

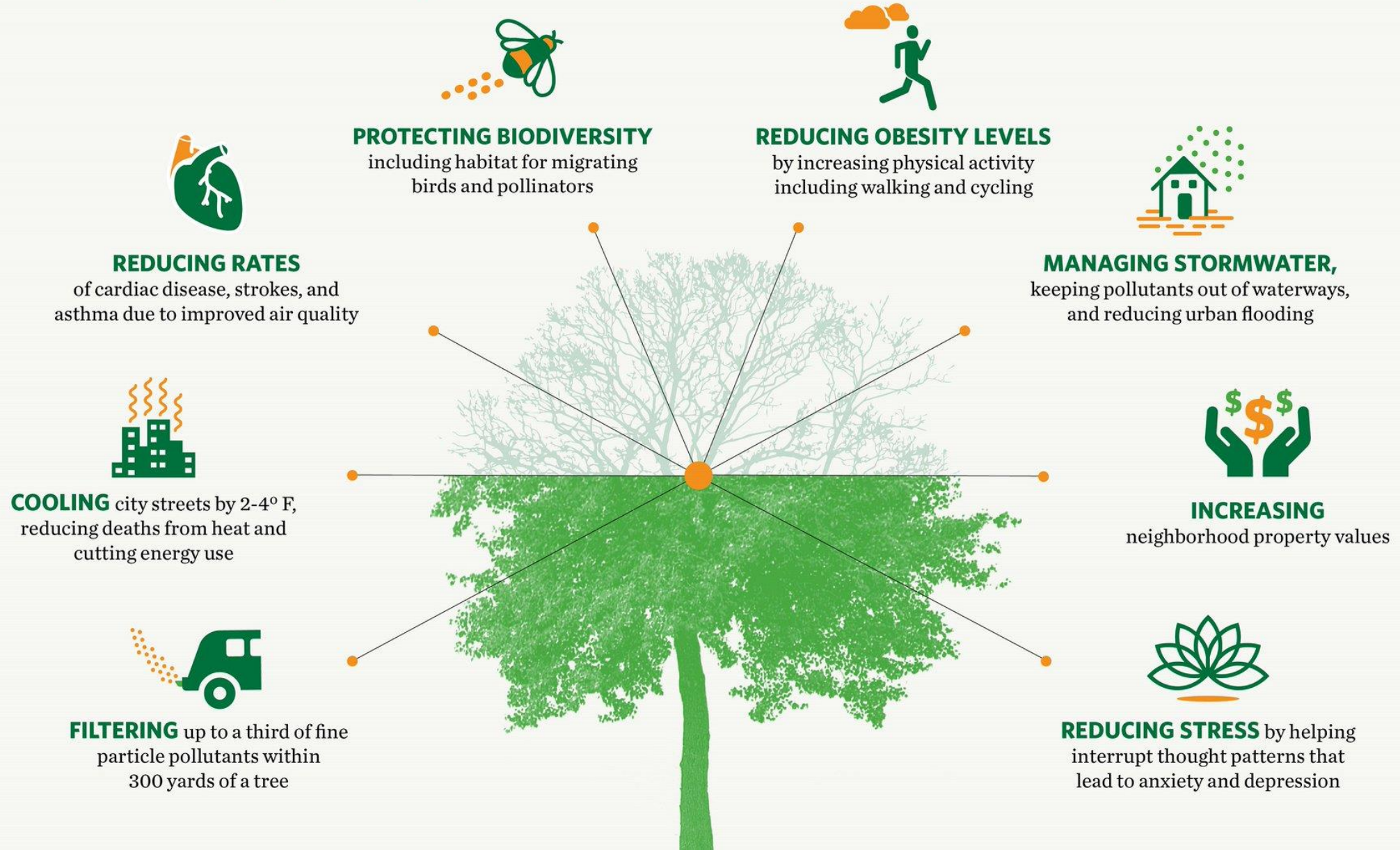


Atlanta Tree Protection Ordinance Phase 1 Updates


**Community Development/ Human Services Committee
Nov. 29th, 2022**

Benefits of Urban Trees

Research has linked the presence of urban trees to...



REDUCING RATES
of cardiac disease, strokes, and
asthma due to improved air quality



PROTECTING BIODIVERSITY
including habitat for migrating
birds and pollinators



REDUCING OBESITY LEVELS
by increasing physical activity
including walking and cycling



MANAGING STORMWATER,
keeping pollutants out of waterways,
and reducing urban flooding



INCREASING
neighborhood property values



REDUCING STRESS by helping
interrupt thought patterns that
lead to anxiety and depression



COOLING city streets by 2-4° F,
reducing deaths from heat and
cutting energy use



FILTERING up to a third of fine
particle pollutants within
300 yards of a tree



ATLANTA'S TREE CANOPY IS A DEFINING FEATURE OF THE CITY

AND WE ARE SLOWLY LOSING OUR CANOPY

2008: 47.9 %

2014: 47.1%

2018: 46.5%

Canopy data source: Ga. Tech Center for Spatial Planning Analytics and Visualization

New Approach: Incremental Revisions

Atlanta's Tree Protection Ordinance (TPO) needs updating

Atlanta's TPO has not had a comprehensive update since 2001. Many aspects of the current ordinance are out of date or do not reflect the current needs of the City.

Atlanta's TPO is difficult to update

Two previous multi-year efforts to comprehensively update Atlanta's tree ordinance failed to gain enough support to be adopted by City Council due to a failure to reach consensus among key stakeholders.

We are taking a new approach and seeking incremental changes to the TPO

This first phase of proposed revisions will seek consensus on less controversial, but still important, changes. Success at this phase will set the stage for future rounds of revisions where we tackle the thornier issues.

Phase 1 TPO Goals

Phase 1 TPO Updates Address:

Conflicts and ambiguities in current ordinance

Example: Conflicting standards in current ordinance for when a tree is allowed to be removed

Updates to improve administration of the ordinance

Example: New site reinspection fee

Updates based on current arboricultural knowledge

Example: Set minimum soil areas for tree planting

Updates to increase preservation of existing canopy

Example: New requirement for invasive vine removal from preserved trees

TPO Update Process

Phase 1 process:

Stakeholder meetings

We assembled a broad 'working group' of stakeholders with representation from several environmental and tree canopy advocacy groups, development trade organizations, the Atlanta Tree Conservation Commission, City Council, and the Mayor's office, most of whom had been involved in past Tree Protection Ordinance discussion. Together we reviewed and discussed a large list of potential changes and identified (and fine-tuned) the less controversial changes that had near total consensus.

Future updates:

Many needed changes not happening this round and will be discussed in future phases of revisions.

Changes that are not addressed in this legislation include:

- *Updated recompense fees*
- *New standards for tree preservation*
- *Required planting/tree density standards for most sites*
- *Uniform regulation of public and private trees*
- *And many other smaller changes*

Phase 1 Update Components

Ordinance Administration

1. New site reinspection fee
2. New language clarifying arborists' ability to deny unnecessary tree removals
3. New language to allow arborists to allow minor variations to standards (e.g. tree species or spacing)
4. Potential tree impacts to be considered before selecting a site for new City facilities
5. Tree posting durations lengthened

Tree Protection and Enforcement

6. Tree protection fencing required to be chain link or other 'hard' material in certain circumstances
7. Tiered fine system for construction site violations
8. Invasive vine removal from preserved trees will be required for minimum tree cover credit

Phase 1 Update Components

Tree Planting

9. Update minimum tree planting spacings
10. Defined ratio of different species required for site plantings
11. Updated parking lot planting requirements
12. Minimum soil areas for tree plantings
13. Updated list of undesirable and invasive tree species and policy for their removal
14. Street trees required on all sites
15. Tree planting options during development of single-family residential subdivisions
16. Trees on commercial, multi-family, and mixed-use developments must be replaced for the life of the development

Phase 1 Update Components

Tree Trust Fund

17. Allow the use of Tree Trust Funds for the pruning, removal, and replacement of hazardous trees for low-income homeowners
18. Added account numbers and ranges for Tree Trust Fund revenues and expenses and clarified departmental management authority

Definitions and Other Minor Edits

19. Updated the definition of “overstory tree” and added definitions for new terms used in the ordinance
20. Other minor edits to improve accuracy and clarity

A photograph of a forest with tall, thin trees and green foliage. The text "Questions?" is overlaid in the center in a white, bold, sans-serif font with a slight shadow.

Questions?

Components: Ordinance Administration

1. New site reinspection fee

Under the current ordinance, there is no charge for a site reinspection by the City Arborist, even when the reinspection is necessary due to an error on the applicant's part.

Under this new provision, a \$50 reinspection fee will be charged if, due to applicant errors, more than two field inspections are required to post the notice of preliminary plan approval.

Components: Ordinance Administration

2. New language clarifying the arborists' ability to deny unnecessary tree removals

The current ordinance provides two conflicting standards for when a tree is allowed to be removed from the buildable area of a lot:

1) Applicant “**shall, to the maximum extent feasible, minimize the impact on the trees on the site**”

and

2) The tree may be permitted for removal if it is “**located within the buildable area of the lot**”

New proposed language helps to clarify the relationship between the two standards by defining reasonable and flexible site design criteria and construction methods to allow development while ensuring greater tree preservation.

Greater tree preservation can be achieved by reusing previously developed areas of the site and by using construction techniques that reduce impacts to tree roots: retaining walls and pier and beam foundations, directional boring for utility installation, root bridging for driveways, etc.

Components: Ordinance Administration

3. New language to allow arborists to allow minor variations to standards (e.g. tree species or spacing)

The current ordinance gives the City Arborist little authority to make even small modifications to the requirements of the ordinance.

This provision would allow the City Arborist to make small, reasonable modifications to the requirements of the ordinance in response to unusual site conditions, project type, or other project specific issues. Any modifications to the ordinance standards granted by the City Arborist would be documented in the project record and accessible to the public.

Components: Ordinance Administration

4. Potential tree impacts to be considered before selecting a site for new City facilities

The current ordinance contains no guidance on choosing sites for City facilities with the goal of reducing tree impacts.

This new provision will require the City of Atlanta Department of Enterprise Asset Management to consult with the City Arborist during site selection for new City facilities to ensure that minimizing tree impacts is a consideration when selecting the most appropriate site.

Components: Ordinance Administration

5. Tree posting durations lengthened

There have been many requests over the years to lengthen the posting times for private property trees to allow more time for filing an appeal, if one is warranted.

This change will increase the posting durations as follows:

1st posting (orange sign) will be increased from 10 *calendar* days to 10 *business* days.

2nd posting (yellow sign) will be increased from 5 business days to 7 business days.

Both postings will continue to be physical signs posted on the site.

Components: Tree Protection and Enforcement

6. Tree protection fencing required to be chain link or other 'hard' material in certain circumstances

Tree protection fencing is required to be installed during construction to delineate the areas that may not be disturbed in order to protect the critical root zone (CRZ) of trees to be preserved. Typical fencing is lightweight plastic mesh and easily knocked over.

This change requires that chain-link, wood, or other more substantial fencing be used to protect trees in the following locations and circumstances:

- All commercial, multi-family residential, and mixed-use developments
- Front yards of single-family residential projects
- Protection for of trees that have been approved for greater than 20% impacts to their critical root zones

Components: Tree Protection and Enforcement

7. Tiered fine system for construction site violations

The current TPO is unclear as to whether the City Arborist may issue citations for violations of tree protection measures during construction where a tree was not injured or destroyed.

This new language will allow the arborist to cite builders or others who, for example, fail to reinstall tree-save fence if it is knocked over.

No changes are proposed to the penalties for illegally injuring or destroying a tree, which are defined in the existing code.

Components: Tree Protection and Enforcement

8. Invasive vine removal from preserved trees will be required for minimum tree cover credit

This new provision will address the threat that certain invasive vines pose to the City's tree canopy. Several species of invasive vines that can smother or strangle trees have taken up residence in Atlanta's forests. Left to grow on trees unchecked, vines like English Ivy, Chinese Wisteria, and Kudzu can eventually smother and kill the trees they grow on.

This provision requires that any trees that are to be counted towards meeting the minimum tree cover (afforestation) requirement must have any invasive vines removed from the tree to ensure the tree's continued health.

Components: Tree Planting

9. Update minimum tree planting spacings

The City Arborist has determined that the minimum spacings between newly planted trees, as defined in the current ordinance, are larger than necessary. This update reduces the minimum spacing for newly planted overstory and mid-canopy trees to allow for denser tree plantings and quicker canopy cover on newly planted sites.

Minimum spacing for overstory trees: Reduced from 35 feet (current ordinance) to 25 feet when planted in a single row, or 30 feet when planted en masse.

Minimum spacing for mid-canopy trees: Reduced from 25 feet (current ordinance) to 20 feet.

Components: Tree Planting

10. Defined ratio of different species required for site plantings

The current ordinance does not require a diversity of tree species when new trees must be planted. However, species diversity creates resilience in the urban forest and reduces the impacts of disease and pests. Additionally, the use of species native to this region helps support local ecosystems.

This new language proposes planting standards that will ensure a diversity of species, with an emphasis on the use of native species, in future tree plantings.

Components: Tree Planting

11. Updated parking lot planting requirements

Paved surfaces like roads and parking lots absorb more heat from the sun than vegetated surfaces and radiate that heat back out, raising the temperature of surrounding areas. High urban temperatures can exacerbate air quality issues and cause heat related health problems, especially within vulnerable populations.

Several aspects of the current ordinance's parking lot planting standards need to be updated to ensure better tree canopy coverage to lower the temperature of surface parking lots.

The proposed update ensures better tree canopy coverage to lower the temperature of surface parking lots. It does not change the number of trees required (1 tree per 8 parking spaces) but lowers the size of parking lot that the requirements apply to (from 30 spaces in the current ordinance to 16 spaces in the update), requires a more even distribution of trees across the parking lot, requires the use of overstory and mid-canopy species, and requires the use of larger planting areas to insure healthier and longer-lived plantings.

Components: Tree Planting

12. Minimum soil areas for tree plantings

Trees need an adequate amount of rich, uncompacted soil to grow to their full potential. The current tree ordinance's requirement for a six-foot by six-foot planting area for trees in parking lots is inadequate and in most cases results in trees that grow smaller and die younger than they should.

This update defines the minimum soil area required for planting trees when surrounded by paving or planted in other constrained areas. These requirements apply not just to parking lots, but all constrained planting areas.

Overstory trees: 400 square feet of soil per tree

Mid-canopy trees: 250 square feet of soil per tree

Understory trees: 100 square feet of soil per tree

Components: Tree Planting

13. Updated list of undesirable and invasive tree species and policy for their removal

The current ordinance identifies a limited number of tree species that, due to their undesirable qualities, may be removed without required replanting or payment of recompense. Additionally, these trees may not be planted for replacement or recompense credit.

This update proposes an expanded list of undesirable tree species that is divided into two categories: Invasive species that pose a risk to our local ecosystems, and undesirable species that have problems such as disease susceptibility, being weak-wooded and prone to breaking, or simply add little to the quality of Atlanta's urban forest.

Under this update, removal both types of trees require a permit from the arborist but are exempt from posting and appeals. Any number of invasive trees may be removed with no replacement or recompense required, while removing 5 or more undesirable trees will require either replacement of those trees or proof that the site meets the existing tree cover (afforestation) requirement.

Components: Tree Planting

14. Street trees required on all sites

Along with parking lots, streets are one of the primary contributors to the urban heat island. The shade and evaporative cooling from trees can greatly reduce the heat that streets absorb. The current tree protection ordinance does not have specific a requirement for trees to be planted along streets in new developments. Many zoning categories in Atlanta do require street trees, but not all.

This update requires street trees on all construction projects along public and private roads at 40 foot spacings or as required by zoning code. Street trees must be a mix of overstory and mid-canopy trees

Components: Tree Planting

15. Tree planting options during development of single-family residential subdivisions

The current ordinance has minimum tree cover requirements that apply to all projects but does not address when to plant these trees during the complicated, multi-phase development of residential subdivisions.

This update defines two options for when tree planting along streets and on other common property in new single-family residential subdivisions should take place, and for enforcement purposes, requires that the common property tree plantings be recorded on the final subdivision plat.

Components: Tree Planting

16. Trees on commercial, multi-family, and mixed-use developments must be replaced for the life of the development

With the exception of trees in parking lots, under the current ordinance new trees planted as a requirement of the tree protection ordinance must only be guaranteed to live for two years after planting. In most cases, the two-year window ensures that the trees got established and will grow for decades.

Commercial, multi-family residential, and mixed-use developments often have lower levels of tree canopy than less intensively developed sites, have site conditions that are often more stressful for trees, and are less likely to have natural regeneration of trees (volunteers) on site. Maintenance and replacement of the trees providing shade and other benefits to these developments is vital to ensure adequate tree canopy.

This new provision requires that for the life of a development, all trees planted as a permit requirement on commercial, multi-family residential, or mixed-use developments that are dead or dying must be replaced with another tree.

Components: Tree Trust Fund

17. Allow use of Tree Trust Funds for the pruning, removal, and replacement of hazardous trees for low-income homeowners

This new provision allows the use of Tree Trust Funds to address a need not originally anticipated. Many low-income homeowners in Atlanta struggle to pay for maintenance or removal of hazardous tree on their property. This can lead to a wariness of trees growing on their property and potentially less support for a dense city-wide tree canopy.

This provision allowed the use of up to \$200,000 per year from the Tree Trust Fund to assist low-income homeowners prune or remove hazardous trees growing on their property. When a tree is removed under this new program, a new tree will be planted on the property.

The Department of City Planning will establish eligibility standards based on income for this program after adoption.

Components: Tree Trust Fund

18. Added account numbers and ranges for Tree Trust Fund revenues and expenses and clarified departmental authority

This new language, recommended by a 2020 audit of the Tree Trust Fund, adds revenue and expense account numbers and ranges to the ordinance and clarifies that the Department of City Planning is responsible for the management of the Tree Trust Fund.

Components: Definitions and Other Minor Edits

19. Definitions

Updated the definition of **overstory tree** to reflect current species categorization.

Added definitions for new terms used in the ordinance:

- arborist division
- business day
- root chase
- soil cell
- streetscape
- suspended pavement

20. Other minor edits

Minor typographical changes, renumbered sections, and revised grammar and wording for clarity and accuracy.