner”) has the right to give notice to the director in compliance with this section that the job cost calculation on which the permit fee is based will exceed the actual cost to construct the building or structure which is the subject of the permit (the “project”) and seek a refund under the procedures set forth herein.

(b) The procedure set forth in this section shall be applied only where a project is actually completed and a temporary certificate of occupancy is issued except where procedures are authorized for projects where the permit has been issued but no work has been undertaken. There are no refunds authorized for projects in which the work is abandoned before the issuance of the certificate of occupancy for the project for which the request was filed or where the building permit has been revoked or has expired and such revocation or expiration has become final.

(c) The right to and method for seeking a review of the director’s determination of the amount of the building permit fee for a completed project and a decision as to whether the amount of the refund sought by the applicant on a completed project will be recommended to the governing authority under the procedures set forth herein is a refund request that is processed as an administrative appeal to the director.

(d) All notices from the director and decisions of the director denying any refund request shall be in writing. Appeals of such denials may proceed in the manner set forth elsewhere in the section. The director shall not be required to send any notice to any person other than a person designated under these procedures and it shall be the responsibility of the owner to update the contact person and address to which notices shall be sent in the event that either has changed.

(e) The director shall not be required to give notice that a deadline set forth in this section is about to expire. This section shall be considered sufficient notice of the actions required by such deadlines, and sufficient notice that the failure to meet such deadlines may result in the denial of a refund request.

(f) The procedures, under which the request for a refund authorized by this section is submitted, processed and either recommended to the governing authority by the director or denied by the director, shall be as set forth herein but the director is authorized for good cause shown in writing to extend certain deadlines as stated herein; provided however that that the date to file the initial notice of the request for refund shall under no circumstances be extended.

(g) The project shall have required the submission of plans and the calculation of the permit fee from such plans using Table 100.

(h) Initial notice of the request for refund must be given to the director within ten (10) days from the date of issuance of the permit for which the fee was paid by submitting the same to the director in the same manner as the building permit application was filed and must contain, at a minimum:

- (i) the permit number;
- (ii) the street address of the project;
- (iii) the permit fee amount paid;
- (iv) the permit holder's approximate expected cost to construct that part of the project for which the refund is sought;
- (v) a demand for refund and a statement that the amount of the demand;
- (vi) the name and street address for the person authorized to receive notices from the director. No post office box may be used to receive notice from the director;
- (vii) a statement agreeing that the payment of all reasonable costs associated with the director's review of the refund request will be paid before a final certificate of occupancy is issued.

(i) The director shall cause the initial notice of refund request to be made a part of the building permit application file but it shall be the responsibility of the owner to obtain an acknowledgment of the date that the refund request was filed with the director and maintain its own record of when such notice was actually given. Unless the owner can produce proof of timely notice or unless the director has sufficient proof of the date of receipt, the director is not authorized to process such request.

(i) The permit holder or the leaseholder of the property on which project is to be constructed shall have the same rights as the owner of the property to seek a refund of the permit fee charged but in no case shall the director be required to extend the time for the filing on an initial notice of a request for refund based on the failure of the permit holder to receive authorization to file the request however and from whom such authorization must be obtained.

(j) Within thirty (30) days of the date of the initial notice of the request for refund, two sworn affidavits shall be submitted to the director and unless such affidavits are submitted, the director is not authorized to process the request for refund and shall deny the request; provided however that for good cause shown in a written request

submitted to the director prior to the expiration of this period, the director may extend the time for compliance for a period not to exceed thirty (30) additional days:

- (i) the permit applicant shall submit an affidavit from a professional engineer or architect, registered in the State of Georgia, that the costs stated in the notice given to the director are not expected to exceed the actual cost to construct the project and shall specifically identify and agree to produce the data on which this statement is based after the certificate of occupancy is issued;
 - (ii) the owner of the property, the leaseholder or the person who is responsible for payment of the cost to construct the project shall file an affidavit with the director stating that all forms of payment used to pay the total amount that will be paid to construct the project will be submitted as proof of payment of the job cost amount. The proof of payment is required to confirm that the job cost calculation on which the permit fee was based did exceed the actual cost to complete the project such that a refund is appropriate and will agree to produce such documents after the certificate of occupancy is issued in conjunction with the audit required by this section;
 - (iii) both affidavits shall contain a statement that the affiant has on behalf of all entities who have or will provided goods or services to the project or have made or will make any payments to those who have provided or will provide goods or services to the project have consented or will consent to produce any document reasonably relevant to the project when requested by the director and will produce such documents upon the directors request;
 - (iv) it shall not be sufficient for the purpose of the refund request to identify contract documents as the only documents which shall form the basis for either affidavit or the refund request and unless both affidavits contain an agreement to produce any document reasonably relevant to the project when requested by the director and to produce such documents upon the directors request, the director may deny the request;
 - (v) any person who knowingly and willfully makes false statements in an affidavit used or attempted to be used to obtain a refund pursuant to this section may be prosecuted under the City Code or applicable state laws, including without limitation O.C.G.A. 1§ 6-10-71, and punished in the manner provided for conviction of such violations.
- (k) With respect to any refund request under an issued permit which is abandoned or withdrawn after work is begun but for which no temporary certificate of occupancy is issued or which has been revoked by the director prior to the issuance of the certificate of occupancy and such revocation has become final, the refund request shall be deemed withdrawn.
- (l) The owner shall, within thirty (30) days after issuance of the temporary certificate of occupancy notify the director of the name of a certified public accountant

licensed to practice in the State of Georgia (the “auditor”) that will conduct an independent audit of the project (the “audit”) on behalf of the owner for the purpose of seeking a refund from the City. The auditor’s report shall make a certified finding as to whether the affidavits submitted by the architect or engineer and the owner fairly represent the cost associated with the construction of the project and the amounts actually paid and if such representations by the architect or engineer and owner as made in their affidavits do or do not fairly represent the costs and payments associated with the construction of the project and state their opinion as to the amount by which the refund claim set forth in the affidavits should be adjusted.

- (i) The owner shall be responsible for engaging the auditor to conduct the audit and shall pay all costs associated with conducting the audit.
- (ii) The failure of the owner to notify the director in writing within sixty (60) days after issuance of the temporary certificate of occupancy that the auditor has been engaged and will complete the audit within thirty (30) days is cause for the request to be denied.
- (iii) A temporary certificate of occupancy issued for the purposes of a refund request shall meet all requirements for the issuance of a final certificate of occupancy so that the most accurate cost to complete the project can be obtained. It shall be in the owner’s sole discretion as to whether and when a temporary certificate of occupancy shall be requested and the director may issue such temporary certificate of occupancy under terms and conditions that would otherwise be allowed by the Building Code for the issuance of a final certificate of occupancy.
- (iv) Until the time required for final submission of the independent audit, the architect or engineer may amend the amount of the refund request to reflect any change in actual costs which would affect the amounts stated in the initial affidavit by submission of a new affidavit amending the first affidavit.
- (m) The owner shall present the result of the audit to the director within ninety (90) days after issuance of the temporary certificate of occupancy. The director may extend the time for submission upon request but the failure to submit the audit to the director by the agreed upon date shall be cause for the request to be denied.
- (n) In evaluating the audit, the director shall be entitled to receive any documentation relied upon by the auditor or such other documents as the director may reasonably deem relevant for review; provided however that such request shall be made by the director within thirty (30) days of the owner’s submission. The director may but is not required to engage an auditor to review the submission of the owner. The owner’s failure to produce the requested documents to the director within thirty (30) days without cause shall allow the director to deny the request.
- (o) Within sixty (60) days after the director has received all documents requested, the director shall make reasonable efforts to issue a written finding approving the

amount of the refund requested, recommending a different amount be refunded; or denying the refund request; provided however that the director's failure to make a finding shall in no circumstance be considered the director's approval of the request.

(i) If the owner disputes the director's denial of the administrative refund request or the director's decision to recommend a different amount and pays the director's cost to conduct the review, the owner may appeal from such decision to the Superior Court of Fulton County by filing with the clerk of said court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law.

- (1) Such appeal shall be filed within 30 days after decision of the director is rendered. Upon such filing, the clerk of the superior court shall give immediate notice thereof to the director.
- (2) Such appeal to superior court shall be served on the director as provided by law.
- (3) Within the time prescribed by law, the director shall cause to be filed with said clerk a duly certified copy of the administrative record created in connection with the refund request and such evidence on which his decision was based; provided however that the building plans for the project shall not be submitted as a part of the administrative record of the refund request unless the specific plan sheets are identified by the owner and the owner agrees to pay the cost of copying the original plans to be submitted to the court.
- (4) The process stated herein may also be used to appeal the director's denial of a refund request for failure to meet the deadlines required for the processing of the refund request provided however that the appeal of the director's denial of the refund request for failure to meet any of the deadlines for submission of documents shall be filed within thirty (30) days of the date of the written denial.

(ii) If no appeal of the director's decision to recommend that a different amount be refunded is filed within the thirty (30) days after such decision or the owner waives such appeal, the administratively approved request refund may proceed in the same manner as an approval.

(iii) The director may upon payment of the costs necessary to engage an auditor to review the submission of the owner issue a final certificate of occupancy.

(iv) The temporary certificate of occupancy issued for the purpose of processing the refund request shall not remain in effect for more than 180 days after the completion of the director's audit by which time, the owner or lessor shall have satisfied its obligations to pay the cost for such audit ordered by the

director. The failure to obtain a final certificate of occupancy shall be cause for the director to order the discontinuance of the occupancy of the structure

(p) After administratively approving a request for refund and payment by the owner of the director's cost to conduct the review, the director shall within a reasonable time cause the necessary legislation to be submitted to the governing authority. No administratively approved request refund of any permit fee under the process provided in this by section shall be paid until it has been legislatively adopted by the governing authority and approved by the mayor consistent the City Code and Charter.

(q) An appeal of the denial by the governing authority of the refund request shall be as provided by applicable law

(r) Except for those permit fees which required the submission of plans and the calculation of the amount of the permit fee using the data set forth in Table 100, no refund of any part of any other fee, including without limitation, impact fees, may be requested under this section and the director is not authorized to accept such requests for refunds. The director's refusal to accept a refund request which did not require the submission of plans and the calculation of the amount of the permit fee using the data set forth in Table 100 shall not be subject to the appeal provisions of this section.

(s) This section is provided solely to allow the Office of Buildings to make a determination through the director whether the determination of the job cost valuations by the use of Table 100 have resulted in a fee amount that is consistent with the actual cost to construct a project and is not intended for any other purpose, including without limitation, the appeal of fees determined by other means.

Section 2: The Mayor by and through the director of the Office of Buildings or a designee is authorized to undertake such steps as are necessary to implement the procedures set forth in this ordinance.

Section 3: The process set forth in this ordinance may be utilized by any current applicant who has not paid a final building permit fee or by any current applicant who has paid such fee within thirty (30) days prior to the effective date of this ordinance or who has an outstanding claim for refund that has not been otherwise resolved by action of the City Council and who declines a proposed resolution made available by the director of the Office of Buildings.

Section 4: This ordinance shall become effective when signed by the Mayor or as otherwise provided by operation of law.

(Do Not Write Above This Line)

AN ORDINANCE BY:

AN ORDINANCE TO AMEND THE BUILDING CODE OF THE CITY OF ATLANTA REGARDING REQUESTS FOR REFUNDS OF BUILDING PERMIT FEES; AND FOR OTHER PURPOSES.

By ordinance

	First Reading	Second Reading	
<input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1st ADOPT 2nd READ & REFER <input checked="" type="checkbox"/> PERSONAL PAPER REFER	Committee _____ Date _____ Chair _____ Referred To _____ Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____	FINAL COUNCIL ACTION <input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote CERTIFIED MAYOR'S ACTION
Date Referred <u>7/2/14</u> Referred To: <u>CD/HR</u> Date Referred _____ Referred To: _____ Date Referred _____ Referred To: _____			

AN ORDINANCE BY COUNCILMEMBERS NATALYN M. ARCHIBONG AND KWANZA HALL AMENDING PART III CODE OF ORDINANCE , LAND DEVELOPMENT CODE, APPENDIX A, BUILDING CODE AMENDMENTS, CHAPTER 1 ADMINISTRATION, SECTION 105.1 ENTITLED “REMOVAL OR REPAIR OF BUILDINGS” BY ADDING SUBSECTION (C) FOR THE PURPOSE OF INCLUDING LANGUAGE FOR THE DEMOLITION OF PROPERTIES LOCATED WITHIN A HISTORIC DISTRICT; AND FOR OTHER PURPOSES.(HELD 9/9/14 AT THE REQUEST OF THE AUTHOR FOR FURTHER REVIEW.)

Workflow List:

Elizabeth Jones	Completed	09/03/2014 10:41 AM
Theresa Payne	Skipped	09/03/2014 4:42 PM
Atlanta City Council	Completed	11/10/2014 1:33 PM
Community Development & Human Resources Committee	Completed	10/16/2014 5:05 PM
Atlanta City Council	Completed	10/07/2014 9:12 AM
Community Development & Human Resources Committee	Completed	10/22/2014 9:33 AM
Atlanta City Council	Completed	10/10/2014 5:45 PM
Community Development & Human Resources Committee	Completed	10/30/2014 3:29 PM
Atlanta City Council	Completed	10/24/2014 12:35 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

09/02/14 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 9/9/2014 12:30 PM
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09/09/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Dickens, Young Jr., Bottoms, Hall, Sheperd
ABSENT:	Michael Julian Bond, Cleta Winslow

09/15/14 Atlanta City Council REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 9/23/2014 12:30 PM
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09/23/14 Community Development & Human Resources Committee

10/06/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 10/14/2014 12:30 PM

10/14/14 Community Development & Human Resources Committee

10/20/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 10/28/2014 12:30 PM

10/28/14 Community Development & Human Resources Committee

11/03/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 11/10/2014 12:30 PM

11/10/14 Community Development & Human Resources Committee

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 11/24/2014 12:30 PM

11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 12/9/2014 12:30 PM

RESULT: RETURNED AS HELD Next: 12/9/2014 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1442

SPONSOR SIGNATURES



Kwana Hall, Councilmember, District 2



Natalyn Mosby Archibong, Councilmember, District 5

AN ORDINANCE BY COUNCILMEMBERS NATALYN M. ARCHIBONG AND KWANZA HALL AMENDING PART III CODE OF ORDINANCE , LAND DEVELOPMENT CODE, APPENDIX A, BUILDING CODE AMENDMENTS, CHAPTER 1 ADMINISTRATION, SECTION 105.1 ENTITLED “REMOVAL OR REPAIR OF BUILDINGS” BY ADDING SUBSECTION (C) FOR THE PURPOSE OF INCLUDING LANGUAGE FOR THE DEMOLITION OF PROPERTIES LOCATED WITHIN A HISTORIC DISTRICT; AND FOR OTHER PURPOSES.(HELD 9/9/14 AT THE REQUEST OF THE AUTHOR FOR FURTHER REVIEW.)

WHEREAS, Section 105.1 of the Land Development Code entitled “Removal or Repair of Buildings” (the “Code Section”), provides a process for the demolition of properties that have been deemed dangerous or unsafe; and

WHEREAS, the Code Section does not provide language for the demolition of properties located within historic districts of the City of Atlanta (“City”); and

WHEREAS, it is necessary to add additional language to the Code Section for the purpose of providing language for the demolition of historic properties or those properties located within historic districts.

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

SECTION 1: That Part III- Land Development Code, Appendix A- Building Code Amendments, Chapter 1- Administration, Section 105.1 entitled “Removal or Repair of Buildings” shall be amended by adding Subsection (c), so that Section 105.1 shall now read:

105.1. REMOVAL OR REPAIR OF BUILDINGS.

(a) A building or structure which may be or shall be found upon inspection to have become dangerous or unsafe, shall, unless made safe and so certified by the Director, be taken down and removed.

(b) A building, structure or site condition declared unsafe by duly constituted authority set up by the City of Atlanta may be restored to safe condition, provided that if the damage or cost of reconstruction or restoration is in excess of 50% of the value of the building or structure, exclusive of foundations, such building or structure, if reconstructed or restored, shall be made to conform with respect to materials and type of construction, to the requirements for buildings and structures hereafter erected; but no change of use or occupancy shall be compelled by reason of such reconstruction or restoration. The term unsafe buildings shall include buildings structurally unsafe, unstable or unsanitary; inadequately provided with exit facilities; constituting a fire hazard, unsuitable or improper for the use or occupancy to which it is put; vacant buildings which are not continuously guarded or not sealed and kept secured against unauthorized entry; constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or otherwise dangerous to life or property; and all excavations for new construction or resulting from the demolition of existing buildings that are closer to the street property line than 10 feet or more than 18 inches deep.

(c) That historic properties, or those properties located within a historic district as defined by 16-20.001, shall be required to obtain a Certificate of Appropriateness as part of the application for a

demolition permit. If the property is deemed dangerous under Sections 105.4 or 105.5, then a Certificate of Appropriateness shall not be required.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.

AN ORDINANCE BY
COUNCILMEMBER NATALYN ARCHIBONG

AN ORDINANCE AMENDING PART III - CODE OF ORDINANCE - LAND DEVELOPMENT CODE - APPENDIX A - BUILDING CODE AMENDMENTS - CHAPTER 1 - ADMINISTRATION - SECTION 105.1 ENTITLED "REMOVAL OR REPAIR OF BUILDINGS" BY ADDING SUBSECTION (C) FOR THE PURPOSE OF INCLUDING LANGUAGE FOR THE DEMOLITION OF PROPERTIES LOCATED WITHIN A HISTORIC DISTRICT; AND FOR OTHER PURPOSES.

WHEREAS, Section 105.1 of the Land Development Code entitled "Removal or Repair of Buildings" (the "Code Section"), provides a process for the demolition of properties that have been deemed dangerous or unsafe; and

WHEREAS, the Code Section does not provide language for the demolition of properties located within historic districts of the City of Atlanta ("City"); and

WHEREAS, it is necessary to add additional language to the Code Section for the purpose of providing language for the demolition of historic properties or those properties located within historic districts.

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

SECTION 1: That Part III- Land Development Code, Appendix A- Building Code Amendments, Chapter 1- Administration, Section 105.1 entitled "Removal or Repair of Buildings" shall be amended by adding Subsection (c), so that Section 105.1 shall now read:

105.1. REMOVAL OR REPAIR OF BUILDINGS.

(a) A building or structure which may be or shall be found upon inspection to have become dangerous or unsafe, shall, unless made safe and so certified by the Director, be taken down and removed.

(b) A building, structure or site condition declared unsafe by duly constituted authority set up by the City of Atlanta may be restored to safe condition, provided that if the damage or cost of reconstruction or restoration is in excess of 50% of the value of the building or structure, exclusive of foundations, such building or structure, if reconstructed or restored, shall be made to conform with respect to materials and type of construction, to the requirements for buildings and structures hereafter erected; but no change of use or occupancy shall be compelled by reason of such reconstruction or restoration. The term unsafe buildings shall include buildings structurally unsafe, unstable or unsanitary; inadequately provided with exit facilities; constituting a fire hazard, unsuitable or improper for the use or occupancy to which it is put; vacant buildings which are not continuously guarded or not sealed and kept secured against unauthorized entry; constituting a hazard to health or safety because of inadequate maintenance, dilapidation,

obsolescence or abandonment; or otherwise dangerous to life or property; and all excavations for new construction or resulting from the demolition of existing buildings that are closer to the street property line than 10 feet or more than 18 inches deep.

(c) That historic properties, or those properties located within a historic district as defined by 16-20.001, shall be required to obtain a Certificate of Appropriateness as part of the application for a demolition permit. If the property is deemed dangerous under Sections 105.4 or 105.5, then a Certificate of Appropriateness shall not be required.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.

K.16.a

<p>(Do Not Write Above This Line)</p> <p>AN ORDINANCE BY COUNCILMEMBER NATALYN ARCHIBONG</p> <p>AN ORDINANCE AMENDING PART III - CODE OF ORDINANCE - LAND DEVELOPMENT CODE - APPENDIX A - BUILDING CODE AMENDMENTS - CHAPTER 1 - ADMINISTRATION - SECTION 105.1 ENTITLED "REMOVAL OR REPAIR OF BUILDINGS" BY ADDING SUBSECTION (C) FOR THE PURPOSE OF INCLUDING LANGUAGE FOR THE DEMOLITION OF PROPERTIES LOCATED WITHIN A HISTORIC DISTRICT; AND FOR OTHER PURPOSES.</p> <p><input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1st ADOPT 2nd READ & REFER <input checked="" type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred: 9/2/14 Referred To: CD/HR Date Referred: Referred To: Date Referred: Referred To:</p>	<p style="text-align: center;">First Reading</p> <p>Committee _____ Date _____ Chair _____ Referred To _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; vertical-align: top;"> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p> <p>Refer To _____</p> </td> <td style="width:50%; vertical-align: top;"> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p> <p>Refer To _____</p> </td> </tr> </table>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p> <p>Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p> <p>Refer To _____</p>	<p style="text-align: center;">FINAL COUNCIL ACTION</p> <p><input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p> <p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">MAYOR'S ACTION</p>
<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p> <p>Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p> <p>Refer To _____</p>			

AN ORDINANCE BY COUNCILMEMBERS NATALYN M. ARCHIBONG AND KWANZA HALL AMENDING PART III CODE OF ORDINANCE, LAND DEVELOPMENT CODE, APPENDIX A, BUILDING CODE AMENDMENTS, CHAPTER 1 ADMINISTRATION, SECTION 105.3 ENTITLED "DISREGARD OF NOTICE" FOR THE PURPOSE OF SPECIFYING THE LENGTH OF TIME IN WHICH AN INDIVIDUAL SHALL COMPLY WITH NOTICE FROM THE OFFICE OF BUILDINGS TO REMOVE OR REPAIR AN UNSAFE BUILDING OR STRUCTURE; AND FOR OTHER PURPOSES.(HELD 9/9/14 AT THE REQUEST OF THE AUTHOR FOR FURTHER REVIEW.)

Workflow List:

Elizabeth Jones	Completed	09/03/2014 4:26 PM
Atlanta City Council	Completed	11/10/2014 1:33 PM
Community Development & Human Resources Committee	Completed	10/16/2014 5:05 PM
Atlanta City Council	Completed	10/07/2014 9:12 AM
Community Development & Human Resources Committee	Completed	10/22/2014 9:33 AM
Atlanta City Council	Completed	10/10/2014 5:45 PM
Community Development & Human Resources Committee	Completed	10/30/2014 3:29 PM
Atlanta City Council	Completed	10/24/2014 12:35 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	

HISTORY:

09/02/14 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 9/9/2014 12:30 PM
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09/09/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Dickens, Young Jr., Bottoms, Hall, Sheperd
ABSENT:	Michael Julian Bond, Cleta Winslow

09/15/14 Atlanta City Council REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 9/23/2014 12:30 PM
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09/23/14 Community Development & Human Resources Committee

10/06/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 10/14/2014 12:30 PM
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10/14/14 Community Development & Human Resources Committee

10/20/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 10/28/2014 12:30 PM

10/28/14 Community Development & Human Resources Committee

11/03/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 11/10/2014 12:30 PM

11/10/14 Community Development & Human Resources Committee

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 11/24/2014 12:30 PM

11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD Next: 12/9/2014 12:30 PM

RESULT: RETURNED AS HELD Next: 12/9/2014 12:30 PM

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

**CITY COUNCIL
ATLANTA, GEORGIA**

14-O-1443

SPONSOR SIGNATURES



Natalyn Mosby Archibong, Councilmember, District 5

AN ORDINANCE BY COUNCILMEMBERS NATALYN M. ARCHIBONG AND KWANZA HALL AMENDING PART III CODE OF ORDINANCE, LAND DEVELOPMENT CODE, APPENDIX A, BUILDING CODE AMENDMENTS, CHAPTER 1 ADMINISTRATION, SECTION 105.3 ENTITLED "DISREGARD OF NOTICE" FOR THE PURPOSE OF SPECIFYING THE LENGTH OF TIME IN WHICH AN INDIVIDUAL SHALL COMPLY WITH NOTICE FROM THE OFFICE OF BUILDINGS TO REMOVE OR REPAIR AN UNSAFE BUILDING OR STRUCTURE; AND FOR OTHER PURPOSES.(HELD 9/9/14 AT THE REQUEST OF THE AUTHOR FOR FURTHER REVIEW.)

WHEREAS, Section 105.3 of the Land Development Code entitled "Disregard of Notice" (the "Code Section"), provides that an individual served with notice or order from the Director of the Office of Buildings to remove or repair an unsafe structure; and

WHEREAS, in part, the Code Section states that "if the person served with a notice or order to remove or repair an unsafe building or structure should fail within a reasonable time as set by the Director. .. "; and

WHEREAS, it is in the best interest of the City to provide a specific timetable in which a person should act to remedy an unsafe building or structure in which they own.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That Part III- Land Development Code, Appendix A- Building Code Amendments, Chapter 1- Administration, Section 105.3 entitled "Disregard of Notice" shall be amended so that Section 105.3 shall now read (new language indicated in bold):

105.3. DISREGARD OF NOTICE.

If the person served with a notice or order to remove or repair an unsafe building or structure should fail within 90 days to apply for a building or demolition permit in order to comply with the requirements thereof, such failure shall constitute an offense. The Director shall institute an appropriate action in the courts to compel a compliance. The City Attorney or other prosecuting authority may also institute proper actions against the owner for failure to comply with the requirements of this code section, pursuant to Section 1 05.7.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.

AN ORDINANCE BY *Natalyn Archibong*
COUNCILMEMBER NATALYN ARCHIBONG

AN ORDINANCE AMENDING PART III - CODE OF ORDINANCE - LAND DEVELOPMENT CODE - APPENDIX A - BUILDING CODE AMENDMENTS - CHAPTER 1 - ADMINISTRATION - SECTION 105.3 ENTITLED "DISREGARD OF NOTICE" FOR THE PURPOSE OF SPECIFYING THE LENGTH OF TIME IN WHICH AN INDIVIDUAL SHALL COMPLY WITH NOTICE FROM THE OFFICE OF BUILDINGS TO REMOVE OR REPAIR AN UNSAFE BUILDING OR STRUCTURE; AND FOR OTHER PURPOSES.

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WHEREAS, in part, the Code Section states that "if the person served with a notice or order to remove or repair an unsafe building or structure should fail within a reasonable time as set by the Director..."; and

WHEREAS, it is in the best interest of the City to provide a specific timetable in which a person should act to remedy an unsafe building or structure in which they own.

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105.3. DISREGARD OF NOTICE.

If the person served with a notice or order to remove or repair an unsafe building or structure should fail within **90 days to apply for a building or demolition permit in order** to comply with the requirements thereof, such failure shall constitute an offense. The Director shall institute an appropriate action in the courts to compel a compliance. The City Attorney or other prosecuting authority may also institute proper actions against the owner for failure to comply with the requirements of this code section, pursuant to Section 105.7.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.

#9

<p>(Do Not Write Above This Line)</p> <p>AN ORDINANCE BY COUNCILMEMBER NATALYN ARCHIBONG <i>Natalyn Archibong</i> AN ORDINANCE AMENDING PART III - CODE OF ORDINANCE - LAND DEVELOPMENT CODE - APPENDIX A - BUILDING CODE AMENDMENTS - CHAPTER 1 - ADMINISTRATION - SECTION 105.3 ENTITLED "DISREGARD OF NOTICE" FOR THE PURPOSE OF SPECIFYING THE LENGTH OF TIME IN WHICH AN INDIVIDUAL SHALL COMPLY WITH NOTICE FROM THE OFFICE OF BUILDINGS TO REMOVE OR REPAIR AN UNSAFE BUILDING OR STRUCTURE; AND FOR OTHER PURPOSES.</p>	<p>Committee _____ Date _____ Chair _____ Referred To _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>FINAL COUNCIL ACTION <input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd Readings <input type="checkbox"/> 3rd <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote <input type="checkbox"/> MAYOR'S ACTION</p>
<p>Committee _____ Date _____ Chair _____ Referred To _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>
<p>Committee _____ Date _____ Chair _____ Referred To _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>
<p>Committee _____ Date _____ Chair _____ Referred To _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p>

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 9/2/14
 Referred To: CD/HR
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

A COMMUNICATION BY COUNCILMEMBERS CARLA SMITH, DISTRICT 1, KWANZA HALL, DISTRICT 2, IVORY LEE YOUNG, JR., DISTRICT 3, CLETA WINSLOW, DISTRICT 4 AND MICHAEL JULIAN BOND, POST 1 AT-LARGE, TO PRESIDENT CEASAR MITCHELL, SUBMITTING THE APPOINTMENT OF MR. ARTHUR DAVID LEE FOR CONSIDERATION TO SERVE AS A MEMBER OF THE BELTLINE TAX ALLOCATION DISTRICT ADVISORY COMMITTEE (TADAC). THIS APPOINTMENT IS FOR A TERM OF TWO (2) YEARS TO BEGIN RETROACTIVELY ON JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2015. (Held 10/14/14 by the Committee to allow the appointee an opportunity to appear before the committee.)

Workflow List:

Theresa Payne	Completed	10/02/2014 3:23 PM
Atlanta City Council	Completed	10/10/2014 5:45 PM
Community Development & Human Resources Committee	Completed	10/30/2014 3:29 PM
Atlanta City Council	Completed	10/24/2014 12:35 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Natasha Daniels	Pending	

HISTORY:

10/06/14 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/14/2014 12:30 PM
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10/14/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Dickens, Young Jr., Bond, Bottoms, Sheperd
ABSENT:	Kwanza Hall, Cleta Winslow

10/20/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 10/28/2014 12:30 PM
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10/28/14 Community Development & Human Resources Committee

11/03/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 11/10/2014 12:30 PM
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11/10/14 Community Development & Human Resources Committee

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 11/24/2014 12:30 PM
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11/24/14 Community Development & Human Resources Committee

12/01/14

Atlanta City Council

RETURNED AS HELD

RESULT: RETURNED AS HELD

Next: 12/9/2014 12:30 PM

RESULT: RETURNED AS HELD

Next: 12/9/2014 12:30 PM

Certified by Presiding Officer	Certified by Clerk

A COMMUNICATION BY COUNCILMEMBERS CARLA SMITH, DISTRICT 1, KWANZA HALL, DISTRICT 2, IVORY LEE YOUNG, JR., DISTRICT 3, CLETA WINSLOW, DISTRICT 4 AND MICHAEL JULIAN BOND, POST 1 AT-LARGE, TO PRESIDENT CEASAR MITCHELL, SUBMITTING THE APPOINTMENT OF MR. ARTHUR DAVID LEE FOR CONSIDERATION TO SERVE AS A MEMBER OF THE BELTLINE TAX ALLOCATION DISTRICT ADVISORY COMMITTEE (TADAC). THIS APPOINTMENT IS FOR A TERM OF TWO (2) YEARS TO BEGIN RETROACTIVELY ON JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2015. (Held 10/14/14 by the Committee to allow the appointee an opportunity to appear before the committee.)

October 6, 2014

Honorable Ceasar Mitchell
President, Atlanta City Council
55 Trinity Avenue, SW
Atlanta, Georgia 30303

Dear President Mitchell;

Councilmembers Kwanza Hall, District 2, Ivory Lee Young, Jr. District 3, Cleta Winslow, District 4 and Michael Bond, Post 1 - At Large, and I are pleased to submit Mr. Arthur Lee for appointment to the Atlanta Beltline Tax Allocation District Advisory Committee. The appointment is for a two-year term.

A copy of his resume is attached for your perusal.

Sincerely,

Carla Smith, Councilmember, District 1

Kwanza Hall, Councilmember, District 2

Ivory Lee Young, Jr., Councilmember

Cleta Winslow, Councilmember, District

4

District 3

Michael Bond, Post 1-At Large

ARTHUR DAVID LEE

(404) 574-5104

OBJECTIVE

To secure a position which utilizes a multitude of experiences, practices, and management skills while significantly contributing to the attainment of the business's goals.

QUALIFICATIONS SUMMARY:

20 years diverse work experience including business development , operations, marketing, and sales. **Able to identify key issues** to be resolved and addressed with effective financial, as well as operational solutions.

Effectively guide personnel to grow, adapt, and evolve in ever changing environments.

Computer efficient with knowledge/ use of Mac 10.9.8, and specific operational know how of PC programs (i.e., Word, some PowerPoint, and Outlook... able to easily adapt to use of other programs).

PROFESSIONAL HIGHLIGHTS**Delta Air Lines**

Atlanta, GA

Flight Attendant

2013 – Present

- Performed customer relation duties by greeting passengers, collecting tickets and assigning /directing them to assigned seats.
- Instructed passengers about the proper use of plane safety equipment, and engaged evacuation duties, as needed.
- Assessed the need for and coordinated the receipt of necessary operational supplies.
- Assisted passengers with general and special needs for services, assurances, directions, inquiries, and personal emergencies.
- Diffused business conflicts to the satisfaction of customers while maintaining integrity/reputation of the company.
- Maintained flight finance and crew records for accountability purposes.

World Airways, Inc.

Peachtree City, GA

2003 – 2013

International Flight Attendant

- Participate in the Federal Department of Defense (DOD) Air Transportation Action Program to provide services to the Air Force Air Mobility Command to move US military troops, government officials, domestic and/or foreign dignitaries to worldwide sites for participation in strategic operational endeavors.
- Complete recurrent defense, safety, and other training from Civil Aviation Agency (CAA) and the Federal Aviation Administration (FAA) to satisfy clearance status and safety certification requirements to ensure excellence in personal performance for cases where training is necessary.
- Attend pre-flight logistical briefings to obtain special trip details, flight plans/procedures/information needs, and official mission goals.
- Serve as in-flight service manager of crew and equipment. Required to identify, alert, and coordinate with fellow crew, attendants, and management about unresolved newly encountered safety issues, maintain open lines of operations communication, assess address aircraft mechanical, passenger, situational, and emergency needs.
- As an attendant for passengers, instruct proper use of plane safety equipment, assist with general and special needs for services, assurances, directions, inquiries, personal emergencies, and, as required, may act as an evacuation specialist.
- Maintain flight finance and crew records for accountability purposes.

US Airways, Inc.
New York, NY 2000 – 2003
Flight Attendant

Talk Solutions, Inc.
Atlanta, GA 1999 – 2000

Telecommunications Representative/Supervisor

- Trained to enter and retrieve data from the Bell South Lens Communication Network for Personal and business development; used learned skills to train office staff.
- Assessed operational and/or performance needs, then developed and implemented strategic systems improvements that led to the office meeting or exceeding set corporate profit goals.
- Conducted regular meetings with staff to discuss performance, acknowledge contributions or performance concerns/possible solutions, and provide open forums for questions and discussion.
- Improved operating and revenue budgets, and improved security via employee schedule changes.

Store House Furniture, Inc. at Lenox Square
Atlanta, GA 1998 – 1999

Sales and Design Consultant

- Assessed customers' needs for residual/commercial furniture and other design accessories in a competitive sales environment by developing extensive knowledge about the products and the product designers, and vigilantly providing sales services and follow-up to satisfy those needs.
- Consistently exceeded monthly sales goals by a minimum of 18% to become one of the top one percent (0.1%) sales consultants in the 42 store corporation.
- Coordinated with an exclusive sales team to establish inventory controls to safe guard the products, and assess product availability and inventory needs.

Ferrara Café/Pasticceria
Atlanta, GA 1995 – 1998

Developer, Coordinator, Supervisor, and General Operations Manager

- In collaboration with the business site's owner, completely planned, designed, developed inventory, established vendor relations, established budget/revenue controls, established reporting systems, arranged security protocols/connections, managed all worker relations, hired staff and promoted the business at will.
- Grew the business to net receipt of revenues more than one million dollars annually.
- In conjunction with the café, opened and operated a Kiosk within the lobby of the Fox Theater which increased the business overall revenue.

AWARDS, HONORS, AND RECOGNITIONS

At World Airways, selected from 629 Flight Attendants to feature in the FAA Recurrent Training Video; awarded a certificate of Appreciation for "Outstanding Support: Operation Iraqi Freedom" from the Civil Reserve Fleet (CRAF), DOD; received "Letter of Appreciation for Outstanding Service to Country" from President Bush; received numerous awards for "Outstanding Services" from ranking military and government officials stationed in combat post around the world.

For the Ferrara business, received major proclamations for the "Creation of an Innovative, Quality Business", and accolades from editors of Conte Nash's "Bon Appetite" magazine.

Currently elected President of Cityspace Cityhome Home Owners Association.

EDUCATION

Fort Valley State University, Fort Valley, GA

HOBBIES/INTERESTS /AFFILIATIONS

Business development; construction and design; interior design and architecture, horticulture and landscape design video development and production.

HOA President – CitySpace Homes; Member of GPNA (Grant Park Neighborhood Assoc).

REFERENCES

Available

AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG, JR. TO AMEND CHAPTER 54 (COMMUNITY DEVELOPMENT) OF THE ATLANTA CITY CODE BY ADDING ARTICLE IV TO BE ENTITLED "ABANDONED AND BLIGHTED PROPERTY CONSERVATORSHIP ORDINANCE" FOR THE PURPOSE OF CREATING A CONSERVATORSHIP PROGRAM FOR ABANDONED AND BLIGHTED PROPERTY WITHIN CITY LIMITS; AND FOR OTHER PURPOSES.(HELD 10/14/14 BY THE COMMITTEE TO FOLLOW THE PROGRESS OF LEGISLATION IN DISCUSSION BY THE STATE OF GEORGIA LEGISLATURE.)

Workflow List:

Clerk of Council	Completed	10/06/2014 1:18 PM
Atlanta City Council	Completed	10/10/2014 5:45 PM
Community Development & Human Resources Committee	Completed	10/30/2014 3:29 PM
Atlanta City Council	Completed	10/24/2014 12:35 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

10/06/14 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/14/2014 12:30 PM
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10/14/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Dickens, Young Jr., Bond, Bottoms, Sheperd
ABSENT:	Kwanza Hall, Cleta Winslow

10/20/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 10/28/2014 12:30 PM
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10/28/14 Community Development & Human Resources Committee

11/03/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 11/10/2014 12:30 PM
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11/10/14 Community Development & Human Resources Committee

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 11/24/2014 12:30 PM**

11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 12/9/2014 12:30 PM**

RESULT: RETURNED AS HELD **Next: 12/9/2014 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1478

SPONSOR SIGNATURES



Ivory Lee Young Jr., Councilmember, District 3

AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG, JR. TO AMEND CHAPTER 54 (COMMUNITY DEVELOPMENT) OF THE ATLANTA CITY CODE BY ADDING ARTICLE IV TO BE ENTITLED “ABANDONED AND BLIGHTED PROPERTY CONSERVATORSHIP ORDINANCE” FOR THE PURPOSE OF CREATING A CONSERVATORSHIP PROGRAM FOR ABANDONED AND BLIGHTED PROPERTY WITHIN CITY LIMITS; AND FOR OTHER PURPOSES.(HELD 10/14/14 BY THE COMMITTEE TO FOLLOW THE PROGRESS OF LEGISLATION IN DISCUSSION BY THE STATE OF GEORGIA LEGISLATURE.)

WHEREAS, the purpose of the Abandoned and Blighted Property Conservatorship Program is to provide communities throughout the City of Atlanta a new tool, frequently used in other states, to address blight by taking abandoned and blighted properties and returning them to productive use; and

WHEREAS, conservatorship, based on its proven success in other jurisdictions, is an effective redevelopment tool that enables residents, business owners, non-profit corporations, and government entities to take control of the future of their communities by addressing the problem of abandoned and blighted properties; and

WHEREAS, conservatorship is the appointment of a third party to take possession and control of a property in order to make repairs and return the property to productive use and the conservator is appointed by the court after a formal process and hearing, including notice to the owner and lien holders; and

WHEREAS, under the Abandoned and Blighted Property Conservatorship Program, the rights of the property owner are balanced against the rights of the neighboring parties and, upon past history and the consideration of the court, the owner can step in at any time and petition the court to terminate the conservatorship and, after reimbursing all costs, regain control of the property; and

WHEREAS, the conservatorship process begins with the filing of a petition by a “party of interest”, which is defined as owners, lien holders, government entities, residents or business owners within 500 feet of the property, and development based non-profit corporations within a mile of the property; and

WHEREAS, if appointed by the court, the conservator takes possession of, but not title to, the property and has all the powers of the owner and is deemed to have ownership for the purposes of applying for funds, approvals, and permits and the actual owner retains all property liabilities, including the obligation to pay taxes and assessments; and

WHEREAS, the conservator must submit an initial plan and final accounting to the court and to all parties, including costs estimates, financing plan, and work description and once the property has been rehabilitated, and if the owner has not approached the court to regain possession after paying all costs, the conservator may seek the court’s permission to sell the property and title is transferred free and clear of all liens and claims.

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

Section 1: Article IV is hereby added to Chapter 54, (Community Development) of the Atlanta City Code and to be entitled “Abandoned and Blighted Property Conservatorship Ordinance”, said Article to create an abandoned and blighted property conservatorship program and to read as follows:

Sec. 54-100. Short Title.

This ordinance shall be known and may be cited as the Abandoned and Blighted Property Conservatorship Ordinance”.

54-101. Legislative Findings and Purpose.

The Atlanta City Council finds and declares that:

- (a) The City's communities are important to the City's economic health by providing a focal point for businesses and services and to this City's quality of life with its rich history and diverse communities. However, many communities suffer from blighted properties that have been abandoned by their owners.
- (b) Many citizens of this City are adversely affected by abandoned and blighted residential, commercial and industrial properties, including those citizens who live in proximity to such substandard buildings, as well as those who own property in the vicinity of such buildings.
- (c) Substandard, deteriorating and abandoned residential, commercial and industrial structures are a public safety threat and nuisance and their blighting effect diminishes property values in the communities in which these properties are located.
- (d) If these buildings are not rehabilitated, they are likely to remain abandoned and further deteriorate, resulting in increased costs to the City and taxpayers to secure and ultimately demolish them.
- (e) Providing a mechanism to transform abandoned and blighted buildings into productive reuse is an opportunity for communities to modernize, revitalize, grow, and to improve the quality of life for neighbors who are already there.
- (f) If the owner of a residential, commercial or industrial building fails to maintain the property in accordance with applicable municipal codes or standards of public welfare or safety, it is in the best interest of the City and the community for the Atlanta Municipal Court, pursuant to the provisions of this ordinance, to appoint a conservator to make the necessary improvements before the building deteriorates further and necessitates demolition, resulting in the removal of the building from the housing supply or prohibiting future productive economic use.

54-102. Definitions.

The following words and phrases when used in this ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Actively marketed.” A “for sale” sign has been placed on the property with accurate contact information and the owner has done at least one of the following:

(1) engaged the services of a real estate licensee under Chapter 40 of Title 43 of the Official Code of Georgia Annotated, to place the property in a Multiple Listing Service or otherwise market the property;

(2) placed weekly or more frequent advertisements in print or electronic media; or

(3) distributed printed advertisements.

“Building.” A residential, commercial or industrial building or structure and the land appurtenant thereto.

“Code.” A building, housing, property maintenance, fire, health or other public safety ordinance enacted by a municipality or having state-wide application.

“Competent entity.” A person or entity, including a governmental unit with experience in the rehabilitation of residential, commercial or industrial buildings and the ability to provide or obtain the necessary financing for such rehabilitation.

“Costs of rehabilitation.” Costs and expenses for construction, stabilization, rehabilitation, maintenance and operation or demolition, including reasonable nonconstruction costs associated with the project, including, but not limited to, environmental remediation, architectural, engineering and legal fees, permits, and financing fees. “Court.” The pleas Atlanta Municipal Court.

“Historic property.” A property which is listed on the National Register of Historic Places or is a contributing property in a national register historic district or is located in a landmark or historic district.

“Immediate family.” A parent, spouse, child, brother or sister.

“Nonprofit corporation.” A nonprofit corporation that has, as one of its purposes, community development activities, including economic development, historic preservation or the promotion or enhancement of affordable housing opportunities.

“Owner.” The holder or holders of title to, or of a legal or equitable interest in, a residential, commercial or industrial building. The term shall include an heir, assignee, trustee, beneficiary and lessee provided the ownership interest is a matter of public record.

“Party in interest.” A person or entity who has a direct and immediate interest in a residential, commercial or industrial building, including:

- (1) The owner.
- (2) A lienholder and other secured creditor of the owner.
- (3) A resident or business owner within 500 feet of the building.
- (4) A nonprofit corporation, including a redevelopment authority, which:

- (i) except as set forth in subparagraph (ii), is located within the City of Atlanta; or
- (ii) has participated in a project within a one-mile radius of the location of the building.

(5) City of Atlanta

“Public nuisance.” A property that, because of physical condition or use, has been declared by the appropriate official a public nuisance in accordance with the local housing, building, health, fire or related code or is determined to be a public nuisance by the court.

“Substantial rehabilitation.” Repairs to the building where:

- (1) the cost of repairs, replacements and improvements exceeds 15% of the property's value after completion of all repairs, replacements and improvements; or
- (2) more than one major building component is being replaced. Major building components include:
 - (i) roof structures;
 - (ii) ceilings;
 - (iii) wall or floor structures;
 - (iv) foundations;
 - (v) plumbing systems;
 - (vi) heating and air conditioning systems; and
 - (vii) electrical systems.

Sec. 54-103. Initiation of Action

(a) Filing of petition. A petition for the appointment of a conservator to take possession and to undertake the rehabilitation of a building may be filed by a party in interest in the Atlanta Municipal Court. The proceeding on the petition shall constitute an action in rem.

(b) Contents. The petition submitted to the court shall include a sworn statement that, to the best of the petitioner's knowledge, the property meets the conditions for conservatorship set forth in section 5(d) and to the extent available to the petitioner after reasonable efforts to obtain such information:

- (1) A copy of any citation charging the owner with being in violation of municipal code requirements or declaring the building to be a public nuisance.
- (2) A recommendation as to which person or entity should be appointed conservator.
- (3) A preliminary plan with initial cost estimates for rehabilitation of the building to bring it into compliance with all municipal codes and duly adopted plans for the area in which the building is located and anticipated funding sources.
- (c) Notice of lis pendens. The petitioner shall file a notice of lis pendens in the county land records in which the property is located.

(d) Notification of owner, political subdivisions and lienholders.--

- (1) Upon filing the petition with the court, the petitioner shall notify the current owner of the property, and all lienholders of the filing by registered or certified mail to the last known address of each and by posting a copy of the notice on the building.
- (2) In the event the registered or certified mail is returned with notation by the postal authorities that the recipient refused to accept the mail, the petitioner may mail a copy to the recipient at the same address by ordinary mail with the return address of the petitioner appearing thereon.
- (3) Service by ordinary mail shall be presumed complete if the mail is not returned to the petitioner within 30 days after mailing.
- (4) In the event that the registered or certified mail is returned with the notation by the postal authorities that it was unclaimed, the notice shall be personally served.
- (5) In the event that the personal service is not able to be made after two such attempts, then the petitioner shall mail the petition to the recipient at the same address by ordinary mail with the return address of the petitioner appearing thereon with service by ordinary mail deemed complete if the mail is not returned to the petitioner within 15 days after the mailing.
- (6) The petitioner shall also notify the owner and each lienholder of the hearing date and provide notice that the owner and lienholders may petition to intervene in the action.

Sec. 54-104. Appointment of Conservator

- (a) General rule. The court shall act upon a petition submitted by holding a hearing within 120 days of receipt of the petition and rendering a decision no later than 30 days after completion of the hearing.
- (b) Intervention. A party in interest may intervene in the proceeding and be heard with respect to the petition, the requested relief or any other matter which may come before the court in connection with the proceeding.

- (c) Hearing. At the hearing, any party in interest shall be permitted to present evidence to support or contest the petition.
- (d) Conditions for conservatorship. If a petition is filed under section 54-104, the court may appoint a conservator if all of the following apply:
- (1) The building has not been legally occupied for at least the previous 12 months.
 - (2) The building has not been actively marketed during the 60 days prior to the date of the petition.
 - (3) The building is not subject to an existing foreclosure action.
 - (4) The current owner fails to present sufficient evidence that he has acquired the property within the preceding six months. The evidence shall not include instances where the prior owner is a member of the immediate family of the current owner, unless the transfer of title results from the death of the prior owner, or where the current or prior owner is a corporation, partnership or other entity in which either owner or the immediate family of either owner has an interest in excess of 5%.
 - (5) The court finds at least three of the following:
 - (i) The building or physical structure is a public nuisance.
 - (ii) The building is in need of substantial rehabilitation and no rehabilitation has taken place during the previous 12 months.
 - (iii) The building is unfit for human habitation, occupancy or use.
 - (iv) The condition and vacancy of the building materially increase the risk of fire to the building and to adjacent properties.
 - (v) The building is subject to unauthorized entry leading to potential health and safety hazards and one of the following applies:
 - (A) The owner has failed to take reasonable and necessary measures to secure the building.
 - (B) The City has secured the building in order to prevent such hazards after the owner has failed to do so.
 - (vi) The property is an attractive nuisance to children, including, but not limited to, the presence of abandoned wells, shafts, basements, excavations and unsafe structures.
 - (vii) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds has created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards.
 - (viii) The dilapidated appearance or other condition of the building negatively affects the economic well-being of residents and businesses in close proximity to the building, including decreases in property

value and loss of business, and the owner has failed to take reasonable and necessary measures to remedy appearance or the condition.

(ix) The property is an attractive nuisance for illicit purposes, including prostitution, drug use and vagrancy.

(e) Appointment.

(1) If the court determines after a hearing that the property has met the conditions of subsection (d), the court may appoint a conservator and grant such other relief as may be just and appropriate.

(2) The court shall give first consideration for appointment as conservator to the senior lienholder on the property.

(3) In the event the senior lienholder is found to be not competent or declines the appointment, the court may appoint a nonprofit corporation or other competent entity. The nonprofit corporation or entity must be located in the city or must have participated in a project within a one-mile radius of the location of the property. In appointing a conservator, the court shall:

(i) consider any recommendations contained in the petition or otherwise presented by a party in interest; and

(ii) give preference to the appointment of a nonprofit corporation or governmental unit over an individual.

(f) Conditional relief.

(1) If the court finds after a hearing that the conditions for conservatorship set forth in subsection (d) have been established, but the owner represents that the violations or nuisance or emergency condition will be abated in a reasonable period, the court may allow the owner to proceed to remedy the conditions.

(2) If the conditions set forth in paragraph (1) have been satisfied, the court shall enter an order providing that, in the event that the violations or nuisance or emergency conditions are not abated by the owner by a specific date or that other specified remedial activities have not occurred by a specific date or dates, an order granting the relief requested in the petition shall be entered.

(3) The court may also require the owner to post a bond in the amount of the repair costs estimated in the petition as a condition to retaining possession of the building.

(g) Conservator's lien. The conservator may file a lien against the property in an amount based on the costs incurred during the conservatorship. The lien amount may be adjusted from time to time.

(h) Immediate possession. The conservator shall promptly take possession of the building and other property subject to the conservatorship and shall immediately be authorized to exercise all powers of this ordinance.

(i) Removal by court. A conservator may be removed by the court at any time upon the request of the conservator or upon a showing by a party to the action that the conservator is not carrying out its responsibilities under this ordinance.

Sec. 54-105. Powers and duties of conservator

(a) Full powers and duties. The conservator shall have all powers and duties necessary or desirable, from time to time, for the efficient operation, management and improvement of the building in order to bring it into compliance with all municipal building and housing code requirements and to fulfill the conservator's responsibilities under this ordinance. Such powers and duties shall include, but not be limited to, the power to:

(1) Take possession and control of the building, appurtenant land and any personal property of the owner used with respect to the building, including any bank or operating account for the building.

(2) Collect outstanding accounts receivable.

(3) Pursue all claims or causes of action of the owner with respect to the building and all other property subject to the conservator.

(4) Contract for the repair and maintenance of the building. The contracts shall be appropriately documented and included in the reports and accounting which the conservator is required to submit or file under the provisions of this ordinance. The conservator shall make a reasonable effort to solicit three bids for contracts valued at more than \$25,000.

(5) Borrow money and incur credit in accordance with section 54-107.

(6) Contract and pay for the maintenance and restoration of utilities to the building.

(7) Purchase materials, goods and supplies to accomplish repairs and operate the building.

(8) With the court's approval, enter into new rental contracts and leases for a period not to exceed one year.

(9) Affirm, renew or enter into contracts providing for insurance coverage on the building.

(10) Engage and pay legal, accounting, appraisal and other professionals to aid the conservator in the conduct of the conservatorship.

(11) When the building is within a landmark or historic district, obtain all necessary approvals from the Urban Design Commission.

(12) Apply for and receive public grants or loans.

(13) Sell the building in accordance with section 54-108.

(14) Exercise all authority that an owner of the building would have to improve, maintain and otherwise manage the building.

(b) Affirmative duty. While in possession of the building, the conservator shall:

(1) Maintain, safeguard and insure the building.

(2) Apply all revenue generated from the building consistent with the provisions of this ordinance.

(3) (i) Develop a final plan for abatement of the conditions which caused the petition to be granted or, if no such feasible final plan can be developed, to develop alternatives, including the closing, sealing or demolition of all or part of the building.

(ii) When the building has been designated a landmark or historic property, rehabilitate architectural features that define the property's historic character.

(iii) When demolition of a property in a landmark or historic district is necessary, design any replacement construction on the site to comply with applicable standards under current law.

(4) Implement the final plan referred to in paragraph (3) upon approval by the court.

(5) Submit a status report to the court and parties to the action annually or more frequently as the court may deem appropriate. The status report shall include:

(i) A copy of any contract entered into by the conservator regarding the improvement of the building.

(ii) An account of the disposition of all revenue generated from the building.

(iii) An account of all expenses and improvements.

(iv) The status of developing and implementing the final plan pursuant to this subsection.

(v) A description of any proposed actions to be taken in the next six months to improve the building.

(c) Hearing on conservator's final plan for abatement.

(1) At the time the court appoints a conservator, a hearing date on the conservator's final plan for abatement shall be set within 120 days of the appointment.

(2) Thirty days prior to the date of the hearing, the conservator shall submit the plan to the court and to all parties to the action.

(3) The plan shall include a cost estimate, a financing plan and either a description of the work to be done for the rehabilitation of the building or, if rehabilitation is not feasible, a proposal for the closing, sealing or demolition of the building.

(4) The plan shall conform with all existing municipal codes, duly adopted plans for the area and historic preservation requirements.

(5) At the time of the hearing, all parties shall be allowed to comment on the plan, and the court shall take all comments into consideration when assessing the feasibility of the plan and the proposed financing.

(6) Within 15 days of the hearing, the court shall issue a decision approving the plan or requiring that the plan be amended.

(7) If the court decision requires that the plan be amended, a hearing date shall be set within 60 days from the date of the decision.

(d) Accounting. Upon the implementation of the final plan approved by the court, the conservator shall file with the court a full accounting of all income and expenditures during the period of time it took to implement the final plan.

Sec. 54-106. Ownership of Property

(a) Ownership interest of conservator. A conservator appointed under section 54-104 shall be deemed to have an ownership interest in and legal control of the property for the purposes of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals and submitting applications for financing or other assistance to public or private entities.

(b) Liability of owner. Notwithstanding the appointment of a conservator under section 54-104, nothing in this ordinance shall be construed to relieve the owner of any civil or criminal liability or of any obligation to pay taxes, municipal liens and charges, mortgages, private liens or other fees or charges, whether incurred before or after the appointment of the conservator and no such liability shall transfer to the conservator.

(c) Limitation of conservator's environmental liability.

(1) Notwithstanding any law to the contrary, the conservator shall not be held liable for any environmental damage to the building or the real property upon which the building is located that existed prior to the appointment by the court of the conservator.

(2) Paragraph (1) does not apply to the owner or any other person or entity regarding the building and its real property that is subject to an appointed conservator under this ordinance.

Sec. 54-107. Incurring indebtedness.

(a) Borrowing. From time to time, a conservator may borrow money or incur indebtedness in order to cover the costs of rehabilitation or to otherwise fulfill the conservator's obligations under this ordinance.

(b) Liens. In order to facilitate the borrowing of funds for the costs of rehabilitation, the court may grant a lien or security interest with priority over all other liens with the exception of municipal or other governmental liens, provided, however, that prior to granting a priority lien, the court has found that:

(1) The conservator sought to obtain the necessary financing from the senior lienholder, but the lienholder declined to provide financing for reasonable improvements or other costs of rehabilitation on reasonable terms.

(2) Lien priority is necessary in order to induce another lender to provide financing on reasonable terms.

(c) Lien status of rehabilitation expenses. Should the senior lienholder agree to provide financing for the costs of rehabilitation, any funds lent to cover the costs shall be deemed to be added to the senior lienholder's preexisting first lien.

(d) Approval of financing. The court may approve financing for the costs of rehabilitation, the terms of which may include deferred repayment and use restrictions. The terms of the financing may remain with the property after the conservatorship has ended and be assumed by any of the following:

(1) The owner, if the owner regains possession of the property under section 10(2).

(2) The buyer who takes title under section 54-1089.

Sec. 54-108. Sale of property

(a) Sale by owner or lienholder. If a property subject to conservatorship is sold by the owner or foreclosed upon by a lienholder or if any interest therein is transferred, such sale, foreclosure or transfer shall be subject to the conservatorship.

(b) Sale by conservator. Upon application of the conservator, the court may order the sale of the property if the court finds that:

(1) Notice and an opportunity to provide comment to the court was given to each record owner of the property and each lienholder.

(2) The conservator has been in control of the building for more than six months and the owner has not successfully petitioned to terminate the conservatorship under section 54-109.

(3) The terms and conditions of the sale are acceptable to the court, and the buyer has a reasonable likelihood of maintaining the property.

(c) Sale free and clear.

(1) The court may authorize the conservator to sell the building free and clear of all liens, claims and encumbrances, provided that the proceeds of the sale are distributed pursuant to subsection (d) at settlement.

(2) In the event that the proceeds of the sale are insufficient to pay all existing liens, claims and encumbrances, the proceeds shall be distributed according to the priorities set forth in subsection (d) and all unpaid liens, claims or encumbrances which have not been assumed under section 54-107(d) <[https://a.next.westlaw.com/Document/NCC2FF8D0ED7711DDA900C7A92BA67079/View/FullText.html?originationContext=previousnextsection&contextData=\(sc.Document\)&transitionType=StatuteNavigator](https://a.next.westlaw.com/Document/NCC2FF8D0ED7711DDA900C7A92BA67079/View/FullText.html?originationContext=previousnextsection&contextData=(sc.Document)&transitionType=StatuteNavigator)> shall be extinguished.

(d) Distribution.--The proceeds of the sale shall be applied in accordance with the following priorities to:

(1) All court costs.

(2) Municipal or other governmental liens.

(3) Costs and expenses of sale.

(4) Principal and interest on any borrowing or incurrence of indebtedness granted priority over existing liens and security interest under section 54- 107(b).

(5) Costs of rehabilitation and any fees and expenses incurred by the conservator in connection with the sale or the safeguarding of the property for which the lien authorized under section 54-104 (g) was filed.

(6) Valid liens and security interests in accordance with their priority.

(7) Any unpaid obligations of the conservator.

(8) Costs incurred by the petitioner in requesting the court to place the property in conservatorship.

(9) The owner.

(e) Owner's proceeds as unclaimed property. In the event the owner cannot be located, any proceeds from the sale which belong to the owner shall be presumed to be abandoned and unclaimed and shall be subject to the custody and control of the State pursuant to O.C.G.A. § 44-12-190 et seq, known as Disposition of Unclaimed Property Act.

Sec. 54-109. Termination of conservatorship.

Upon request of a party in interest or the conservator, the court may order the termination of the conservatorship if it determines:

(1) the conditions that were the grounds for the petition and all other code violations have been abated or corrected, the obligations, expenses and improvements of the conservatorship, including all fees and expenses of the conservator, have been fully paid or provided for and the purposes of the conservatorship have been fulfilled;

(2) the owner, mortgagee or lienholder has requested the conservatorship be terminated and has provided adequate assurances to the court that the conditions that constituted grounds for the petition will be promptly abated, all obligations, expenses and improvements of the conservatorship, including

all fees and expenses of the conservator, have been fully paid or provided for and the purposes of the conservatorship have been fulfilled;

(3) the building has been sold by the conservator and the proceeds distributed in accordance with section 54-108(d); or

(4) the conservator has been unable, after diligent effort, to present a plan that could be approved under section 54-105(b)(3) or to implement a previously approved plan or, for any reason, the purposes of the conservatorship cannot be fulfilled.

Sec. 54-110. Applicability.

(a) General inapplicability. This ordinance shall not apply to commercial and residential buildings, structures or land owned by or held in trust for the Federal Government and regulated under the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and regulations promulgated under that act.

(b) Inapplicability to service members. This ordinance shall not apply if the property owner has vacated the property in order to perform military service in time of war, armed conflict or in order to assist with relief efforts during a declared Federal or State emergency as a member of the United States Armed Forces or its reserve component.

Section 2. This ordinance shall become effective immediately upon signature of the Mayor or as otherwise provided in the Charter.

**AN ORDINANCE
BY COUNCIL MEMBER IVORY LEE YOUNG**

AN ORDINANCE TO AMEND CHAPTER 54 (COMMUNITY DEVELOPMENT) OF THE ATLANTA CITY CODE BY ADDING ARTICLE IV TO BE ENTITLED “ABANDONED AND BLIGHTED PROPERTY CONSERVATORSHIP ORDINANCE” FOR THE PURPOSE OF CREATING A CONSERVATORSHIP PROGRAM FOR ABANDONED AND BLIGHTED PROPERTY WITHIN CITY LIMITS; AND FOR OTHER PURPOSES.

WHEREAS, the purpose of the Abandoned and Blighted Property Conservatorship Program is to provide communities throughout the City of Atlanta a new tool, frequently used in other states, to address blight by taking abandoned and blighted properties and returning them to productive use; and

WHEREAS, conservatorship, based on its proven success in other jurisdictions, is an effective redevelopment tool that enables residents, business owners, non-profit corporations, and government entities to take control of the future of their communities by addressing the problem of abandoned and blighted properties; and

WHEREAS, conservatorship is the appointment of a third party to take possession and control of a property in order to make repairs and return the property to productive use and the conservator is appointed by the court after a formal process and hearing, including notice to the owner and lien holders; and

WHEREAS, under the Abandoned and Blighted Property Conservatorship Program, the rights of the property owner are balanced against the rights of the neighboring parties and, upon past history and the consideration of the court, the owner can step in at any time and petition the court to terminate the conservatorship and, after reimbursing all costs, regain control of the property; and

WHEREAS, the conservatorship process begins with the filing of a petition by a “party of interest”, which is defined as owners, lien holders, government entities, residents or business owners within 500 feet of the property, and development based non-profit corporations within a mile of the property; and

WHEREAS, if appointed by the court, the conservator takes possession of, but not title to, the property and has all the powers of the owner and is deemed to have ownership for the purposes of applying for funds, approvals, and permits and the actual owner retains all property liabilities, including the obligation to pay taxes and assessments; and

WHEREAS, the conservator must submit an initial plan and final accounting to the court and to all parties, including costs estimates, financing plan, and work description and once the property

has been rehabilitated, and if the owner has not approached the court to regain possession after paying all costs, the conservator may seek the court's permission to sell the property and title is transferred free and clear of all liens and claims.

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Section 1: Article IV is hereby added to Chapter 54, (Community Development) of the Atlanta City Code and to be entitled "Abandoned and Blighted Property Conservatorship Ordinance", said Article to create an abandoned and blighted property conservatorship program and to read as follows:

Sec. 54-100. Short Title.

This ordinance shall be known and may be cited as the Abandoned and Blighted Property Conservatorship Ordinance".

54-101. Legislative Findings and Purpose.

The Atlanta City Council finds and declares that:

- (a) The City's communities are important to the City's economic health by providing a focal point for businesses and services and to this City's quality of life with its rich history and diverse communities. However, many communities suffer from blighted properties that have been abandoned by their owners.
- (b) Many citizens of this City are adversely affected by abandoned and blighted residential, commercial and industrial properties, including those citizens who live in proximity to such substandard buildings, as well as those who own property in the vicinity of such buildings.
- (c) Substandard, deteriorating and abandoned residential, commercial and industrial structures are a public safety threat and nuisance and their blighting effect diminishes property values in the communities in which these properties are located.
- (d) If these buildings are not rehabilitated, they are likely to remain abandoned and further deteriorate, resulting in increased costs to the City and taxpayers to secure and ultimately demolish them.
- (e) Providing a mechanism to transform abandoned and blighted buildings into productive reuse is an opportunity for communities to modernize, revitalize, grow, and to improve the quality of life for neighbors who are already there.
- (f) If the owner of a residential, commercial or industrial building fails to maintain the property in accordance with applicable municipal codes or standards of public welfare or safety, it is in the best interest of the City and the community for the Atlanta Municipal Court, pursuant to the provisions of this ordinance, to appoint a conservator to make the necessary improvements before

the building deteriorates further and necessitates demolition, resulting in the removal of the building from the housing supply or prohibiting future productive economic use.

54-102. Definitions.

The following words and phrases when used in this ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Actively marketed.” A “for sale” sign has been placed on the property with accurate contact information and the owner has done at least one of the following:

- (1) engaged the services of a real estate licensee under Chapter 40 of Title 43 of the Official Code of Georgia Annotated, to place the property in a Multiple Listing Service or otherwise market the property;
- (2) placed weekly or more frequent advertisements in print or electronic media; or
- (3) distributed printed advertisements.

“Building.” A residential, commercial or industrial building or structure and the land appurtenant thereto.

“Code.” A building, housing, property maintenance, fire, health or other public safety ordinance enacted by a municipality or having state-wide application.

“Competent entity.” A person or entity, including a governmental unit with experience in the rehabilitation of residential, commercial or industrial buildings and the ability to provide or obtain the necessary financing for such rehabilitation.

“Costs of rehabilitation.” Costs and expenses for construction, stabilization, rehabilitation, maintenance and operation or demolition, including reasonable nonconstruction costs associated with the project, including, but not limited to, environmental remediation, architectural, engineering and legal fees, permits, and financing fees. **“Court.”** The pleas Atlanta Municipal Court.

“Historic property.” A property which is listed on the National Register of Historic Places or is a contributing property in a national register historic district or is located in a landmark or historic district.

“Immediate family.” A parent, spouse, child, brother or sister.

“Nonprofit corporation.” A nonprofit corporation that has, as one of its purposes, community development activities, including economic development, historic preservation or the promotion or enhancement of affordable housing opportunities.

“Owner.” The holder or holders of title to, or of a legal or equitable interest in, a residential, commercial or industrial building. The term shall include an heir, assignee, trustee, beneficiary and lessee provided the ownership interest is a matter of public record.

“Party in interest.” A person or entity who has a direct and immediate interest in a residential, commercial or industrial building, including:

- (1) The owner.

- (2) A lienholder and other secured creditor of the owner.
- (3) A resident or business owner within 500 feet of the building.
- (4) A nonprofit corporation, including a redevelopment authority, which:
 - (i) except as set forth in subparagraph (ii), is located within the City of Atlanta; or
 - (ii) has participated in a project within a one-mile radius of the location of the building.
- (5) City of Atlanta

“Public nuisance.” A property that, because of physical condition or use, has been declared by the appropriate official a public nuisance in accordance with the local housing, building, health, fire or related code or is determined to be a public nuisance by the court.

“Substantial rehabilitation.” Repairs to the building where:

- (1) the cost of repairs, replacements and improvements exceeds 15% of the property's value after completion of all repairs, replacements and improvements; or
- (2) more than one major building component is being replaced. Major building components include:
 - (i) roof structures;
 - (ii) ceilings;
 - (iii) wall or floor structures;
 - (iv) foundations;
 - (v) plumbing systems;
 - (vi) heating and air conditioning systems; and
 - (vii) electrical systems.

Sec. 54-103. Initiation of Action

- (a) Filing of petition. A petition for the appointment of a conservator to take possession and to undertake the rehabilitation of a building may be filed by a party in interest in the Atlanta Municipal Court. The proceeding on the petition shall constitute an action in rem.
- (b) Contents. The petition submitted to the court shall include a sworn statement that, to the best of the petitioner's knowledge, the property meets the conditions for conservatorship set forth in section 5(d) and to the extent available to the petitioner after reasonable efforts to obtain such information:
 - (1) A copy of any citation charging the owner with being in violation of municipal code requirements or declaring the building to be a public nuisance.
 - (2) A recommendation as to which person or entity should be appointed conservator.

- (3) A preliminary plan with initial cost estimates for rehabilitation of the building to bring it into compliance with all municipal codes and duly adopted plans for the area in which the building is located and anticipated funding sources.
- (c) Notice of lis pendens. The petitioner shall file a notice of lis pendens in the county land records in which the property is located.
- (d) Notification of owner, political subdivisions and lienholders.--
- (1) Upon filing the petition with the court, the petitioner shall notify the current owner of the property, and all lienholders of the filing by registered or certified mail to the last known address of each and by posting a copy of the notice on the building.
 - (2) In the event the registered or certified mail is returned with notation by the postal authorities that the recipient refused to accept the mail, the petitioner may mail a copy to the recipient at the same address by ordinary mail with the return address of the petitioner appearing thereon.
 - (3) Service by ordinary mail shall be presumed complete if the mail is not returned to the petitioner within 30 days after mailing.
 - (4) In the event that the registered or certified mail is returned with the notation by the postal authorities that it was unclaimed, the notice shall be personally served.
 - (5) In the event that the personal service is not able to be made after two such attempts, then the petitioner shall mail the petition to the recipient at the same address by ordinary mail with the return address of the petitioner appearing thereon with service by ordinary mail deemed complete if the mail is not returned to the petitioner within 15 days after the mailing.
 - (6) The petitioner shall also notify the owner and each lienholder of the hearing date and provide notice that the owner and lienholders may petition to intervene in the action.

Sec. 54-104. Appointment of Conservator

- (a) General rule. The court shall act upon a petition submitted by holding a hearing within 120 days of receipt of the petition and rendering a decision no later than 30 days after completion of the hearing.
- (b) Intervention. A party in interest may intervene in the proceeding and be heard with respect to the petition, the requested relief or any other matter which may come before the court in connection with the proceeding.
- (c) Hearing. At the hearing, any party in interest shall be permitted to present evidence to support or contest the petition.

(d) Conditions for conservatorship. If a petition is filed under section 54-104, the court may appoint a conservator if all of the following apply:

- (1) The building has not been legally occupied for at least the previous 12 months.
- (2) The building has not been actively marketed during the 60 days prior to the date of the petition.
- (3) The building is not subject to an existing foreclosure action.
- (4) The current owner fails to present sufficient evidence that he has acquired the property within the preceding six months. The evidence shall not include instances where the prior owner is a member of the immediate family of the current owner, unless the transfer of title results from the death of the prior owner, or where the current or prior owner is a corporation, partnership or other entity in which either owner or the immediate family of either owner has an interest in excess of 5%.
- (5) The court finds at least three of the following:
 - (i) The building or physical structure is a public nuisance.
 - (ii) The building is in need of substantial rehabilitation and no rehabilitation has taken place during the previous 12 months.
 - (iii) The building is unfit for human habitation, occupancy or use.
 - (iv) The condition and vacancy of the building materially increase the risk of fire to the building and to adjacent properties.
- (v) The building is subject to unauthorized entry leading to potential health and safety hazards and one of the following applies:
 - (A) The owner has failed to take reasonable and necessary measures to secure the building.
 - (B) The City has secured the building in order to prevent such hazards after the owner has failed to do so.
- (vi) The property is an attractive nuisance to children, including, but not limited to, the presence of abandoned wells, shafts, basements, excavations and unsafe structures.
- (vii) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds has created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards.
- (viii) The dilapidated appearance or other condition of the building negatively affects the economic well-being of residents and businesses in close proximity to the building, including decreases in property value and loss of business, and the owner has failed to take reasonable and necessary measures to remedy appearance or the condition.

(ix) The property is an attractive nuisance for illicit purposes, including prostitution, drug use and vagrancy.

(e) Appointment.

(1) If the court determines after a hearing that the property has met the conditions of subsection (d), the court may appoint a conservator and grant such other relief as may be just and appropriate.

(2) The court shall give first consideration for appointment as conservator to the senior lienholder on the property.

(3) In the event the senior lienholder is found to be not competent or declines the appointment, the court may appoint a nonprofit corporation or other competent entity. The nonprofit corporation or entity must be located in the city or must have participated in a project within a one-mile radius of the location of the property. In appointing a conservator, the court shall:

- (i) consider any recommendations contained in the petition or otherwise presented by a party in interest; and
- (ii) give preference to the appointment of a nonprofit corporation or governmental unit over an individual.

(f) Conditional relief.

(1) If the court finds after a hearing that the conditions for conservatorship set forth in subsection (d) have been established, but the owner represents that the violations or nuisance or emergency condition will be abated in a reasonable period, the court may allow the owner to proceed to remedy the conditions.

(2) If the conditions set forth in paragraph (1) have been satisfied, the court shall enter an order providing that, in the event that the violations or nuisance or emergency conditions are not abated by the owner by a specific date or that other specified remedial activities have not occurred by a specific date or dates, an order granting the relief requested in the petition shall be entered.

(3) The court may also require the owner to post a bond in the amount of the repair costs estimated in the petition as a condition to retaining possession of the building.

(g) Conservator's lien. The conservator may file a lien against the property in an amount based on the costs incurred during the conservatorship. The lien amount may be adjusted from time to time.

(h) Immediate possession. The conservator shall promptly take possession of the building and other property subject to the conservatorship and shall immediately be authorized to exercise all powers of this ordinance.

(i) Removal by court. A conservator may be removed by the court at any time upon the request of the conservator or upon a showing by a party to the action that the conservator is not carrying out its responsibilities under this ordinance.

Sec. 54-105. Powers and duties of conservator

(a) Full powers and duties. The conservator shall have all powers and duties necessary or desirable, from time to time, for the efficient operation, management and improvement of the building in order to bring it into compliance with all municipal building and housing code requirements and to fulfill the conservator's responsibilities under this ordinance. Such powers and duties shall include, but not be limited to, the power to:

- (1) Take possession and control of the building, appurtenant land and any personal property of the owner used with respect to the building, including any bank or operating account for the building.
- (2) Collect outstanding accounts receivable.
- (3) Pursue all claims or causes of action of the owner with respect to the building and all other property subject to the conservator.
- (4) Contract for the repair and maintenance of the building. The contracts shall be appropriately documented and included in the reports and accounting which the conservator is required to submit or file under the provisions of this ordinance. The conservator shall make a reasonable effort to solicit three bids for contracts valued at more than \$25,000.
- (5) Borrow money and incur credit in accordance with section 54-107.
- (6) Contract and pay for the maintenance and restoration of utilities to the building.
- (7) Purchase materials, goods and supplies to accomplish repairs and operate the building.
- (8) With the court's approval, enter into new rental contracts and leases for a period not to exceed one year.
- (9) Affirm, renew or enter into contracts providing for insurance coverage on the building.
- (10) Engage and pay legal, accounting, appraisal and other professionals to aid the conservator in the conduct of the conservatorship.
- (11) When the building is within a landmark or historic district, obtain all necessary approvals from the Urban Design Commission.
- (12) Apply for and receive public grants or loans.
- (13) Sell the building in accordance with section 54-108.

(14) Exercise all authority that an owner of the building would have to improve, maintain and otherwise manage the building.

(b) Affirmative duty. While in possession of the building, the conservator shall:

- (1) Maintain, safeguard and insure the building.
- (2) Apply all revenue generated from the building consistent with the provisions of this ordinance.
- (3)
 - (i) Develop a final plan for abatement of the conditions which caused the petition to be granted or, if no such feasible final plan can be developed, to develop alternatives, including the closing, sealing or demolition of all or part of the building.
 - (ii) When the building has been designated a landmark or historic property, rehabilitate architectural features that define the property's historic character.
 - (iii) When demolition of a property in a landmark or historic district is necessary, design any replacement construction on the site to comply with applicable standards under current law.
- (4) Implement the final plan referred to in paragraph (3) upon approval by the court.
- (5) Submit a status report to the court and parties to the action annually or more frequently as the court may deem appropriate. The status report shall include:
 - (i) A copy of any contract entered into by the conservator regarding the improvement of the building.
 - (ii) An account of the disposition of all revenue generated from the building.
 - (iii) An account of all expenses and improvements.
 - (iv) The status of developing and implementing the final plan pursuant to this subsection.
 - (v) A description of any proposed actions to be taken in the next six months to improve the building.

(c) Hearing on conservator's final plan for abatement.

- (1) At the time the court appoints a conservator, a hearing date on the conservator's final plan for abatement shall be set within 120 days of the appointment.
- (2) Thirty days prior to the date of the hearing, the conservator shall submit the plan to the court and to all parties to the action.
- (3) The plan shall include a cost estimate, a financing plan and either a description of the work to be done for the rehabilitation of the building or, if rehabilitation is not feasible, a proposal for the closing, sealing or demolition of the building.
- (4) The plan shall conform with all existing municipal codes, duly adopted plans for the area and historic preservation requirements.

(5) At the time of the hearing, all parties shall be allowed to comment on the plan, and the court shall take all comments into consideration when assessing the feasibility of the plan and the proposed financing.

(6) Within 15 days of the hearing, the court shall issue a decision approving the plan or requiring that the plan be amended.

(7) If the court decision requires that the plan be amended, a hearing date shall be set within 60 days from the date of the decision.

(d) Accounting. Upon the implementation of the final plan approved by the court, the conservator shall file with the court a full accounting of all income and expenditures during the period of time it took to implement the final plan.

Sec. 54-106. Ownership of Property

(a) Ownership interest of conservator. A conservator appointed under section 54-104 shall be deemed to have an ownership interest in and legal control of the property for the purposes of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals and submitting applications for financing or other assistance to public or private entities.

(b) Liability of owner. Notwithstanding the appointment of a conservator under section 54-104, nothing in this ordinance shall be construed to relieve the owner of any civil or criminal liability or of any obligation to pay taxes, municipal liens and charges, mortgages, private liens or other fees or charges, whether incurred before or after the appointment of the conservator and no such liability shall transfer to the conservator.

(c) Limitation of conservator's environmental liability.

(1) Notwithstanding any law to the contrary, the conservator shall not be held liable for any environmental damage to the building or the real property upon which the building is located that existed prior to the appointment by the court of the conservator.

(2) Paragraph (1) does not apply to the owner or any other person or entity regarding the building and its real property that is subject to an appointed conservator under this ordinance.

Sec. 54-107. Incurring indebtedness.

(a) Borrowing. From time to time, a conservator may borrow money or incur indebtedness in order to cover the costs of rehabilitation or to otherwise fulfill the conservator's obligations under this ordinance.

(b) Liens. In order to facilitate the borrowing of funds for the costs of rehabilitation, the court may grant a lien or security interest with priority over all other liens with the exception of municipal or other governmental liens, provided, however, that prior to granting a priority lien, the court has found that:

(1) The conservator sought to obtain the necessary financing from the senior lienholder, but the lienholder declined to provide financing for reasonable improvements or other costs of rehabilitation on reasonable terms.

(2) Lien priority is necessary in order to induce another lender to provide financing on reasonable terms.

(c) Lien status of rehabilitation expenses. Should the senior lienholder agree to provide financing for the costs of rehabilitation, any funds lent to cover the costs shall be deemed to be added to the senior lienholder's preexisting first lien.

(d) Approval of financing. The court may approve financing for the costs of rehabilitation, the terms of which may include deferred repayment and use restrictions. The terms of the financing may remain with the property after the conservatorship has ended and be assumed by any of the following:

(1) The owner, if the owner regains possession of the property under section 10(2).

(2) The buyer who takes title under section 54-1089.

Sec. 54-108. Sale of property

(a) Sale by owner or lienholder. If a property subject to conservatorship is sold by the owner or foreclosed upon by a lienholder or if any interest therein is transferred, such sale, foreclosure or transfer shall be subject to the conservatorship.

(b) Sale by conservator. Upon application of the conservator, the court may order the sale of the property if the court finds that:

(1) Notice and an opportunity to provide comment to the court was given to each record owner of the property and each lienholder.

(2) The conservator has been in control of the building for more than six months and the owner has not successfully petitioned to terminate the conservatorship under section 54-109.

(3) The terms and conditions of the sale are acceptable to the court, and the buyer has a reasonable likelihood of maintaining the property.

(c) Sale free and clear.

(1) The court may authorize the conservator to sell the building free and clear of all liens, claims and encumbrances, provided that the proceeds of the sale are distributed pursuant to subsection (d) at settlement.

(2) In the event that the proceeds of the sale are insufficient to pay all existing liens, claims and encumbrances, the proceeds shall be distributed according to the priorities set forth in subsection (d) and all unpaid liens, claims or encumbrances which have not been assumed under section 54-107(d)² shall be extinguished.

(d) Distribution.--The proceeds of the sale shall be applied in accordance with the following priorities to:

- (1) All court costs.
- (2) Municipal or other governmental liens.
- (3) Costs and expenses of sale.
- (4) Principal and interest on any borrowing or incurrence of indebtedness granted priority over existing liens and security interest under section 54- 107(b).
- (5) Costs of rehabilitation and any fees and expenses incurred by the conservator in connection with the sale or the safeguarding of the property for which the lien authorized under section 54-104
- (g) was filed.
- (6) Valid liens and security interests in accordance with their priority.
- (7) Any unpaid obligations of the conservator.
- (8) Costs incurred by the petitioner in requesting the court to place the property in conservatorship.
- (9) The owner.

(e) Owner's proceeds as unclaimed property. In the event the owner cannot be located, any proceeds from the sale which belong to the owner shall be presumed to be abandoned and unclaimed and shall be subject to the custody and control of the State pursuant to O.C.G.A. § 44-12-190 et seq, known as Disposition of Unclaimed Property Act.

Sec. 54-109. Termination of conservatorship.

Upon request of a party in interest or the conservator, the court may order the termination of the conservatorship if it determines:

- (1) the conditions that were the grounds for the petition and all other code violations have been abated or corrected, the obligations, expenses and improvements of the conservatorship, including all fees and expenses of the conservator, have been fully paid or provided for and the purposes of the conservatorship have been fulfilled;

- (2) the owner, mortgagee or lienholder has requested the conservatorship be terminated and has provided adequate assurances to the court that the conditions that constituted grounds for the petition will be promptly abated, all obligations, expenses and improvements of the conservatorship, including all fees and expenses of the conservator, have been fully paid or provided for and the purposes of the conservatorship have been fulfilled;
- (3) the building has been sold by the conservator and the proceeds distributed in accordance with section 54-108(d); or
- (4) the conservator has been unable, after diligent effort, to present a plan that could be approved under section 54-105(b)(3) or to implement a previously approved plan or, for any reason, the purposes of the conservatorship cannot be fulfilled.

Sec. 54-110. Applicability.

(a) General inapplicability. This ordinance shall not apply to commercial and residential buildings, structures or land owned by or held in trust for the Federal Government and regulated under the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and regulations promulgated under that act.

(b) Inapplicability to service members. This ordinance shall not apply if the property owner has vacated the property in order to perform military service in time of war, armed conflict or in order to assist with relief efforts during a declared Federal or State emergency as a member of the United States Armed Forces or its reserve component.

Section 2. This ordinance shall become effective immediately upon signature of the Mayor or as otherwise provided in the Charter.

A RESOLUTION BY COUNCILMEMBER IVORY LEE YOUNG, JR.

A RESOLUTION AUTHORIZING THE CITY OF ATLANTA TO EXERCISE ITS URBAN REDEVELOPMENT PROJECT POWERS UNDER O.C.G.A. 36-61-2, (THE URBAN REDEVELOPMENT LAW) TO DESIGNATE A CERTAIN AREA WITHIN ITS GEOGRAPHIC BOUNDARIES AS ATLANTA URBAN REDEVELOPMENT AREA FOR DISTRICT 3 AS DEFINED IN O.C.G.A. SECTION 36-61-2(18) AND (19); TO DIRECT THE PREPARATION OF AN URBAN REDEVELOPMENT PLAN AND THE PUBLICATION OF A NOTICE OF PUBLIC HEARING FOR SUCH PLAN; AND FOR OTHER PURPOSES.

WHEREAS, it has been determined that there exist within the City of Atlanta (the “City”) areas in which there is inadequate transportation, connectivity and infrastructure, unoccupied and deteriorated buildings, tax delinquency, and other adverse economic and social conditions; and

WHEREAS, Chapter 61 of Title 36 of the Official Code of Georgia Annotated, as amended (the “Urban Redevelopment Law”) authorizes municipalities to designate areas within their “area of operation” as “blighted areas” or “Urban Redevelopment Areas” and to exercise certain redevelopment powers and carry out “urban redevelopment projects” therein; and

WHEREAS, the Urban Redevelopment Law requires, as a condition to the exercise of any of the powers conferred by the Urban Redevelopment Law, to adopt an ordinance finding that one or more slum areas exist in the municipality (“Urban Redevelopment Area”) and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of its residents; and

WHEREAS, the Urban Redevelopment Law defines an Urban Redevelopment Area to include an area which (1) the governing body of the municipality designates as appropriate for an urban redevelopment project and (2) by reason of the presence of a substantial number of deteriorated, or deteriorating structures, prominence of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; or any combination of such factors substantially impairs or arrests the sound growth of the municipality, retards the provisions of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; and

WHEREAS, the City has determined that one or more areas exist within the City meeting the Urban Redevelopment Law’s definition of a slum area and that it is in the public interest of the City that the Urban Redevelopment Law be exercised in order to remediate conditions within the City which constitute an economic and social liability and impairs the sound growth of the City.

WHEREAS, the governing body of the City of Atlanta (the “City Council”) desires to designate an area of approximately _____ acres within the geographic boundaries of the City located in District 3 as a “blighted area” or “Urban Redevelopment Area,” as particularly described in Exhibit “A.”

WHEREAS, in order to facilitate the financing of certain “urban redevelopment projects” within the Atlanta Urban Redevelopment Area for District 3, the City Council desires that an Urban Redevelopment Plan be prepared in accordance with Section 36-61-7(b) of the Urban Redevelopment Law;

Attachment: District 3 Urban Redevelopment Resolution (Blighted Area) 10-6-14 (14-O-1478 : Abandoned and Blighted Property

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows;

BE IT FURTHER RESOLVED, that this Resolution is adopted pursuant to the provisions of the Urban Redevelopment Law and other laws of the State of Georgia.

The City Council hereby finds, determines, and declares that one or more slum areas exist in the City and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City.

The City Council hereby declares that the area described in Exhibit "A" attached to this ordinance ("City of Atlanta Urban Redevelopment Area for District 3) qualifies as an Urban Redevelopment Area (i) in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, age or obsolescence and inadequate provision for ventilation, light, air, sanitation, or open spaces of buildings of improvements is conducive to ill health, delinquency and its detrimental to the public health, safety, morals or welfare, (ii) which by reason of a predominance of defective or inadequate street layout substantially impairs the sound growth of the City and (iii) which by reason of the presence of a substantial number of deteriorated or deteriorating structure constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use. The City Council furthermore declares that by reason of these conditions such area is designated as appropriate for an Urban Redevelopment Project.

The City Council finds, determines and declares that the rehabilitation and redevelopment of each Urban Redevelopment Area is likely to improve the economic and social conditions of the related Urban Redevelopment Area and abate or eliminate deleterious effects of its current depressed and underutilized state.

This resolution shall be effective immediately upon its adoption by the City Council and from and after such adoption the City may exercise any of the powers conferred upon it by the Urban Redevelopment Law.

The appropriate officers of the City are hereby directed to cause an "Urban Redevelopment Plan" to be prepared for the Atlanta Urban Redevelopment Area in accordance with Section 36-61-7(b) of the Urban Redevelopment Law and to cause notice of a public hearing to be published for the purpose of considering such plan in accordance with Section 36-61-7(c) of the Urban Redevelopment Law.

BE IT FINALLY RESOLVED, that any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this ordinance shall be and the same hereby are repealed, and this ordinance shall be in full force and effect from and after its adoption.

A RESOLUTION BY COUNCILMEMBER IVORY LEE YOUNG, JR. AUTHORIZING THE CITY OF ATLANTA TO EXERCISE ITS URBAN REDEVELOPMENT PROJECT POWERS UNDER O.C.G.A. 36-61-2, (THE URBAN REDEVELOPMENT LAW) TO DESIGNATE A CERTAIN AREA WITHIN ITS GEOGRAPHIC BOUNDARIES AS ATLANTA URBAN REDEVELOPMENT AREA FOR DISTRICT 3 AS DEFINED IN O.C.G.A. SECTION 36-61-2(18) AND (19); TO DIRECT THE PREPARATION OF AN URBAN REDEVELOPMENT PLAN AND THE PUBLICATION OF A NOTICE OF PUBLIC HEARING FOR SUCH PLAN; AND FOR OTHER PURPOSES.(HELD 10/14/14 BY THE COMMITTEE FOR A PUBLIC HEARING TO BE HELD ON DECEMBER 9, 2014.)

Workflow List:

Clerk of Council	Completed	10/06/2014 1:18 PM
Atlanta City Council	Completed	10/10/2014 5:45 PM
Community Development & Human Resources Committee	Completed	10/30/2014 3:29 PM
Atlanta City Council	Completed	10/24/2014 12:35 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

10/06/14 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 10/14/2014 12:30 PM
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10/14/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Dickens, Young Jr., Bond, Bottoms, Sheperd
ABSENT:	Kwanza Hall, Cleta Winslow

10/20/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 10/28/2014 12:30 PM
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10/28/14 Community Development & Human Resources Committee

11/03/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 11/10/2014 12:30 PM
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11/10/14 Community Development & Human Resources Committee

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 11/24/2014 12:30 PM**

11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 12/9/2014 12:30 PM**

RESULT: RETURNED AS HELD **Next: 12/9/2014 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA

14-R-4238

SPONSOR SIGNATURES



Ivory Lee Young Jr., Councilmember, District 3

A RESOLUTION BY COUNCILMEMBER IVORY LEE YOUNG, JR. AUTHORIZING THE CITY OF ATLANTA TO EXERCISE ITS URBAN REDEVELOPMENT PROJECT POWERS UNDER O.C.G.A. 36-61-2, (THE URBAN REDEVELOPMENT LAW) TO DESIGNATE A CERTAIN AREA WITHIN ITS GEOGRAPHIC BOUNDARIES AS ATLANTA URBAN REDEVELOPMENT AREA FOR DISTRICT 3 AS DEFINED IN O.C.G.A. SECTION 36-61-2(18) AND (19); TO DIRECT THE PREPARATION OF AN URBAN REDEVELOPMENT PLAN AND THE PUBLICATION OF A NOTICE OF PUBLIC HEARING FOR SUCH PLAN; AND FOR OTHER PURPOSES.(HELD 10/14/14 BY THE COMMITTEE FOR A PUBLIC HEARING TO BE HELD ON DECEMBER 9, 2014.)

A RESOLUTION BY COUNCILMEMBER IVORY LEE YOUNG, JR.

A RESOLUTION AUTHORIZING THE CITY OF ATLANTA TO EXERCISE ITS URBAN REDEVELOPMENT PROJECT POWERS UNDER O.C.G.A. 36-61-2, (THE URBAN REDEVELOPMENT LAW) TO DESIGNATE A CERTAIN AREA WITHIN ITS GEOGRAPHIC BOUNDARIES AS ATLANTA URBAN REDEVELOPMENT AREA FOR DISTRICT 3 AS DEFINED IN O.C.G.A. SECTION 36-61-2(18) AND (19); TO DIRECT THE PREPARATION OF AN URBAN REDEVELOPMENT PLAN AND THE PUBLICATION OF A NOTICE OF PUBLIC HEARING FOR SUCH PLAN; AND FOR OTHER PURPOSES.

WHEREAS, it has been determined that there exist within the City of Atlanta (the “City”) areas in which there is inadequate transportation, connectivity and infrastructure, unoccupied and deteriorated buildings, tax delinquency, and other adverse economic and social conditions; and

WHEREAS, Chapter 61 of Title 36 of the Official Code of Georgia Annotated, as amended (the “Urban Redevelopment Law”) authorizes municipalities to designate areas within their “area of operation” as “blighted areas” or “Urban Redevelopment Areas” and to exercise certain redevelopment powers and carry out “urban redevelopment projects” therein; and

WHEREAS, the Urban Redevelopment Law requires, as a condition to the exercise of any of the powers conferred by the Urban Redevelopment Law, to adopt an ordinance finding that one or more slum areas exist in the municipality (“Urban Redevelopment Area”) and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of its residents; and

WHEREAS, the Urban Redevelopment Law defines an Urban Redevelopment Area to include an area which (1) the governing body of the municipality designates as appropriate for an urban redevelopment project and (2) by reason of the presence of a substantial number of deteriorated, or deteriorating structures, prominence of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; or any combination of such factors substantially impairs or arrests the sound growth of the municipality, retards the provisions of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; and

WHEREAS, the City has determined that one or more areas exist within the City meeting the Urban Redevelopment Law’s definition of a slum area and that it is in the public interest of the City that the Urban Redevelopment Law be exercised in order to remediate conditions within the City which constitute an economic and social liability and impairs the sound growth of the City.

WHEREAS, the governing body of the City of Atlanta (the “City Council”) desires to designate an area of approximately _____ acres within the geographic boundaries of the City located in District 3 as a “blighted area” or “Urban Redevelopment Area,” as particularly described in Exhibit “A.”

WHEREAS, in order to facilitate the financing of certain “urban redevelopment projects” within the Atlanta Urban Redevelopment Area for District 3, the City Council desires that an Urban Redevelopment Plan be prepared in accordance with Section 36-61-7(b) of the Urban Redevelopment Law;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows;

BE IT FURTHER RESOLVED, that this Resolution is adopted pursuant to the provisions of the Urban Redevelopment Law and other laws of the State of Georgia.

The City Council hereby finds, determines, and declares that one or more slum areas exist in the City and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City.

The City Council hereby declares that the area described in Exhibit "A" attached to this ordinance ("City of Atlanta Urban Redevelopment Area for District 3) qualifies as an Urban Redevelopment Area (i) in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, age or obsolescence and inadequate provision for ventilation, light, air, sanitation, or open spaces of buildings of improvements is conducive to ill health, delinquency and its detrimental to the public health, safety, morals or welfare, (ii) which by reason of a predominance of defective or inadequate street layout substantially impairs the sound growth of the City and (iii) which by reason of the presence of a substantial number of deteriorated or deteriorating structure constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use. The City Council furthermore declares that by reason of these conditions such area is designated as appropriate for an Urban Redevelopment Project.

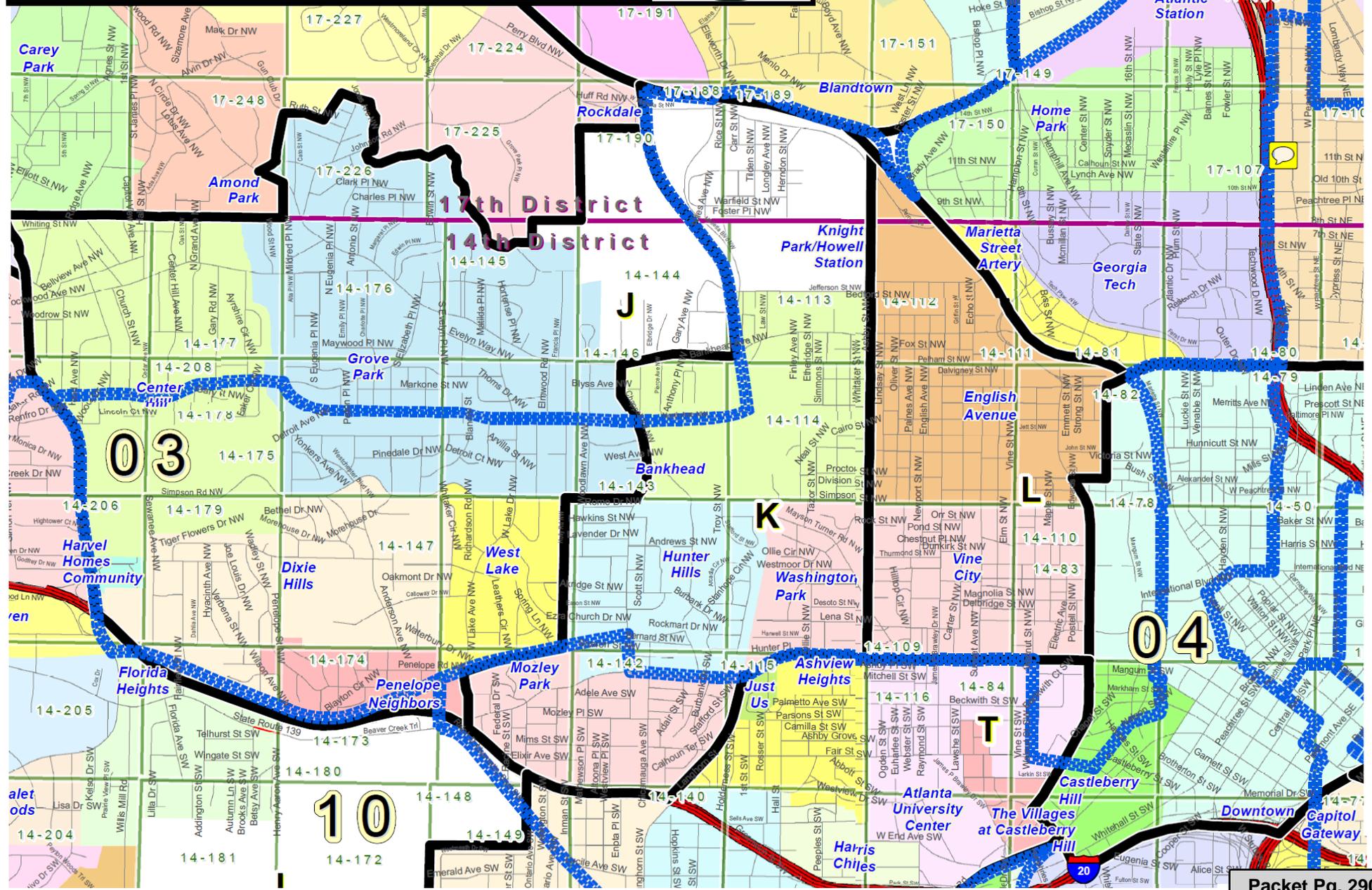
The City Council finds, determines and declares that the rehabilitation and redevelopment of each Urban Redevelopment Area is likely to improve the economic and social conditions of the related Urban Redevelopment Area and abate or eliminate deleterious effects of its current depressed and underutilized state.

This resolution shall be effective immediately upon its adoption by the City Council and from and after such adoption the City may exercise any of the powers conferred upon it by the Urban Redevelopment Law.

The appropriate officers of the City are hereby directed to cause an "Urban Redevelopment Plan" to be prepared for the Atlanta Urban Redevelopment Area in accordance with Section 36-61-7(b) of the Urban Redevelopment Law and to cause notice of a public hearing to be published for the purpose of considering such plan in accordance with Section 36-61-7(c) of the Urban Redevelopment Law.

BE IT FINALLY RESOLVED, that any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this ordinance shall be and the same hereby are repealed, and this ordinance shall be in full force and effect from and after its adoption.

CITY OF ATLANTA COUNCIL DISTRICT 3 URBAN REDEVELOPMENT PLANS

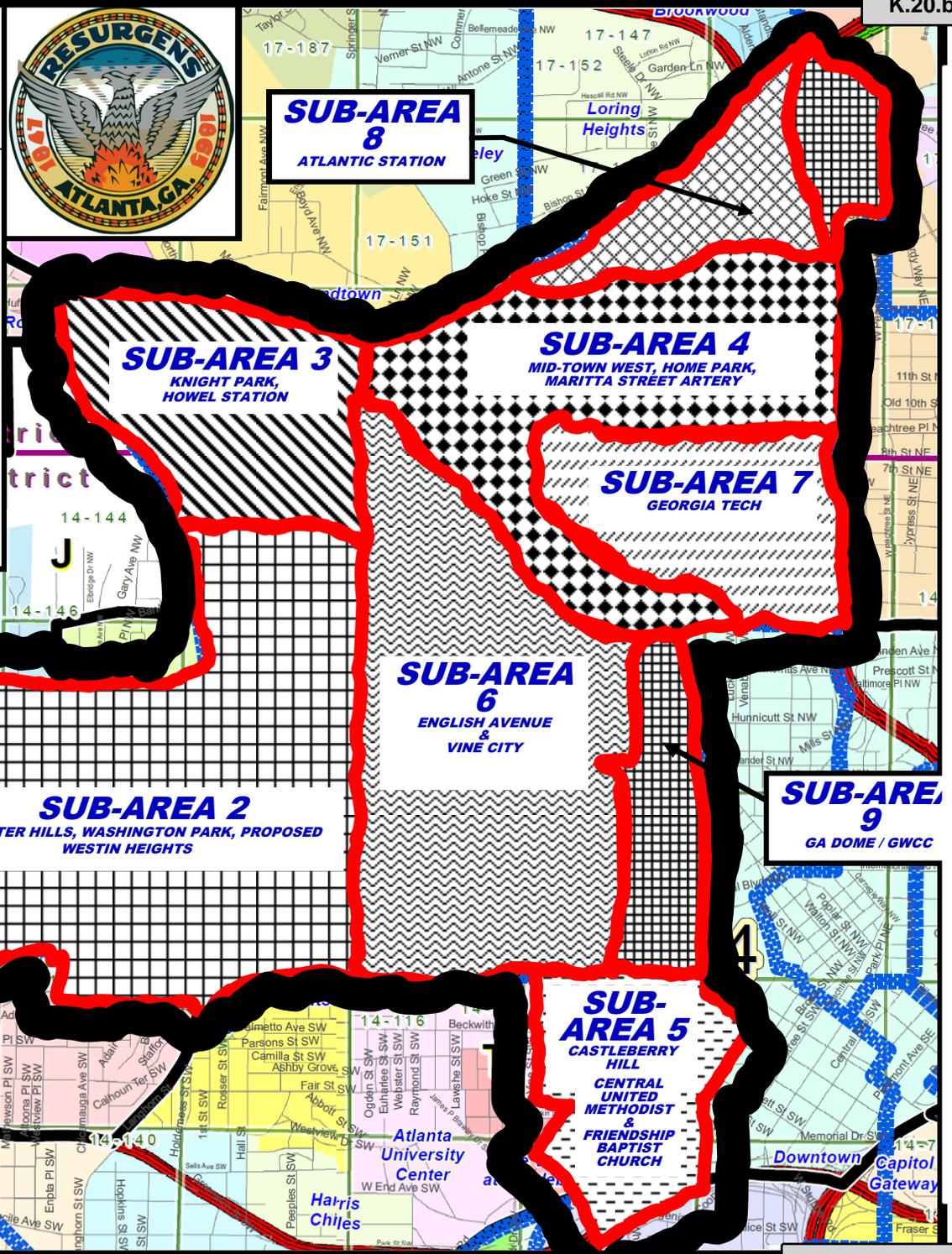


Attachment: DISTRICT 3 PLANNING MAP PROCESS 10-6-2014 (14-R-4238 : Urban Redevelopment Area

CITY OF ATLANTA COUNCIL DISTRICT 3 URBAN REDEVELOPMENT PLANS



- SUB-AREA 1:** Harvel Homes, Anderson Park, Penelope Neighbors Pine Acres, Urban Villa,
- SUB-AREA 2:** Hunter Hills, Washington Park, Proposed Westin Heights
- SUB-AREA 3:** Knight Park/Howell Station
- SUB-AREA 4:** Midtown West, Home Park, Marietta Street Artery
- SUB-AREA 5:** Castleberry Hill, Friendship Baptist Church, Samuel W. Williams Apartments, Central United Methodist, West Mitchell Street CME, ITC, Flowers Bakery
- SUB-AREA 6,7,8,&9:** Plans Completed And Funded By Others



Attachment: DISTRICT 3 PLANNING MAP PROCESS 10-6-2014 (14-R-4238 : Urban Redevelopment Area

Summary of Georgia's Urban Redevelopment Act (O.C.G.A 36-61-1)

PURPOSE:

- Gives cities broad powers to redevelop blighted or threatened areas of the community.
- Allows communities to use eminent domain to work with property owners when specified **PUBLIC USES** are needed to buy and assemble blighted property for revitalization and resale. *(There are no plans presently to condemn property. We will not use this power without the consent of impacted stakeholders I.L.Y. 09-25-2014)*
- Does not require a referendum.
- The required Urban Redevelopment Plan (URP) is fairly easy and inexpensive to prepare and amend.
- Can be implemented either by a Downtown Development Authority (DDA) or a Redevelopment Authority appointed by the city.
- Encourages involvement of private enterprise/public private partnerships to redevelop neglected areas of the community.
- Permits use of tax exempt bonds for redevelopment purposes. These may be secured by loans and grants.
- Lets the public know what is being planned for the redevelopment area.
- Guides City investments in infrastructure to support redevelopment.
- Allows the City to negotiate variances and wave many requirements of its existing zoning and development requirements in order to achieve the optimum economic and aesthetic results in the redevelopment area.

Summary of Georgia's Urban Redevelopment Act (O.C.G.A 36-61-1) continued

WHAT IS AN URBAN REDEVELOPMENT PLAN?

A general blueprint for redevelopment and targeting of public investments in the redevelopment area.

PROCESS:

- Draft the Urban Redevelopment Plan.
- Hold a public hearing.
- Adopt the plan.
- Appoint an organization (urban redevelopment authority or DDA, city redevelopment agency) to implement the plan.
- Implement the plan.

Summary of Georgia's Urban Redevelopment Act (O.C.G.A 36-61-1) continued

REQUIRED COMPONENTS OF THE URBAN REDEVELOPMENT PLAN:

- Statement that the URP is consistent with the city's comprehensive plan.
- Clearly defined boundaries of the redevelopment area (need not be contiguous).
- Explanation of negative conditions in the area necessitating redevelopment.
- The city's land use objectives for the area (types of uses, building requirements, zoning changes, and development densities).
- Description of land parcels to be acquired and structures to be demolished or rehabilitated.
- A workable plan for leveraging private resources to redevelop the area.
- A strategy for relocating any displaced residents.
- Any covenants or restrictions to be placed on properties in the redevelopment area in order to implement the plan.
- Public infrastructure to be provided – transportation, water, sewer, sidewalks, lighting, streetscapes, public recreational space, parking, etc. to support redevelopment of the area.
- A workable financial strategy for implementing the plan.

AN ORDINANCE BY COUNCILMEMBERS JOYCE SHEPERD, CLETA WINSLOW, AND C.T. MARTIN AS SUBSTITUTED (#3) BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA BY CREATING A NEW ARTICLE IN CHAPTER 46 “CIVIC AND CULTURAL AFFAIRS” WHICH IS TO BE KNOWN AS “MURALS ON PRIVATE PROPERTY”; AMENDING SECTION 16-28.025 OF THE 1982 ZONING ORDINANCE TO RESERVE SAID SECTION FOR FUTURE USE; AND FOR OTHER PURPOSES.(HELD 11/10/14 AT THE REQUEST OF THE AUTHOR, FOR 120 DAYS TIME CERTAIN, FOR FURTHER REVIEW.)

Workflow List:

Atlanta City Council	Completed	02/25/2014 4:14 PM
Community Development & Human Resources Committee	Completed	09/02/2014 5:19 PM
Atlanta City Council	Completed	07/09/2014 10:59 AM
Community Development & Human Resources Committee	Completed	09/02/2014 5:31 PM
Atlanta City Council	Completed	11/20/2014 12:02 PM
Atlanta City Council	Completed	03/05/2014 2:54 PM
Community Development & Human Resources Committee	Completed	09/02/2014 5:48 PM
Atlanta City Council	Completed	05/19/2014 10:47 AM
Community Development & Human Resources Committee	Completed	09/02/2014 5:58 PM
Atlanta City Council	Completed	03/21/2014 4:33 PM
Community Development & Human Resources Committee	Completed	09/02/2014 6:04 PM
Zoning Review Board Staff	Completed	10/06/2014 3:33 PM
Office of Research and Policy Analysis	Skipped	10/15/2014 9:57 AM
Office of Research and Policy Analysis	Skipped	10/15/2014 9:57 AM
Zoning Committee	Completed	11/21/2014 12:35 PM
Atlanta City Council	Completed	10/24/2014 12:35 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

01/06/14	Atlanta City Council	
01/14/14	Community Development & Human Resources Committee	HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

01/21/14	Atlanta City Council	REFERRED AS HELD
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RESULT: REFERRED AS HELD	Next: 1/28/2014 12:30 PM
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01/28/14	Community Development & Human Resources Committee	REFERRED TO COMMITTEE
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RESULT:	REFERRED TO COMMITTEE [UNANIMOUS]	
AYES:	Dickens, Bottoms, Hall, Sheperd, Winslow	
ABSENT:	Ivory Lee Young Jr., Michael Julian Bond	
02/03/14	Atlanta City Council	REFERRED TO ZRB AND ZC
RESULT:	REFERRED TO ZRB AND ZC [13 TO 0]	
AYES:	Bond, Norwood, Dickens, Smith, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms	
ABSENT:	Joyce Sheperd	
AWAY:	Kwanza Hall	
02/17/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 2/25/2014 12:30 PM
02/25/14	Community Development & Human Resources Committee	
03/03/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 3/11/2014 12:30 PM
03/11/14	Community Development & Human Resources Committee	
03/17/14	Atlanta City Council	REFERRED AS HELD
RESULT:	REFERRED AS HELD	Next: 3/25/2014 12:30 PM
03/25/14	Community Development & Human Resources Committee	AMENDED
RESULT:	AMENDED [UNANIMOUS]	
MOVER:	Joyce Sheperd, Councilmember, District 12	
AYES:	Dickens, Young Jr., Bond, Bottoms, Hall, Sheperd, Winslow	
10/15/14	Zoning Committee	FAVORABLE/AMENDED
RESULT:	FAVORABLE/AMENDED [UNANIMOUS]	
AYES:	Smith, Bottoms, Norwood, Shook, Young Jr.	
ABSENT:	Yolanda Adrean, Kwanza Hall	
10/20/14	Atlanta City Council	REFERRED TO COMMITTEE
RESULT:	REFERRED TO COMMITTEE [13 TO 0]	Next: 10/28/2014 12:30 PM
MOVER:	Joyce Sheperd, Councilmember, District 12	
AYES:	Norwood, Dickens, Smith, Hall, Young Jr., Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
AWAY:	Michael Julian Bond, Cleta Winslow	
10/28/14	Community Development & Human Resources Committee	FAVORABLE/SUBSTITUTE

RESULT: FAVORABLE/SUBSTITUTE [UNANIMOUS]
AYES: Dickens, Young Jr., Bottoms, Hall, Sheperd, Winslow
ABSENT: Michael Julian Bond

11/03/14 Atlanta City Council REFERRED TO COMMITTEE

RESULT: REFERRED TO COMMITTEE [14 TO 1] **Next: 11/10/2014 12:30 PM**
MOVER: Joyce Sheperd, Councilmember, District 12
SECONDER: Clarence "C. T." Martin, Councilmember, District 10
AYES: Bond, Norwood, Dickens, Smith, Hall, Young Jr., Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd
NAYS: Clela Winslow

11/10/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE [UNANIMOUS]
AYES: Dickens, Young Jr., Bond, Bottoms, Hall, Sheperd, Winslow

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 11/24/2014 12:30 PM**

11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD **Next: 12/9/2014 12:30 PM**

RESULT: RETURNED AS HELD **Next: 12/9/2014 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1022

SPONSOR SIGNATURES


Joyce Sheperd, Councilmember, District 12


Clarence "C. T." Martin, Councilmember, District 10


Cleta Winslow, Councilmember, District 4

AN ORDINANCE BY COUNCILMEMBERS JOYCE SHEPERD, CLETA WINSLOW, AND C.T. MARTIN AS SUBSTITUTED (#3) BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA BY CREATING A NEW ARTICLE IN CHAPTER 46 “CIVIC AND CULTURAL AFFAIRS” WHICH IS TO BE KNOWN AS “MURALS ON PRIVATE PROPERTY”; AMENDING SECTION 16-28.025 OF THE 1982 ZONING ORDINANCE TO RESERVE SAID SECTION FOR FUTURE USE; AND FOR OTHER PURPOSES.(HELD 11/10/14 AT THE REQUEST OF THE AUTHOR, FOR 120 DAYS TIME CERTAIN, FOR FURTHER REVIEW.)

WHEREAS, the installation of non-commercial artistic expression on private property in the City of Atlanta (“City”) promotes the public welfare by encouraging artistic and cultural expression, fosters a sense of pride in the City and its neighborhoods, and allows for depictions of the City’s history and culture; and

WHEREAS, the City has a significant governmental interest in promoting non-commercial artistic expression and has a history of encouraging such artistic expression through a variety of City-managed programs; and

WHEREAS, the City’s promotion of non-commercial artistic expression that is located on private property and visible to the public must consider additional significant governmental interests such as: protecting public safety, including traffic safety; creating an aesthetically pleasing environment and enhancing the appearance of the City; controlling nuisance graffiti; maintaining safe ingress and egress to buildings and other structures; avoiding interference with the operations of neighboring businesses; preserving the quiet enjoyment of adjacent property or property from which such expression is visible; and maintaining the tranquility of residential areas; and

WHEREAS, it is in the best interest of the City to create, codify and implement a permitting process for murals on private property that are visible to the public, whereby the process encourages the installation of murals, ascertains that the mural is non-commercial, preserves public safety and promotes the other governmental interests listed above; and

WHEREAS, it is in the best interest of the City to amend the current City Ordinance that establishes the procedure for authorizing non-commercial displays on private property (located in the Zoning Ordinance, section 16-28.025, Public Art), and to re-locate the amended procedure to Chapter 46 of the City Code, entitled Civic and Cultural Affairs.

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

SECTION 1: Section 16-28.025 of The 1982 Zoning Ordinance entitled “Public Art” is hereby DELETED in its entirety, and is REPLACED with the following:

Sec. 16-28.025 - Reserved

SECTION 2: The Code of Ordinances of the City of Atlanta is amended at Chapter 46 entitled Civic and Cultural Affairs by adding a new article entitled “Murals on Private Property” which is to read as follows:

ARTICLE V -MURALS ON PRIVATE PROPERTY

Sec. 46-200 -- Findings, Purposes and Intent

The City of Atlanta finds that non-commercial murals that are located on private non-residential property and are visible to the public, directly affect the public health, safety, and welfare of the City. The purpose and intent of this article are as follows:

- (1) To encourage the installation of murals on private property as a vital part of Atlanta’s urban landscape.
- (2) To ascertain that private property murals do not create unsafe distractions to drivers and jeopardize public safety.
- (3) To ascertain that murals on private property are not commercial.
- (4) To maintain for the city's residents, workers and visitors an aesthetically attractive environment and to advance the aesthetic and cultural interests of the City.
- (5) To preserve the value of property located adjacent to the property where a private property mural is erected.
- (6) To effectively balance legitimate efforts of property owners to display murals with the public safety needs and aesthetic interests of the City.
- (7) To protect free speech rights provided by the Constitution of the State Georgia and the United States Constitution.
- (8) To inform and answer questions of the residents and business located in the neighborhood where a private property mural may be installed with the goal of developing neighborhood pride regarding the mural.

Sec. 46-201 -- Definitions.

The following words, terms and phrases, when used in this article including without limitation Section 46-200, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Commercial message* or *commercial speech* means any wording, logo or other visual representation that draws the public’s attention to a particular product to promote the product’s

advertisement and/or sale. For the purpose of this article, the presence of an economic motivation by the speaker shall be non-determinative evidence that the expression constitutes commercial speech.

(b) *Mural* means a hand-painted, hand-tiled, or digitally printed image which:: 1) is on the exterior wall of a building located on private property; 2) is visible from a City park, sidewalk, street or other right-of-way; 3) does not contain any commercial message; and 4) does not fit within the purview of the City's Sign Ordinance as described in Section 46-202(b) below. (c) *Private property* is, for the purposes of this article, real property located within the City of Atlanta that is subject to the City's laws, including without limitation the Zoning Code, and which is not owned by the City of Atlanta.

(d) *Residential property* means, for the purposes of this article, any lot that currently contains only residential uses, regardless of zoning district.

(e) *Sign Ordinance* refers to Chapter 16-28A of the Zoning Code as well as any other parts of the Zoning Code which regulate the display of commercial messages as well as any amendments thereto.

Sec. 46-202 -- Permits Required for the Installation of Murals.

(a) A mural may be installed on private, non-residential property only after the issuance of a permit in accord with this article. The requirements of this article shall not apply to residential property as defined in Section 46-201(c).

(b) All commercial messages shall be regulated by the Sign Ordinance. In addition, the Sign Ordinance shall regulate all displays of non-commercial messages which qualify under the Sign Ordinance as a substitute for a commercial message display. Where a proposed mural has mixed commercial and noncommercial messages, the mural shall be deemed commercial, the Application (as defined in Section 46-203 below) shall be denied, and the limitations of the Sign Ordinance shall apply to the entire display and not just to the portion that contains a commercial message.

(c) The name of the artist creating the permitted mural and the name of a sponsor may be displayed on an adjacent plaque or similar display that is no more than two square feet in area and less than 60 inches in height provided that such plaque or adjacent display is made a part of the mural application.

Sec. 46-203 -- Permitting Procedures.

(a) *Form of the Permit Application.* Before a mural may be installed, an Application for Mural Installation Approval (the "Application") shall be submitted to the City of Atlanta Office of Cultural Affairs with a sufficient number of copies, as prescribed by the Office of Cultural Affairs, to allow simultaneous routing for the certifications required by this article. The Application form shall be created by the Office of Cultural Affairs and the form of the Application may be amended as necessary to carry out the intent of this article, and shall require that the following information, without limitation, be provided:

- (1) The property address and Fulton or DeKalb County parcel identification number where the proposed mural will be located;
 - (2) A site plan setting forth in detail where the mural is to be located on the property, its overall dimensions, the materials to be used and the location of any plaque identifying the artist and/or the sponsor;
 - (3) The artist's statement describing the proposed mural;
 - (4) A photograph or detailed reasonably accurate graphic of the proposed mural;
 - (5) A notarized statement signed by all property owners of record that they: 1) have reviewed the Application including the photograph or detailed reasonably accurate graphic of the proposed mural; 2) agree to the installation of the proposed mural on their property pursuant to the details set forth on the Application; and 3) approve the submission of the Application;
 - (6) The resume of the proposed mural's artist and, if attribution is to be made on the permitted plaque, the text of such attribution;
 - (7) The name of any sponsor of the mural if the sponsor is to be identified on the permitted plaque;
 - (8) The Neighborhood Planning Unit (NPU) where the proposed mural will be located.
- (b) *Routing of the Permit Application.* The Office of Cultural Affairs shall forward a copy of a completed Application to each of the offices which provides the certifications necessary for the processing of the Application within ten (10) days after such Application is deemed complete. Each official who is empowered to make a determination under this article may delegate the making of such determination to another employee in her or his office. After receipt of an Application, the Office of Cultural Affairs shall inform the applicant in writing or by electronic mail within ten (10) days whether the Application is complete. It shall be the duty of the applicant to respond to the Office of Cultural Affairs and complete the Application in a timely manner.
- (c) The timeframes and deadlines established in this article that pertain to the City only, and not to the public, are administrative timeframes and deadlines only. In the event that one of these internal City timeframes or deadlines is violated, such violation shall not affect the rights or remedies of a citizen or other person outside of City government.

Sec. 46-204 -- Certifications.

The Application must receive the following two certifications before it may be submitted to the City Council for legislative approval. The certifications are intended to assist the Council with its determination that the interests set forth in Section 46-200 above have been met:

(a) *Non-commercial message.* Within thirty days of the receipt of the Application from the Director of the Office of Cultural Affairs, the Executive Director of the Urban Design Commission shall determine whether the proposed mural is commercial speech or contains a commercial message as defined in this article.

(1) A finding that the proposed mural is not commercial speech and does not contain a commercial message shall be certified by the Executive Director of the Urban Design Commission and the certification shall be transmitted to the Office of Cultural Affairs within the time required.

(2) A final decision by the Executive Director of the Urban Design Commission that the proposed mural is commercial speech or contains a commercial message shall likewise be transmitted to the Office of Cultural Affairs by the Executive Director of the Urban Design Commission within the time required.

(3) The display of the name of the artist or the sponsor on the plaque permitted by this article shall not cause the mural to be deemed commercial speech.

(4) The determination that a display contains commercial speech shall result in denial of the application.

(5) Where an applicant disagrees with the final decision of the Executive Director of the Urban Design Commission that the proposed mural is commercial speech or contains a commercial message, and does not wish to amend the Application or obtain a sign permit, the applicant may appeal the administrative determination of the Executive Director of the Urban Design Commission to the Superior Court of Fulton County by filing an appeal of the administrative decision within thirty (30) days of the date that the final decision is transmitted to the applicant in writing, or by invoking another appropriate remedy in a court of competent jurisdiction.

(b) *Traffic hazard determination.* Within thirty days of the receipt of the Application from the Office of Cultural Affairs, the Director of the Office of Traffic and Transportation shall make a determination of whether the proposed mural is a traffic hazard or will create an undue and dangerous distraction to motorists.

(1) A finding by the Director of the Office of Traffic and Transportation that the proposed mural does not create a traffic hazard or will not create an undue and dangerous distraction to motorists shall be certified by the Director of the Office of Traffic and Transportation and the certification shall be transmitted to the Office of Cultural Affairs within the time required.

(2) A final decision by the Director of the Office of Traffic and Transportation that the proposed mural creates a traffic hazard or an undue and dangerous distraction to motorists shall likewise be transmitted to the Office of Cultural Affairs within the time required.

(3) Where an applicant disagrees with the final decision of the Director of the Office of Traffic and Transportation that the proposed mural creates a traffic hazard or an undue and dangerous distraction to motorists and does not wish to amend the Application, the applicant may appeal the administrative determination to the Superior Court of Fulton County by filing an appeal of the administrative decision within thirty (30) days of the date that the final decision is transmitted to the applicant in writing, or by invoking another appropriate remedy in a court of competent jurisdiction.

Sec. 46-206 - Presentation of Application to Neighborhood Planning Unit.

(a) After the required certifications have been obtained in a manner which allows the application to proceed, the Office of Cultural Affairs shall notify the Office of Planning to place the Application on the meeting agenda for the Neighborhood Planning Unit (“NPU”) where the proposed mural is to be located for an informational presentation. The Application shall be placed on the agenda for the earliest NPU meeting that takes place at least ten (10) business days after the Office of Planning receives notice from the Office of Cultural Affairs.

(1) For the purpose of this section 46-206 only, the term *Applicant* shall mean the person who signed the Application, the proposed mural’s sponsor, the proposed mural’s artist, the property owner where the proposed mural will be located, or any combination thereof. If the Applicant is a corporation, it may be represented by the chief executive officer or other person with authority to bind the corporation.

(2) The Applicant shall be required to attend the NPU meeting at which the Application is to be presented. NPU consideration of the Application shall not be deferred to a later meeting unless the Applicant is present and consents to the deferral or fails to appear. If the Applicant fails to attend the NPU meeting at which his or her Application is on the agenda, the Application shall not move forward but shall be held until the next regularly scheduled meeting of the NPU. The failure to appear will not be deemed a violation of the Atlanta Code of Ordinances, and there will be no citation or other penalty resulting from a failure to appear; however, the Application will be deemed abandoned if the Applicant declines to appear at an NPU meeting within the next ninety (90) days and the NPU has made it possible for the Applicant to appear by listing the matter on the agenda of at least two meetings.

(b) Within three (3) business days of the NPU meeting at which the Application is presented, the NPU shall notify the Office of Cultural Affairs that the informational presentation requirement has been satisfied, so that the Application may move forward.

Sec. 46-207 - Legislative Approval of Applications.

(a) *Personal paper by a councilmember:* Where a councilmember introduces a personal paper supporting approval of the mural Application prior to the submission of the Application being received by the Office of Cultural Affairs, the personal paper shall be held in the committee of purview until such time as a complete Application is submitted, the required certifications have been obtained and the NPU presentation has been made (except as set forth in Section 46-206(a)(2) above), at which time the personal paper shall be amended to include such materials and the legislative process shall continue.

(b) *Legislation instituted by the Office of Cultural Affairs:* Upon the return to the Office of Cultural Affairs of all certifications required by this article and the completion of the NPU prerequisite, the Office of Cultural Affairs shall create the legislation required by this article and shall initiate and manage the legislative process. If the NPU prerequisite provided in Section 46-206(a) (2) has not been satisfied, the Office of Cultural Affairs shall notify the applicant that the Application is deemed abandoned, and that future consideration of the proposed mural will require submission of a new Application.

(c) *Final Action:* The City Council may approve the ordinance presenting the Application, with or without conditions or may vote to adverse the ordinance.

Sec. 46-208 -Murals Not Subject to Sign Ordinance Size Limits

A mural that has been approved as set forth in this article shall not be considered a sign that is subject to the limitations set forth in the Sign Ordinance.

Sec. 46-209. Penalty for violation.

Any person who violates this chapter shall, upon conviction, be subject to penalties as provided in Part I, § 1-8 of the City of Atlanta Code of Ordinances.

Sec. 46-209 - 46-299 - Reserved

Section 3: This ordinance shall become effective when approved by the Mayor or as otherwise provided by operation of law.

COMMITTEE AMENDMENT FORM

Committee Zoning Page Number(s) _____

Ordinance I.D.# 14-O-1022 Section(s) _____

Resolution I.D.# _____ Paragraph _____

Date 10/15/14

Amendment: This legislation is amended

to remove the names of

Councilmembers Keisha Lance Bottoms,

Felicia A. Moore, Carla Smith, Natalyn

Archibong, Michael J. Bondy, Howard

Shook, and Mary Norwood as sponsors.

Ivory Young Jr.



Multiple blank horizontal lines for additional text or notes.

COUNCIL FLOOR AMENDMENT FOR

COUNCIL MEMBER: Yolanda Adrean DATE: 10/20/20

ORDINANCE I.D. #: 14-0-1022 RESOLUTION I.D. #: _____

PAGE #: _____ SECTION: _____

PARAGRAPH: _____ LINE: _____

CAPTIONS': Blue Back Legislation Other _____

AMENDMENT:

Please remove my name from the
legislation.

Attachment: Council Floor Amendment 14O1022 (14-O-1022 : Murals on Private Property)

AN ORDINANCE BY COUNCILMEMBERS NATALYN M. ARCHIBONG, ALEX WAN, AND MARY NORWOOD AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AMENDING CITY OF ATLANTA CODE OF ORDINANCES CHAPTER 2 ("ADMINISTRATION"), ARTICLE XVI ("BOARDS, COMMISSIONS, COUNCILS, AND AUTHORITIES"), AND ACTIVATING DIVISION 6 TO BE ENTITLED THE "ARTS & CULTURE ADVISORY COUNCIL" FOR THE PURPOSE CREATING A BOARD THAT WILL ADVISE THE CITY ON MAJOR ISSUES RELATED TO THE ARTS; AND FOR OTHER PURPOSES.(SUBSTITUTED AND HELD 11/10/14 AT THE REQUEST OF THE AUTHOR TO FOLLOW 14-O-1022.)

Workflow List:

Clerk of Council	Completed	11/05/2014 12:05 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

11/03/14 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/10/2014 12:30 PM
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11/10/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Dickens, Young Jr., Bond, Bottoms, Hall, Sheperd, Winslow

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 11/24/2014 12:30 PM
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11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 12/9/2014 12:30 PM
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RESULT:	RETURNED AS HELD	Next: 12/9/2014 12:30 PM
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Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

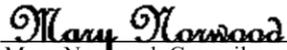
CITY COUNCIL
ATLANTA, GEORGIA

14-O-1554

SPONSOR SIGNATURES


Natalyn Mosby Archibong, Councilmember, District 5


Alex Wan, Councilmember, District 6


Mary Norwood, Councilmember, Post 2 At-Large

AN ORDINANCE BY COUNCILMEMBERS NATALYN M. ARCHIBONG, ALEX WAN, AND MARY NORWOOD AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AMENDING CITY OF ATLANTA CODE OF ORDINANCES CHAPTER 2 ("ADMINISTRATION"), ARTICLE XVI ("BOARDS, COMMISSIONS, COUNCILS, AND AUTHORITIES"), AND ACTIVATING DIVISION 6 TO BE ENTITLED THE "ARTS & CULTURE ADVISORY COUNCIL" FOR THE PURPOSE CREATING A BOARD THAT WILL ADVISE THE CITY ON MAJOR ISSUES RELATED TO THE ARTS; AND FOR OTHER PURPOSES.(SUBSTITUTED AND HELD 11/10/14 AT THE REQUEST OF THE AUTHOR TO FOLLOW 14-O-1022.)

WHEREAS, the City of Atlanta (“City”) is home to a growing, vibrant arts community; and

WHEREAS, the arts strengthen our city, attracts business, and are an essential part of education;

WHEREAS, to further the growth of arts and culture in the City as a viable tool to promote the City, community engagement is key to allow for the input of both citizens and artists; and

WHEREAS, it is in the best interest of the City to establish an Arts & Culture Advisory Council, comprised of citizen volunteers, to assist the City in matters pertaining to artistic, cultural aspects of the City, stimulate participation and investment in an appreciate of the arts by all City residents, and to strive for high standards of quality of the arts.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That Chapter 2 (“Administration”), Article XVI (“Boards, Commissions, Councils, and Authorities”) of the City of Atlanta Code of Ordinances is hereby amended to activate Division 6 to be entitled the “Arts & Culture Advisory Council”, which shall provide as follows:

Division 6. - ARTS AND CULTURE ADVISORY COUNCIL

Section 2-2011. Established; composition

(a) There is established an advisory council on arts and culture, which shall be comprised of eleven (11) citizen volunteers appointed in the following manner:

Seven (7) members shall be appointed by elected officials as follows:

- (1) The Chair shall be appointed by the Mayor;
- (2) One (1) member shall be appointed by the Mayor from the business community;
- (3) One (1) member shall be appointed by the Mayor from a nonprofit organization;

- (4) One (1) member shall be appointed by the Council President;
- (5) One (1) member shall be appointed by Council members from Districts 1, 2, 3, 4 and Post 1 At-Large and shall live in one of said council districts;
- (6) One (1) member shall be appointed by Council members from Districts 5, 6, 7, 8, and Post 2 At-Large shall live in one of said council districts;
- (7) One (1) member shall be appointed by Council members from Districts 9, 10, 11, 12 and Post 3 At-large shall live in one of said council districts.

The remaining four (4) members shall be appointed as follows:

- (8) One (1) representative from a college or university whose focus is on local arts & cultural history;
- (9) One (1) representative from a large non-profit arts organization located in the City of Atlanta with a total revenue exceeding \$1M dollars;
- (10) One (1) representative from a mid-sized non-profit arts organization located within the City of Atlanta with a total revenue between \$500,000.00- \$1M dollars;
- (11) One (1) representative from a small non-profit arts organization located within the City of Atlanta with a total revenue of less than \$500,000.00;

Section 2-2012. Purpose

The Atlanta Arts and Culture Advisory Council is established for the purpose of advising the City on major issues related to the arts. The responsibilities would include, but not be limited to as follows:

- Act in an advisory capacity to the City Council in all matters pertaining to artistic, aesthetic, and cultural aspects of the City;
- Provide leadership that insures the City has a multi-year cultural plan for the City;
- Advise the Office of Cultural Affairs staff in addressing issues and opportunities;
- Recommend to the City Council the adoption of such ordinances, rules, and regulations as it may deem necessary for the administration and preservation of fine arts, performing arts, historical, aesthetic and cultural aspects of the community;
- On behalf of the City, actively encourage programs for the artistic enrichment of the community;
- Stimulate participation in and appreciation of the arts by all city residents and visitors to the City of Atlanta;
- Seek financial support for the arts;
- Act as an advocate for the arts before private and public agencies;
- Advocate for investment of the arts to ensure high standards of quality in the arts;
- Advise on related arts and culture issues as the City Council may request.

Section 2-2013. Time limit on appointments.

For all appointments of members to the Atlanta Arts and Culture Advisory Council, the appropriate appointing party shall submit, in writing, names of those individuals to be considered for membership to the Atlanta Arts and Culture Advisory Council within 60 days prior to the expiration of the term of any member.

Section 2-2014. Terms of office.

Every member of the Atlanta Arts and Culture Advisory Council shall serve for a term of two years commencing from the time of the member's initial appointment. If at the expiration of two years a successor is not appointed, the member shall continue as a member of the council until a successor is appointed and qualifies to serve. An individual may have succession with consecutive terms as a member.

Section 2-2015. Officers, bylaws, reports.

The Atlanta Arts and Culture Advisory Council shall elect its own officers, establish its own bylaws and provide a written report each year to the mayor and all members of council.

Section 2-2016. Meetings.

The Atlanta Arts and Culture Advisory Council shall meet from time to time as may be necessary, but shall meet no less than four times a year and shall record its decisions and shall forward a record of all such decisions to the mayor, the city council, the executive director of the office of cultural affairs, and to the chief financial officer who is authorized and directed to implement by disbursement and other action all lawful decisions of the council.

SECTION 2: That the Atlanta Arts and Culture Advisory Council shall commence its first meeting within ninety (90) days of the adoption of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict with this ordinance are hereby waived in this only.

AN ORDINANCE BY *Natalyn M. Archibong*
COUNCILMEMBER NATALYN M. ARCHIBONG

Alger Wayne

AN ORDINANCE AMENDING CITY OF ATLANTA CODE OF ORDINANCES CHAPTER 2 (“ADMINISTRATION”), ARTICLE XVI (“BOARDS, COMMISSIONS, COUNCILS, AND AUTHORITIES”), AND ACTIVATING DIVISION 6 TO BE ENTITLED THE “ARTS & CULTURE ADVISORY COUNCIL” FOR THE PURPOSE CREATING A BOARD THAT WILL ADVISE THE CITY ON MAJOR ISSUES RELATED TO THE ARTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) is home to a growing, vibrant arts community; and

WHEREAS, in 2010, the City was ranked as the ninth-best city for the arts;

WHEREAS, to further the growth of arts and culture in the City, community engagement is key to allow for the input of both citizens and artists; and

WHEREAS, it is in the best interest of the City to establish an Arts & Culture Advisory Council, comprised of citizen volunteers, to assist the City in manners pertaining to artistic, cultural aspects of the City, stimulate participation in an appreciate of the arts by all City residents, and to strive for high standards of quality in the arts.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That Chapter 2 (“Administration”), Article XVI (“Boards, Commissions, Councils, and Authorities”) of the City of Atlanta Code of Ordinances is hereby amended to activate Division 6 to be entitled the “Arts & Culture Advisory Council”, which shall provide as follows:

Division 6. – ARTS AND CULTURE ADVISORY COUNCIL

Section 2-2011. Established; composition

(a) There is established an advisory council on arts and culture, which shall be comprised of nine (9) citizen volunteers appointed in the following manner:

Five (5) members shall be appointed by elected officials as follows:

- (1) One (1) member shall be appointed by the Mayor;
- (2) One (1) member shall be appointed by the Council President;
- (3) One (1) member shall be appointed by Council members from Districts 1, 2, 3, 4 and Post 1 At-Large;
- (4) One (1) member shall be appointed by Council members from Districts 5, 6, 7, 8, and Post 2 At-Large;
- (5) One (1) member shall be appointed by Council members from Districts 9, 10, 11, 12 and Post 3 At-large;

Attachment: ARTS AND CULTURE ADVISORY COUNCIL (14-O-1554 : Substitute Ordinance Activating Arts and Culture Advisory Council)

The remaining four (4) members shall be appointed as follows:

- (6) One (1) representative from the business community;
- (7) One (1) representative from the Woodruff Arts Center;
- (8) One (1) representative from the Savannah College of Art & Design;
- (9) One (1) representative from a non-profit arts organization located within the City of Atlanta.

Section 2-2012. Purpose

The Atlanta Arts and Culture Advisory Council is established for the purpose of advising the City on major issues related to the arts. The responsibilities would include, but not be limited to as follows:

- Act in an advisory capacity to the City Council in all matters pertaining to artistic, aesthetic, and cultural aspects of the City;
- Be responsible for developing and overseeing a multi-year cultural plan for the City;
- Provide assistance to the Office of Cultural Affairs staff in addressing issues and opportunities;
- Recommend to the City Council the adoption of such ordinances, rules, and regulations as it may deem necessary for the administration and preservation of fine arts, performing arts, historical, aesthetic and cultural aspects of the community;
- On behalf of the City, actively encourage programs for the cultural enrichment of the community;
- Stimulate participation in and appreciation of the arts by all city residents;
- Seek financial support for the arts;
- Act as an advocate for the arts before private and public agencies;
- Strive for high standards of quality in the arts;
- Perform such other duties relating to the Arts as the City Council may require.

Section 2-2013. Time limit on appointments.

For all appointments of members to the Atlanta Arts and Culture Advisory Council, the appropriate appointing party shall submit, in writing, names of those individuals to be considered for membership to the Atlanta Arts and Culture Advisory Council within 60 days prior to the expiration of the term of any member.

Section 2-2014. Terms of office.

Every member of the Atlanta Arts and Culture Advisory Council shall serve for a term of two years commencing from the time of the member's initial appointment. If at the expiration of two years a successor is not appointed, the member shall continue as a member of the council until a successor is appointed and qualifies to serve. An individual may have succession with consecutive terms as a member.

Section 2-2015. Officers, bylaws, reports.

The Atlanta Arts and Culture Advisory Council shall elect its own officers, establish its own bylaws and provide a written report each year to the mayor and council.

Section 2-2016. Meetings.

The Atlanta Arts and Culture Advisory Council shall meet from time to time as may be necessary, but shall meet no less than four times a year and shall record its decisions and shall forward a record of all such decisions to the mayor, the city council, the executive director of the office of cultural affairs, and to the chief financial officer who is authorized and directed to implement by disbursement and other action all lawful decisions of the council.

SECTION 2: That the Atlanta Arts and Culture Advisory Council shall commence its first meeting within ninety (90) days of the adoption of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict with this ordinance are hereby waived in this **only**

#8

<p style="text-align: center;">(Do Not Write Above This Line)</p> <p>AN ORDINANCE BY COUNCILMEMBER NATALYN M. ARCHIBONG</p> <p><i>John Archibong</i> AN ORDINANCE AMENDING CITY OF ATLANTA CODE OF ORDINANCES CHAPTER 2 ("ADMINISTRATION"), ARTICLE XVI ("BOARDS, COMMISSIONS, COUNCILS, AND AUTHORITIES"), AND ACTIVATING DIVISION 6 TO BE ENTITLED THE "ARTS & CULTURE CITIZEN'S ADVISORY BOARD" FOR THE PURPOSE CREATING A BOARD THAT WILL ADVISE THE CITY ON MAJOR ISSUED RELATED TO THE ARTS; AND FOR OTHER PURPOSES.</p>	<p>First Reading</p> <p>Committee _____ Date _____ Chair _____ Referred To _____</p>	<p style="text-align: center;">FINAL COUNCIL ACTION</p> <p><input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p>												
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE & REFER</p> <p><input type="checkbox"/> 1st ADOPT 2nd READ & REFER</p> <p><input checked="" type="checkbox"/> PERSONAL PAPER REFER</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%; text-align: center;">Committee</td><td style="width:50%; text-align: center;">Committee</td></tr> <tr><td style="text-align: center;">Date</td><td style="text-align: center;">Date</td></tr> <tr><td style="text-align: center;">Chair</td><td style="text-align: center;">Chair</td></tr> <tr><td style="text-align: center;">Action Fav, Adv, Hold (see rev. side) Other</td><td style="text-align: center;">Action Fav, Adv, Hold (see rev. side) Other</td></tr> <tr><td style="text-align: center;">Members</td><td style="text-align: center;">Members</td></tr> <tr><td style="text-align: center;">Refer To</td><td style="text-align: center;">Refer To</td></tr> </table>	Committee	Committee	Date	Date	Chair	Chair	Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other	Members	Members	Refer To	Refer To	<p>CERTIFIED</p>
	Committee	Committee												
Date	Date													
Chair	Chair													
Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other													
Members	Members													
Refer To	Refer To													
<p>Date Referred <i>11/03/2014</i></p> <p>Referred To: <i>CD/HR</i></p> <p>Date Referred</p> <p>Referred To:</p> <p>Date Referred</p> <p>Referred To:</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%; text-align: center;">Committee</td><td style="width:50%; text-align: center;">Committee</td></tr> <tr><td style="text-align: center;">Date</td><td style="text-align: center;">Date</td></tr> <tr><td style="text-align: center;">Chair</td><td style="text-align: center;">Chair</td></tr> <tr><td style="text-align: center;">Action Fav, Adv, Hold (see rev. side) Other</td><td style="text-align: center;">Action Fav, Adv, Hold (see rev. side) Other</td></tr> <tr><td style="text-align: center;">Members</td><td style="text-align: center;">Members</td></tr> <tr><td style="text-align: center;">Refer To</td><td style="text-align: center;">Refer To</td></tr> </table>	Committee	Committee	Date	Date	Chair	Chair	Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other	Members	Members	Refer To	Refer To	<p>MAYOR'S ACTION</p>
Committee	Committee													
Date	Date													
Chair	Chair													
Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other													
Members	Members													
Refer To	Refer To													

Attachment: ARTS AND CULTURE ADVISORY COUNCIL (14-O-1554 : Substitute Ordinance Activating

CDP-14-023 AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1518 MONROE DRIVE FROM THE SINGLE FAMILY RESIDENTIAL LAND USE DESIGNATION TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION; AND FOR OTHER PURPOSES. (Z-14-055) NPU-F COUNCIL DISTRICT 6.

(Held 11/10/14 for a Public Hearing to be held on November 18, 2014.)

Workflow List:

Charletta Jacks	Completed	10/20/2014 12:28 PM
James Shelby	Completed	10/20/2014 3:59 PM
Office of Research and Policy Analysis	Completed	10/22/2014 2:36 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

10/28/14	Community Development & Human Resources Committee	
11/03/14	Atlanta City Council	REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [14 TO 0]	Next: 11/10/2014 12:30 PM
AYES:	Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
AWAY:	Michael Julian Bond	

11/10/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Dickens, Young Jr., Bond, Bottoms, Hall, Sheperd, Winslow

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 11/24/2014 12:30 PM
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11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD

Next: 12/9/2014 12:30 PM

RESULT: RETURNED AS HELD

Next: 12/9/2014 12:30 PM

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**CDP-14-023 AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1518 MONROE DRIVE FROM THE SINGLE FAMILY RESIDENTIAL LAND USE DESIGNATION TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION; AND FOR OTHER PURPOSES. (Z-14-055) NPU-F COUNCIL DISTRICT 6.
(HELD 11/10/14 FOR A PUBLIC HEARING TO BE HELD ON NOVEMBER 18, 2014.)**

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

SECTION 1. The Land Use element of the 2011 Atlanta Comprehensive Development Plan (CDP) to redesignate property located at 1518 Monroe Drive from the Single Family Residential land use designation to the Low Density Commercial land use designation and for other purposes (Z-14-055) designation to wit:

All that tract or parcels of land lying and being in Land Lots 52 and 55 of the 17th of Fulton County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

Municipal Clerk
Atlanta, Georgia

AN ORDINANCE
BY: COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

CDP-14-023

AN ORDINANCE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 1518 MONROE DRIVE FROM THE SINGLE FAMILY RESIDENTIAL LAND USE DESIGNATION TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES (Z-14-055).

NPU-F

COUNCIL DISTRICT 6

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

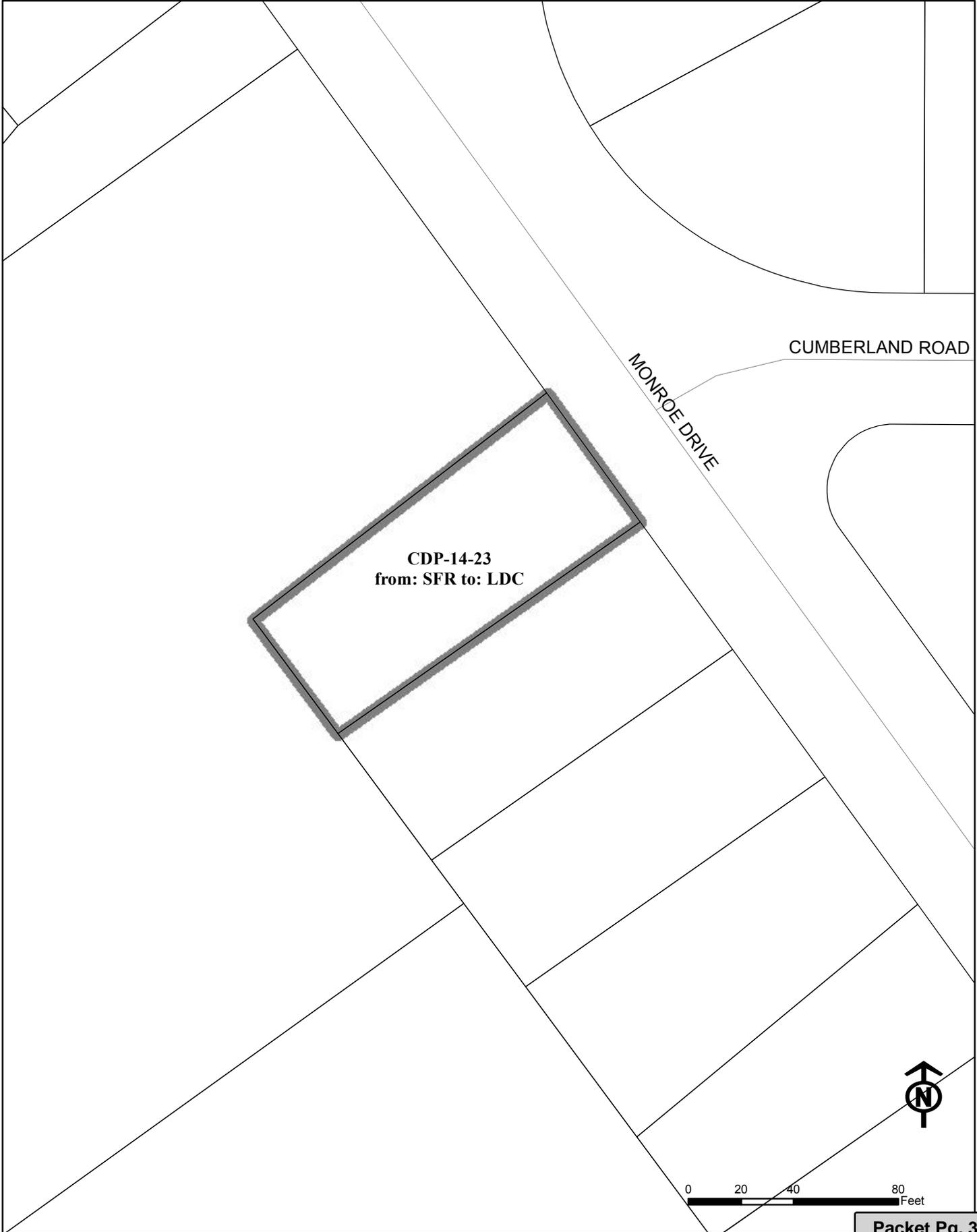
SECTION 1. The Land Use element of the 2011 Atlanta Comprehensive Development Plan (CDP) to redesignate property located at 1518 Monroe Drive from the Single Family Residential land use designation to the Low Density Commercial land use designation and for other purposes (Z-14-055) designation to wit:

All that tract or parcels of land lying and being in Land Lots 52 and 55 of the 17th of Fulton County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

Exhibit "B"

CDP-14-23



Attachment: CDP-14-23 legislation ww BB (14-O-1520 : Land Use Amendment for 1518 Monroe Drive)

(Do Not Write Above This Line)

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

FINAL COUNCIL ACTION
 2ND 1ST & 2ND 3RD

Readings

Consent V Vote RC Vote

AN ORDINANCE CDP-14-023

BY: COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND THE LAND
USE ELEMENT OF THE 2011 ATLANTA
COMPREHENSIVE DEVELOPMENT PLAN
(CDP) SO AS TO REDESIGNATE
PROPERTY LOCATED AT 1518 MONROE
DRIVE FROM THE SINGLE FAMILY
RESIDENTIAL LAND USE DESIGNATION
TO THE LOW DENSITY COMMERCIAL
LAND USE DESIGNATION AND FOR
OTHER PURPOSES (Z-14-055).

NPU-F COUNCIL DISTRICT 6

Committee _____	Committee _____
Date _____	Date _____
Chair _____	Chair _____
Action Fav, Adv, Hold (See rev.side) Other _____	Action Fav, Adv, Hold (See rev.side) Other _____
Members _____	Members _____
_____	_____
_____	_____
_____	_____
_____	_____
Refer To _____	Refer To _____

CERTIFIED

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Committee _____	Committee _____
Date _____	Date _____
Chair _____	Chair _____
Action Fav, Adv, Hold (See rev.side) Other _____	Action Fav, Adv, Hold (See rev.side) Other _____
Members _____	Members _____
_____	_____
_____	_____
_____	_____
_____	_____
Refer To _____	Refer To _____

MAYOR'S ACTION

Date Referred

Referred To:

Date Referred

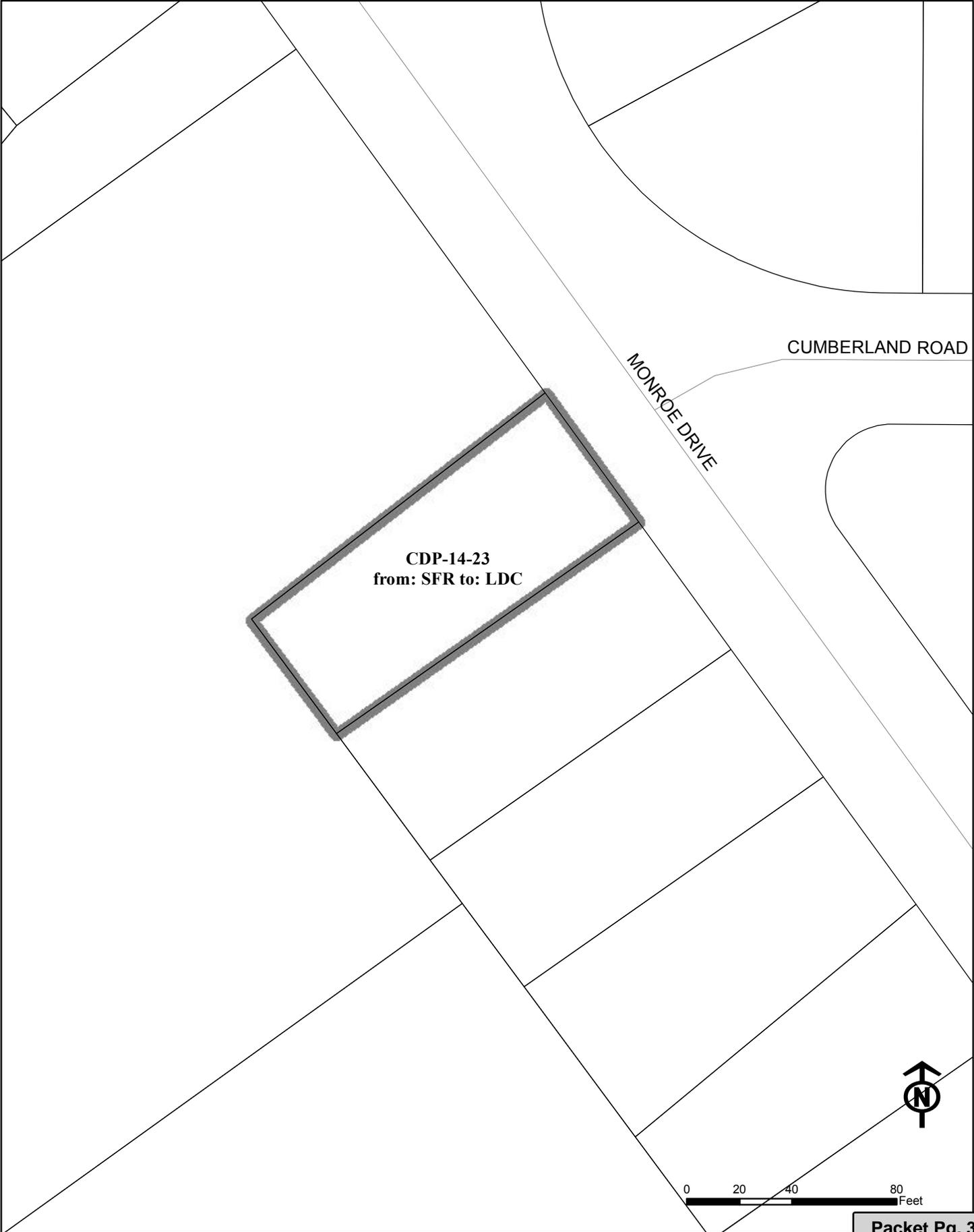
Referred To:

Date Referred

Referred To:

Exhibit "B"

CDP-14-23



Attachment: CDP-14-23 map (14-O-1520 : Land Use Amendment for 1518 Monroe Drive)

CDP-14-026 AN ORDINANCE BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED 605 DARLINGTON ROAD FROM THE SINGLE FAMILY RESIDENTIAL TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION; AND FOR OTHER PURPOSES. (Z-14-64) NPU-B COUNCIL DISTRICT 7.

(Held 11/10/14 for a Public Hearing to be held on November 18, 2014.)

Workflow List:

Charletta Jacks	Completed	10/20/2014 12:29 PM
James Shelby	Completed	10/20/2014 3:58 PM
Office of Research and Policy Analysis	Completed	10/22/2014 4:20 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

10/28/14	Community Development & Human Resources Committee	
11/03/14	Atlanta City Council	REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [14 TO 0]	Next: 11/10/2014 12:30 PM
AYES:	Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
AWAY:	Michael Julian Bond	

11/10/14	Community Development & Human Resources Committee	HELD IN COMMITTEE
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RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Dickens, Young Jr., Bond, Bottoms, Hall, Sheperd, Winslow

11/17/14	Atlanta City Council	RETURNED AS HELD
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RESULT:	RETURNED AS HELD	Next: 11/24/2014 12:30 PM
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11/24/14	Community Development & Human Resources Committee	
----------	---	--

12/01/14	Atlanta City Council	RETURNED AS HELD
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RESULT: RETURNED AS HELD**Next: 12/9/2014 12:30 PM****RESULT: RETURNED AS HELD****Next: 12/9/2014 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**CDP-14-026 AN ORDINANCE BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED 605 DARLINGTON ROAD FROM THE SINGLE FAMILY RESIDENTIAL TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION; AND FOR OTHER PURPOSES. (Z-14-64) NPU-B COUNCIL DISTRICT 7.
(HELD 11/10/14 FOR A PUBLIC HEARING TO BE HELD ON NOVEMBER 18, 2014.)**

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

SECTION 1. The Land Use element of the 2011 Atlanta Comprehensive Development Plan (CDP) to redesignate properties located at 605 Darlington Road from the Single Family Residential to the Low Density Commercial land use designation and for other purposes (Z-14-64) to wit:

All that tract or parcels of land lying and being in Land Lot 47 of the 17th of Fulton County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

Municipal Clerk
Atlanta, Georgia

AN ORDINANCE
BY: COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

CDP-14-026

AN ORDINANCE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED 605 DARLINGTON ROAD FROM THE SINGLE FAMILY RESIDENTIAL TO THE LOW DENSITY COMMERCIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES (Z-14-64).

NPU-B

COUNCIL DISTRICT 7

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

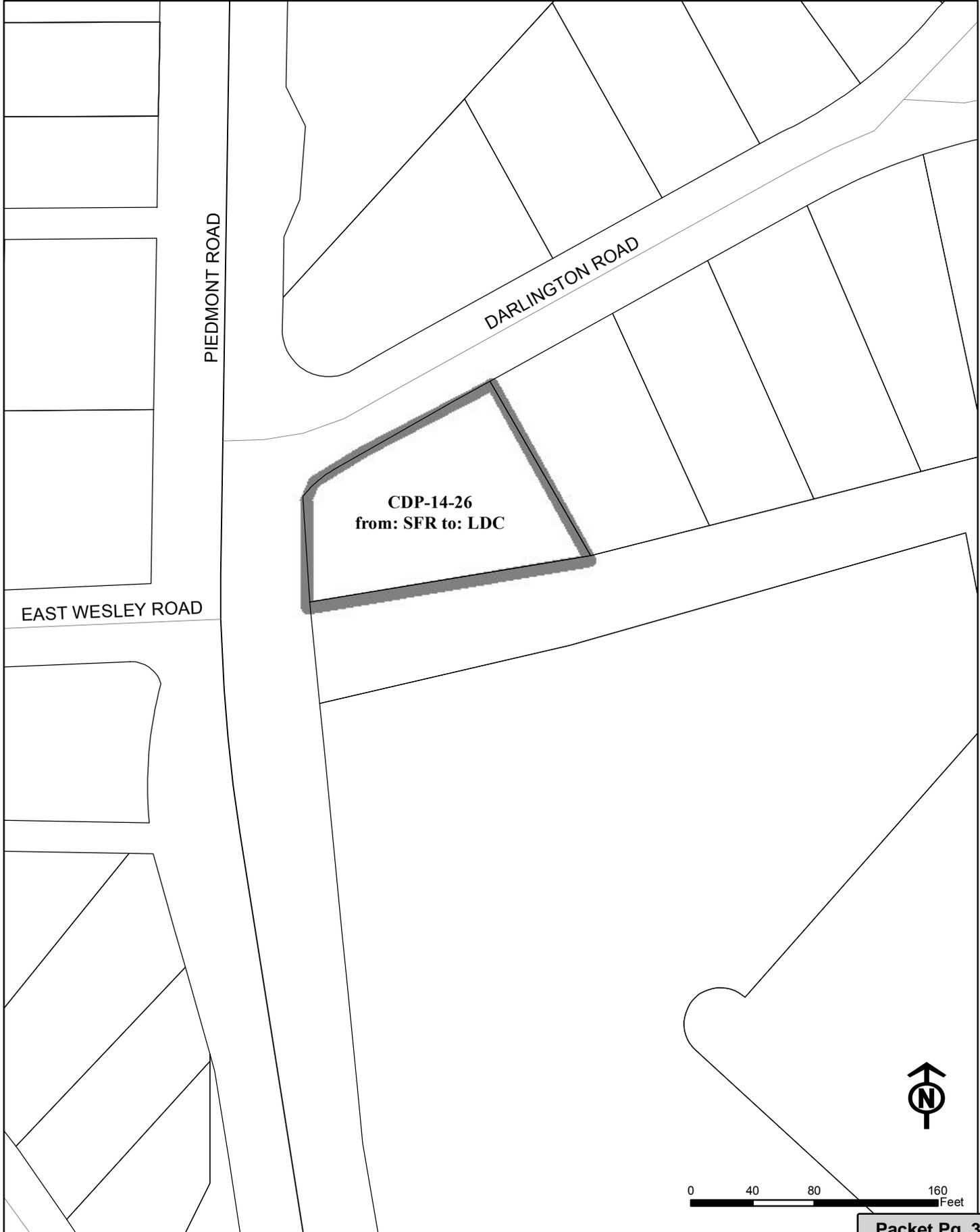
SECTION 1. The Land Use element of the 2011 Atlanta Comprehensive Development Plan (CDP) to redesignate properties located at 605 Darlington Road from the Single Family Residential to the Low Density Commercial land use designation and for other purposes (Z-14-64) to wit:

All that tract or parcels of land lying and being in Land Lot 47 of the 17th of Fulton County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

Exhibit "A"

CDP-14-26



Attachment: CDP-14-26 legislation w BB (14-O-1522 : Land Use Amendment for 605 Darlington Road)

(Do Not Write Above This Line)

AN ORDINANCE CDP-14-026

BY: COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND THE LAND
USE ELEMENT OF THE 2011 ATLANTA
COMPREHENSIVE DEVELOPMENT PLAN
(CDP) SO AS TO REDESIGNATE
PROPERTY LOCATED 605 DARLINGTON
ROAD FROM THE SINGLE FAMILY
RESIDENTIAL TO THE LOW DENSITY
COMMERCIAL LAND USE DESIGNATION
AND FOR OTHER PURPOSES (Z-14-64).

NPU-B COUNCIL DISTRICT 7

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee

Date

Chair

Action
 Fav, Adv, Hold (See rev.side)
 Other

Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (See rev.side)
 Other

Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (See rev.side)
 Other

Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (See rev.side)
 Other

Members

Refer To

2ND FINAL COUNCIL ACTION
 1ST & 2ND 3RD

Readings

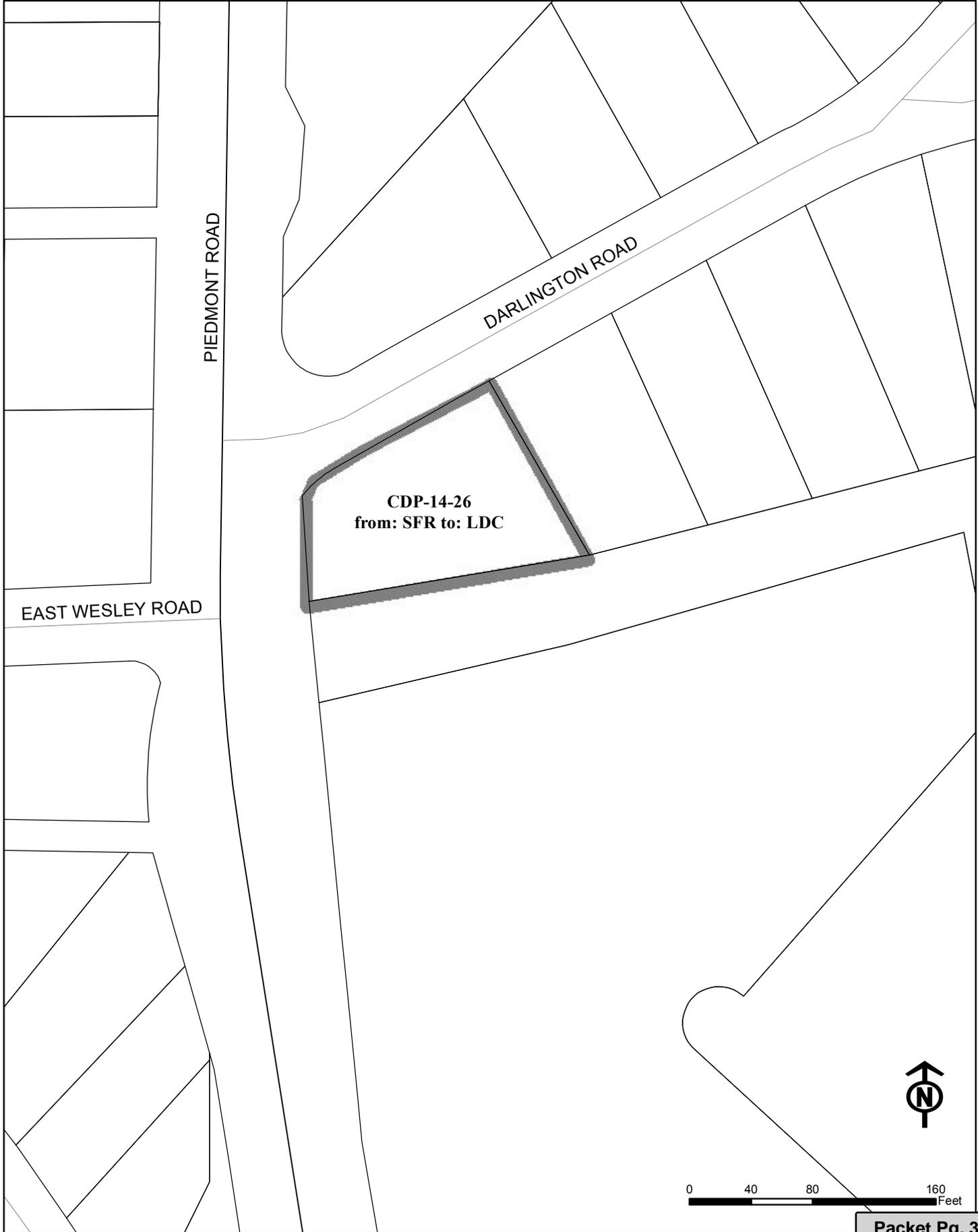
Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION

Exhibit "A"

CDP-14-26



Attachment: CDP-14-26 map (14-O-1522 : Land Use Amendment for 605 Darlington Road)

CDP-14-027 A SUBSTITUTE ORDINANCE BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 490 BISHOP STREET AND 1299 NORTHSIDE DRIVE FROM THE INDUSTRIAL LAND USE DESIGNATION TO THE MIXED USE LAND USE DESIGNATION; AND FOR OTHER PURPOSES. (Z-14-66) NPU E COUNCIL DISTRICT 8.

(Substituted and held 11/10/14 for a Public Hearing to be held on November 18, 2014.)

Workflow List:

Charletta Jacks	Completed	10/20/2014 12:29 PM
James Shelby	Completed	10/20/2014 3:58 PM
Office of Research and Policy Analysis	Completed	10/22/2014 4:21 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

10/28/14	Community Development & Human Resources Committee	
11/03/14	Atlanta City Council	REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [14 TO 0]	Next: 11/10/2014 12:30 PM
AYES:	Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
AWAY:	Michael Julian Bond	

11/10/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Dickens, Young Jr., Bond, Bottoms, Hall, Sheperd, Winslow

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 11/24/2014 12:30 PM
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11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD**Next: 12/9/2014 12:30 PM****RESULT: RETURNED AS HELD****Next: 12/9/2014 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

CDP-14-027 A SUBSTITUTE ORDINANCE BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 490 BISHOP STREET AND 1299 NORTHSIDE DRIVE FROM THE INDUSTRIAL LAND USE DESIGNATION TO THE MIXED USE LAND USE DESIGNATION; AND FOR OTHER PURPOSES. (Z-14-66) NPU E COUNCIL DISTRICT 8. (SUBSTITUTED AND HELD 11/10/14 FOR A PUBLIC HEARING TO BE HELD ON NOVEMBER 18, 2014.)

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

SECTION 1. The Land Use element of the 2011 Atlanta Comprehensive Development Plan (CDP) to redesignate property located at 490 Bishop St and 1299 Northside Drive from the industrial land use Designation to the Mixed Use Land Use designation; and for other purposes (Z-14-66) to wit:

All that tract or parcels of land lying and being in Land Lot 148 of the 17th of Fulton County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

Municipal Clerk
Atlanta, Georgia

AN ORDINANCE
BY: COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

CDP-14-027

AN ORDINANCE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 490 BISHOP ST AND 1299 NORTHSIDE DRIVE FROM THE INDUSTRIAL LAND USE DESIGNATION TO THE VERY HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES (Z-14-66).

NPU-E

COUNCIL DISTRICT 8

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

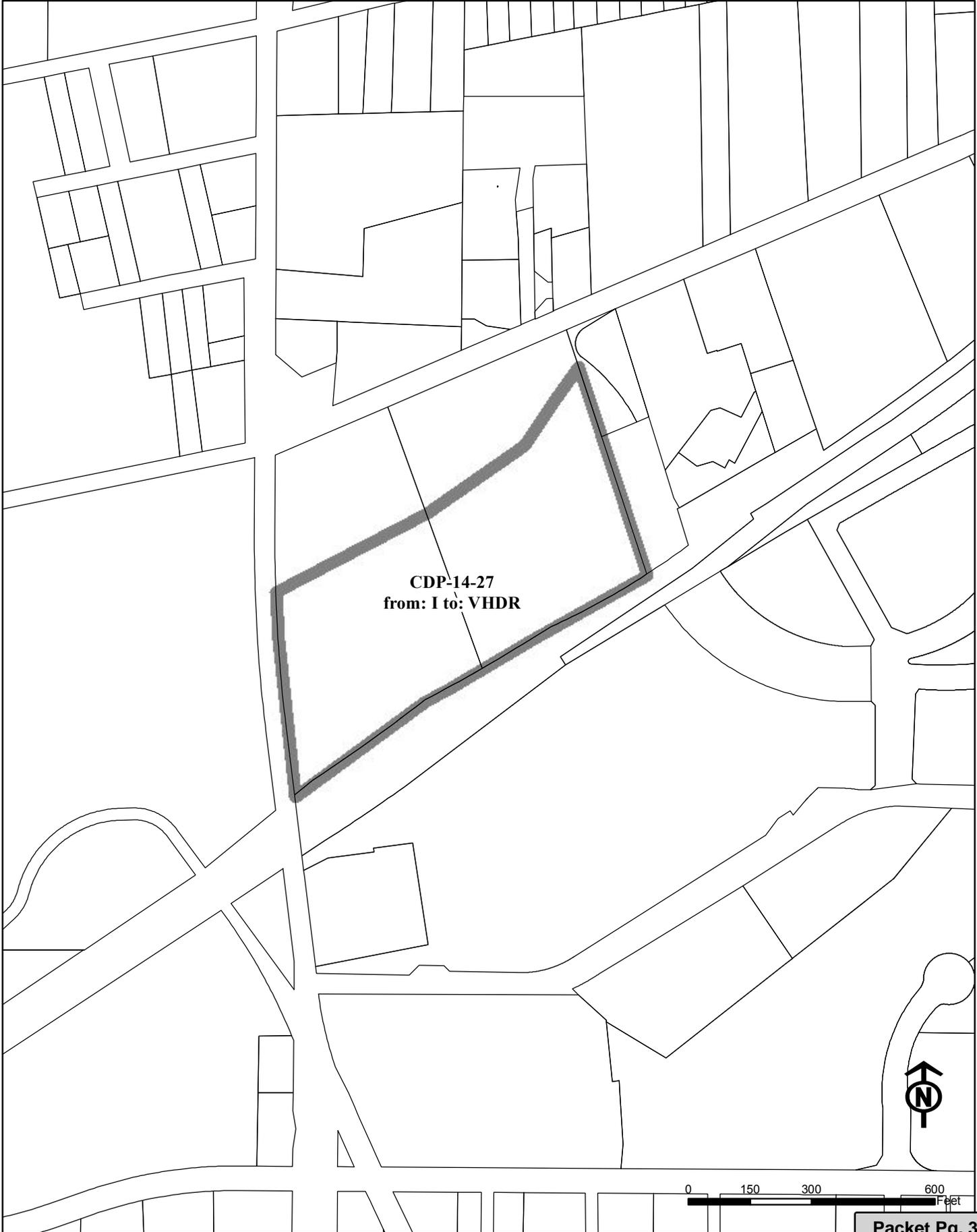
SECTION 1. The Land Use element of the 2011 Atlanta Comprehensive Development Plan (CDP) to redesignate property located at 490 Bishop St and 1299 Northside Drive from the industrial land use Designation to the Very High Density Residential Land Use designation and for other purposes (Z-14-66) to wit:

All that tract or parcels of land lying and being in Land Lot 148 of the 17th of Fulton County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

Exhibit "A"

CDP-14-27

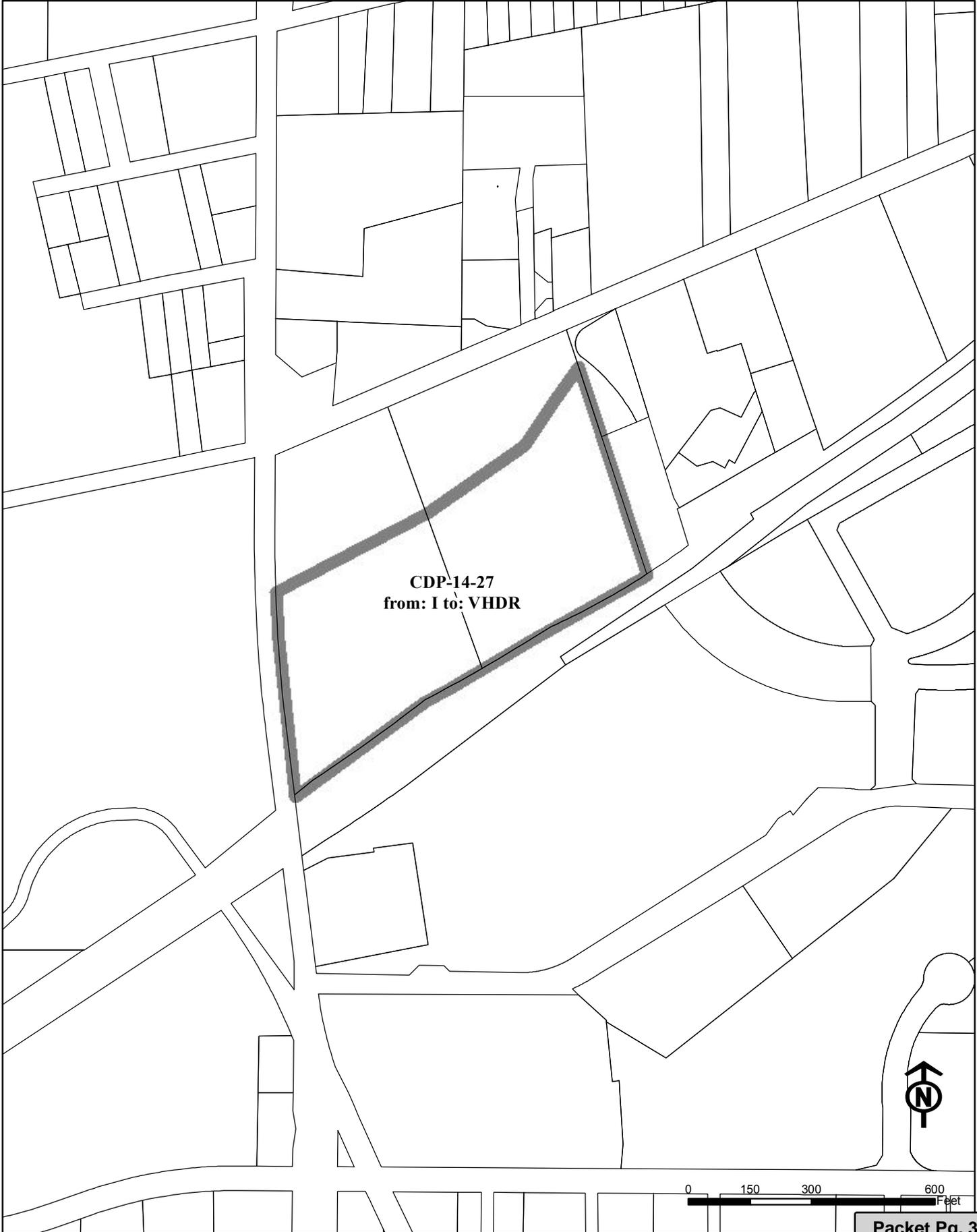


Attachment: CDP-14-27 legislation w BB (14-O-1523 : Substitute Land Use Amendment for 490 Bishop St & 1299 Northside Drive)

(Do Not Write Above This Line)	First Reading Committee _____ Date _____ Chair _____ Referred To _____		FINAL COUNCIL ACTION <input type="checkbox"/> 2 ND <input type="checkbox"/> 1 ST & 2 ND <input type="checkbox"/> 3 RD Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote
AN ORDINANCE CDP-14-027 BY: COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE AN ORDINANCE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 490 BISHOP ST AND 1299 NORTHSIDE DRIVE FROM THE INDUSTRIAL LAND USE DESIGNATION TO THE VERY HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION AND FOR OTHER PURPOSES (Z-14-66). NPU-E COUNCIL DISTRICT 8	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____ _____ _____ _____ _____ Refer To _____ _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____ _____ _____ _____ _____ Refer To _____ _____	CERTIFIED
<input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1 ST ADOPT 2 ND READ & REFER <input type="checkbox"/> PERSONAL PAPER REFER	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____ _____ _____ _____ _____ Refer To _____ _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____ _____ _____ _____ _____ Refer To _____ _____	MAYOR'S ACTION
Date Referred _____ Referred To: _____ Date Referred _____ Referred To: _____ Date Referred _____ Referred To: _____			

Exhibit "A"

CDP-14-27



Attachment: CDP-14-27 map (14-O-1523 : Substitute Land Use Amendment for 490 Bishop St & 1299 Northside Drive)

CDP-14-028 AN ORDINANCE BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 2210 MARIETTA BOULEVARD FROM THE INDUSTRIAL LAND USE DESIGNATION TO THE BUSINESS PARK LAND USE DESIGNATION AND; FOR OTHER PURPOSES. NPU-D COUNCIL DISTRICT 9.

(Held 11/10/14 for a Public Hearing to be held on November 18, 2014.)

Workflow List:

Charletta Jacks	Completed	10/20/2014 12:45 PM
James Shelby	Completed	10/20/2014 3:58 PM
Office of Research and Policy Analysis	Completed	10/22/2014 4:22 PM
Community Development & Human Resources Committee	Completed	11/12/2014 2:16 PM
Atlanta City Council	Completed	11/12/2014 12:50 AM
Community Development & Human Resources Committee	Completed	11/26/2014 9:10 AM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

10/28/14	Community Development & Human Resources Committee	
11/03/14	Atlanta City Council	REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [14 TO 0]	Next: 11/10/2014 12:30 PM
AYES:	Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
AWAY:	Michael Julian Bond	

11/10/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Dickens, Young Jr., Bond, Bottoms, Hall, Sheperd, Winslow

11/17/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 11/24/2014 12:30 PM
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11/24/14 Community Development & Human Resources Committee

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT: RETURNED AS HELD**Next: 12/9/2014 12:30 PM****RESULT: RETURNED AS HELD****Next: 12/9/2014 12:30 PM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**CDP-14-028 AN ORDINANCE BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 2210 MARIETTA BOULEVARD FROM THE INDUSTRIAL LAND USE DESIGNATION TO THE BUSINESS PARK LAND USE DESIGNATION AND; FOR OTHER PURPOSES. NPU-D COUNCIL DISTRICT 9.
(HELD 11/10/14 FOR A PUBLIC HEARING TO BE HELD ON NOVEMBER 18, 2014.)**

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

SECTION 1. The Land Use element of the 2011 Atlanta Comprehensive Development Plan (CDP) to redesignate property located at 2210 Marietta Boulevard from the Industrial land use designation to the Business Park land use designation and for other purposes designation to wit:

All that tract or parcels of land lying and being in Land Lot 221 of the 17th of Fulton County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

Municipal Clerk
Atlanta, Georgia

AN ORDINANCE
BY: COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

CDP-14-028

AN ORDINANCE TO AMEND THE LAND USE ELEMENT OF THE 2011 ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO REDESIGNATE PROPERTY LOCATED AT 2210 MARIETTA BOULEVARD FROM THE INDUSTRIAL LAND USE DESIGNATION TO THE BUSINESS PARK LAND USE DESIGNATION AND FOR OTHER PURPOSES.

NPU-D

COUNCIL DISTRICT 9

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

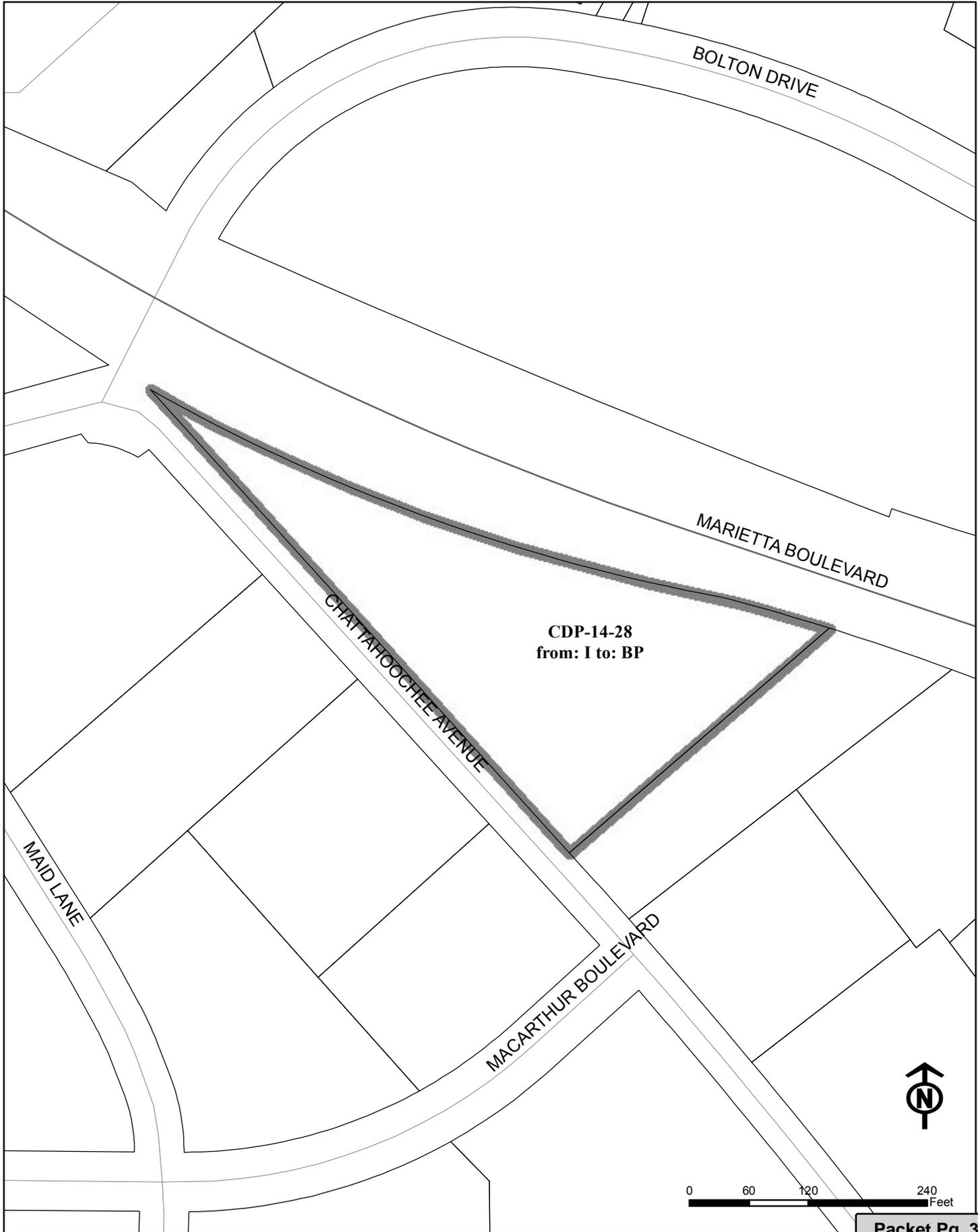
SECTION 1. The Land Use element of the 2011 Atlanta Comprehensive Development Plan (CDP) to redesignate property located at 2210 Marietta Boulevard from the Industrial land use designation to the Business Park land use designation and for other purposes designation to wit:

All that tract or parcels of land lying and being in Land Lot 221 of the 17th of Fulton County, Georgia. Said property is more specifically shown on the attached map, Exhibit 'A', which is hereby made a part of this ordinance.

SECTION 2. That all ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

Exhibit "A"

CDP-14-28



Attachment: CDP-14-28 legislation w BB (14-O-1524 : Land Use amendment for 2210 Marietta Boulevard)

(Do Not Write Above This Line)

AN ORDINANCE CDP-14-028
BY: COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND THE LAND
USE ELEMENT OF THE 2011 ATLANTA
COMPREHENSIVE DEVELOPMENT PLAN
(CDP) SO AS TO REDESIGNATE
PROPERTY LOCATED AT 2210 MARIETTA
BOULEVARD FROM THE INDUSTRIAL
LAND USE DESIGNATION TO THE
BUSINESS PARK LAND USE DESIGNATION
AND FOR OTHER PURPOSES.

NPU-D COUNCIL DISTRICT 9

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee

Date

Chair

Action
 Fav, Adv, Hold (See rev.side)
 Other

Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (See rev.side)
 Other

Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (See rev.side)
 Other

Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (See rev.side)
 Other

Members

Refer To

FINAL COUNCIL ACTION
 2ND 1ST & 2ND 3RD

Readings

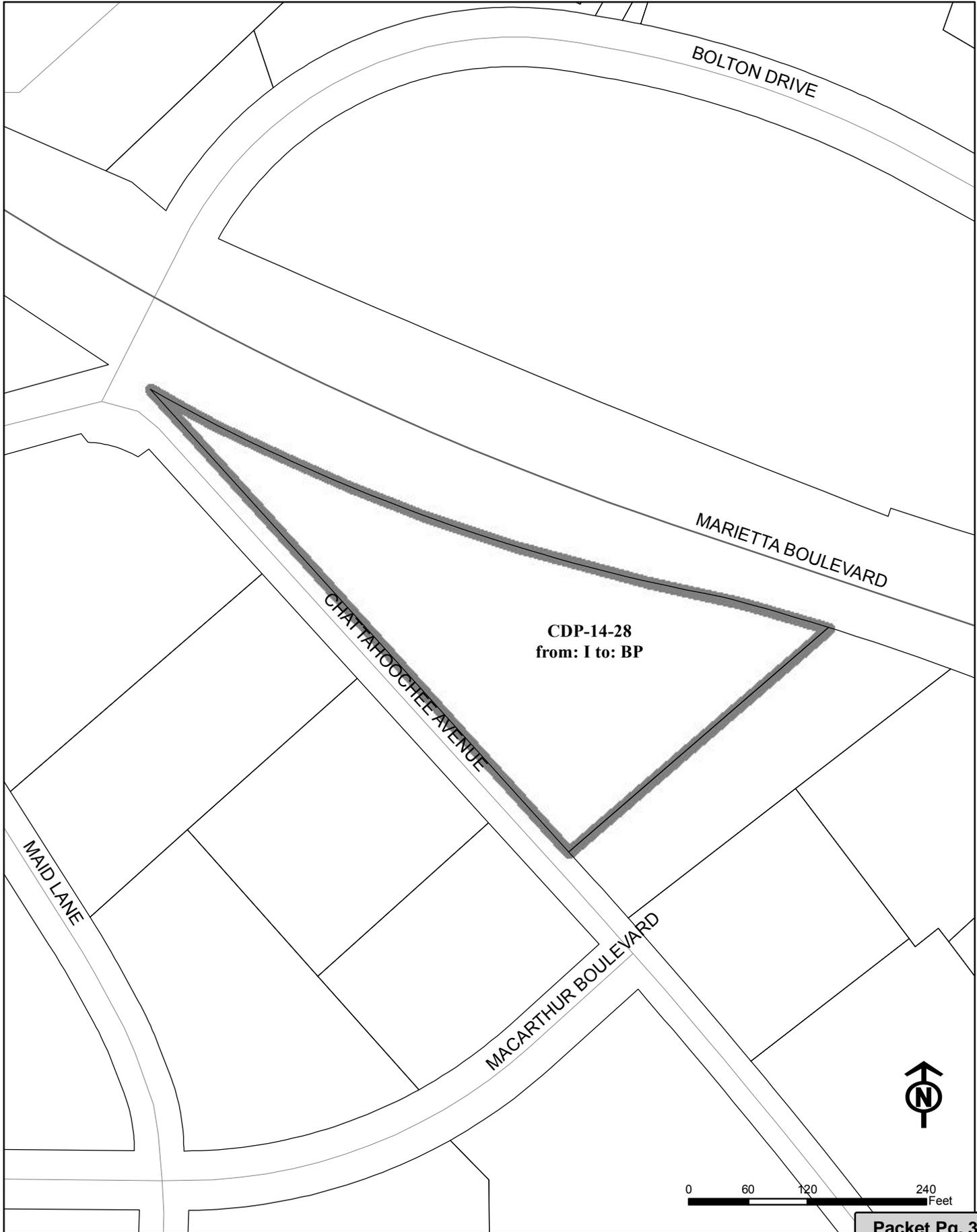
Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION

Exhibit "A"

CDP-14-28



Attachment: CDP-14-28 map (14-O-1524 : Land Use amendment for 2210 Marietta Boulevard)

**A COMMUNICATION FROM ASSISTANT COMMISSIONER MIKE ROBY,
DEPARTMENT OF VETERANS SERVICE TO COUNCIL PRESIDENT CEASAR C.
MITCHELL, MEMBERS OF THE ATLANTA CITY COUNCIL AND MUNICIPAL
CLERK RHONDA DAUPHIN JOHNSON APPOINTING LINDA M. LEE AS THE
GEORGIA DEPARTMENT OF VETERANS SERVICE REPRESENTATIVE TO SERVE
AS A MEMBER OF THE ATLANTA COMMISSION ON VETERANS AFFAIRS. (Held
11/24/14 by the Committee to allow the appointee an opportunity to appear before the
Committee.)**

*Department of Veterans Service Floyd Veterans Memorial Building Atlanta, Georgia
30334*

PETER WHEELER
COMMISSIONER

(404) 656-2300
Fax (404) 656-7006

Rhonda Dauphin Johnson
Atlanta City Council
55 Trinity Avenue, SW
Atlanta, Georgia 30303

November 13, 2014

Dear Madam Clerk, Council President Mitchell, and Members of the Atlanta City Council-
Greetings!

It is with great pleasure that we appoint Linda M. Lee as the Georgia Department of Veterans Services representative to the Atlanta Commission on Veterans Affairs. Linda M. Lee is a Veteran Field Service Officer at the Fort McPherson Office of the Georgia Department of Veterans Services. She currently provides service to the veterans of Clayton, Henry, Fayette, and Fulton Counties. She enlisted into the U.S. Army in 1993 as a Medical Supply Specialist. In 2005 she attended the Warrant Officer Basic Course at Fort Rucker Alabama where she graduated Commandant's List. As the Property Accounting Technician for the

14-C-5127
Page 2 of 3

35th Air Defense Artillery Brigade in Osan, Korea, she led her team to win the Army Supply Excellence Award. In 2011 she was selected to teach at the Army Logistics University, Fort Lee VA, the premier trainer and educator of sustainment leaders. In 2013 she retired from the U.S. Army after serving 20 honorable years.

FOR THE COMMISSIONER:

Mike Roby
Assistant Commissioner
Field Operations and Claims

RECEIVED *PM*
OFFICE OF
MUNICIPAL CLERK

2014 NOV 14 PM 3:40



Department of Veterans Service
Floyd Veterans Memorial Building
Atlanta, Georgia
30334

PETER WHEELER
COMMISSIONER

(404) 656-2300
Fax (404) 656-7006

November 13, 2014

Rhonda Dauphin Johnson
Atlanta City Council
55 Trinity Avenue, SW
Atlanta, Georgia 30303

Dear Madam Clerk, Council President Mitchell, and Members of the Atlanta City Council –

Greetings!

It is with great pleasure that we appoint Linda M. Lee as the Georgia Department of Veterans Services representative to the Atlanta Commission on Veterans Affairs. Linda M. Lee is a Veteran Field Service Officer at the Fort McPherson Office of the Georgia Department of Veterans Services. She currently provides service to the veterans of Clayton, Henry, Fayette, and Fulton Counties. She enlisted into the U.S. Army in 1993 as a Medical Supply Specialist. In 2005 she attended the Warrant Officer Basic Course at Fort Rucker Alabama where she graduated Commandant's List. As the Property Accounting Technician for the 35th Air Defense Artillery Brigade in Osan, Korea, she led her team to win the Army Supply Excellence Award. In 2011 she was selected to teach at the Army Logistics University, Fort Lee VA, the premier trainer and educator of sustainment leaders. In 2013 she retired from the U.S. Army after serving 20 honorable years.

FOR THE COMMISSIONER:


Mike Roby
Assistant Commissioner
Field Operations and Claims

Attachment: Linda M. Lee (14-C-5127 : Appointment for Linda M. Lee to the Commission on Veterans Affairs)



ent (30 Semester hrs earned)

earned)

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 Expanded Mobility Tactical Truck Modernizatio

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PURCHASING AND USES OF SUPPLIES by
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RS. Aided with unit supply and property accou
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... requirements and property...
onal property by managing the battalion proper

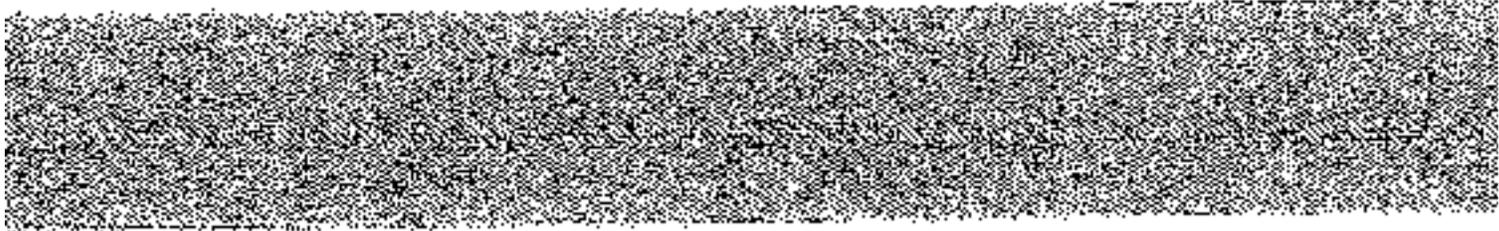
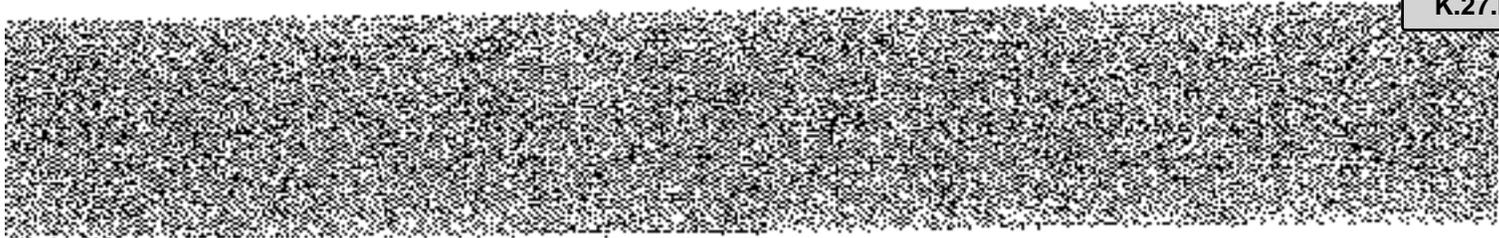
PURCHASING AGENTS AND CONTRACTING (early installed in compliance with Army and Inst

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ystems to link all intelligence systems. Comple
tems. Mentored and professionally assisted b

with US Army

Attachment: Linda M. Lee.resume (14-C-5127 : Appointment for Linda M. Lee to the Commission on Veterans Affairs)



provided is correct. I authorize any agent or
employment with the State of Georgia. I und
ent application materials I may submit is a vi

not been convicted of a drug-related criminal o
in three months since my first conviction, or m

(Signature)

Attachment: Linda M. Lee.resume (14-C-5127 : Appointment for Linda M. Lee to the Commission on Veterans Affairs)

AN ORDINANCE BY COUNCILMEMBER C. T. MARTIN TO AMEND APPENDIX A OF THE LAND DEVELOPMENT CODE, ENTITLED "BUILDING CODE AMENDMENTS" SO AS TO CREATE A NEW SECTION 104 .9 TO BE ENTITLED "REVIEW AND POSTING OF RESIDENTIAL OR MIXED USE PROJECTS WITH PUBLIC SUBSIDIES" SO AS NOTIFY THE PUBLIC OF PROPOSED DEVELOPMENTS THAT SEEK OR HAVE BEEN GRANTED PUBLIC SUBSIDIES; TO FURTHER NOTIFY THE PUBLIC OF THE NUMBER OF AFFORDABLE HOUSING UNITS, IF ANY, PROPOSED FOR THE DEVELOPMENT; AND FOR OTHER PURPOSES.(HELD 11/24/14 AT THE REQUEST OF THE LAW DEPARTMENT FOR FURTHER REVIEW.)

Workflow List:

Clerk of Council	Completed	11/18/2014 2:38 PM
Atlanta City Council	Completed	11/20/2014 1:43 PM
Community Development & Human Resources Committee	Completed	12/03/2014 4:47 PM
Atlanta City Council	Completed	12/03/2014 5:41 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

HISTORY:

11/17/14 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/24/2014 12:30 PM
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11/24/14 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
AYES:	Dickens, Young Jr., Bond, Bottoms, Hall, Sheperd
ABSENT:	Cleta Winslow

12/01/14 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 12/9/2014 12:30 PM
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RESULT:	RETURNED AS HELD	Next: 12/9/2014 12:30 PM
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Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1598

SPONSOR SIGNATURES

Clarence T Martin Jr
Clarence "C. T." Martin, Councilmember, District 10

AN ORDINANCE BY COUNCILMEMBER C. T. MARTIN TO AMEND APPENDIX A OF THE LAND DEVELOPMENT CODE, ENTITLED "BUILDING CODE AMENDMENTS" SO AS TO CREATE A NEW SECTION 104.9 TO BE ENTITLED "REVIEW AND POSTING OF RESIDENTIAL OR MIXED USE PROJECTS WITH PUBLIC SUBSIDIES" SO AS NOTIFY THE PUBLIC OF PROPOSED DEVELOPMENTS THAT SEEK OR HAVE BEEN GRANTED PUBLIC SUBSIDIES; TO FURTHER NOTIFY THE PUBLIC OF THE NUMBER OF AFFORDABLE HOUSING UNITS, IF ANY, PROPOSED FOR THE DEVELOPMENT; AND FOR OTHER PURPOSES.(HELD 11/24/14 AT THE REQUEST OF THE LAW DEPARTMENT FOR FURTHER REVIEW.)

WHEREAS, the City is actively engaged in economic development and the expansion, retention, and attraction of business to its environs; and

WHEREAS, the City finds that the targeted use of economic development incentives is an effective means to increase local revenues, expand the local economy, create and retain wellpaying jobs, expand affordable workforce housing, and support a dynamic economy; and

WHEREAS, a diversified urban environment where people of all ages can live, work, learn, create, and recreate is in the best interests of all Atlanta; and

WHEREAS, The Atlanta Development Authority d/b/a Invest Atlanta ("Invest Atlanta") was created and is existing as the result Resolution 97-R-0177, adopted by Council on February 17, 1997, and approved by the Mayor on February 20, 1997, under and by virtue of the Constitution and the laws of the State of Georgia, in particular, the Development Authorities Law of the State, O.C.G.A. §36-62-1, *et seq.*, as amended, and is now existing and operating as a public body corporate and politic and an instrumentality of the State; and

WHEREAS, the City entered into Intergovernmental Agreements with Invest Atlanta for Economic Development Services and for Redevelopment Services; and

WHEREAS, Invest Atlanta is uniquely aware of the City's policies regarding the use of economic incentives for development and redevelopment; and

WHEREAS, the creation and preservation of housing stock at a level that is affordable to working families in the City is of paramount importance; and

WHEREAS, the City has a concern regarding public subsidies granted by other agencies and authorities that remove valuable parcels from the City's tax rolls or grant taxpayer-funded

benefits without reciprocal value for the working persons and families of Atlanta; and

WHEREAS, the City has the power to regulate the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to license the construction and erection of buildings and all other structures; and

WHEREAS, the City has the power to make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the city and the inhabitants thereof and for preserving the health, peace, order, and good government; and

WHEREAS, the City wishes to ensure that residents are notified of proposed residential or mixed-used development that seek or have obtained the extraordinary benefit of taxpayer funded incentives from governmental entities.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA,
GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section One: Appendix A of the Land Development Code, entitled "Building Code Amendments" is amended by creating a new Section 104.9 to read as follows:

Section 104.9 Review and Posting of Residential or Mixed Use Projects with Public Subsidies.

All building permit applications for residential development and mixed use development projects shall inquire whether any aspect of the project to be undertaken has received any grant, subsidy or incentive from any public entity, whether city, county, state or federal and including, but not limited, to a local development authority. In the event the project has applied for or has received such grant, subsidy or incentive from such public entity, within twenty-four hours of application for the building permit, the building permit applicant shall cause to be posted at the property along the street frontage so as to be visible from the nearest public right-of-way, a sign not less than four by four feet which shall be entitled "NOTICE OF PUBLIC FINANCING" and which shall include the following:

1. The name of the building permit applicant and developer;

2. The name of the governmental entity providing or potentially providing the grant, tax abatement, subsidy, or incentive;
3. The phone and email contact information of the governmental entity providing the grant, tax abatement, subsidy, or incentive;
4. The total number of residential units proposed in the building permit application; and;
5. The total number of residential units affordable at 40% area-medium income, 60% area-medium income and 80% area medium income.

AN ORDINANCE 

BY COUNCIL MEMBER C.T. MARTIN

AN ORDINANCE TO AMEND APPENDIX A OF THE LAND DEVELOPMENT CODE, ENTITLED “BUILDING CODE AMENDMENTS” SO AS TO CREATE A NEW SECTION 104.9 TO BE ENTITLED “REVIEW AND POSTING OF RESIDENTIAL OR MIXED USE PROJECTS WITH PUBLIC SUBSIDIES” SO AS NOTIFY THE PUBLIC OF PROPOSED DEVELOPMENTS THAT SEEK OR HAVE BEEN GRANTED PUBLIC SUBSIDIES; TO FURTHER NOTIFY THE PUBLIC OF THE NUMBER OF AFFORDABLE HOUSING UNITS, IF ANY, PROPOSED FOR THE DEVELOPMENT; AND FOR OTHER PURPOSES.

WHEREAS, the City is actively engaged in economic development and the expansion, retention, and attraction of business to its environs; and

WHEREAS, the City finds that the targeted use of economic development incentives is an effective means to increase local revenues, expand the local economy, create and retain well-paying jobs, expand affordable workforce housing, and support a dynamic economy; and

WHEREAS, a diversified urban environment where people of all ages can live, work, learn, create, and recreate is in the best interests of all Atlanta; and

WHEREAS, The Atlanta Development Authority d/b/a Invest Atlanta (“Invest Atlanta”) was created and is existing as the result Resolution 97-R-0177, adopted by Council on February 17, 1997, and approved by the Mayor on February 20, 1997, under and by virtue of the Constitution and the laws of the State of Georgia, in particular, the Development Authorities Law of the State, O.C.G.A. §36-62-1, *et seq.*, as amended, and is now existing and operating as a public body corporate and politic and an instrumentality of the State; and

WHEREAS, the City entered into Intergovernmental Agreements with Invest Atlanta for Economic Development Services and for Redevelopment Services; and

WHEREAS, Invest Atlanta is uniquely aware of the City’s policies regarding the use of economic incentives for development and redevelopment; and

WHEREAS, the creation and preservation of housing stock at a level that is affordable to working families in the City is of paramount importance; and

WHEREAS, the City has a concern regarding public subsidies granted by other agencies and authorities that remove valuable parcels from the City’s tax rolls or grant taxpayer-funded benefits without reciprocal value for the working persons and families of Atlanta; and

WHEREAS, the City has the power to regulate the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air

conditioning codes; and to license the construction and erection of buildings and all other structures; and

WHEREAS, the City has the power to make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the city and the inhabitants thereof and for preserving the health, peace, order, and good government; and

WHEREAS, the City wishes to ensure that residents are notified of proposed residential or mixed-used development that seek or have obtained the extraordinary benefit of taxpayer funded incentives from governmental entities.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section One: Appendix A of the Land Development Code, entitled “Building Code Amendments” is amended by creating a new Section 104.9 to read as follows:

Section 104.9 Review and Posting of Residential or Mixed Use Projects with Public Subsidies.

All building permit applications for residential development and mixed use development projects shall inquire whether any aspect of the project to be undertaken has received any grant, subsidy or incentive from any public entity, whether city, county, state or federal and including, but not limited, to a local development authority. In the event the project has applied for or has received such grant, subsidy or incentive from such public entity, within twenty-four hours of application for the building permit, the building permit applicant shall cause to be posted at the property along the street frontage so as to be visible from the nearest public right-of-way, a sign not less than four by four feet which shall be entitled “NOTICE OF PUBLIC FINANCING” and which shall include the following:

1. The name of the building permit applicant and developer;
2. The name of the governmental entity providing or potentially providing the grant, tax abatement, subsidy, or incentive;
3. The phone and email contact information of the governmental entity providing the grant, tax abatement, subsidy, or incentive;
4. The total number of residential units proposed in the building permit application; and;
5. The total number of residential units affordable at 40% area-medium income, 60% area-medium income and 80% area medium income.

(Do Not Write Above This Line)

A RESOLUTION BY *AS*
 AN ORDINANCE BY COUNCIL
 MEMBER C.T. MARTIN
 REGULAR REPORT REFER

AN ORDINANCE TO AMEND
 APPENDIX A OF THE LAND
 DEVELOPMENT CODE, ENTITLED
 "BUILDING CODE AMENDMENTS"
 SO AS TO CREATE A NEW SECTION
 104.9 TO BE ENTITLED "REVIEW
 AND POSTING OF RESIDENTIAL OR
 MIXED USE PROJECTS WITH PUBLIC
 SUBSIDIES" SO AS NOTIFY THE
 PUBLIC OF PROPOSED DEVELOPMENTS
 THAT SEEK OR HAVE BEEN GRANTED
 PUBLIC SUBSIDIES, TO FURTHER NOTIFY
 THE PUBLIC OF THE NUMBER OF
 AFFORDABLE HOUSING UNITS, IF ANY,
 PROPOSED FOR THE DEVELOPMENT;
 AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 11/17/14
 Referred To: CD/HK
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

Refer To _____
 Committee _____
 Date _____
 Chair _____
 Action Fav, Adv, Hold (see rev. side)
 M/Other's _____
 Members _____

Refer To _____
 Committee _____
 Date _____
 Chair _____
 Action Fav, Adv, Hold (see rev. side)
 M/Other's _____
 Members _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION

MAYOR'S ACTION