

**Tree Protection Ordinance (06/16/2025)****Summary of Proposed Revisions****Proposed effective date of ordinance: January 1, 2026****UPDATES MADE FROM THE June 10, 2025, SUBSTITUTION****Low-income senior assistance program**

- ✓ Increases the funding amount for the low-income senior assistance program from \$200,000/year to \$400,000/year.

**Tree Replacement Requirements for Affordable Housing Developments**

- ✓ Establishes recompense reductions for single-family and multifamily rental units based on *Area Median Income* (AMI) and percentage of affordable units designated.
- ✓ Recompense reductions are based on AMI (80%, 60% & 50% or lower) and the percentage of affordable rental units.
- ✓ Establishes recompense reductions for affordable for-sale units within multifamily, single-family subdivisions and planned unit developments based on AMI and percentage of affordable units designated.

Recompense reductions are based on AMI (120% and 80%) and percentage of for-sale affordable units.

<b><u>Recompense Reductions for Affordable Rental Housing</u></b>		
<b><u>Depth of Affordability</u></b> <i>Area Medium Income (AMI)</i>	<b><u>Percentage of Affordability<sup>1</sup></u></b> <i>Percent affordable units offered (or percent of SF dedicated to affordable residences in mixed use developments)</i>	<b><u>Recompense Reduction<sup>2</sup></u></b> <i>Percent</i>
<b><u>Multi-family or single-family residential (rental units)</u></b>		
<u>80% AMI</u>	<u>15%</u>	<u>70%</u>
	<u>20% or more</u>	<u>80%</u>
<u>60% AMI</u>	<u>10%</u>	<u>80%</u>
	<u>20% or more</u>	<u>90%</u>
<u>50% AMI or lower</u>	<u>10% or more</u>	<u>100%</u>

<b><u>Recompense Reductions for Affordable For-Sale Housing</u></b>		
<b><u>Depth of Affordability</u></b> <i>Area Medium Income (AMI)</i>	<b><u>Percentage of Affordability<sup>1</sup></u></b> <i>Percent affordable units offered (or percent of SF dedicated to affordable residences in mixed use developments)</i>	<b><u>Recompense Reduction<sup>2</sup></u></b> <i>Percent</i>
<b><u>Multi-family or single-family residential (for sale units)</u></b>		
<u>120% AMI</u>	<u>10%</u>	<u>70%</u>
	<u>20%</u>	<u>80%</u>
	<u>30% or more</u>	<u>90%</u>
<u>80% AMI</u>	<u>10%</u>	<u>80%</u>

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	<u>20%</u>	<u>90%</u>
	<u>30% or more</u>	<u>100%</u>

**Tree Density Requirements**

- ✓ Provides minimum tree density requirements for all single-family lots prior to the issuance of a certificate of occupancy.

Single-family Minimum Tree Density Requirements by Zoning (Total trees planted)	
R-4B	2 trees per lot
R-5, R-4, and R-4A districts	21 trees per acre
R-3 and R-3A districts	22 trees per acre
R-2 and R2A districts	25 trees per acre
R-1 districts	28 trees per acre
RG, PD, and all other districts	20 trees per acre

**Maximum Recompense**

- ✓ For new subdivisions, new lots of record, and vacant lots, a maximum shall be set on recompense at a pro-rated per acre basis by zoning classification as tabulated below, provided that no less than the specified minimum existing DBH inches, are retained on a site.
- ✓ Vacant lots shall be based upon the lower Minimum Trees Retained total DBH inches, new subdivisions and new lots of record shall be based upon the higher Minimum Trees Retained total DBH inches.

<u>Zoning</u>	<u>Minimum Trees Retained (Total DBH Inches)</u>	<u>Maximum Recompense per Acre</u>
<u>R-1</u>	<u>65%</u>	<u>\$35,000</u>
<u>R-2</u>	<u>50%</u>	<u>\$35,000</u>
<u>R-2A</u>	<u>50%</u>	<u>\$25,000</u>
<u>R-3, R-3A</u>	<u>40%</u>	<u>\$25,000</u>
<u>R-4, R-4A, R-G, R-LC</u>	<u>35%</u>	<u>\$15,000</u>
<u>RG-4, RG-5</u>	<u>10%/20%*</u>	<u>\$22,500</u>
<u>R-4B</u>	<u>10%/20%*</u>	<u>\$12,500</u>
<u>R-5</u>	<u>10%/30%*</u>	<u>\$15,000</u>
<u>MR, MRC, I-MIX</u>	<u>10%</u>	<u>\$25,000</u>
<u>O&amp;I, C(1-5), I(1&amp;2)</u>	<u>25%</u>	<u>\$35,000</u>
<u>PD, PD-H, PD-MU, PD-OC, PD-BP, SPI Districts, Historic and Landmark Districts, and other special zoning categories**</u>	<u>Treat according to underlying zoning categories</u>	<u>Treat according to underlying zoning categories</u>

**Additional staff positions**

- ✓ Adds three senior arborists and six field arborists to be funded 50% by the Tree Trust Fund (and 50% by the general fund) in the Department of City Planning, and ecologist. Also authorizes funding for the secretary to the Tree Conservation Commission and the project manager for the Tree Conservation Commission as included in the May draft.



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- ✓ Adds one senior arborist in the Department of Parks and Recreation.

#### **ADDITIONAL UPDATES TO THE CURRENT TREE PROTECTION ORDINANCE (including updates presented in the May substitute)**

##### **Tree Preservation and Conservation Cost Consideration**

- ✓ Increases recompense to \$140.00/inch. Beginning January 1, 2027, and continuing on an annual basis, the established recompense shall be adjusted to reflect the annual rate of inflation for the Atlanta-Sandy Springs-Roswell, GA Metropolitan Statistical Area (MSA) as published by the United States Bureau of Labor Statistics (Consumer Price Index for All Urban Consumers – CPI-U). The adjusted recompense shall be rounded to the nearest whole dollar.
- ✓ Incentivizes planting instead of recompense by offering credit at 1.25 times the number of caliper inches planted.
- ✓ Establishes a mechanism to fund the previously established low-income homeowner assistance for senior citizens for tree assessments, pruning, removal and replacement. Adds a definition for the term “low-income”. Program to be administered via a 501(c)(3).
- ✓ Increases fine for illegal tree removal measured in acres to be in-line with increased recompense; from \$100,000/acre to \$200,000/acre.

##### **Public Projects**

- ✓ Provides option for inch-for-inch replacement, implementation of urban forestry projects, or payment of recompense for trees removed from public property.
- ✓ Establishes preference for tree-for-tree replacement before implementing other options.
- ✓ Allows recompense payments for remaining inches after replacement trees are planted.
- ✓ Provides incentives for project improvements that departments can incorporate into their project scope.
- ✓ For the purposes of tree replacement and monetary recompense requirements, the provisions of Section 158-72 shall apply to developments on public property that involve the construction of affordable and mixed income housing, provided that:
  - The site meets all requirements as set forth in this article;
  - One of the affordability conditions in Table TPO-3 is satisfied; and
  - The property is owned by a public entity including, but not limited to, City of Atlanta, the Housing Authority of the City of Atlanta (AHA), Atlanta Beltline, Inc. (ABI), Invest Atlanta (IA), the Metropolitan Atlanta Rapid Transit Authority (MARTA), Atlanta Urban Development (AUD), Metro Atlanta Land Bank (MALB), and their subsidiaries.

##### **Registry Program**

- ✓ Requires tree professionals preparing site plans, providing prescriptions, or submitting DDH permit applications to register with the City.
- ✓ A list of tree professionals in good standing with the City will be published on the City website.

##### **Response to Public Inquiry**

- ✓ Adds language that provides guidance to property owners who request tree removal related to property owner's insurance. (Note: Standard operating procedures established for staff and customers.)