

16-0-1353
#9658

~~RESOLUTION~~
BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AMENDING CITY OF ATLANTA CODE OF ORDINANCES SECTION 158-66, ENTITLED "TREE TRUST FUND", TO ESTABLISH MINIMUM CRITERIA FOR THE USE OF TREE TRUST FUND DOLLARS TO PROCURE PRIVATELY-OWNED AFFORESTED PROPERTY, INCLUDING A REQUIREMENT THAT THE PROCURED PROPERTY BE DESIGNATED IN PERPETUITY AS FOREST LAND; AND FOR OTHER PURPOSES.

ADOPTED BY As Amended

NOV 2 1 2016

COUNCIL

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

Date Referred: 6-20-16

Referred To: C.D/HR

Date Referred:

Referred To:

Date Referred:

Referred To:

First Reading

Committee
Date
Chair
Referred To

CD/HR
6/28/16
CD/HR

Committee

Date
Chair

CD/HR
6/28/16

Action
Hold (see rev. side)
Other

Fav, Adv, Hold (see rev. side)

Members

Refer To

Committee

Date
Chair

CD/HR
6/28/16

Action
Hold (see rev. side)
Other

Fav, Adv, Hold (see rev. side)

Members

Refer To

Committee
Date
Chair
Action
Other
Members

Committee

Date

Chair

Action
Hold (see rev. side)
Other

Fav, Adv, Hold (see rev. side)

Members

Refer To

Committee

Date

Chair

Action
Hold (see rev. side)
Other

Fav, Adv, Hold (see rev. side)

Members

Refer To

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

CERTIFIED

NOV 2 1 2016

CERTIFIED

NOV 2 1 2016

Randall L. Johnson
MAYOR

MAYOR'S ACTION

APPROVED

NOV 3 0 2016

WITHOUT SIGNATURE
BY OPERATION OF LAW

**AN AMENDED ORDINANCE BY
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AMENDING CITY OF ATLANTA CODE OF ORDINANCES SECTION 158-66, ENTITLED “TREE TRUST FUND”, TO ESTABLISH MINIMUM CRITERIA FOR THE USE OF TREE TRUST FUND DOLLARS TO PROCURE PRIVATELY-OWNED AFFORESTED PROPERTY, INCLUDING A REQUIREMENT THAT THE PROCURED PROPERTY BE DESIGNATED IN PERPETUITY AS FOREST LAND; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) has established a Tree Protection Ordinance that is set forth in City Code of Ordinances section 158-26 through section 158-110 (the “Tree Ordinance”); and

WHEREAS, the purpose of the Tree Ordinance is to “assure” that there is “no net loss of trees within the boundaries of the city . . . and that the city will continue to enjoy the benefits provided by its urban forest”. (City Code of Ordinances §158-28); and

WHEREAS, in furtherance of its purpose, the Tree Ordinance establishes a Tree Trust Fund (the “Tree Fund”) to be utilized “for the protection, maintenance, and regeneration of the trees and other forest resources of Atlanta”. (City Code of Ordinances §158-66(a)); and

WHEREAS, the Tree Fund is funded by developers, builders, contractors, homeowners and others who remove or destroy healthy trees located in the City. To “minimize the impact” of tree loss, the remover of trees must either plant “replacement trees”, and/or must pay “recompense” dollars into the Trust Fund to enable the City to remediate and protect Atlanta’s tree canopy. (City Code of Ordinances §§158-103(a) and (b)); and

WHEREAS, an effective method of protecting and maintaining Atlanta’s urban forest is to procure privately-owned property that is already forested and preserve its afforestation in perpetuity; and

WHEREAS, one benefit of purchasing afforested property, in comparison to purchasing and planting new trees, is that many trees on afforested property are mature, thus providing a benefit to the City’s tree canopy that would not be provided by a new tree for many years; and

WHEREAS, the Tree Ordinance does not currently provide minimum criteria for procurement of forested property; and

WHEREAS, in order to maximize the benefit of the Tree Fund expenditure, it is in the City’s best interest to establish minimum criteria for the use of Tree Fund dollars to purchase privately-owned forested property.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Atlanta Code of Ordinances Chapter 158 (“Vegetation”), Article II (“Tree Protection”), Division 2 (“Tree Conservation Commission”), Section 158-66 (“Tree Trust Fund”) shall be amended as follows:

- i) The current subsection 158-66(b) shall be re-numbered as subsection 158-66(c);
- ii) The current subsection 158-66(c) shall be re-numbered as subsection 158-66(d); and
- iii) The current subsection 158-66(d) shall be re-numbered as subsection 158-66(e).

SECTION 2. The City of Atlanta Code of Ordinances Chapter 158 (“Vegetation”), Article II (“Tree Protection”), Division 2 (“Tree Conservation Commission”), Section 158-66 (“Tree Trust Fund”) shall be amended by adding a new subsection (b) entitled “Procurement of forested property”.

Subsection 158-66(b) shall read as follows:

“(b) *Procurement of forested property.*”

As set forth in subsection 158-66(a) above, “protection, maintenance, and regeneration of the trees and other forest resources of Atlanta” shall include procurement of privately-owned forested property. The tree trust fund may be utilized to purchase forested property provided that the following minimum criteria are satisfied:

- (1) The property must contain one or more of the following, as determined by or at the direction of the Department of Parks and Recreation Commissioner and the Department of Planning and Community Development Commissioner: i) 80 percent or more canopy cover; ii) minimum forestation standards of 1,000 DBH inches; and/or iii) 50 mature trees per acre.
- (2) The purchase of the forested property must be authorized by a duly-enacted City ordinance, and said ordinance shall include the following:
 - i) The property must explicitly be dedicated and preserved in perpetuity as forested land;
 - ii) The property must be available for public use without cost (subject to Atlanta’s park rules and other applicable City ordinances);
 - iii) Use of the property must be restricted to passive recreational activities with minimal environmental impact, as determined and established in writing by the Department of Parks and Recreation Commissioner based on the characteristics of the property; and
 - iv) The Department of Parks and Recreation Commissioner shall provide a property maintenance plan as an attachment to the ordinance. The plan will describe the

types of maintenance that may be needed at the property, will estimate the property's annual maintenance cost, and will identify the source of funding for the estimated annual maintenance cost. To the extent that the Commissioner identifies the Tree Trust Fund as the source of maintenance funding, any specific allocation of maintenance dollars from the Tree Trust Fund shall be authorized as a separate procurement or expenditure, in a manner consistent with applicable city ordinances.

- (3) The Department of Parks and Recreation Commissioner and the Department of Planning and Community Development Commissioner shall jointly develop a written list of factors and a process for evaluating parcels that may be suitable for acquisition as forested property. An ordinance authorizing procurement of forested property, as described in subsection 158-66(b)(2) above, shall include as attachments an affidavit from each of the two commissioners providing her/his recommendation regarding the procurement based upon these factors.
- (4) The Department of Parks Commissioner and the Department of Planning and Community Development Commissioner shall jointly provide a report to the Community Development/Human Resources Committee each time a privately-owned afforested property procured by the City, which shall include the amount appropriated from the Tree Recompense Fund and the acreage of the property.

SECTION 3. All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

A true copy,


Municipal Clerk

ADOPTED as amended by the Atlanta City Council
APPROVED as per City Charter Section 2-403

NOV 21, 2016
NOV 30, 2016

ATLANTA CITY COUNCIL
NOVEMBER 21, 2016

MOTION : Adopt except 16-R-4581
 LEGISLATIVE ID: CONSENT SECTION I

	YEA	NAY	ABSTAIN	COMMENTS
Cesar C. Mitchell President of Council				
Michael Julian Bond Post 1 -at-Large				
Mary Norwood Post 2 -at-Large				
Andre Dickens Post 3 -at-Large				
Carla Smith Council District 1	AWAY			
Kwanza Hall Council District 2				
Ivory Lee Young, Jr. Council District 3				
Cleta Winslow Council District 4				
Natalyn Mosby Archibong Council District 5				
Alex Wan Council District 6	M			
Charles Howard Shook Council District 7				
Yolanda Adrean Council District 8				
Felicia A. Moore Council District 9				
C. T. Martin, Jr. Council District 10	S			
Keisha Lance Bottoms Council District 11				
Joyce Sheperd Council District 12				
TOTAL	13	0		

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		11-21-16
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 16-O-1353	43. 16-R-4576	84. 16-R-4630
2. 16-O-1538	44. 16-R-4577	85. 16-R-4631
3. 16-O-1597	45. 16-R-4584	86. 16-R-4632
4. 16-O-1604	46. 16-R-4593	87. 16-R-4633
5. 16-O-1615	47. 16-R-4594	88. 16-R-4634
6. 16-O-1619	48. 16-R-4595	89. 16-R-4635
7. 16-O-1620	49. 16-R-4596	90. 16-R-4636
8. 16-O-1621	50. 16-R-4678	91. 16-R-4637
9. 16-O-1622	51. 16-R-4597	92. 16-R-4638
10. 16-O-1630	52. 16-R-4598	93. 16-R-4639
11. 16-O-1602	53. 16-R-4599	94. 16-R-4640
12. 16-O-1603	54. 16-R-4600	95. 16-R-4641
13. 16-O-1601	55. 16-R-4601	96. 16-R-4642
14. 16-O-1606	56. 16-R-4602	97. 16-R-4643
15. 16-O-1607	57. 16-R-4603	98. 16-R-4644
16. 16-O-1609	58. 16-R-4604	99. 16-R-4645
17. 16-O-1616	59. 16-R-4605	100. 16-R-4646
18. 16-O-1624	60. 16-R-4606	101. 16-R-4647
19. 16-O-1532	61. 16-R-4607	102. 16-R-4648
20. 16-O-1570	62. 16-R-4608	103. 16-R-4649
21. 16-O-1614	63. 16-R-4609	104. 16-R-4650
22. 16-O-1626	64. 16-R-4610	105. 16-R-4651
23. 16-R-4585	65. 16-R-4611	106. 16-R-4652
24. 16-R-4679	66. 16-R-4612	107. 16-R-4653
25. 16-R-4667	67. 16-R-4613	108. 16-R-4654
26. 16-R-4668	68. 16-R-4614	109. 16-R-4655
27. 16-R-4669	69. 16-R-4615	110. 16-R-4656
28. 16-R-4375	70. 16-R-4616	111. 16-R-4657
29. 16-R-4670	71. 16-R-4617	112. 16-R-4658
30. 16-R-4671	ITEMS ADVERSED ON CONSENT	113. 16-R-4659
31. 16-R-4672	72. 16-R-4618	114. 16-R-4660
32. 16-R-4674	73. 16-R-4619	115. 16-R-4661
33. 16-R-4675	74. 16-R-4620	116. 16-R-4662
34. 16-R-4676	75. 16-R-4621	117. 16-R-4663
35. 16-R-4680	76. 16-R-4622	118. 16-R-4664
36. 16-R-4579	77. 16-R-4623	119. 16-R-4665
37. 16-R-4580	78. 16-R-4624	120. 16-R-4666
38. 16-R-4586	79. 16-R-4625	
39. 16-R-4589	80. 16-R-4626	
40. 16-R-4590	81. 16-R-4627	
41. 16-R-4591	82. 16-R-4628	
42. 16-R-4592	83. 16-R-4629	

MAYOR'S ACTION AUTHENTICATION PAGE



16-0-1353

Adopted by the Atlanta City Council

November 21, 2016

APPROVED

NOV 30 2016

WITHOUT SIGNATURE
BY OPERATION OF LAW

MAYOR'S ACTION