



Lake Charlotte Nature Preserve Carbon Credit Project (LCNPCCP) Project Design Document

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INSTRUCTIONS

Project Operators must complete and submit this Project Design Document (PDD) to request credits. City Forest Credits (CFC) then reviews this PDD as part of the validation process along with all other required project documents. An approved third-party verifier then conducts verification.

The Protocol Requirements below are a list of eligibility requirements for informational purposes which are also found in the CFC Tree Preservation Protocol Version 11.40, dated February 7, 2022.

Project Operators will enter data and supporting attachments starting on page 6 under Project Overview where you find “[Enter text here]” as thoroughly as possible and provide numbered attachments for maps and other documentation (ex: 1 – Regional Map).

PROTOCOL REQUIREMENTS

Project Operator (Section 1.1)

Identify a Project Operator for the project. This is the entity or governmental body who takes responsibility for the project for the 40-year duration.

Project Duration and Project Implementation Agreement (Section 1.2, 2.2)

Project Operator must commit to a 40-year duration and sign a Project Implementation Agreement. This is a 40-year agreement between the Project Operator and City Forest Credits (the “Registry”) for an urban forest carbon project.

Location Eligibility (Section 1.3)

Projects must be located in or along the boundary of at least one of the following criteria:

- A. “Urban Area” per Census Bureau maps; see <https://www.census.gov/geographies/reference-maps/2010/geo/2010-census-urban-areas.html>
- B. The boundary of any incorporated city or town created under the law of its state;
- C. The boundary of any unincorporated city, town, or unincorporated urban area created or designated under the law of its state;
- D. The boundary of any regional metropolitan planning agency or council established by legislative action or public charter. Examples include the Metropolitan Area Planning Council in Boston, the Chicago Municipal Planning Agency, the Capital Area Council of Governments (CAPCOG) in the Austin area, and the Southeastern Michigan Council of Governments (SEMCOG)
- E. The boundary of land owned, designated, and used by a municipal or quasi-municipal entity for source water or watershed protection. Examples include Seattle City Light South Fork Tolt River Municipal Watershed (8,399 acres owned and managed by the City and closed to public access);
- F. A transportation, power transmission, or utility right of way, provided the right of way begins, ends, or passes through some portion of A through D.

Ownership or Right to Receive Credits Eligibility (Section 1.5)

Project Operator must demonstrate ownership of property and eligibility to receive potential credits by meeting one of the following:

- A. Own the land and potential credits upon which the Project trees are located; or
- B. Own an easement or equivalent property interest for a public right of way within which Project trees are located and accept ownership of those Project trees by assuming responsibility for maintenance and liability for them; or
- C. Have a written and signed agreement from the landowner, granting ownership to the Project Operator of any credits for carbon storage, other greenhouse gas benefits, and other co-benefits delivered by Project trees on that landowner's land. If the Project Area is on private property, the agreements in this sub-section must be recorded in the public records in the county where the property is located. The recordation requirement can be satisfied if the agreements specified in this sub-section are contained in a recorded easement, covenant, or deed restriction on the property.

Demonstrate Tree Preservation (Section 4.1)

The Project Operator must show that the trees in the Project Area are preserved from removal by a recorded easement, covenant, or deed restriction (referred to hereafter as "Recorded Encumbrance") with a term of at least 40 years. This action is referred to as the "Preservation Commitment." This Recorded Encumbrance must be recorded not later than 12 months after Registry approval of the Project's Application.

Demonstrate Threat of Loss (Section 4.2, 4.3, and 4.4):

The Project Operator must show that prior to the Preservation Commitment:

- Project trees were not preserved from removal through a Recorded Encumbrance or other prohibitions on their removal,
- The Project Area was:
 - o In a land use designation that allowed for at least one non-forest use. Non-forest uses include industrial, commercial, transportation, residential, agricultural, or resource other than forest, as well as non-forest park, recreation, or open space uses.
 - o Is not in an overlay zone that prohibits all development. Examples include critical areas or wetland designations.
- The Project Area met one of the following conditions:
 - o Surrounded on at least 30% of its perimeter by non-forest, developed or improved uses, or
 - o Sold, conveyed, or had assessed value within three years of preservation for greater than \$8,000 average price per acre for the bare land, or
 - o Would have a fair market value after conversion to a non-forested "highest and best use" greater than the fair market value after preservation in subsection 4.1, as stated in a "highest and best use" study from a state certified general real estate appraiser in good standing

Additionality (Section 6)

Additionality is ensured through the following:

- Prior to the start of the project, the trees in the project area are not protected via easement or recorded encumbrance or in a protected zoning status that preserves the trees.
- The zoning in the project area must currently allow for a non-forest use
- The trees in the project area face a threat or risk of removal or conversion out of forest
- The Project Operator records in the public land records an easement, covenant, or deed restriction specifically protecting the trees for the project duration of 40 years or 100 years (40 or 100 years depending on the protocol version)

Quantification for Credits (Section 11)

The full Protocol describes the following steps for carbon stock and soil carbon quantification in detail:

1. Stored carbon stock present in Project Area (Section 11.1) Estimate the biomass stock present and adjust for uncertainty to calculate the “Accounting Stock”. This can be done using the US Forest Service General Technical Report NE-343 tables, on-site inventory of some live trees with i-Tree methods and tools, or an on-site forest inventory
2. Areas expected to remain in trees after potential development (Section 11.2) Calculate the fraction of the Accounting Stock that likely would be emitted as a result of development, to calculate “Avoided Biomass Emissions”
3. Claiming additional credit for growth (Section 11.3) The Project Operator may elect to also account for ongoing growth of trees within the Project Area after Project Commencement
4. Quantification of soil carbon (Section 11.4) Calculate “Avoided Soil Carbon Emissions” caused by conversion of soils to impervious surfaces in the Project Area
5. Deduction for displaced development (Section 11.5) Apply the deductions in Section 11.5 and Appendix B to Biomass and Soil Carbon calculations to adjust for development and emissions that would be displaced by the preservation of the Project Area (leakage deductions). This will reduce the creditable tonnes of Avoided Biomass Emissions and Avoided Soil Carbon Emissions to adjust for displaced development
6. Quantify Co-Benefits (Section 11.6) The Project Operator will calculate co-benefits separately from CO₂(e). The Registry will supply a spreadsheet template based on their climate zone, and will provide values for rainfall interception, reductions of air compounds, and energy savings.

Social Impacts (Section 12)

The Project Operator will describe how the Project impacts contribute towards achievement of the global UN Sustainable Development Goals (SDGs). The Registry will supply a template to evaluate how the Project aligns with the SDGs.

Attestation of No Net Harm and No Double Counting (Section 5)

The Project Operator will sign an attestation that no project shall cause net harm and no project shall seek credits on trees, properties, or projects that have already received credits.

Validation and Verification by Third-Party Verifiers (Section 13 and 14)

Project compliance and quantification must be verified by a third-party Validation and Verification Body approved by the Registry.

Issuance of Credits to Project Operator (Section 7)

Ex-post credits are issued after the biomass is protected via a recorded encumbrance protecting the trees. Issuance is phased or staged over one and five years at the equivalent of 50 acres of crediting per year. This staged issuance reflects the likely staging of development over time if the project area were to have been developed.

After validation and verification, the Registry issues credits to the Project Operator based on the Project Area size:

- o 50 acres or less: all credits are issued after validation and verification
- o Greater than 50 but less than 200 acres: credits are issued in the equivalent of 50 acres per year
- o Greater than 200 acres: credits are issued in equal amounts over five years

Credits for Reversal Pool Account (Section 7.3):

The Registry will issue 90% of Project credits earned and requested and will hold 10% in the Registry's Reversal Pool Account.

Understand Reversals (Section 9)

If the Project Area loses credited carbon stock, the Project Operator must return or compensate for those credits if the tree loss is due to intentional acts or gross negligence of Project Operator. If tree loss is due to fire, pests, or other acts of god (i.e., not due to the Project Operator's intentional acts or gross negligence), the Registry covers the reversed credits from its Reversal Pool Account of credits held back from all projects.

Monitoring and Reporting (Section 8)

The Project Operator must submit a report every three years for the project duration. The reports must be accompanied by some form of telemetry or imaging that captures tree canopy, such as Google Earth, aerial imagery, or LiDAR. The reports must estimate any loss of stored carbon stock or soil disturbance in the Project Area.

PROJECT OVERVIEW

Project Name: The Lake Charlotte Nature Preserve Carbon Credit Project

Project Number: 028

Project Type: Preservation Project (under the Tree Preservation Protocol – version 11.40, dated February 7, 2022)

Project Start Date: January 18, 2023

Project Location: Atlanta, Georgia

Project Operator Name: City of Atlanta Mayor’s Office of Sustainability and Resilience, John R Seydel

Project Operator Contact Information: 470-421-6160, Jrseydel@atlantaga.gov

Project Description:

Describe overall project goals as summarized in application (2 paragraphs)

The Lake Charlotte property is an ideal launch project for generating and selling carbon credits in the City of Atlanta. The acquisition of Lake Charlotte, approved by Atlanta City Council in June 2020 (see 20-O-1215), was one of the largest greenspace acquisitions in city history and the first time the City has used money from the Tree Recompense Fund to purchase land. The City bought Lake Charlotte Nature Preserve property from the Conservation Fund, a nonprofit that helps local governments protect, preserve land. Prior to the acquisition, the Lake Charlotte property "was in danger of imminent destruction for development," per Tim Keane, the City of Atlanta’s former Commissioner of City Planning.

The Conservation Fund (CF), the City’s acquisition partner for the past fourteen years, supported the process and raised the possibility of carbon credits early in this process. Atlanta City Code and Ordinance 20-O-1215 require the land to be preserved as public forested land in perpetuity. Carbon credit revenue will help fund maintenance and stewardship of this property and promote forest health. The Project Area is 196.27 acres with 98.4% forest coverage and the property is a rare and valuable environmental and social asset for the residents of Atlanta. Not only will preservation of the forest avoid the emissions that would come with development, the forest and carbon stock will grow over time.

The greenspace also includes a portion of an archaeologically significant ridge known for its Native American soapstone quarries and workshops, dating back to 3000 B.C. The development and stewardship of this culturally and naturally significant space will be a collaborative effort among government, education, environmental and social organizations.

LOCATION OF PROJECT AREA (Section 1.3 and 1.4)

Project Area Location

Describe where the Project Area is located and how it meets the location criteria.

The nature preserve is located near the intersection of Moreland Avenue and I-285, an area with historically heavy industrial usage with little access to recreational greenspace. Project Area is located

within the boundaries of the City of Atlanta. This project meets the following eligibility requirement: 1.3 B. The boundary of any incorporated city or town created under the law of its state.

Project Area Parcels

List of parcel(s) in the Project Area.

Jurisdiction / Location	Parcel Number	Description / Notes
Atlanta - 0 Forrest Park Rd SE	14-0003-LL-017-3	Portion of parcel included in Project Area – 99.1 acres out of 110.2 acres
Atlanta - 0 Forrest Park Rd SE	14-0002-LL-024-0	Entire parcel included in Project Area - 15.5 acres
Atlanta - 0 Forrest Park Rd SE	14-0004-LL-049-5	Portion of parcel included in Project Area- 0.32 acres out of 0.5 acres
Atlanta - 0 Forrest Park Rd SE	14-0004-LL-053-7	Portion of parcel included in Project Area – 81.35 acres out of 90.3 acres
		Total – 196.27 acres out of 216.5 acres

Project Area Maps

Provide maps of the Project Area with geospatial location vector data in 1) pdf form and 2) any file type that can be imported and read by Google Earth Pro (example KML, KMZ, or Shapefile format). Maps should include relevant urban or town boundaries, legend, and defined Project Area.

Geospatial location (boundaries) of Project Area
 Filename: 1 Lake Charlotte Project Area Shapefile

Regional-scale map of Project Area
 Filename: 2 Lake Charlotte Regional Map

Detailed map of Project Area
 Filename: 3.1 Lake Charlotte Project Area Map, 3.2 Lake Charlotte Completed Survey

OWNERSHIP OR ELIGIBILITY TO RECEIVE POTENTIAL CREDITS (Section 1.5)

Project Operator must demonstrate ownership of potential credits or eligibility to receive potential credits. If the Project Operator is not the same as the landowner of the Project Area, provide agreement(s) between Project Operator and landowner authorizing Project Operator to execute this project.

Name of landowner of Project Area and explanation:

City of Atlanta is the owner of the Lake Charlotte Nature Preserve. The City purchased this property from the Conservation Fund on August 20, 2020. The Conservation Fund purchased this property from Waste Management in 2019.

Total cost per acre of Lake Charlotte Nature Preserve was \$24,550.73. The total property was purchased by the City at \$5,315,233.01. These values can be seen in the below attachments of the purchase of the Lake Charlotte Property.

Filename:

- 1) 4.1 Lake Charlotte Recorded Deed - Waste Mgmt to TCF
- 2) 4.2 Lake Charlotte Recorded Deed – TCF to CoA
- 3) 4.3 Lake Charlotte Purchase Agreement

PRESERVATION COMMITMENT (Section 4.1)

Describe the Preservation Commitment terms and provide a complete copy of the recorded document. If Project Area does not have the same boundaries as Preservation Commitment, please state the reasons why.

Preservation Term (years applicable): Trees within the project area at Lake Charlotte Nature Preserve are protected in perpetuity. Please see the attachments for more information.

Preservation Commitment explanation:

To meet the criteria needed in the CFC Preservation Protocol, the City of Atlanta recorded in the public land records a Declaration of Development Restrictions, specifically protecting the trees in perpetuity. The deed restriction language includes “1. Removal of Trees. Declarant shall not cut down, destroy, or remove trees located on the Property, except as necessary to control or prevent hazard, disease or fire or to improve forest health. The use of the Property is restricted to passive recreational activities with minimal environmental impact, as determined and established in writing by the City of Atlanta Department of Parks and Recreation Commissioner based on the characteristics of the Property.”

Additionally, this Declaration of Development Restrictions is supported by the City’s preservation measures that are set out in the Atlanta City Code and City of Atlanta Ordinance 20-O-1215. The ordinance has the force of local law and the City Code required that the ordinance preserve the land in perpetuity. If the Council were to seek to repeal the ordinance, this would be a breach of the City Code. The relevant provision is section 158-66(b)(2)(a): “The purchase of the forested property must be authorized by a duly-enacted city ordinance, and said ordinance shall include the following: The property must explicitly be dedicated and preserved in perpetuity as forested land.”

Filenames:

- 5.1 Lake Charlotte Declaration of Development Restrictions
- 5.2 Lake Charlotte CoA Tree Protection Ordinance

Date signed and date recorded: January 18, 2023 (signed) and January 23, 2023 (recorded)

DEMONSTRATION OF THREAT OF LOSS (Section 4.2, 4.3, and 4.4)

Describe the Project Area land use designation that allows for at least one non-forest use. Describe any overlay zones such as critical areas and their protection buffers, legal encumbrances, and any other pre-existing tree/forest restrictions that may have hindered removal of the Project Trees (in the pre-Preservation Commitment condition). Provide supporting evidence.

Land use designation(s): There are 4 parcels within the Project Area, including three parcels that are zoned light industrial I-1-C, and one parcel zoned single family residential district R-4.

*Filename: 6.1 Lake Charlotte Parcel Zoning Map
6.2 Lake Charlotte I-1-C Light Industrial Zoning regulations
6.3 Lake Charlotte R-4 Single Family Residential Regulations*

Overlay zones or other restrictions:

Property associated with Lake Charlotte in the City of Atlanta is either zoned R-4 (Single Family Residential) or I-1 (Light Industrial).

The City of Atlanta Stream has a stream buffer that would protect land from development along the stream buffer. The ordinance particularly states, “Streams shall have a 75-foot, natural, undisturbed, vegetative buffer measured perpendicularly and horizontally on both sides of the stream from the point of wrested vegetation.” In total 18.46 acres of the property has been determined as restricted from development and must be accounted for. 1.23 of these 18.46 acres overlap with the measured canopy gaps and should not be double counted when deducting from total project area.

Filename: 6.4 Lake Charlotte Riparian Buffer Regulations

Threat of loss (Section 4.4 A, B, or C):

Describe which of the three conditions the Project Area meets and provide supporting evidence such as maps, sale or assessed value documentation, or appraisal information.

The project meets both 4.4 A and 4.4 B requirements in the CFC Preservation Protocol. The landfill’s former owner, Houston-based Waste Management, had owned the Lake Charlotte property since the late 1980s and once tried to wipe out the forest for landfill expansion. Waste Management was recently under contract to sell the forest to an industrial developer, echoing similar land uses in the area. The forest’s saving grace was threefold: A few years ago, a [Georgia Tech study](#) of urban tree canopy loss clued in the Conservation Fund, a national nonprofit based in Virginia, that Lake Charlotte should be a top priority. The Conservation Fund acquired the Lake Charlotte property from Waste Management in late 2019 when it was under direct threat of development. When TCF began discussions with the owner the property was actually under contract for sale to an industrial developer. TCF was successful in putting up an alternative offer and closing quickly to prevent the site from being lost to development. The commitment by the City for acquisition in 2020 solidified protection of the property and the approximately 60,000 trees in the forest on site. The City tweaked its tree recompense fund, a coffer

filled by developers who pay fees to ax trees, to allow for not just planting replacements but purchasing and protecting forestland. That fund provided the \$5.3 million the city paid in August for Lake Charlotte’s land, its planned improvements, and an upkeep strategy. ([Source](#)) Total cost per acre of Lake Charlotte Nature Preserve was \$24,550.73, meeting 4.4B in the Preservation Protocol.

The Lake Charlotte Nature Preserve was formerly owned by Waste Management and is located right next to a closed landfill. Before being purchased by the Conservation Fund and then by the City of Atlanta, Lake Charlotte and its expansive, biodiverse, urban canopy faced direct threats of development. Waste Management purchased the property that is next to its Live Oak Landfill. It was the largest landfill in metro Atlanta before it closed in 2004. In fact, a small portion of the east side of the property had trees cut under Waste Management’s ownership in preparation for a potential landfill expansion.

The developed perimeter map shows that 100% of the total border of Lake Charlotte Nature Preserve has been developed for either residential homes, industrial use, or roads, meeting 4.4A in the Preservation Protocol. This shows this property to be prime for development and shows the importance of the City’s purchase and preservation of this urban forest.

Filename:

4.3 Lake Charlotte Purchase Agreement

6.5 Lake Charlotte Developed Perimeter Map

ATTESTATION OF NO DOUBLE COUNTING OF CREDITS AND NO NET HARM (Section 5)

Complete and attach the following attestation: Attestation of No Double Counting of Credits and Attestation of No Net Harm. Provide any additional notes as relevant.

Filename(s):

7 Lake Charlotte Attestation of No Double Counting and No Net Harm

ADDITIONALITY (Section 6)

Additionality is demonstrated by carbon projects in several ways, as described in the City Forest Credits Standard Section 4.9.1 and Tree Preservation Protocol.

Project Operator demonstrates that additionality was met through the following:

- Prior to the start of the project, the trees in the project area are not protected via easement or recorded encumbrance or in a protected zoning status that preserves the trees
 - See Demonstration of Threat of Loss section above
- The zoning in the project area must currently allow for a non-forest use
 - See Demonstration of Threat of Loss section above
- The trees in the project area face some threat risk of removal or conversion out of forest
 - See Demonstration of Threat of Loss section above

- The Project Operator records in the public land records an easement, covenant, or deed restriction specifically protecting the trees for the project duration of 40 years or 100 years (40 or 100 years depending on the protocol version)
 - See Preservation Commitment section above

Taken together, the above elements allow crediting only for unprotected trees, at risk of removal, which are then protected by a project action of preservation, providing additional avoided GHG emissions.

Additionality is embedded in the quantification methodology. Projects cannot receive credits for trees that would have remained had development occurred, nor can they receive soil carbon credits for soil that would have been undisturbed had development occurred.

Filename(s): 8 Lake Charlotte Attestation of Additionality

CARBON QUANTIFICATION DOCUMENTATION (Section 11)

Follow detailed instructions in the Protocol for conducting quantification and use the Carbon Quantification Calculator to show calculations. Ensure that your requested credit issuance schedule (issuance dates) is accurate and complete in the calculator. Project Operators should describe and appropriately reflect in their carbon quantification any and all planned future activities that may affect the percent canopy or carbon stocking in any way.

Summary numbers from Carbon Quantification Calculator

Project Area (acres)	196.27
Does carbon quantification use stratification (yes or no)	No
Percent tree canopy cover within Project Area	98.4%
Project stock (tCO ₂ e)	43,158
Accounting Stock (tCO ₂ e)	34,527
On-site avoided biomass emissions (tCO ₂ e)	31,249
On-site avoided soil carbon emissions (tCO ₂ e)	21,182
Deduction for displaced biomass emissions (tCO ₂ e)	5,719
Deduction for displaced soil emissions (tCO ₂ e)	6,418
Credits from avoided biomass emissions (tCO ₂ e)	25,530
Credits from avoided soil emissions (tCO ₂ e)	14,764
Total credits from avoided biomass and soil emissions (tCO ₂ e)	40,294
Credits attributed to the project (tCO ₂ e), excluding future growth	40,294
Contribution to Registry Reversal Pool Account	4,029
Total credits to be issued to the Project Operator (tCO₂e) <i>(excluding future growth)</i>	36,265

GHG Assertion:

Project Operator asserts that the Project results in GHG emissions mitigation of 36,265 tons CO₂e

Approach to quantifying carbon

Describe general approach you used to quantify carbon (e.g. US Forest Service General Technical Report NE-343 Tables, inventory, other). Provide documentation.

The City of Atlanta followed the 11.1.A. methodology using the Southeast afforestation tables B39 Loblolly Shortleaf Pine, B43 Oak Gum Cypress and B44 Oak Hickory from the US Forest Service General Technical Report NE-343 document.

Stand Number	Acreage	GTR Table
1	175.39	B44 Oak Hickory
2	8.87	B43 Oak Gum Cypress*
3	12.01	B39 Loblolly Shortleaf Pine

* The species composition for stand 2 is different than the main species in the assigned GTR table. With consultation from one of the Registry’s Forest Carbon Scientists, the forest biomass is equivalent to the Oak Gum Cypress biomass in the GTR table. The main forest species include maple and beech. The registry compared the biomass number with the Northeast B2 Maple Beech Birch table and decided to use the more conservative number from Southeast B43 table.

Filename: 9 Lake Charlotte Carbon Quantification Calculator

Accounting Stock Measurement Method (11.1)

Describe quantification, including which method used to assess canopy cover (e.g. i-Tree, inventory, other), forest type, and data sources.

The Accounting Stock was estimated according to 11.1.A, using USFS GTR NE-343 for the Southeast. Assessment of forest composition was completed by Trees Atlanta Forestry Staff to confirm forest types. Canopy cover was determined using i-Tree Canopy for each of the three forest stands separately. The total tree canopy was calculated by multiplying each forest stand percent canopy by the acreage of each stand, adding the weighted values, and dividing by the total project acreage. Because this estimate is from the GTR table, the standard 20% deduction was made to calculate the Accounting Stock from the GTR non-soil carbon estimates.

Stratification

If stratification is used, maps of strata and stratum definitions. If not used, list not applicable.

Not applicable

Stand Maps

Describe the methods used to determine forest stands (e.g. GIS) and documentation.

Forest stands were determined using GIS data showing topography, parcel boundaries, satellite data, and field data collected on site that included species composition, stem density, and stand age.

Filename: 10 Lake Charlotte Forest Stand Map

Forest Age

Provide historical imagery or other materials to support forest age documentation. Describe the method(s) used:

Stand ages were determined using satellite and aerial imagery. Stand 1 and Stand 2 were found to be the same age based on the earliest aerial images we found from 1950. An additional aerial survey from 1955 was found to help support the aerial survey from Stand 3 is much younger and was determined using satellite imagery in 2005 and 2006.

Filename(s): 11 Lake Charlotte Historic Aerial Photos

Forest Composition

Describe forest composition and explanation of method(s) used.

Forest stand 1, the largest onsite at 175.39 acres (excluding canopy gaps and stream buffer), is an oak-hickory forest. Indicator species present include shagbark hickory (*Carya ovata*), pignut hickory (*Carya glabra*), mockernut hickory (*Carya tomentosa*), white oak (*Quercus alba*), southern red oak (*Quercus falcata*), scarlet oak (*Quercus coccinea*), black oak (*Quercus velutina*), flowering dogwood (*Cornus florida*), sourwood (*Oxydendrum arboreum*), and various *Vaccinium* species, as determined by an onsite inventory.

Forest stands 2A and 2B (5.4 and 3.47 acres, respectively, excluding stream buffer) are characterized as mesic hardwood forest. Indicator species present include American beech (*Fagus grandifolia*), southern sugar maple (*Acer floridanum*), American hornbeam (*Carpinus caroliniana*), Eastern hophornbeam (*Ostrya virginiana*), tulip tree (*Liriodendron tulipifera*), and Northern red oak (*Quercus rubra*), as determined by an onsite inventory.

Forest stand 3, at 12.01 acres (excluding stream buffer), is an early successional pine forest. 90% of inventoried trees are young loblolly pine (*Pinus taeda*). The remainder is made up of early successional hardwoods, such as sweetgum (*Liquidambar styraciflua*) and winged elm (*Ulmus alata*), or invasive trees, such as Callery pear (*Pyrus calleryana*).

After forest stands were determined, 4-5 points were selected throughout each stand in order to collect data on species composition. This sampling was also used to verify the validity of the forest stands. Photos were taken at each of these points as well as percent of dominant species present. An average of each species percentage was determined for each forest stand.

Filenames: 12 Lake Charlotte Forest Composition Report

Canopy Cover

Provide i-Tree Canopy report that shows estimated percentage of tree cover. Explanation of method(s) used:

Shapefiles were created for each forest stand with canopy gaps removed. I-Tree Canopy reports were created for the three forest stands using these shapefiles. At least one data point was used per acre of forest stand for each report to start. More data points were added to ensure the standard errors were well below 10% with the highest standard error being 3.3%.

Forest Stand	Canopy Cover	Size (acres)
Stand 1	99.07%	175.39
Stand 2	100%	8.87
Stand 3	86.24%	12.01
Total Canopy Cover	98.4%	

Filename(s): 13.1 Lake Charlotte i-Tree Canopy Stand 1-3 Report,
13.2 Lake Charlotte i-Tree Canopy Stand 1-3 Raw Data

Area Expected to Remain in Trees after Potential Development (11.2)

Describe how you determined the area expected to remain in trees after potential development (fraction at risk) and explanation of method(s) used:

Lake Charlotte is zoned as I1C and R-4. Section 11.2 in CFC’s Tree Preservation Protocol allows for 90% of the Accounting Stock on the Project Area is Avoided Biomass Emissions

Filename:

- 6.1 Parcel Zoning Map;
- 6.2 Lake Charlottle I-1-C Light Industrial Zoning Regulations
- 6.3 Lake Charlotte R-4 Single Family Residential Regulations

Quantification of Soil Carbon - Existing Impervious Area and Impervious Limits (11.4)

The Project may claim avoidance of emissions from soil carbon caused by conversion of soils to impervious surfaces. Describe applicable zoning and development rules, existing impervious area and maximum fraction impervious cover.

Lake Charlotte is zoned industrial and residential, with no limit on impervious area; therefore, 90% of the Project Area that is zoned Industrial was attributed to being eligible for conversion to impervious surface. 0.32 acres of the Project Area is zoned residential. Section 11.4 in CFC’s Tree Preservation Protocol allows for 50% of the Project Area in residential zoning to be eligible for conversion to impervious surface. The difference in Impervious Surface limits is reflected in the Carbon Quantification Calculator.

Filename: 6.1 Parcel Zoning Map;

- 6.2 Lake Charlottle I-1-C Light Industrial Zoning Regulations
- 6.3 Lake Charlotte R-4 Single Family Residential Regulations

Future Planned Project Activities

Describe any future project activities that may affect the percent canopy or carbon stocking in any way.

According to the City of Atlanta, Department of Parks and Recreation (DPR), there are no future planned projects that will have adverse effects to the existing tree canopy at Lake Charlotte. All future trail developments will be done where invasive species were present and removed.

However, in terms of ongoing maintenance and stewardship of Lake Charlotte. Invasive plant removal began on February 15, 2021, at Lake Charlotte as part of a five-year invasive plant removal plan outlined in Exhibit A – Lake Charlotte Vegetation Analysis & Management 6-30-22 created by Trees Atlanta. The invasive plant removal outlined in this document will increase native plant diversity, increase canopy cover, and increase stand quality

Trees Atlanta has planted 305 trees at Lake Charlotte in 2022 and 2023, 199 of which were planted in Canopy Gap 4 after invasive removal, and 106 were planted on the borders of Canopy Gap 1 post invasive removal. Trees Atlanta will continue to plant after invasive removal throughout the site. In addition to the invasive plant removal being done by a contractor of the City of Atlanta DPR, Trees Atlanta has led 79 volunteers (316 volunteer hours) onsite to plant and remove invasive plants.

CO-BENEFITS QUANTIFICATION DOCUMENTATION (Section 11.6)

Summarize co-benefit quantification and provide supporting documentation. CFC will provide a Co-Benefits Quantification spreadsheet to Project Operators for calculating rainfall interception, reduction of certain air compounds, and energy savings.

Ecosystem Services	Resource Units	Value
Rainfall Interception (m3/yr)	26,189.2	\$68,500.04
Air Quality (t/yr)	5.1111	\$12,209.57
Cooling – Electricity (kWh/yr)	244,550	\$18,561.38
Heating – Natural Gas (kBtu/yr)	124,058	\$1,289.01
Grand Total (\$/yr)		\$100,559.99

By preserving and protecting the Lake Charlotte Nature Preserve from development, the City of Atlanta and the communities surrounding Lake Charlotte directly benefit from quantifiable co-benefits of the urban forest. In terms of air quality, O3, NOx, PM10 are all reduced each year due to the preservation of this forest, yielding approximately \$12,209.57 of air quality benefits per year in total for the surrounding communities. Lake Charlotte Nature Preserve and its urban forest also represents a massive green infrastructure benefit for the city of Atlanta and its surrounding communities, especially in terms of mitigating flooding. The amount of rain that is intercepted by this urban forest is approximately 26,189.2 cubic meters per year, yielding a monetary benefit of \$68,500.04. Further, Lake Charlotte Nature Preserve provides quantifiable energy benefits for the surrounding communities as well, this includes cooling and heating mitigation benefits. By protecting the urban forest at Lake Charlotte Nature preserve we have calculated 244,550 kilowatt hours (equal to \$18,561.38) per year of air-cooling services and saving an additional benefit of 124,058 kilo British thermal units (equal to \$1,289.01) per year. In all, this results in a grand total of ecosystem co-benefits worth \$100,559.99.

Filename: 14 Lake Charlotte South Co-Benefit Calculator

SOCIAL IMPACTS (Section 12)

Project Operators shall use the Carbon Project Social Impact template to evaluate the UN Sustainable Development Goals (SDGs) to determine how a Project provides social impacts that contribute towards achievement of the global goals. CFC will provide the template. Summarize the three to five main SDGs from this Project.

SDG 3 – Good Health and wellbeing - Lake Charlotte is an incredible resource for Atlanta. As a nature preserve as well as a City park, Lake Charlotte and the included project area hosts a multitude of publicly accessible activities that help increase our community’s health and wellbeing. These activities include walking, hiking, and biking trails. Lake Charlotte has a varied terrain and existing neighborhood connectivity. Trails towards the southwestern side of the park can connect to mountain biking trails that lead to Southside Park complex. The Southside trail system has additional opportunities to connect to the trail system proposed through Habitat for Humanity’s Browns Mill Neighborhood, Path Foundation trails, and existing hiking trails in at Constitution Lakes Park in DeKalb County. The public health benefits and the network of trails that Lake Charlotte offers community members can contribute to the health and wellbeing of the community.

SDG 11 – Sustainable Cities and Communities- Lake Charlotte Nature Preserve, and the protection of its biodiverse and vast old growth urban forests helps make the City of Atlanta and its communities inherently more sustainable and resilient. As shown in the co-benefits section of the Project Design Document (PDD) this urban forest is critical for reducing air pollutants. Specifically, in terms of air quality, O₃, NO_x, PM₁₀ are all reduced each year due to the preservation of this urban forest. As seen in the surrounding development map, Lake Charlotte Nature Preserve is also surrounded by different development, including roads, and a capped landfill. Lake Charlotte and its healthy, biodiverse urban forest, helps serve as an air filter for the surrounding residential community especially on the east side near the project area.

SDG 13 - Climate Action - Lake Charlotte Nature Preserve and its urban forest also helps support climate action through direct greenhouse gas sequestration as well as climate adaptation and resilience. As mentioned in the co-benefits section of the PDD, there are green infrastructure benefits for the city of Atlanta and its surrounding communities, especially in terms of mitigating flooding. Further, Lake Charlotte Nature Preserve provides quantifiable urban heat and energy benefits for the surrounding communities as well, this includes cooling and heating mitigation benefits. These quantified benefits and their associated monetary benefits are located in the co-benefits section of the PDD. These co-benefits amongst the other biodiversity and wildlife habitat benefits all help to advance both progress on Climate Action through adaptation and resilience in projecting the old growth urban forest within the project area.

SDG 15, life on land - Lake Charlotte Nature Preserve, as it’s suitably named, and the project areas within it, represent a precious biodiversity hotspot within the City of Atlanta as a public nature preserve. Specifically, the project area contains ultramafic rock, which produces an uncommon soil type, referred to as serpentine soils. These serpentine soils host plants that are very distinct from neighboring areas and have high rates of endemism, meaning unique to one location. Plants often appear stunted, portray unique coloration, and have carnivorous traits. It is an endangered botanical community that covers less

than 1% of land mass in the United States. Due to the rarity of this ecosystem, it is a significant environmental resource for science, conservation, and education. The project area is also a hotspot for a diverse array of wildlife including native birds, insects, and mammals.

Filename:

15 Lake Charlotte Social Impacts

MONITORING AND REPORTING (Section 8)

Throughout the Project Duration, the Project Operator must report on tree conditions across the Project Area. Monitoring reports are due every three years determined by the date of the verification report. For example, if the verification report is dated January 1, 2021, the first report will be due by January 1, 2024 and every three years thereafter for the duration of the project.

Describe your monitoring plans. If Project Operator plans to claim credits for future growth, describe methods that will be used to quantify future growth.

In compliance with the 40-year forest preservation protocol, the City of Atlanta Department of Parks and Recreation plans to lead in the reporting demanded by the Carbon credit protocol every three years as a part of its normal ongoing reporting work for Lake Charlotte Nature Preserve. The City of Atlanta Mayor's Office of Sustainability and Resilience will continue to partner with the Department of Parks and Recreation to claim credits in the future for additional growth at years 20 and 40.

PROJECT OPERATOR SIGNATURE

Signed on February 24 in 2023, by Chandra Farley, Chief Sustainability, for The City of Atlanta Mayor's Office of Sustainability and Resilience.

Signature

Chandra Farley

Printed Name

470-316-1936

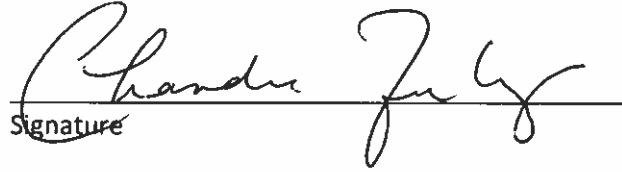
Phone

CFarley@atlantaga.gov

Email

PROJECT OPERATOR SIGNATURE

Signed on February 24 in 2023, by Chandra Farley, Chief Sustainability Officer, for The City of Atlanta Mayor's Office of Sustainability and Resilience.


Signature

Chandra Farley
Printed Name

470-316-1936
Phone

CFarley@atlantaga.gov
Email

ATTACHMENTS

List the number and name of attachments

- 1 Lake Charlotte Project Area Shapefile
- 2 Lake Charlotte Regional Map
- 3.1 Lake Charlotte Project Area Map
- 3.2 Lake Charlotte Completed Survey
- 4.1 Lake Charlotte Recorded Deed – Waste Mgmt to TCF
- 4.2 Lake Charlotte Recorded Deed – TCF to CoA
- 4.3 Lake Charlotte Purchase Agreement
- 5.1 Lake Charlotte Declaration of Development Restrictions
- 5.2 Lake Charlotte CoA Tree Protection Ordinance
- 6.1 Lake Charlotte Parcel Zoning Map
- 6.2 Lake Charlotte I-1-C Light Industrial Zoning Regulations
- 6.3 Lake Charlotte R-4 Single Family Residential Regulations
- 6.4 Lake Charlotte Riparian Buffer Regulations
- 6.5 Lake Charlotte Developed Perimeter Map
- 7 Lake Charlotte Attestation of No Double Counting and No Net Harm
- 8 Lake Charlotte Attestation of Additionality
- 9 Lake Charlotte Carbon Quantification Calculator
- 10 Lake Charlotte Forest Stand Map
- 11 Lake Charlotte Historic Aerial Photos
- 12 Lake Charlotte Forest Composition Report
- 13.1 Lake Charlotte i-Tree Canopy Stands 1-3 Report
- 13.2 Lake Charlotte i-Tree Canopy Stands 1-3 Raw Data
- 14 Lake Charlotte South Co-Benefit Calculator
- 15 Lake Charlotte Social Impacts

Attachments

[Agreement to Transfer Credits](#)

[Deed](#)

[Project Area Map](#)

[Regional Area Map](#)

[Preservation Commitment](#)

[Zoning Maps](#)

[Zoning Description\(s\)](#)

[Threat of Loss Demonstration](#)

[Attestation of No Double Counting and No Net Harm](#)

[Attestation of Additionality](#)

[Carbon Quantification Tool](#)

[Tree Inventory](#)

[Tree Characteristics Chart\(s\)](#)

[iTree Canopy Report](#)

[Forest Composition Report and Site Photos](#)

[Historical Photos](#)

[Cobenefit Calculator](#)

[Social Impacts](#)

Deed

Tax Parcel #
14-0002-LL-024-0
14-0003-LL-017-3
14-0004-LL-049-5
14-0004-LL-053-7

Deed Book 61186 Page 391
Filed and Recorded 02/14/20 9:51:00 AM
2020-0034779
Real Estate Transfer Tax \$4,330.90
Cathelene Robinson
Clerk of Superior Court
Fulton County, GA
Participant IDs: 7503706201
7067927936

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

After recording return to:

Henderson Legal LLC
1350 Spring Street
Suite 485
Atlanta, GA 30309

LIMITED WARRANTY DEED

COUNTY OF FULTON
STATE OF GEORGIA

THIS DEED, made this ^{6th} ~~11th~~ _# day of ~~November~~ ^{DECEMBER} 2019, by and between WASTE MANAGEMENT OF GEORGIA, INC., a Georgia Corporation, with an address of 720 East Butterfield Road, 4th Floor, Lombard Illinois 60148, as party of the first part, hereinafter called "Grantor", and THE CONSERVATION FUND, a Maryland non-profit corporation with an address of 1655 N. Fort Myer Drive, Suite 1300, Arlington, Virginia 22209, as party of the second part, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

All that tract or parcel of land lying and being in Land Lots 2, 3 and 4 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete monument found located at the intersection of the northwesterly right-of-way line of Interstate 285 (having a variable width right-of-way) with the easterly right-of-way line of Forrest Park Road (having a variable width right-of-way); thence leave said intersection and run generally northerly along said easterly right-of-way

line the following courses and distances: N07°47'52"W a distance of 349.60 feet to a point; S82°16'15"W a distance of 22.65 feet to a point; along the arc of a curve to the right, an arc distance of 152.16 feet to a point, said curve having a radius of 1,192.89 feet and being subtended by a chord bearing N00°53'20"W and a chord distance of 152.06 feet; along the arc of a curve to the right, an arc distance of 261.12 feet to an iron pin found (1" open top pipe), said curve having a radius of 1,194.12 feet and being subtended by a chord bearing N05°40'47"E and a chord distance of 260.60 feet; N14°10'25"E a distance of 623.84 feet to an iron pin found (5/8" open top pipe, disturbed) located at the intersection of said easterly right-of-way line with the southerly right-of-way line of Hutchens Road (having a 50' right-of-way width); thence leave said intersection and run easterly along said southerly right-of-way line N89°03'26"E a distance of 206.95 feet to an iron pin found (1/2" open top pipe); thence leave said southerly right-of-way line and run N00°54'31"W a distance of 370.81 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run N17°56'43"W a distance of 184.40 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run N43°23'22"W a distance of 459.48 feet to an iron pin found (1/2" rebar); thence run N11°03'48"W a distance of 195.60 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run N02°05'38"E a distance of 1,387.75 feet to an iron pin found (1/2" rebar); thence run N40°47'09"W a distance of 688.33 feet to an iron pin found (1/2" rebar); thence run S49°19'23"W a distance of 189.01 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431") located on the easterly right-of-way line of Forrest Park Road; thence run generally northerly along said easterly right-of-way line the following courses and distances: along the arc of a curve to the right, an arc distance of 169.03 feet to a point, said curve having a radius of 318.50 feet and being subtended by a chord bearing N14°45'33"W and a chord distance of 167.05 feet; N00°26'38"E a distance of 652.30 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431") located at the intersection of said easterly right-of-way line with the proposed southeasterly right-of-way line of Cleveland Avenue Extension; thence leave said intersection and run northeasterly along said proposed southeasterly right-of-way line the following courses and distances: N70°31'39"E a distance of 1,779.78 feet to an iron pin found (3/8" rebar); along the arc of a curve to the right, an arc distance of 353.37 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"), said curve having a radius of 762.62 feet and being subtended by a chord bearing N83°48'18"E and a chord distance of 350.22 feet; S82°55'13"E a distance of 406.28 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence leave said proposed southerly right-of-way line and run S01°25'30"W a distance of 169.75 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run S00°25'04"E a distance of 1,703.75 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run S02°48'46"W a distance of 2,004.88 feet to an iron pin set (1/2" rebar with cap stamped "Martin

GA LS 2431"); thence run S02°05'10"W a distance of 1,006.10 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431") located on the northwesterly right-of-way line of Interstate 285; thence run southwesterly along said right-of-way line the following courses and distances: S69°44'07"W a distance of 987.74 feet to a concrete monument found; S51°01'02"W a distance of 512.00 feet to a concrete monument found; S63°25'48"W a distance of 249.63 feet to a concrete monument found; N59°32'12"W a distance of 83.83 feet to a concrete monument found located at the intersection of the northwesterly right-of-way line of Interstate 285 with the easterly right-of-way line of Forrest Park Road, said concrete monument found being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 216.544 acres more or less.

UNDER and SUBJECT to all easements, covenants, declarations, reservations, restrictions, exceptions and other matters of public record and any statement of fact that an accurate survey or personal inspection of the property may disclose.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of persons holding by, through, or under the Grantor.

The Property conveyed herein shall not be used for any purpose related to the waste industry including, but not limited to, the hauling, processing, transferring, storage, recycling or disposal of municipal solid waste or hazardous waste. These restrictions are declared to be covenants running with the land in perpetuity commencing with the date of the deed, and shall be fully binding upon all persons or entities acquiring title to the Property whether by descent, devise, lease purchase or otherwise.

GRANTOR REPRESENTS AND GRANTEE ACKNOWLEDGES THAT ADJACENT PROPERTY IS OWNED BY GRANTOR AND/OR GRANTOR'S AFFILIATE, AND IS OPERATED AS A CLOSED LANDFILL, UNDER THE NAME LIVE OAK LANDFILL (THE "ADJACENT PROPERTY"). GRANTEE AGREES THAT GRANTEE IS PURCHASING THE PROPERTY ON AN "AS IS, WHERE IS" BASIS WITH NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, EITHER ORAL OR WRITTEN, MADE BY SELLER OR ANY AGENT OR REPRESENTATIVE OF SELLER WITH RESPECT TO THE PHYSICAL OR STRUCTURAL CONDITION OF THE PROPERTY, THE USE OF OR THE ZONING FOR THE PROPERTY, THE COMPLIANCE OF THE PROPERTY OR THE OPERATION OR USE OF THE PROPERTY WITH ANY APPLICABLE RESTRICTIVE COVENANTS, OR WITH ANY LAWS, ORDINANCES, OR REGULATIONS OF ANY GOVERNMENTAL BODY (INCLUDING SPECIFICALLY, WITHOUT LIMITATION, ANY ENVIRONMENTAL LAWS, OR WITH RESPECT TO THE EXISTENCE OR ABSENCE OF TOXIC OR HAZARDOUS MATERIALS, SUBSTANCES OR WASTES IN, ON UNDER OR AFFECTING THE PROPERTY). GRANTOR HAS MADE AND HEREBY MAKES NO WARRANTY OR REPRESENTATION WHATSOEVER REGARDING THE FITNESS FOR

PARTICULAR PURPOSE, QUALITY OR MERCHANTABILITY OF THE PROPERTY OR ANY PORTION THEREOF.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year above written.

Signed, sealed and delivered in the presence of:

GRANTOR:

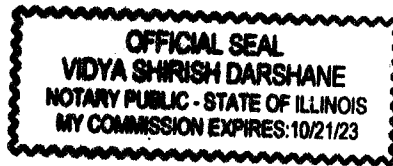
Waste Management of Georgia, Inc.,
a Georgia corporation

Theresa Oladunjoye
Theresa Oladunjoye (SEAL)
Witness

By: James A. Wilson
James A. Wilson, Vice President

Vidya Shirish Darshane
Notary Public
My Commission Expires:

10/21/2023



[AFFIX NOTARIAL SEAL]

Tax Parcel No.
14-0002-LL-024-0
14-0003-LL-017-3
14-0004-LL-049-5
14-0004-LL-053-7

STATE OF GEORGIA
COUNTY OF FULTON

After Recording, Return To: **Chad Henderson**
HENDERSON LEGAL LLC
1350 Spring Street, Suite 485
Atlanta, Georgia 30309

LIMITED WARRANTY DEED

THIS INDENTURE is made the 20th day of August, 2020, between The Conservation Fund, a Maryland nonprofit corporation, hereinafter referred to as the "Grantor," and City of Atlanta, Georgia, a municipal corporation of the State of Georgia, hereinafter referred to as the "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, remise, release, and forever convey to the Grantee, its successors and assigns, the real property more particularly described on Exhibit A attached hereto and incorporated herein by reference, subject to those permitted exceptions as more particularly enumerated and described on Exhibit B attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said real property, with all and singular the rights, members, improvements and appurtenances to the said described premises in anywise appertaining or belonging, to the only proper use, benefit and behoof of the Grantee forever in fee simple.

AND THE GRANTOR will warrant and forever defend the right and title to the said described property unto the Grantee against the claims of Grantor and all others claiming by, through or under the Grantor, but not otherwise.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
in the presence of:

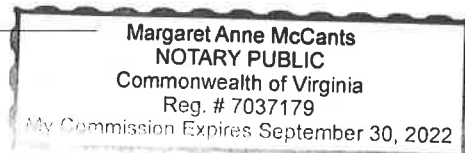

Unofficial Witness

THE CONSERVATION FUND
a Maryland nonprofit corporation

By: 
Scott M. Tison, Authorized Signer




Notary Public



INCORPORATE SEAL

EXHIBIT "A"

Legal Description

ALL THAT TRACT OR PARCEL of land lying and being in Land Lots 2, 3 and 4 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete monument found located at the intersection of the northwesterly right-of-way line of Interstate 285 (having a variable width right-of-way) with the easterly right-of-way line of Forrest Park Road (having a variable width right-of-way); thence leave said intersection and run generally northerly along said easterly right-of-way line the following courses and distances: N07°47'52"W a distance of 349.60 feet to a point; S82°16'15"W a distance of 22.65 feet to a point; along the arc of a curve to the right, an arc distance of 152.16 feet to a point, said curve having a radius of 1,192.89 feet and being subtended by a chord bearing N00°53'20"W and a chord distance of 152.06 feet; along the arc of a curve to the right, an arc distance of 261.12 feet to an iron pin found (1" open top pipe), said curve having a radius of 1,194.12 feet and being subtended by a chord bearing N05°40'47"E and a chord distance of 260.60 feet; N14°10'25"E a distance of 623.84 feet to an iron pin found (5/8" open top pipe, disturbed) located at the intersection of said easterly right-of-way line with the southerly right-of-way line of Hutchens Road (having a 50' right-of-way width); thence leave said intersection and run easterly along said southerly right-of-way line N89°03'26"E a distance of 206.95 feet to an iron pin found (1/2" open top pipe); thence leave said southerly right-of-way line and run N00°54'31"W a distance of 370.81 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run N17°56'43"W a distance of 184.40 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run N43°23'22"W a distance of 459.48 feet to an iron pin found (1/2" rebar); thence run N11°03'48"W a distance of 195.60 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run N02°05'38"E a distance of 1,387.75 feet to an iron pin found (1/2" rebar); thence run N40°47'09"W a distance of 688.33 feet to an iron pin found (1/2" rebar); thence run S49°19'23"W a distance of 189.01 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431") located on the easterly right-of-way line of Forrest Park Road; thence run generally northerly along said easterly right-of-way line the following courses and distances: along the arc of a curve to the right, an arc distance of 169.03 feet to a point, said curve having a radius of 318.50 feet and being subtended by a chord bearing N14°45'33"W and a chord distance of 167.05 feet; N00°26'38"E a distance of 652.30 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431") located at the intersection of said easterly right-of-way line with the proposed southeasterly right-of-way line of Cleveland Avenue Extension; thence leave said intersection and run northeasterly along said proposed southeasterly right-of-way line the following courses and distances: N70°31'39"E a distance of 1,779.78 feet to an iron pin found (3/8" rebar); along the arc of a curve to the right, an arc distance of 353.37 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"), said curve having a radius of 762.62 feet and being subtended by a chord bearing N83°48'18"E and a chord distance of 350.22 feet; S82°55'13"E a distance of 406.28 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence leave said proposed southerly right-of-way line and run S01°25'30"W a distance of 169.75 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run S00°25'04"E a distance of 1,703.75 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run S02°48'46"W a distance of 2,004.88 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run S02°05'10"W a distance of 1,006.10 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431") located on the northwesterly right-of-way line of Interstate 285; thence run southwesterly along said right-of-way line the following courses and distances: S69°44'07"W a distance of 987.74 feet to a concrete monument found; S51°01'02"W a distance of 512.00 feet to a concrete monument found; S63°25'48"W a distance of 249.63 feet to a concrete monument found; N59°32'12"W a distance of 83.83 feet to a concrete monument found located at the intersection of the northwesterly right-of-way line of Interstate 285 with the easterly right-of-way line of Forrest Park Road, said concrete monument found being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 216.544 acres more or less, and being the same property as contained in the ALTA Commitment for Title Insurance issued by Chicago Title Insurance Company, Commitment NO. 2-38197, Commitment Date August 27, 2019.

EXHIBIT "B"

Permitted Exceptions

1. All taxes for the year 2020 and subsequent years not yet due and payable.
2. Easement from Mountain Manor Company to Georgia Power Company, dated April 29, 1935, filed for record June 19, 1935 at 3:30 p.m., recorded in Deed Book 1568, Page 221, Records of Fulton County, Georgia.
3. Easement from L. B. Jones to Georgia Power Company, dated April 30, 1935, filed for record June 19, 1935 at 3:30 p.m., recorded in Deed Book 1548, Page 331, aforesaid Records.
4. Easement from Mrs. Fern Snider Sweeton to Georgia Power Company, April 30, 1935, filed for record June 19, 1935 at 3:30 p.m., recorded in Deed Book 1568, Page 218, aforesaid Records.
5. Easement from L. E. Leonard to Georgia Power Company, dated August 15, 1935, filed for record September 4, 1935 at 12:54 p.m., recorded in Deed Book 1570, Page 145, aforesaid Records.
6. Easement from Joe. E. Fine to Georgia Power Company, dated November 17, 1947, recorded in Deed Book 2402, Page 577, aforesaid Records.
7. Right-of-Way Easement from T. L. Jordan to Georgia Power Company, dated September 18, 1951, filed for record October 4, 1951 at 8:46 a.m., recorded in Deed Book 2687, Page 218, aforesaid Records.
8. Right-of-Way Easement from Needham Bateman to Georgia Power Company, dated January 15, 1953, filed for record February 4, 1953 at 11:15 a.m., recorded in Deed Book 2816, Page 136, aforesaid Records.
9. Easement from Joe L. Fine to Georgia Power Company, dated April 18, 1958, filed for record June 13, 1958 at 10:56 a.m., recorded in Deed Book 3341, Page 432, aforesaid Records.
10. Easement to Georgia Power Company, dated April 22, 1958, filed for record June 13, 1958 at 10:56 a.m., recorded in Deed Book 3341, Page 433, aforesaid Records.
11. Right-of-Way Easement from Needham B. Bateman to Georgia Power Company, dated December 16, 1958, filed for record February 13, 1959 at 10:30 a.m., recorded in Deed Book 3423, Page 664, aforesaid Records.
12. Easement from Needham B. Bateman to Georgia Power Company, dated February 20, 1961, filed for record March 17, 1961 at 10:05 a.m., recorded in Deed Book 3689, Page 102, aforesaid Records.
13. Easement from Needham B. Bateman to Georgia Power Company, dated February 23, 1961, filed for record May 16, 1961 at 4:35 p.m., recorded in Deed Book 3716, Page 562, aforesaid Records.
14. Right-of-Way Easement from Katherine C. Anderson to Georgia Power Company, dated October 18, 1962, filed for record October 25, 1962 at 9:31 a.m., recorded in Deed Book 3962, Page 105, aforesaid Records.
15. Right-of-Way Easement from C. W. Anderson to Georgia Power Company, dated October 1, 1968, filed for record October 18, 1968 at 12:23 p.m., recorded in Deed Book 4973, Page 128, aforesaid Records.

16. Sewer Easement from Needham B. Bateman to City of Atlanta, a municipal corporation, dated April 4, 1963, filed for record May 10, 1963 at 2:07 p.m., recorded in Deed Book 4057, Page 296, aforesaid Records.
17. Sewer Easement from Mountain Manor Co. to City of Atlanta, a municipal corporation, dated May 3, 1963, filed for record June 6, 1963 at 3:18 p.m., recorded in Deed Book 4070, Page 419, aforesaid Records.
18. Right of Way Easement from Waste & Management of Georgia, Inc. to Southern Bell Telephone and Telegraph Company, dated May 13, 1991, filed for record September 18, 1991 at 2:28 p.m., recorded in Deed Book 14506, Page 136, aforesaid Records.
19. All those matters as disclosed by that certain plat recorded in Plat Book 78, Page 39, aforesaid Records.
20. All matters as disclosed by that certain Survey of subject property prepared for Waste Management of North America by Wm. J. Daniel, III, Georgia Registered Land Surveyor No. 2257, Lowe Engineers, Inc., dated February 17, 1989.
21. All matters as disclosed by that certain survey entitled "ALTA/NSPS Land Title Survey Prepared For: Waste Management of Georgia, Inc. and First American Title Insurance Company", prepared by Gunnin Land Surveying, being designated as Project No. 17141.
22. Easement Agreement by and between The Conservation Fund, a Maryland nonprofit corporation and Waste Management of Georgia, Inc., a Georgia corporation, dated December 6, 2019, filed for record February 14, 2020 at 9:51 a.m., recorded in Deed Book 61186, Page 395, aforesaid Records.

20-O-1215

(Do Not Write Above This Line)

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE, OR THE CHIEF PROCUREMENT OFFICER OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA TO ACQUIRE FROM THE CONSERVATION FUND APPROXIMATELY 216 ACRES OF REAL PROPERTY LOCATED AT 0 FORREST PARK RD SE, FULTON COUNTY TAX PARCEL ID NUMBERS 14-0003-LL-017-3, 14-0002-LL-024-0, 14-0004-LL-049-5, 14-0004-LL-053-7 FOR THE PROTECTION, MAINTENANCE, AND REGENERATION OF TREES AND OTHER FOREST RESOURCES AS AUTHORIZED UNDER CITY CODE SECTION 158-66 (b); TO BE DESIGNATED IN PERPETUITY AS FORESTED LAND; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THE PROPERTY; AUTHORIZING ACQUISITION, DUE DILIGENCE, CLOSING COSTS, SIGNAGE, DEMOLITION, SITE SECURITY AND STABILIZATION, FENCING, AND OTHER SITE DEVELOPMENT COSTS IN AN AMOUNT NOT TO EXCEED FIVE MILLION, THREE HUNDRED FIFTEEN THOUSAND, TWO HUNDRED THIRTY THREE DOLLARS AND ONE CENT (\$5,315,233.01) TO BE PAID FROM THE TREE TRUST FUND USING THE FUND AND ACCOUNT INFORMATION LISTED HEREIN; WAIVING SECTION 2-1541(D) OF THE PROCUREMENT AND REAL ESTATE CODE AND FOR OTHER PURPOSES.

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

Date Referred 3-17-20
 Referred To: CD/HS
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

Committee CD/HS
 Date: 3/16/2020
 Chair: MS
 Referred To: _____

Committee CD/HS
 Date: 3/24/2020
 Chair: _____
 Action: _____
 Fav, Adv, Hold (See rev.side) Fav
 Other: _____
 Members: _____

Refer To: _____
 Committee: _____
 Date: _____
 Chair: _____
 Action: _____
 Fav, Adv, Hold (See rev.side) _____
 Other: _____
 Members: _____

ADOPTED BY
APR 20 2020
COUNCIL
 Refer To: _____

FINAL COUNCIL ACTION 3RD
 1ST & 2ND
 2ND
 Readings
 Consent V Vote RC Vote

CERTIFIED
 ATLANTA CITY COUNCIL PRESIDENT
APR 20 2020

CERTIFIED
 APR 20 2020
 MUNICIPAL CLERK

MAYOR'S ACTION
APPROVED
APR 24 2020

MAYOR



**AN ORDINANCE BY COMMUNITY DEVELOPMENT/ HUMAN SERVICES
COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE, OR THE CHIEF PROCUREMENT OFFICER OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA TO ACQUIRE FROM THE CONSERVATION FUND APPROXIMATELY 216 ACRES OF REAL PROPERTY LOCATED AT 0 FORREST PARK RD SE, FULTON COUNTY TAX PARCEL ID NUMBERS 14-0003-LL-017-3, 14-0002-LL-024-0, 14-0004-LL-049-5, 14-0004-LL-053-7 FOR THE PROTECTION, MAINTENANCE, AND REGENERATION OF TREES AND OTHER FOREST RESOURCES AS AUTHORIZED UNDER CITY CODE SECTION 158-66 (b); TO BE DESIGNATED IN PERPETUITY AS FORESTED LAND; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THE PROPERTY; AUTHORIZING ACQUISITION, DUE DILIGENCE, CLOSING COSTS, SIGNAGE, DEMOLITION, SITE SECURITY AND STABILIZATION, FENCING, AND OTHER SITE DEVELOPMENT COSTS IN AN AMOUNT NOT TO EXCEED FIVE MILLION, THREE HUNDRED FIFTEEN THOUSAND, TWO HUNDRED THIRTY THREE DOLLARS AND ONE CENT (\$5,315,233.01) TO BE PAID FROM THE TREE TRUST FUND USING THE FUND AND ACCOUNT INFORMATION LISTED HEREIN; WAIVING SECTION 2-1541(D) OF THE PROCUREMENT AND REAL ESTATE CODE AND FOR OTHER PURPOSES.

WHEREAS, greenspace is an integral part of the fabric of the City of Atlanta ("City"); and

WHEREAS, Ordinance 16-0-1353, adopted by the City Council on November 21, 2016 and approved as per City Charter Section 2-403 on November 30, 2016 (codified as City Code Sec. 158-66(b)), authorizes the City to procure privately-owned afforested property containing i) 80 percent or more canopy cover; ii) minimum forestation standards of 1,000 DBH inches; and/or iii) 50 mature trees per acre ("minimum eligibility criterion"); and

WHEREAS, in addition to meeting one or more of the minimum eligibility criterion, the aforementioned city code section requires that the property: i) be dedicated and preserved in perpetuity as forested land; ii) be available for public use without cost (subject to park rules and other applicable city ordinances); and c) use of the property 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

WHEREAS, the City has identified property located at 0 Forrest Park Rd SE, Fulton County tax parcel ID numbers; 14-0003-LL-017-3, 14-0002-LL-024-0, 14-0004-LL-049-5, 14-0004-LL-053-7 (the "Property") approximately depicted in Exhibit A, attached hereto and incorporated herein by this reference that it has determined should be preserved as afforested land in perpetuity for its high conservation value; and



WHEREAS, pursuant to code section 158-66(b)(3), the commissioners of the Department of City Planning and the Department of Parks and Recreation jointly developed a written list of factors and a process for evaluating parcels that may be suitable for acquisition as forested property and each commissioner prepared an affidavit affirming that these factors and process were followed in the selection of the Property and these affidavits are attached as Exhibit C; and

WHEREAS, The Conservation Fund (the "TCF") was founded in 1985 works to protect land with high conservation value to protect properties for wildlife, recreation and/or historical significance; and

WHEREAS, TCF is a non-profit, 501 (c) (3) organization, who's mission it is to acquire and hold real properties until the respective public agencies have funds to purchase the properties; and

WHEREAS, TFC purchased the Property; and

WHEREAS, the Nature Conservancy is working in the South River watershed to protect the important waterway and to center their efforts on the people who live there; and

WHEREAS, the Nature Conservancy's vision for the South River watershed is to provide people with the skills and tools to advocate for themselves and their community on environmental issues that impact their daily lives; and

WHEREAS, the Property meets the minimum eligibility criterion, including preserving and contributing to the South River watershed, and it is in the best interest of the City to acquire the Property as forested land in perpetuity from TCF; and

WHEREAS, it is the desire of the City of Atlanta to acquire the Property from TFC; and

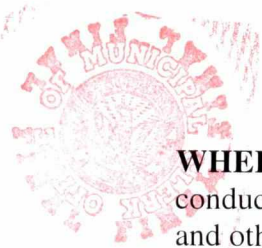
WHEREAS, following the acquisition of the Property by the City, it shall be available for public use without cost (subject to City of Atlanta rules and other ordinances); and

WHEREAS, the acquisition of the Property would protect in perpetuity high-value mature forest and habitat for the benefit of Atlanta's residents and environment; and

WHEREAS, following the acquisition of the Property, the Property shall be subject to a deed restriction that preserves the Property in perpetuity; and

WHEREAS, as specified in the code section 158-66 (b), a Property Maintenance Plan and Budget has been created that specifies the types of maintenance and improvements that will be needed at the property, See Exhibit B attached hereto; and

WHEREAS, following the acquisition of the Property, the City of Atlanta Department of Parks and Recreation ("DPR") is the department responsible for oversight of the property; and



WHEREAS, funding from the Tree Trust Fund will be allocated to DPR or their designee to conduct maintenance on the Property for the protection, maintenance, and regeneration of trees and other forest resources as authorized under City code section 158-66 (b).

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

SECTION 1: The Chief Procurement Officer ("CPO") or their designee, on behalf of the City, is hereby authorized to negotiate with TCF to purchase all or part of Property at 0 Forrest Park Rd SE, Fulton County tax parcel ID numbers; 14-0003-LL-017-3, 14-0002-LL-024-0, 14-0004-LL-049-5, 14-0004-LL-053-7 at a cost (the "Purchase Price") that is at or no greater than fair market value as determined by an appraisal approved by the CPO or their designee. The Property is approximately depicted in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2: The CPO or their designee is authorized to obtain and pay for due diligence items deemed necessary or desirable for the acquisition of the Property; to pay for items or services necessary to purchase the Property, including but not limited to; surveys, title reports, environmental assessments, appraisals, title insurance, real estate service fees, technical reports, site security, signage, site stabilization, fencing, closing costs, and other costs of acquisition (collectively, the "Due Diligence and Purchase Services").

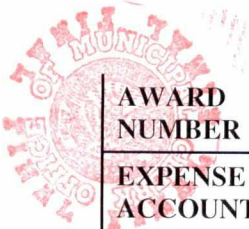
SECTION 3: The Purchase Price, Due Diligence, Purchase Services and site security and stabilization shall not exceed a total of Five million, three hundred fifteen thousand, two hundred thirty-three dollars and one cent (\$5,315,233.01) (made of up \$4,689,993.01 in acquisition costs and \$625,240 in site security and stabilization costs) and shall be paid from the Tree Trust Fund enumerated in Section 4.

SECTION 4: The costs of the purchase for the acquisition in an amount not to exceed \$4,689,993.01 shall be charged to and paid from Fund, Department Organization and Account Number:

Fund 7701 Trust Fund, Department 250101 DCP Commissioner, Account 5411001 Land Exp, Function Activity 1320000 Chief Executive, Project 600013 Tree Removal Protection, 69999 Funding Source for Non Capital Trust.

The costs for site security and stabilization in an amount not to exceed \$625,240 shall be charged to and paid from the FY2020 Tree Trust Fund budget, Department of Parks and Recreation which is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS						
PTAEO				GENERAL LEDGER		
PROJECT NUMBER	NIA	NIA		FUND	7701	TRUST FUND
TASK NUMBER	NIA	NIA		GLDEPT	250101	PCD COMMISSIONER



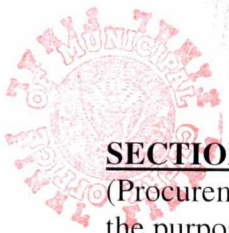
AWARD NUMBER	<i>NIA</i>	<i>NIA</i>		<i>ACCT</i>	5239004	SERVICE GRANTS
EXPENSE ACCOUNT	<i>NIA</i>	<i>NIA</i>		<i>FUNCTION/ACTIVITY</i>	1320000	<i>CHIEF EXECUTIVE</i>
OWNING ORG	<i>NIA</i>	<i>NIA</i>		<i>GL PROJECT</i>	600013	<i>TREE REMOVAL PROTECTION</i>
				<i>GL FUNDING SOURCE</i>	69999	<i>NON CAPITAL</i>
TOTAL						\$625,240.00

ADD TO APPROPRIATIONS						
PTAEO			GENERAL LEDGER			
PROJECT NUMBER	<i>NIA</i>	<i>NIA</i>		<i>FUND</i>	7701	<i>TRUST FUND</i>
TASK NUMBER	<i>NIA</i>	<i>NIA</i>		<i>GLDEPT</i>	140201	<i>PRC PARKS ADMIN</i>
AWARD NUMBER	<i>NIA</i>	<i>NIA</i>		<i>ACCT</i>	5212001	<i>CONSULTANT PROF. SERVICES</i>
EXPENSE ACCOUNT	<i>NIA</i>	<i>NIA</i>		<i>FUNCTION/ACTIVITY</i>	6210000	<i>PARKADMIN</i>
OWNING ORG	<i>NIA</i>	<i>NIA</i>		<i>GL PROJECT</i>	600013	<i>TREE REMOVAL</i>
				<i>GL FUNDING SOURCE</i>	69999	<i>NON CAPITAL</i>
TOTAL						\$625,240.00

SECTION 5: The Property is hereby dedicated as a Tree Trust Fund Acquisition and the City of Atlanta shall retain the Property in perpetuity as public forested land with passive recreational facilities, provided that such facilities are developed and managed to have minimal environmental impact, as determined and established based on the characteristics of the property.

SECTION 6: The Property shall be available for public use without cost (subject to City of Atlanta rules and other ordinances).

SECTION 7: Attached to this ordinance as Exhibit B is the maintenance plan for the Property. This plan describes the types of maintenance that may be needed at the Property, estimates the Property's annual maintenance cost, and identifies 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.



SECTION 8: The requirements of Article X, Division 14, Subdivision II, Section 2-1541(d) (Procurement and Real Estate Code) of the City of Atlanta Code of Ordinances, are waived, for the purposes of this Ordinance only, to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

SECTION 9: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the City Attorney deems to be necessary or advisable in order to carry into effect the intent of this Ordinance.

SECTION 10: The City Attorney is hereby directed to prepare, for execution by the Mayor on behalf of the City, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this Ordinance.

SECTION 11: Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been approved by the City Attorney as to form, attested to by the Municipal Clerk, and signed by the Mayor.

SECTION 12: The Mayor or her designee, the City Attorney or her designee, the Chief Procurement Officer or his designee, the Commissioner of the Department of Parks and Recreation or his designee, or other agent of the City, on behalf of the City in their official capacities in accordance with this ordinance, are authorized to take and do such further acts and deeds, and to execute and deliver, for and in the name of the City, respectively, such other documents, certificates, papers and instruments as they deem to be necessary, appropriate, advisable or required in order to effectuate the purpose and intent of this Ordinance and to consummate the actions contemplated by this Ordinance.

SECTION 13: 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.

A true copy,

**ADOPTED by the Atlanta City Council
APPROVED by Mayor Keisha Lance Bottoms**

**APR 20, 2020
APR 24, 2020**


**Foris Webb III
Municipal Clerk**

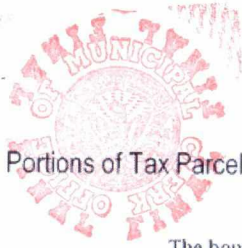
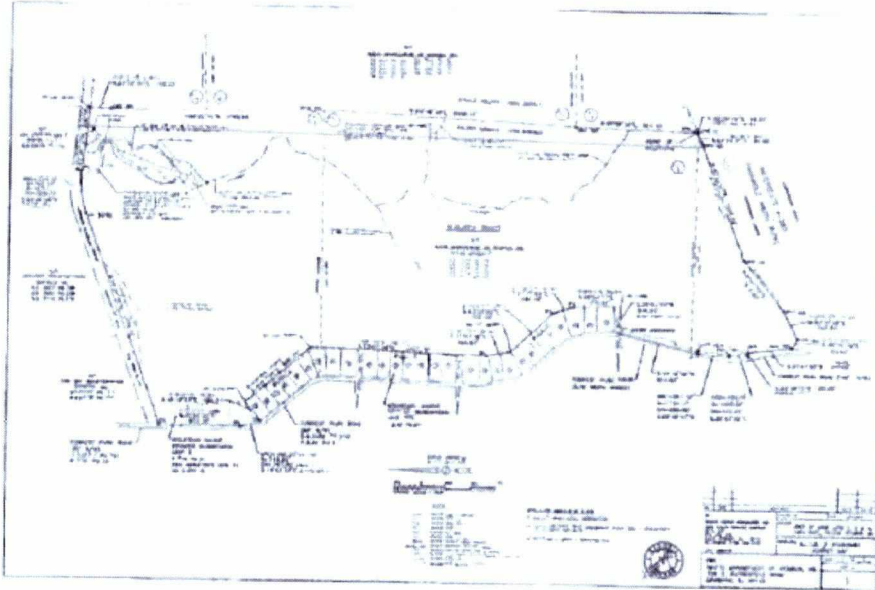


Exhibit "A"

Description of Property

Portions of Tax Parcel IDs 14-0003-LL-017-3, 14-0002-LL-024-0, 14-0004-LL-049-5, 14-0004-LL-053-7

The boundary line as shown in red below is approximately 100 ft from the Dekalb County border.



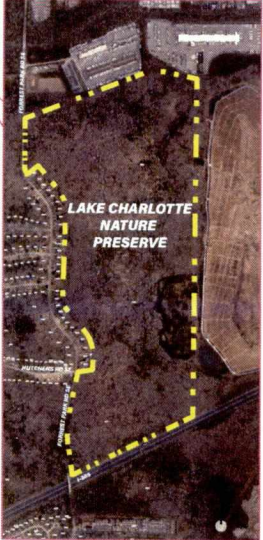
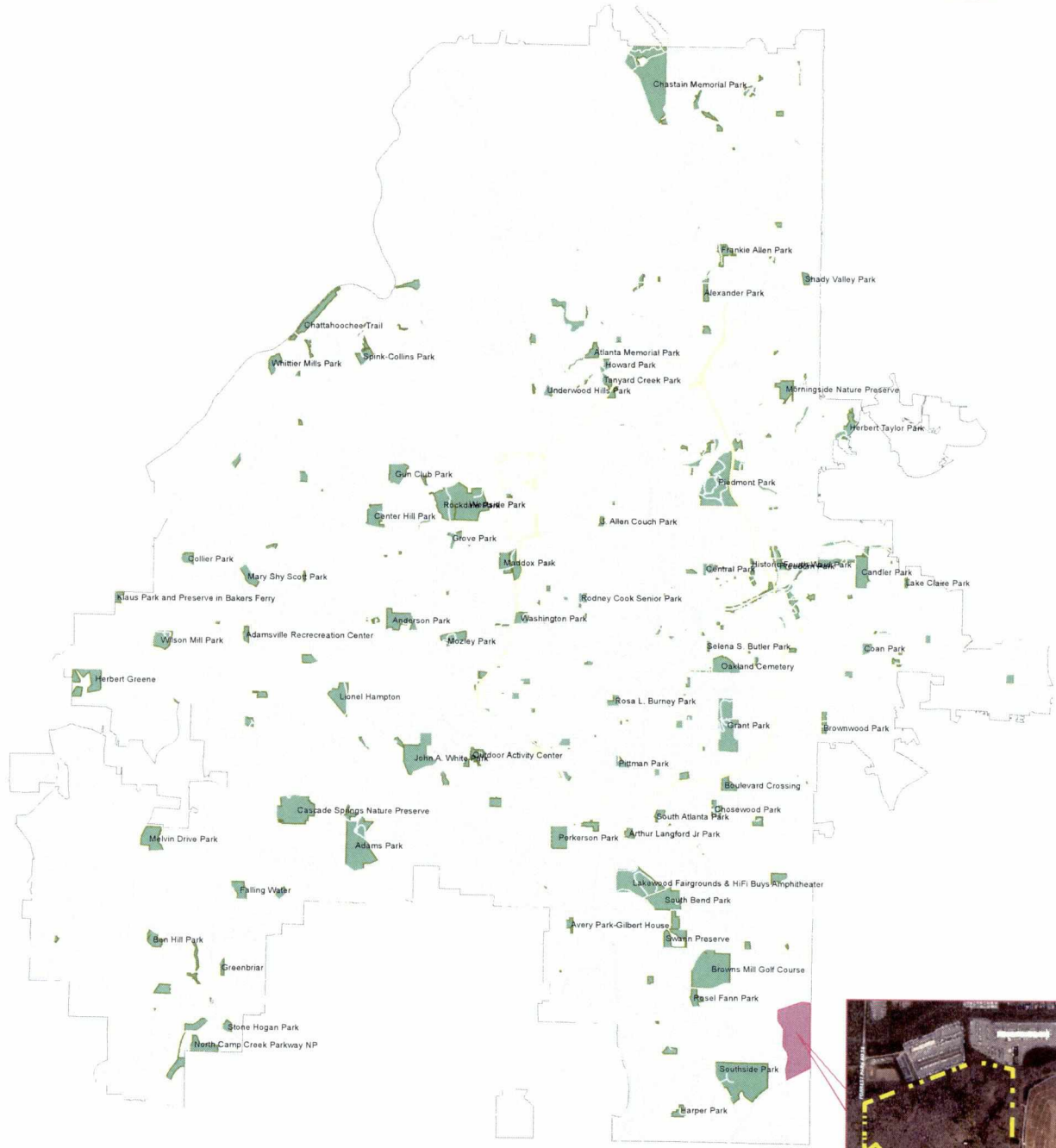
LAKE CHARLOTTE EXHIBIT A Part 1 Site Aerial



LAKE CHARLOTTE

EXHIBIT A

Part 2 City of Atlanta Context Map



LAKE CHARLOTTE - EXHIBIT B

TABLE OF CONTENTS

1. Tree Trust Legislation and Lake Charlotte Safety, Operational, & Maintenance Cost Estimates
2. Safety
 - a. Clean and Green Estimate
 - b. Access Control Estimates
 - c. Typical Bollards
3. Operational
 - a. Signage Estimate
 - b. Signage Standards
4. Maintenance
 - a. Maintenance Supervisor
 - b. Equipment
 - c. Vegetation Analysis and Management Plan
5. Inventory Report
 - a. Boundary Survey
 - b. Conceptual Plans
 - i. Phase 1
 - ii. Overall

**LARGE
ATTACHMENT(S)
DOCUMENT(S),
MANNUAL(S)
OR
MAP(S)
NOT COPIED
AVAILABLE FOR
PUBLIC INSPECTION
IN MUNICIPAL CLERK'S
OFFICE**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE AUTHORIZING THE MAYOR OR HER DESIGNEE, OR THE CHIEF PROCUREMENT OFFICER OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA TO ACQUIRE FROM THE CONSERVATION FUND APPROXIMATELY 216 ACRES OF REAL PROPERTY LOCATED AT 0 FORREST PARK RD SE, FULTON COUNTY TAX PARCEL ID NUMBERS 14-0003-LL-017-3, 14-0002-LL-024-0, 14-0004-LL-049-5, 14-0004-LL-053-7 FOR THE PROTECTION, MAINTENANCE, AND REGENERATION OF TREES AND OTHER FOREST RESOURCES AS AUTHORIZED UNDER CITY CODE SECTION 158-66 (B); TO BE DESIGNATED, IN PERPETUITY AS FORESTED LAND, AND TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THE PROPERTY; AUTHORIZING ACQUISITION, DUE DILIGENCE, CLOSING COSTS, SIGNAGE, DEMOLITION, SITE SECURITY AND STABILIZATION, FENCING, AND OTHER SITE DEVELOPMENT COSTS IN AN AMOUNT NOT TO EXCEED FIVE MILLION THREE HUNDRED FIFTEEN THOUSAND TWO HUNDRED THIRTY-THREE DOLLARS AND ONE CENT (\$5,315,233.01); TO BE PAID FROM THE TREE TRUST FUND USING THE FUND AND ACCOUNT INFORMATION LISTED HEREIN; WAIVING SECTION 2-1541(D) OF THE PROCUREMENT AND REAL ESTATE CODE; AND FOR OTHER PURPOSES.

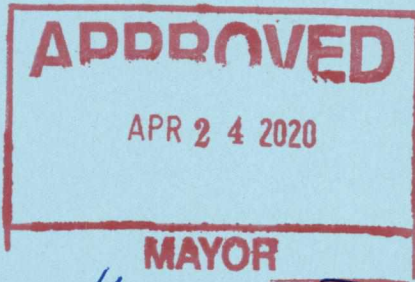
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MAYOR'S ACTION AUTHENTICATION PAGE



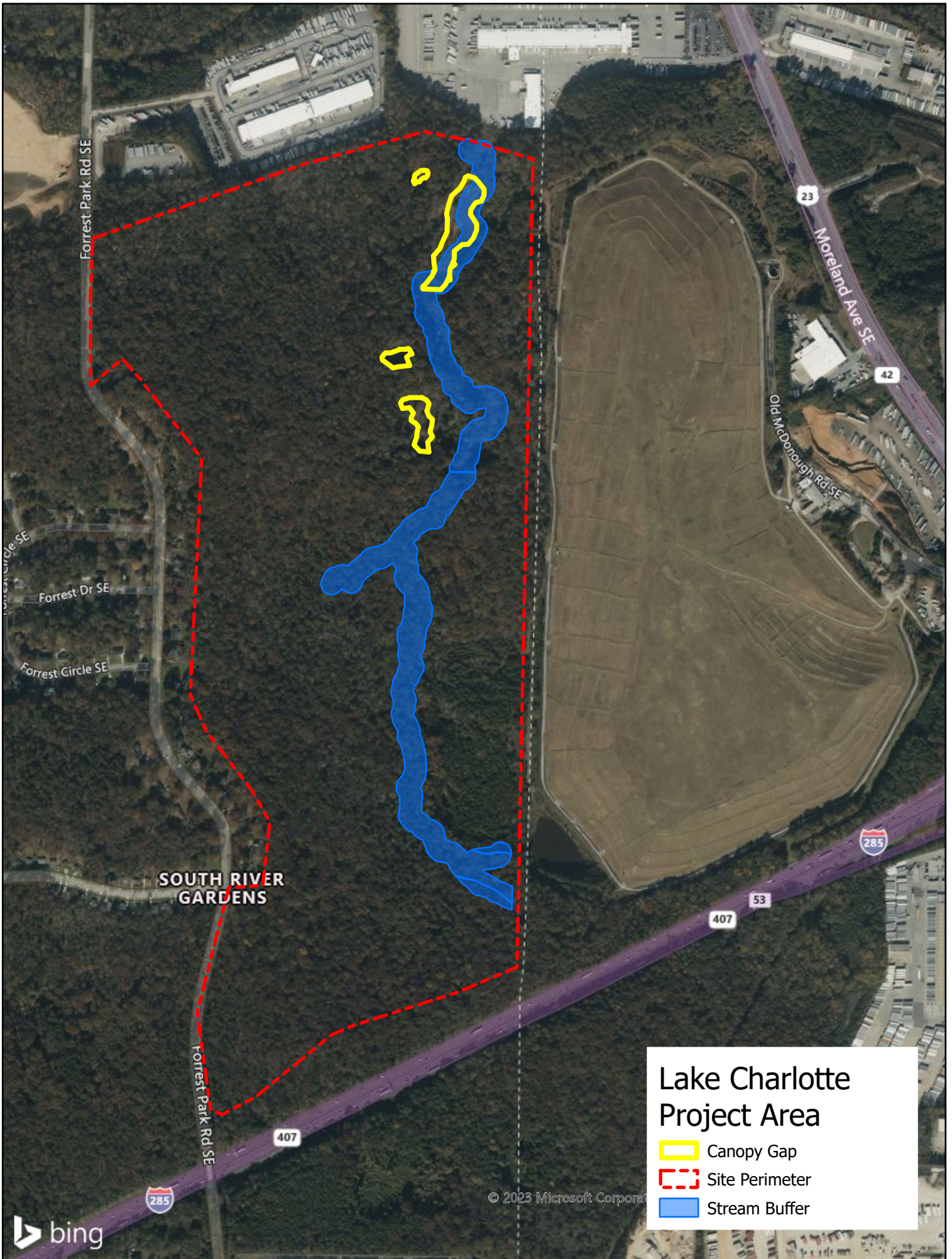
20-O-1215

**Adopted by the Atlanta City Council
April 20, 2020**






Josh B...
MAYOR'S ACTION

Project Area Map



SOUTH RIVER GARDENS

Lake Charlotte Project Area

-  Canopy Gap
-  Site Perimeter
-  Stream Buffer

TITLE EXCEPTIONS

THE FOLLOWING SPECIAL EXCEPTIONS ARE LISTED IN SCHEDULE B, PART II OF THE ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-922492-PITT, COMMITMENT DATE AUGUST 8, 2018.

12. Easement from L. S. Jones to Georgia Power Company, dated April 30, 1935, filed for record June 19, 1935, and recorded in Deed Book 1548, Page 331, Fulton County, Georgia records. (MAY AFFECT SUBJECT PROPERTY; LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT; IT IS A BLANKET EASEMENT)

13. Easement from Mrs. Fern Sluder Smetton to Georgia Power Company, dated April 30, 1935, filed for record June 19, 1935, and recorded in Deed Book 1568, Page 218, aforesaid records. (MAY AFFECT SUBJECT PROPERTY; LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT; IT IS A BLANKET EASEMENT)

14. Easement from Mountain Manor Company to Georgia Power Company, dated April 29, 1935, filed for record June 19, 1935, and recorded in Deed Book 1568, Page 221, aforesaid records. (MAY AFFECT SUBJECT PROPERTY; LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT; IT IS A BLANKET EASEMENT)

15. Easement from L. E. Leonard to Georgia Power Company, dated August 15, 1935, filed for record September 4, 1935, and recorded in Deed Book 1570, Page 143, aforesaid records. (MAY AFFECT SUBJECT PROPERTY; LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT; IT IS A BLANKET EASEMENT)

16. Easement from Needham B. Bateman to American Telephone and Telegraph Company of Georgia, dated June 18, 1941, filed June 18, 1941, and recorded in Deed Book 1739, Page 270, aforesaid records; as assigned by an unrecorded indenture between American Telephone and Telegraph Company of Georgia to American Telephone and Telegraph Company, a New York corporation, as further assigned by American Telephone and Telegraph Company, a New York corporation to Southern Bell Telephone and Telegraph Company, a New York corporation, dated October 14, 1976, filed for record April 6, 1977, and recorded in Deed Book 6678, Page 199, aforesaid records. (AFFECTS SUBJECT PROPERTY AS SHOWN HEREON)

17. Easement from Joe L. Fine to Georgia Power Company, dated November 17, 1947, filed for record March 30, 1949, and recorded in Deed Book 2402, Page 577, aforesaid records. (MAY AFFECT SUBJECT PROPERTY; LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT; IT IS A BLANKET EASEMENT)

18. Right of Way Easement from T.L. Jordan to Georgia Power Company, dated September 18, 1951, filed for record October 4, 1951, and recorded in Deed Book 2681, Page 218, aforesaid records. (MAY AFFECT SUBJECT PROPERTY; LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT; IT IS A BLANKET EASEMENT)

19. Right of Way Easement from Needham Bateman to Georgia Power Company, dated January 15, 1953, filed for record February 4, 1953, and recorded in Deed Book 2816, Page 136, aforesaid records. (MAY AFFECT SUBJECT PROPERTY; LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT; IT IS A BLANKET EASEMENT)

20. Easement from Joe L. Fine to Georgia Power Company, dated April 18, 1958, filed for record June 13, 1958, and recorded in Deed Book 3341, Page 432, aforesaid records. (DOES NOT AFFECT SUBJECT PROPERTY)

21. Easement from Mildred L. Kingloff to Georgia Power Company, dated April 22, 1958, filed for record June 13, 1958, and recorded in Deed Book 3341, Page 433, aforesaid records. (DOES NOT AFFECT SUBJECT PROPERTY)

22. Right of Way Easement from Needham B. Bateman to Georgia Power Company, dated December 16, 1958, filed for record February 13, 1959, and recorded in Deed Book 3423, Page 664, aforesaid records. (MAY AFFECT SUBJECT PROPERTY; LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT; IT IS A BLANKET EASEMENT)

23. Easement from Needham B. Bateman to Georgia Power Company, dated February 20, 1961, filed for record March 17, 1961, and recorded in Deed Book 3689, Page 102, aforesaid records. (MAY AFFECT SUBJECT PROPERTY; LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT; IT IS A BLANKET EASEMENT)

24. Easement from Needham B. Bateman to Georgia Power Company, dated February 23, 1961, filed for record May 16, 1961, and recorded in Deed Book 3716, Page 562, aforesaid records. (MAY AFFECT SUBJECT PROPERTY; LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT; IT IS A BLANKET EASEMENT)

25. Sewer Easement from Needham B. Bateman to City of Atlanta, a municipal corporation of the State of Georgia, dated April 4, 1963, filed for record May 10, 1963, and recorded in Deed Book 4037, Page 296, aforesaid records. (AFFECTS SUBJECT PROPERTY AS SHOWN HEREON)

26. Sewer Easement from Mountain Manor Co. to City of Atlanta, a municipal corporation of the State of Georgia, dated May 3, 1963, filed for record June 6, 1963, and recorded in Deed Book 4070, Page 419, aforesaid records. (AFFECTS SUBJECT PROPERTY AS SHOWN HEREON)

27. Right of Way Easement from Waste & Management of Georgia Inc. to Southern Bell Telephone and Telegraph Company, dated May 13, 1991, filed for record September 18, 1991, and recorded in Deed Book 4510, Page 585, aforesaid records. (AFFECTS SUBJECT PROPERTY AS SHOWN HEREON)

28. Georgia Comprehensive Solid Waste Management Act Affidavit by Waste Management of Georgia, Inc., dated December 19, 2007, filed for record December 27, 2007, and recorded in Deed Book 46150, Page 585, aforesaid records. (AFFECTS SUBJECT PROPERTY, BUT NOT A PLOTTABLE EXCEPTION)

29. Matters as shown on that certain plat recorded in Plat Book 11, Page 106, aforesaid records. (COPY PROVIDED NOT VERY LEGIBLE; INDICATES THE FORMER LOCATION OF LAKE CHARLOTTE AND A DAM OF WHICH NO CURRENT EVIDENCE WAS FOUND)

30. Matters as shown on that certain plat recorded in Plat Book 94, Page 53, aforesaid records. (COPY PROVIDED NOT VERY LEGIBLE; INDICATES THE FORMER LOCATION OF LAKE CHARLOTTE AND AN AT&T BURIED CABLE LINE WHICH APPEARS TO HAVE BEEN QUITCLAIMED PER EXCEPTION NO. 16)

REFERENCES

1. TRUSTEE'S DEED BY AND BETWEEN VICTOR D. MASLIA, AS TRUSTEE OF PARIAN INVESTMENTS, INC., PURCHASE MONEY PLAN AND TRUST, AND WASTE MANAGEMENT OF GEORGIA, INC.; DATED 4 APRIL 1989, FILED AND RECORDED APRIL 5, 1989, AND RECORDED IN DEED BOOK 12396, PAGE 33, FULTON COUNTY, GEORGIA RECORDS. (INCLUDES TAX PARCELS 14 0002 LLO240, 14 0003 LLO173 AND 14 0004 LLO537)

2. LIMITED WARRANTY DEED BETWEEN HERMAN L. LISCHKOFF, et al. AND WASTE MANAGEMENT OF GEORGIA, INC., DATED 4 APRIL 1989, FILED AND RECORDED APRIL 5, 1989, AND RECORDED IN DEED BOOK 12396, PAGE 35, FULTON COUNTY, GEORGIA RECORDS. (INCLUDES TAX PARCELS 14 0002 LLO240, 14 0003 LLO173 AND 14 0004 LLO537)

3. WARRANTY DEED BETWEEN JAMES R. CONWAY AND STEPHEN L. WILLIAMS, AND WASTE MANAGEMENT OF GEORGIA, INC., DATED 3 APRIL 1989, FILED AND RECORDED APRIL 5, 1989, AND RECORDED IN DEED BOOK 12396, PAGE 48, FULTON COUNTY, GEORGIA RECORDS. (TAX PARCEL 14 0004 LLO495)

4. QUIT-CLAIM DEED BETWEEN HERMAN L. LISCHKOFF, et al. AND WASTE MANAGEMENT OF GEORGIA, INC., DATED 4 APRIL 1989, FILED AND RECORDED APRIL 5, 1989, AND RECORDED IN DEED BOOK 12396, PAGE 52, FULTON COUNTY, GEORGIA RECORDS. (INCLUDES TAX PARCELS 14 0002 LLO240, 14 0003 LLO173 AND 14 0004 LLO537)

5. QUIT-CLAIM DEED BETWEEN HERMAN L. LISCHKOFF, et al. AND WASTE MANAGEMENT OF GEORGIA, INC., DATED 4 APRIL 1989, FILED AND RECORDED APRIL 5, 1989, AND RECORDED IN DEED BOOK 12396, PAGE 57, FULTON COUNTY, GEORGIA RECORDS. (INCLUDES TAX PARCELS 14 0002 LLO240, 14 0003 LLO173 AND 14 0004 LLO537)

6. A.L.T./BOUNDARY SURVEY MAP OF PART OF LAND LOTS 2, 3 & 4, 14TH DIST., FULTON COUNTY, GA, PREPARED FOR WASTE MANAGEMENT OF GEORGIA, INC., PREPARED BY MARTIN SURVEY ASSOCIATES, INC., DATED 6/01/2015.

7. SURVEY OF LIVE OAK LANDFILL, FULTON/DEKALB COUNTY TRACT SITE BOUNDARY, PREPARED FOR WASTE MANAGEMENT OF GEORGIA, INC., PREPARED BY MARTIN SURVEY ASSOCIATES, INC., DATED 12/21/2017.

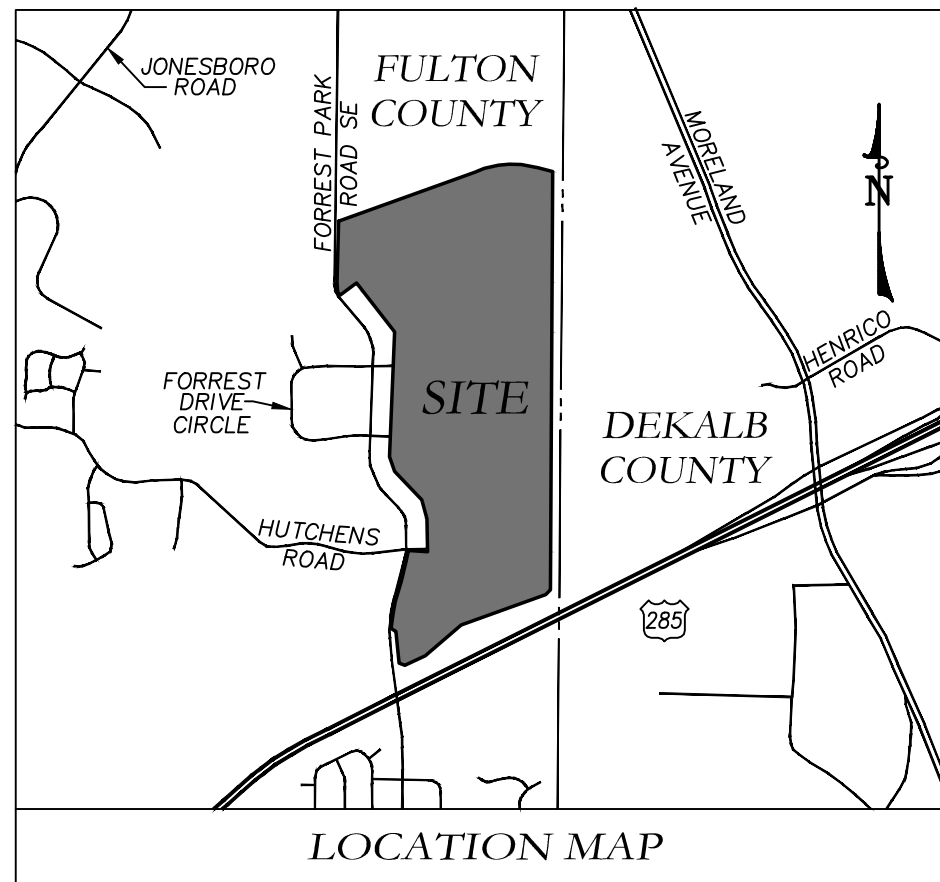
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 2, 3 and 4 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete monument found located at the intersection of the northwesterly right-of-way line of Interstate 285 (having a variable width right-of-way) with the easterly right-of-way line of Forrest Park Road (having a variable width right-of-way); thence leave said intersection and run generally northerly along said easterly right-of-way line the following courses and distances: N07°47'52"W a distance of 349.60 feet to a point; S82°16'15"W a distance of 22.65 feet to a point; along the arc of a curve to the right, an arc distance of 152.16 feet to a point, said curve having a radius of 1,192.89 feet and being subtended by a chord bearing N00°53'20"W and a chord distance of 152.06 feet; along the arc of a curve to the right, an arc distance of 261.12 feet to an iron pin found (1" open top pipe), said curve having a radius of 1,194.12 feet and being subtended by a chord bearing N05°40'47"E and a chord distance of 260.60 feet; N14°10'25"E a distance of 623.84 feet to an iron pin found (6/8" open top pipe, disturbed) located at the intersection of said easterly right-of-way line with the southerly right-of-way line of Hutchens Road (having a 50' right-of-way width); thence leave said intersection and run easterly along said southerly right-of-way line N89°03'26"E a distance of 206.95 feet to an iron pin found (1/2" open top pipe); thence leave said southerly right-of-way line and run N05°43'11"W a distance of 370.81 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run N17°56'43"W a distance of 184.40 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run N43°23'22"W a distance of 459.48 feet to an iron pin found (1/2" rebar); thence run N11°03'48"W a distance of 195.60 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run N02°05'38"E a distance of 1,387.76 feet to an iron pin found (1/2" rebar); thence run N40°47'09"W a distance of 688.33 feet to an iron pin found (1/2" rebar); thence run S49°19'23"W a distance of 189.01 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431") located on the easterly right-of-way line of Forrest Park Road; thence run generally northerly along said easterly right-of-way line the following courses and distances: along the arc of a curve to the right, an arc distance of 169.03 feet to a point, said curve having a radius of 318.50 feet and being subtended by a chord bearing N14°45'33"W and a chord distance of 167.05 feet; N00°26'38"E a distance of 633.30 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431") located at the intersection of said easterly right-of-way line with the proposed southeasterly right-of-way line of Cleveland Avenue Extension; thence leave said intersection and run northeasterly along said proposed southeasterly right-of-way line the following courses and distances: N70°31'39"E a distance of 1,779.78 feet to an iron pin found (3/8" rebar); along the arc of a curve to the right, an arc distance of 353.37 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); said curve having a radius of 762.62 feet and being subtended by a chord bearing N83°48'18"E and a chord distance of 350.22 feet; S82°55'13"E a distance of 406.28 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence leave said proposed southerly right-of-way line and run S01°25'30"W a distance of 169.75 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run S00°25'04"E a distance of 1,703.75 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run S02°48'46"W a distance of 2,004.88 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run S02°05'10"W a distance of 1,006.10 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431") located on the northwesterly right-of-way line of Interstate 285; thence run southwesterly along said right-of-way line the following courses and distances: S89°44'07"W a distance of 987.74 feet to a concrete monument found; S51°01'02"W a distance of 512.00 feet to a concrete monument found; S63°25'48"W a distance of 249.63 feet to a concrete monument found; N59°32'12"W a distance of 83.83 feet to a concrete monument found located at the intersection of the northwesterly right-of-way line of Interstate 285 with the easterly right-of-way line of Forrest Park Road, said concrete monument found being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 216,544 acres.

The above legal description describes the same property as contained in the ALTA Commitment for Title Insurance issued by First American Title Insurance Company, Commitment Number NCS-922492-PITT with an Effective Date of August 8, 2018.



TOTAL AREA= 216.544 ACRES

LINE TYPE LEGEND

- ADJOINING PROPERTY LINE
CREEK CENTERLINE
LAND LOT LINE
METAL FENCE
WIRE FENCE
WOOD FENCE
GUARDRAIL
OVERHEAD UTILITY LINE
UNDERGROUND ELECTRIC LINE
UNDERGROUND FIBER OPTIC LINE
UNDERGROUND GAS PIPE
UNDERGROUND SANITARY SEWER PIPE
UNDERGROUND STORM SEWER PIPE
UNDERGROUND TELEPHONE LINE
UNDERGROUND WATER PIPE

SYMBOL LEGEND

- 1/2" REBAR FOUND
RIGHT-OF-WAY MONUMENT FOUND
ADJOINING LOT NUMBER
LOT NUMBER
LAND LOT NUMBER
AIR CONDITIONING UNIT
BENCHMARK
BOLLARD
HANDICAP PARKING SPOT
SIGN
MANHOLE - UNKNOWN TYPE
CABLE TV BOX
CABLE TV MANHOLE
CABLE TV PEDESTAL
ELECTRIC BOX
ELECTRIC METER
ELECTRIC PEDESTAL
GUY WIRE AND ANCHOR
GUY POLE
LIGHT POLE
POWER POLE
SERVICE POLE
TRANSFORMER
GAS MANHOLE
GAS VALVE
GAS METER
SANITARY SEWER CLEAN OUT
SANITARY SEWER MANHOLE
STORM SEWER CLEAN OUT
DOUBLE WING CATCH BASIN
SINGLE WING CATCH BASIN
CURB INLET
DROP INLET
FLARED END SECTION
HEADWALL
JUNCTION BOX
WEIR INLET
YARD INLET
TELEPHONE BOX
TELEPHONE MANHOLE
TELEPHONE PEDESTAL
PEDESTRIAN SIGNAL POLE
TRAFFIC SIGNAL POLE
TRAFFIC SIGNAL POLE
FIRE DEPARTMENT CONNECTION
FIRE HYDRANT
IRRIGATION CONTROL VALVE
POST INDICATOR VALVE
WATER MANHOLE
WATER METER
WATER VAULT
TREE
SPOT ELEVATION

ABBREVIATIONS

- A.E. ACCESS EASEMENT
B.C. BACK OF CURB
B.M. BENCHMARK
B.S.L. BUILDING SETBACK LINE
C.B.T.V. CABLE TELEVISION
C.BOX CABLE BOX
C.O. CLEANOUT
C.P.D. CABLE PEDESTAL
C&G CURB AND GUTTER
C.I. CURB INLET
C.L. CENTERLINE
C.M.P. CONCRETE MONUMENT FOUND
C.M.P. CORRUGATED METAL PIPE
CONC. CONCRETE
C.P. COATED PLASTIC PIPE
C.T.P. CRIMPED TOP PIPE FOUND
DB DEED BOOK
D.E. DRAINAGE EASEMENT
DRCP INLET
DIP DUCTILE IRON PIPE
DWCB DOUBLE WING CATCH BASIN
EBOX ELECTRIC BOX
EM ELECTRIC METER
EOP EDGE OF PAVEMENT
EX EXISTING
FES FLARED END SECTION
FFE FINISHED FLOOR ELEVATION
FH FIRE HYDRANT
FOC FIBER OPTIC CABLE
FOPED FIBER OPTIC PEDESTAL
GM GAS METER
GV GAS VALVE
GW GUY WIRE
HDPE HIGH DENSITY POLYETHYLENE PIPE
HW HEADWALL
ICB IRRIGATION CONTROL BOX
ICV IRRIGATION CONTROL VALVE
IPS 1/2" REBAR SET
IHP 1/2" REBAR FOUND
JB JUNCTION BOX
LP LIGHT POLE
OCS OUTLET CONTROL STRUCTURE
OP OPEN TOP PIPE FOUND
PB PLAT BOOK
PG. PAGE
P.L. PROPERTY LINE
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
PP POWER POLE
PROP. PROPOSED
PVC POLYETHYLENE CHLORIDE PIPE
RCP REINFORCED CONCRETE PIPE
RE REBAR
R.C.M. IRRIGATION CONTROL VALVE
R/W RIGHT-OF-WAY
S.S. SANITARY SEWER
S.S.E. SANITARY SEWER EASEMENT
SSMH SANITARY SEWER MANHOLE
SWCB SINGLE WING CATCH BASIN
TBX TELEPHONE BOX
TPED TELEPHONE PEDESTAL
TSB TRAFFIC SIGNAL BOX
TSP TRAFFIC SIGNAL POLE
U.E. UTILITY EASEMENT
VCP VITRIFIED CLAY PIPE
W/CAP WITH CAP
WM WEIR INLET
WM WATER METER
WV WATER VALVE
WI WEIR INLET

CERTIFICATION

TO: WASTE MANAGEMENT OF GEORGIA, INC., AND FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6a, 8, 13, 16, 18 AND 20 OF TABLE A THEREOF. THE ORIGINAL SURVEY WAS PREPARED AND CERTIFIED BY MARTIN SURVEY ASSOCIATES, INC., GARY D. MARTIN, GARLS NO. 2431 AND WAS COMPLETED ON JUNE 1, 2015. SUBSEQUENT FIELDWORK WAS PERFORMED AND COMPLETED BY GUNNIN LAND SURVEYING, LLC, NOVEMBER 6, 2018 AND CERTIFIED BY GARY D. MARTIN, GARLS NO. 2431.

DATE OF PLAT: NOVEMBER 9, 2018

GARY D. MARTIN, G.A. RLS #2431

SURVEYOR'S CERTIFICATE (STATE OF GEORGIA)

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN SECTION 15-6-67.

GARY D. MARTIN, G.A. RLS #2431

DATE 11/09/2018

REVISION table with columns for DATE, REVISION, and description of changes.

ALTA/NSPS LAND TITLE SURVEY PREPARED FOR: WASTE MANAGEMENT OF GEORGIA, INC. AND FIRST AMERICAN TITLE INSURANCE COMPANY. LOCATED IN LAND LOTS 2, 3 & 4 14th DISTRICT FULTON COUNTY, GEORGIA

GUNNIN LAND SURVEYING logo and contact information.

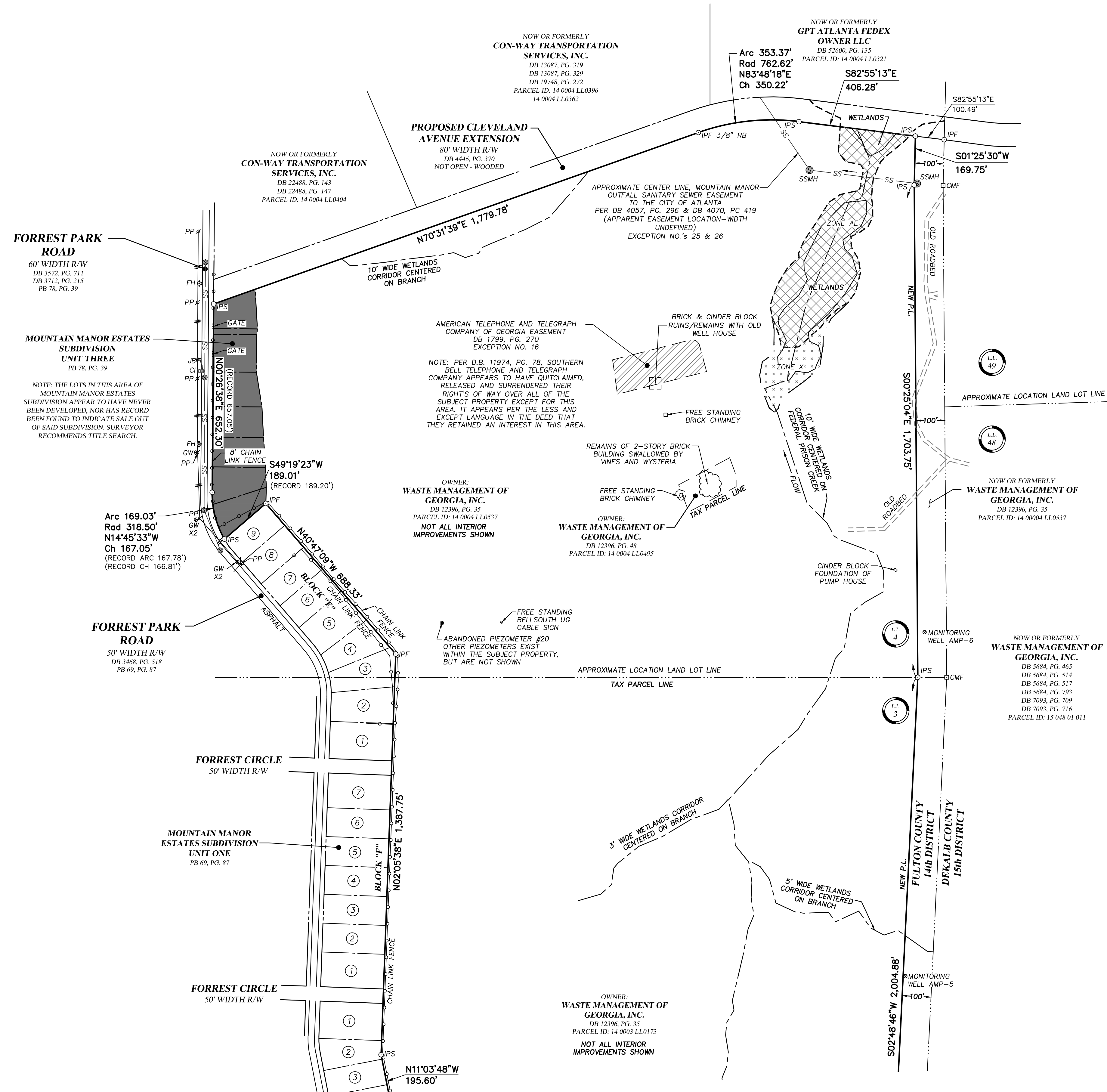


DRAWN BY: CAM CHECKED BY: JRM

PROJECT NO. 17141

SHEET 1 OF 3

RESERVED FOR PLAT FILING



LINE TYPE LEGEND

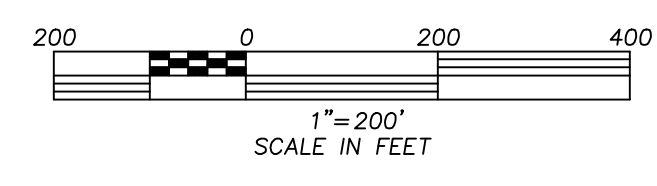
---	ADJOINING PROPERTY LINE
---	CREEK CENTERLINE
---	LAND LOT LINE
---	METAL FENCE
---	WOOD FENCE
---	GUARDRAIL
---	OVERHEAD UTILITY LINE
---	UNDERGROUND ELECTRIC LINE
---	UNDERGROUND FIBER OPTIC LINE
---	UNDERGROUND GAS PIPE
---	UNDERGROUND SANITARY SEWER PIPE
---	UNDERGROUND STORM SEWER PIPE
---	UNDERGROUND TELEPHONE LINE
---	UNDERGROUND WATER PIPE

ABBREVIATIONS

A.E.	ACCESS EASEMENT
BC	BACK OF CURB
BM	BENCHMARK
BSL	BUILDING SETBACK LINE
CATV	CABLE TV
CBOX	CABLE BOX
CO	CLEANOUT
CPED	CABLE PEDESTAL
C&G	CURB AND GUTTER
CI	CURB INLET
C.L.	CENTERLINE
CMF	CONCRETE MONUMENT FOUND
CMP	CORRUGATED METAL PIPE
CONC.	CONCRETE
CPP	COATED PLASTIC PIPE
CTP	CRIMPED TOP PIPE FOUND
DB	DEED BOOK
D.E.	DRAINAGE EASEMENT
DI	DROP INLET
DIP	DUCTILE IRON PIPE
DWCB	DOUBLE WING CATCH BASIN
EBOX	ELECTRIC BOX
EM	ELECTRIC METER
EOP	EDGE OF PAVEMENT
EX.	EXISTING
FES	FLARED END SECTION
FFE	FINISHED FLOOR ELEVATION
FH	FIRE HYDRANT
FOC	FIBER OPTIC CABLE
FOPED	FIBER OPTIC PEDESTAL
GM	GAS METER
GV	GAS VALVE
GW	GUY WIRE
HDPE	HIGH DENSITY POLYETHYLENE PIPE
HW	HEADWALL
ICB	IRRIGATION CONTROL BOX
ICV	IRRIGATION CONTROL VALVE
IPS	1/2" REBAR SET
IPF	1/2" REBAR FOUND
JB	JUNCTION BOX
LP	LIGHT POLE
OCS	OUTLET CONTROL STRUCTURE
OTP	OPEN TOP PIPE FOUND
PB	PLAT BOOK
PG.	PAGE
PL	PROPERTY LINE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER POLE
PROP.	PROPOSED
PVC	POLYVINYL CHLORIDE PIPE
RCP	REINFORCED CONCRETE PIPE
REBAR	REBAR
R/W	RIGHT-OF-WAY MONUMENT
R/W	RIGHT OF WAY
SS	SANITARY SEWER
S.S.E.	SANITARY SEWER EASEMENT
SSMH	SANITARY SEWER MANHOLE
SWCB	SINGLE WING CATCH BASIN
TBOX	TELEPHONE BOX
TPED	TELEPHONE PEDESTAL
TSB	TRAFFIC SIGNAL BOX
TSP	TRAFFIC SIGNAL POLE
TK	TRANSFORMER PAD
U.E.	UTILITY EASEMENT
VCP	VITRIFIED CLAY PIPE
W/CAP	WITH CAP
WI	WEIR INLET
WM	WATER METER
WV	WATER VALVE
YI	YARD INLET

SYMBOL LEGEND

IPF	1/2" REBAR FOUND
IPS	1/2" REBAR SET
---	RIGHT-OF-WAY MONUMENT FOUND
---	ADJOINING LOT NUMBER
---	LOT NUMBER
---	LAND LOT NUMBER
---	AIR CONDITIONING UNIT
---	BENCHMARK
---	BOLLARD
---	HANDICAP PARKING SPOT SIGN
---	MANHOLE - UNKNOWN TYPE
---	CABLE TV BOX
---	CABLE TV MANHOLE
---	CABLE TV PEDESTAL
---	ELECTRIC BOX
---	ELECTRIC MANHOLE
---	ELECTRIC METER
---	ELECTRIC PEDESTAL
---	GUY WIRE AND ANCHOR
---	LIGHT POLE
---	POWER POLE
---	SERVICE POLE
---	TRANSFORMER
---	GAS MANHOLE
---	GAS VALVE
---	GAS METER
---	SANITARY SEWER CLEAN OUT
---	SANITARY SEWER MANHOLE
---	STORM SEWER CLEAN OUT
---	DOUBLE WING CATCH BASIN
---	SINGLE WING CATCH BASIN
---	CURB INLET
---	DROP INLET
---	FLARED END SECTION
---	JUNCTION BOX
---	WEIR INLET
---	YARD INLET
---	TELEPHONE BOX
---	TELEPHONE MANHOLE
---	TELEPHONE PEDESTAL
---	PEDESTRIAN SIGNAL POLE
---	TRAFFIC SIGNAL BOX
---	TRAFFIC SIGNAL POLE
---	FIRE DEPARTMENT CONNECTION
---	FIRE HYDRANT
---	IRRIGATION CONTROL VALVE
---	POST INDICATOR VALVE
---	WATER MANHOLE
---	WATER METER
---	WATER VALVE
---	WATER VAULT
---	TREE
---	SPOT ELEVATION



REVISION

DATE	DESCRIPTION
06.01.15	ORIGINAL SURVEY PREPARED BY MARTIN SURVEY ASSOC., INC.; GARY D. MARTIN CARLS #2431
11.09.18	UPDATE PREPARED BY GUNNIN LAND SURVEYING, LLC; GARY D. MARTIN CARLS #2431

ALTA/NPS LAND TITLE SURVEY PREPARED FOR:
WASTE MANAGEMENT OF GEORGIA, INC.
 AND **FIRST AMERICAN TITLE INSURANCE COMPANY**
 LOCATED IN LAND LOTS 2, 3 & 4
 14th DISTRICT
 FULTON COUNTY, GEORGIA

GUNNIN
 LAND SURVEYING
 107 Mountain Brook Drive, Suite 104 Canton, GA 30115
 License No. 15E 001025
 7078.880.7002
 7078.609.4721

REGISTERED
 LAND SURVEYOR
 GARY D. MARTIN

DRAWN BY: CAM
 CHECKED BY: JRG

PROJECT NO. 17141

SHEET	OF
2	3

FILENAME: 17141_LIN_004.dwg PLOT DATE: 11-09-2018

Regional Area Map

Preservation Commitment

Space above this line for recording information

After recording return to:

City of Atlanta
Department of Enterprise Asset Management
68 Mitchell Street, SW
Suite 1225
Atlanta, Georgia 30303
Attn: Director of Real Estate Portfolio

Tax Parcel ID Nos: 14-0003-LL-017-3
14-0002-LL-024-0
14-0004-LL-049-5
14-0004-LL-053-7

**STATE OF GEORGIA
COUNTY OF FULTON**

DECLARATION OF DEVELOPMENT RESTRICTIONS

THIS DECLARATION OF DEVELOPMENT RESTRICTIONS (the "DECLARATION") is made this 18th day of January 2023, by the **CITY OF ATLANTA, GEORGIA**, a municipal corporation duly organized and existing under the laws of the State of Georgia, ("Declarant"), for the purpose of clarifying the development restrictions on property located at 0 Forrest Park Dr SE and 2931 Lake Dr, SE, Atlanta, GA 30354, Fulton County, Georgia.

RECITALS

- A. Declarant is the owner of certain property in the City of Atlanta, County of Fulton, State of Georgia, addressed as 0 Forrest Park Drive, SE and 2931 Lake Drive, SE, and more particularly described in **EXHIBIT A** attached hereto and incorporated by reference ("Property").
- B. Declarant purchased the Property from The Conservation Fund, Inc. on August 20, 2020.
- C. Declarant recognizes the benefits in generating carbon credits in urban areas which include: increased land conservation and green space close to home, creation of a local commodity that expands the carbon stock and value over time, enhanced co-benefits of urban trees including improvements in air quality, human health, and public beautification along with reductions in the urban heat island effect, increased opportunities to offset carbon intensity of local projects, amplifying progress on clean energy goals, supporting the goals of the Declarant to conserve, maintain, and expand green space across the City of Atlanta.

- D. Declarant recognizes the value of the Property as a climate asset, particularly the mature forest. The trees on the Property can potentially store CO₂, reduce storm water runoff, improve air quality, provide energy savings from cooling and heating effects, and improve human health by providing cleaner air and a place for recreation, exercise and the public health benefits of exposure to nature. Removing the trees for other uses, such as parking lots, playfields or other improved uses would seriously impair the climate value of the Property.
- E. Declarant has been working to preserve the Property and to use the Property for a carbon credit program, whereby the Declarant will earn carbon credits for those preserved trees. Declarant has awarded a contract to Urban Forest Carbon Registry d/b/a City Forest Credits, a non-profit carbon registry, which has developed carbon protocols and issues credits for qualifying tree-preservation and tree-planting projects in urban areas.
- F. Declarant intends by this Declaration to preserve the trees on the Property in addition to the preservation measures that are set out in the Atlanta City Code and City of Atlanta Ordinance 20-O-1215. It understands that this Declaration restricts the Property use to passive recreational activities with minimal environmental impact, as determined and established in writing by the City of Atlanta Department of Parks and Recreation Commissioner based on the characteristics of the Property.

DECLARATION

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant, as owner of the Property, hereby declares, grants, imposes, conveys, establishes, and accepts the following development restrictions and covenants which shall run with the land and be binding upon all owners of the Property:

1. *Removal of Trees.* Declarant shall not cut down, destroy, or remove trees located on the Property, except as necessary to control or prevent hazard, disease or fire or to improve forest health. The use of the Property is restricted to passive recreational activities with minimal environmental impact, as determined and established in writing by the City of Atlanta Department of Parks and Recreation Commissioner based on the characteristics of the Property.

GENERAL PROVISIONS

2. Run with land. The covenants and restrictions declared, granted, conveyed and established under this Declaration shall run with the land and inure to the benefit of, and be binding upon, Declarant and its heirs, beneficiaries, successors and assigns, and all future owners of the Property.

3. Term and modification. The covenants and restrictions declared and established under this Declaration shall remain in effect in perpetuity.

4. Governing law and venue. The terms and provisions of this Declaration shall be governed, construed, and enforced in accordance with the laws of the State of Georgia. Venue for any lawsuit arising out of this Declaration shall be in Fulton County, Georgia.


5. Severability. In case any one or more of the provisions contained in this Declaration shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions of this Declaration, but this Declaration shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.


IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first written above.

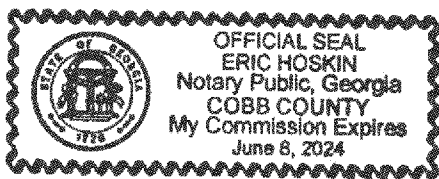
Signed, sealed and delivered in the presence of:

THE CITY OF ATLANTA, GEORGIA, a municipal corporation duly organized and existing under the laws of the State of Georgia

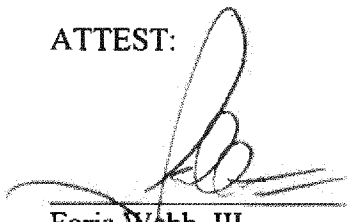

Witness


ANDRE DICKENS
Mayor


Notary Public
(NOTARIAL SEAL)




ATTEST:



Foris Webb, III
Municipal Clerk (SEAL)

APPROVED AS TO FORM:

DocuSigned by:


Michael H. Ward
Deputy Division Chief, Real Estate
City of Atlanta Department of Law

EXHIBIT A**LEGAL DESCRIPTION**

All that tract or parcel of land lying and being in Land Lots 2, 3 and 4 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete monument found located at the intersection of the northwesterly right-of-way line of Interstate 285 (having a variable width right-of-way) with the easterly right-of-way line of Forrest Park Road (having a variable width right-of-way); thence leave said intersection and run generally northerly along said easterly right-of-way

line the following courses and distances: N07°47'52"W a distance of 349.60 feet to a point; S82°16'15"W a distance of 22.65 feet to a point; along the arc of a curve to the right, an arc distance of 152.16 feet to a point, said curve having a radius of 1,192.89 feet and being subtended by a chord bearing N00°53'20"W and a chord distance of 152.06 feet; along the arc of a curve to the right, an arc distance of 261.12 feet to an iron pin found (1" open top pipe), said curve having a radius of 1,194.12 feet and being subtended by a chord bearing N05°40'47"E and a chord distance of 260.60 feet; N14°10'25"E a distance of 623.84 feet to an iron pin found (5/8" open top pipe, disturbed) located at the intersection of said easterly right-of-way line with the southerly right-of-way line of Hutchens Road (having a 50' right-of-way width); thence leave said intersection and run easterly along said southerly right-of-way line N89°03'26"E a distance of 206.95 feet to an iron pin found (1/2" open top pipe); thence leave said southerly right-of-way line and run N00°54'31"W a distance of 370.81 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run N17°56'43"W a distance of 184.40 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run N43°23'22"W a distance of 459.48 feet to an iron pin found (1/2" rebar); thence run N11°03'48"W a distance of 195.60 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run N02°05'38"E a distance of 1,387.75 feet to an iron pin found (1/2" rebar); thence run N40°47'09"W a distance of 688.33 feet to an iron pin found (1/2" rebar); thence run S49°19'23"W a distance of 189.01 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431") located on the easterly right-of-way line of Forrest Park Road; thence run generally northerly along said easterly right-of-way line the following courses and distances: along the arc of a curve to the right, an arc distance of 169.03 feet to a point, said curve having a radius of 318.50 feet and being subtended by a chord bearing N14°45'33"W and a chord distance of 167.05 feet; N00°26'38"E a distance of 652.30 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431") located at the intersection of said easterly right-of-way line with the proposed southeasterly right-of-way line of Cleveland Avenue Extension; thence leave said intersection and run northeasterly along said proposed southeasterly right-of-way line the following courses and distances: N70°31'39"E a distance of 1,779.78 feet to an iron pin found (3/8" rebar); along the arc of a curve to the right, an arc distance of 353.37 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"), said curve having a radius of 762.62 feet and being subtended by a chord bearing N83°48'18"E and a chord distance of 350.22 feet; S82°55'13"E a distance of 406.28 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence leave said proposed southerly right-of-way line and run S01°25'30"W a distance of 169.75 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run S00°25'04"E a distance of 1,703.75 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431"); thence run S02°48'46"W a distance of 2,004.88 feet to an iron pin set (1/2" rebar with cap stamped "Martin

GA LS 2431"); thence run S02°05'10"W a distance of 1,006.10 feet to an iron pin set (1/2" rebar with cap stamped "Martin GA LS 2431") located on the northwesterly right-of-way line of Interstate 285; thence run southwesterly along said right-of-way line the following courses and distances: S69°44'07"W a distance of 987.74 feet to a concrete monument found; S51°01'02"W a distance of 512.00 feet to a concrete monument found; S63°25'48"W a distance of 249.63 feet to a concrete monument found; N59°32'12"W a distance of 83.83 feet to a concrete monument found located at the intersection of the northwesterly right-of-way line of Interstate 285 with the easterly right-of-way line of Forrest Park Road, said concrete monument found being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 216.544 acres more or less.



**CITY COUNCIL
ATLANTA, GEORGIA**

22-O-1829

AN ORDINANCE BY COUNCILMEMBERS MICHAEL JULIAN BOND, JASON WINSTON, AMIR FAROKHI, BYRON D. AMOS, JASON DOZIER, LILIANA BAKHTIARI, ALEX WAN, HOWARD SHOOK, MARY NORWOOD, DUSTIN HILLIS, MARCI COLLIER OVERSTREET AND MATT WESTMORELAND AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE TO AMEND THE ATLANTA CITY CODE PART II (GENERAL ORDINANCES), CHAPTER 158 (VEGETATION), ARTICLE II (TREE PROTECTION), TO MAKE SEVERAL UPDATES RELATED TO ORDINANCE ADMINISTRATION, TREE PLANTING AND PROTECTION AND USE OF TREE TRUST FUNDS; TO AMEND PART III - LAND DEVELOPMENT CODE, PART 15 - LAND SUBDIVISION ORDINANCE, SECTIONS 15-07.004; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has not made substantive comprehensive changes to the tree protection ordinance since 2007; and

WHEREAS, since 2007, multiple aspects of the Tree Protection Ordinance have been identified by both the City and the public as needing to be changed; and

WHEREAS, the City plans to update the Tree Protection Ordinance incrementally over time and the amendments in this ordinance represent the first phase of revisions; and

WHEREAS, the City assembled a broad group of stakeholders representing a wide array of professions, interests, and opinions about the Tree Protection Ordinance to meet on multiple occasions and, through a consensus-making process, agreed upon the changes proposed in this legislation; and

WHEREAS, these changes will allow the ordinance to be administered more effectively by the City; and

WHEREAS, these changes will improve the quality and quantity of tree plantings in the City, insuring healthier, longer-lived trees and more resilient tree canopy; and

WHEREAS, these changes provide equitable support for the City's tree canopy by providing assistance for low-income homeowners who cannot afford to pay for the pruning or removal of dangerous trees on their property; and

WHEREAS, the City has determined that one of the amendments to the Tree Protection Ordinance should be accompanied by an associated change in the Land Subdivision Ordinance.

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

SECTION 1: That Part II (Code of Ordinances - General Ordinances), Chapter 158 (Vegetation), Article II (Tree Protection) is hereby amended as shown in "Exhibit A", with new language in bold underlined font and deleted language in ~~striketrough font~~.

SECTION 2: That Part III - Land Development Code, Part 15 - Land Subdivision Ordinance, Section 15-07.004(j) is hereby amended to insert a new subsection (6) with new language in bold underline font:

(6) Proposed tree plantings on common property for the entire development, including streets, as shown on the tree replacement plan as required in Sec.158-103 (k)(3).

SECTION 3: That all ordinances, parts of ordinances, and resolutions in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of said conflict



SECTION 4: That this ordinance shall become effective 120 days after its approval by the Mayor or after its approval by operation of law under Atlanta City Code Sec. 2-403.

A true copy,

A. Vanessa Waldon
Deputy Municipal Clerk

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

DEC 05, 2022
DEC 14, 2022



ARTICLE II. TREE PROTECTION¹

DIVISION 1. GENERALLY

Sec. 158-26. 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 means any person seeking approval to take action under this article.

Arborist division means the division within the department of city planning, office of buildings in which the city arborists reside.

Boundary tree means a tree on adjacent property whose root save area intrudes across the property line of the site under consideration.

Buildable area means that area of the lot available for the construction of a dwelling and permissible accessory uses after having provided the required front, side, rear and any other special yards required by part 15 or part 16 of the city code.

Business day means a weekday that is not a government holiday and in which the arborist division is open for a full day of business.

City shall mean City of Atlanta.

City arboricultural standards means the arboricultural specifications and standards of practice, prepared by the city forester and city arborist and approved by the tree conservation commission, which are adopted pursuant to this article.

City arborist shall mean an agent of the department of city planning responsible for administering this article regarding private property, or an agent of the department of parks and recreation responsible for administering this article regarding public property.

City forester means an agent of the department of parks and recreation responsible for preparing and regularly maintaining the arboricultural specifications and standards of practice, for preparing and administering the master plan and for regulating and conserving trees on public land.

Cover area means that area which falls within the drip line of any tree.

Critical root zone shall mean root save area, as defined below.

Destroy means any intentional or negligent act or lack of protection that is more likely than not to cause a tree to die within a period of five years, as determined by the city forester or city arborist. Such acts include, but are not limited to: performing grade changes (including lowering or filling the grade) that affect more than 20 percent of the root save area; trenching of roots; cutting, girdling or inflicting other severe mechanical injury to the trunk, roots or other vital sections of the tree; removing in excess of 20 percent of the live crown of the tree; inflicting damage upon the root system of a tree by the application of toxic substances, including solvents, oils,

¹Cross reference(s)—Environment, ch. 74.



gasoline and diesel fuel; causing damage by the operation of heavy machinery; causing damage by the storage of materials; and/or deliberately or negligently burning or setting fire to a tree. In addition, topping, tipping, or any similar improper pruning practices will automatically be deemed as destruction of a tree.

Diameter at breast height (DBH) means the diameter of the main stem of a tree or the combined diameters of a multi-stemmed tree as measured 4.5 feet above the natural grade at the base. 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 means any fungal, bacterial, or viral infection that will result in the death of the tree, as determined by the city forester or city arborist. Disease shall also mean any fungal, bacterial or viral infection that has progressed to the point where treatment will not prevent the death of the tree, as determined by the city forester or city arborist. In order for the city forester or city arborist to deem that a tree has a disease, the person requesting such determination must present a lab report identifying and presenting the etiology (the cause and origin) of the fungal, bacterial or viral infection.

Established recompense value means the dollar value to the city of a tree on private or public property used for the purpose of calculating cash recompense for removal or destruction. The established recompense value as of January 2003 is \$100.00 per tree and \$30.00 per diameter inch. This figure shall be evaluated and adjusted periodically by amendment to this ordinance, as proposed by the tree conservation commission in consultation with the city arborist.

Fair or better condition means that the tree has a relatively sound and solid root, trunk, and canopy structure, no major insect infestation or other pathological problem, and a life expectancy greater than 15 years as determined by the city arborist or city forester.

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

Fully stocked means a site occupied by trees at a density of 1,000 inches DBH/acre (e.g., 40 trees averaging 25 inches DBH on a one-acre site).

Hardship means a unique or otherwise special existing condition that is not addressed by the ordinance.

Hazard tree means a tree with uncorrectable defects severe enough to pose present danger to people or buildings under normal conditions, as determined by the city arborist or city forester.

Heat island means 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 a site, including but not limited to public streets. An internal heat island is one situated within a site, including but not limited to patios, driveways and other vehicular maneuvering and/or parking areas. Recreational areas including but not limited to swimming pools and game courts are excluded from this definition.

Historic tree means a tree that has been designated by 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 arboricultural specifications and standards of practice. Such designation may occur only by resolution of the commission, and the city arborist shall maintain and file with the municipal clerk a complete listing of the location of each historic tree.

Illegally removed tree means any tree that is removed or destroyed without a permit.

Impacted tree means a tree that will suffer injury or destruction of more than 20 percent but not more than 33 percent of its root save area.

Incursion means any occasion of prohibited activity within an area protected by a tree protection fence.

Injure means any intentional or negligent act, including various tree climbing practices, spiking, trimming, flush cutting, incursion into a designated root save area, and the use of climbing spurs or gaffs on trees not subject to removal that exposes the cambium of a tree to insects or decay organisms.



Live stake means a dormant cutting installed as a component of a City of Atlanta stream bank erosion control or stabilization, or of a City of Atlanta stream or wetland restoration project, that is of at least three-quarters inches in diameter and at least 24 inches in length and cut from a live tree species that will readily sprout roots and grow when driven into the soil. Live stakes include, but are not limited to the following species: *Salix x cottetii* (Banker's Willow), *Salix exigua* (Sandbar Willow), *Salix nigra* (Black Willow), and *Salix purpurea* (Streamco Willow).

Lost tree means any tree whose root save area will suffer injury or destruction in excess of 33 percent or is otherwise not protected according to the provisions of this article.

Master plan means the comprehensive urban forest master plan.

Mid-canopy tree means a tree that normally attains a DBH of ten—25 inches and a height of 30—60 feet at maturity. Examples include Southern sugar maple, "October Glory" Red maple, River birch, Deodar cedar, Persimmon, Gingko, American holly, Foster holly, Eastern Red cedar, Blackgum, Sourwood, Chinese pistache, Nuttall oak, Chinese elm, European hornbeam.

New lot of record means a tract of land that has been newly subdivided and so recorded as a separate property of record with the county land registrars office.

Overstory tree means a tree that normally attains a DBH in excess of 25 inches and a height in excess of 60 feet. Examples include White oak (*Quercus alba*), Overcup oak (*Quercus lyrata*), 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's recommended tree list.

Pine means only a member of the genus *Pinus*, and does not include other needled trees commonly known as cedar, fir, spruce, hemlock, or any other members of the family Pinaceae.

Private arborist means any person who is not employed by the City of Atlanta, and who is a Georgia Registered Forester, or at a minimum, certified by the International Society of Arboriculture (ISA) as an arborist and a member in good standing of the ISA.

Private arborist report means a typed report that is submitted and signed by a private arborist, as defined above, and that at a minimum clearly states the arborist's name, contact information and qualifications, and identifies the site address and each individual tree to be considered by the city forester or city arborist.

Private property tree means for purposes of this article, where reference is made to a tree being on "private property", the tree shall be deemed to be on private property where more than 50 percent of the flair of the tree, where the tree interfaces with the earth, is located on private property.

Protective pruning means pruning to elevate branches/limbs that are likely to be damaged by construction activities. Pruning must not exceed 20 percent of the live crown. Protective pruning is not an ISA term.

Pruning means that definition of the term as set forth in both the most recent International Society of Arboricultural pruning standards and guidelines and American National Safety Institute 300.33. At no time shall trimming, topping, tipping or flush cutting of trees be deemed a form of "pruning."

Public property tree means for purposes of this article, where reference is made to a tree being on "public property", the tree shall be deemed to be on public property where at least 50 percent of the flair of the tree, where the tree interfaces with the earth, is located on public property.

Public utility means any publicly, privately or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, clay, waste, storm water not connected with highway drainage and other similar services and commodities, including publicly-owned fire and police and traffic signals and lighting systems, which directly or indirectly service the public or any part thereof.

Overstory tree means a tree that normally attains a DBH in excess of 25 inches and a height in excess of 60 feet at maturity. Examples include Red maple, Pecan, Hickory, American beech, ash sp., Tulip poplar, Southern magnolia, White oak, Water oak, Southern red oak, Shumard oak, Baldcypress, elm sp.



Required yard area means the open space on a lot not occupied by a structure.

Root chase means a continuous soil trench created with culvert or piping material under pavement that allows tree roots to connect with nearby open space. A root chase is typically used in parking lots and for street tree plantings to provide more rooting area for trees.

Root save area means the area surrounding a tree that is essential to that tree's health and survival. For a free-standing tree with no apparent root restrictions the root save area shall consist of a circle having a radius of one foot for each one inch of diameter at breast height of the tree. Adjustments to the root save area may be made by the city arborist if justified by specific documented site conditions.

Sampling means the employment of recognized statistical survey methods to count and measure existing trees on a site.

Saved tree means any tree that is to be protected and not destroyed or injured during construction as required by this article.

Silvicultural prescription means any typed site or individual tree prescription developed by a private arborist, as defined above, that is aimed at preserving a tree. Prescriptions must include without limitation: the private arborist's name, signature, and contact information; the site address and individually identified trees at issue; a harvesting or stand improvement plan, soil and foliar analysis/treatment, schedule of treatment, fertilizer application, soil amendments, pesticide application with a copy of the pesticide labeling, and pruning. Trimming, topping, tipping or flush cutting of trees will not be accepted as a part of any silvicultural prescription.

Specimen tree means a tree that meets the following criteria:

- (1) Large hardwoods (eg. oaks, elms, poplars, etc.) and softwoods (eg. pine sp.) in fair or better condition with a DBH equal to or greater than 30 inches;
- (2) Smaller understory trees (dogwoods, redbuds, sourwoods, persimmons, etc.) in fair or better condition with a DBH equal to or greater than ten inches; and
- (3) Lesser-sized trees of rare species, exceptional aesthetic quality, or historical significance as designated by the tree conservation commission.

Soil cell means manufactured structures, usually modular, that can support the weight of a paved surface and associated pedestrian or vehicular loads while containing uncompacted soil below the paving that allows free root growth for trees planted within hardscapes. Soil cells are a component of one type of suspended pavement system.

Spiking means the use of metal spurs or gaffs to climb live trees for any purpose other than tree removal or human rescue.

Severe mechanical injury means a wound or combination of wounds, measured at its or their widest extent, that expose or destroy the cambium layer of 30 percent or more of the circumference of the tree, measured at the top of the wounded area.

Streetscape. For the purposes of this article, streetscape refers to a zoning mandated street frontage treatment beginning at the back of curb that includes a sidewalk/walk area/clear zone and at least one of the following: a street furniture/tree planting zone, amenity zone, or a supplemental area. Streetscapes typically also have requirements for trees or street lights.

Structural root plate means the zone of rapid root taper that provides the tree stability against windthrow. The radius of the root plate is proportional to the stem diameter (DBH) of a tree. The table below provides examples of root plate radii for upright trees without restricted roots.

DBH (inches)	8	16	32	48
Root plate (feet)	5.5	8	10.5	12



Subdivision means a tract of land that has been newly subdivided in accordance with the Subdivision Ordinance and so recorded as a separate property of record with the county land registrars office.

Suspended paving or suspended pavement means any technology that supports the weight of paving and associated pedestrian or vehicle loads over a void space that is filled with uncompacted soil that allow free root growth for trees planted within hardscaped areas.

Tippling means the cutting of a lateral limb in such manner as to leave a prominent stub extending beyond a branch node or the trunk.

Topping means the cutting of a leader trunk 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 means any self-supporting woody, perennial plant that has a trunk diameter of two inches or more when measured at a point six inches above ground level and which normally attains an overall height of at least ten feet at maturity, usually with one main stem or trunk and many branches.

Tree conservation commission means the commission established pursuant to section 158-61.

Tree replacement plan means a drawing which depicts the location, size and species of existing and replacement trees on the lot for which a permit is sought, and a table detailing, by species and DBH, the existing trees to be saved, lost or destroyed, and, by species and caliper, the replacement trees to be planted.

Tree structure means branch and trunk architecture that result in a canopy structure that resists failure.

Trimming means cutting a stem to an indiscriminate length, as determined by the city forester or city arborist. While trimming is unacceptable, pruning- the act of cutting stems at nodes- is permissible.

Understory tree means a tree that normally attains a DBH of less than ten inches and a height of less than 30 feet at maturity. Examples include Trident maple, Serviceberry, American hornbeam, Redbud, Fringetree, Dogwood, Smoketree, Burford holly, Nellie R. Stevens holly, treeform Crape myrtle, Little gem magnolia, Golden raintree, cherry sp.

Undesirable (tree) species means a tree that has demonstrated sufficient negative qualities as to be detrimental to the long-term health of the City of Atlanta's urban forest. Those qualities include without limitation: weak branch structure, chronic pest or disease problems, and invasive tendencies. A current list of undesirable tree species is maintained by and available from the arborist division. Examples of undesirable tree species include Leyland cypress (*Cupressus x leylandii*) and Lombardy poplar (*Populus nigra*).

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

(Code 1977, § 10-2035; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2006-04, § 5, 2-14-06; Ord. No. 2007-32(07-O-0362), § 1, 6-12-07; Ord. No. 2009-13 (09-O-0399), § 1, 3-24-09; Ord. No. 2013-27(13-O-1088), § 4, 6-26-13; Ord. No. 2017-14(17-O-1157), § 6, 4-26-17)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 158-27. 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, ¶¶ 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.

(Code 1977, § 10-2032; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03)



Sec. 158-28. Policy, purpose and intent.

It is the policy of the city that there shall be no net loss of trees within the boundaries of the city. 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:

- (1) Establish and maintain 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;
- (2) Maintain trees in the city in a healthy and nonhazardous condition through professionally accepted arboricultural practices;
- (3) Establish and revise as necessary standards for the planting and maintenance of trees so as to improve the economic base of the city by improving property values, to enhance the visual quality of the city and its neighborhoods and to improve public health by lessening air pollution and the incidence of flooding;
- (4) Minimize hazards and damage to streets and sidewalks and lessen public rights-of-way maintenance costs;
- (5) Provide for the designation of historic and specimen trees; and
- (6) Promote efficient and cost-effective management of the urban forest through the development of a comprehensive long-range urban forest master plan.
- (7) Provide latitude in the interpretation and application of city administrative rules, standards and guidelines when reasonable and necessary to minimize the destruction of trees.

(Code 1977, § 10-2033; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03)

Sec. 158-29. Scope.

The terms and provisions of this article shall apply to all private property and all public property subject to city regulation, including all public school property, public housing property, parks, rights-of-way, and easements granted to other private or public entities, including public utilities, except where superseded by franchise agreements.

(Code 1977, § 10-2034; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2007-32(07-O-0362), § 19, 6-12-07)

Sec. 158-30. Parking lot requirements.

(a) Applicability.

- (1) **All new parking lots, and those being expanded or undergoing renovation that involves removal of paving, excavation, or alteration of the grade, which have a total of 16 or more parking spaces, shall meet the landscaping and tree planting requirements set forth in this section.**
- (2) **Parking lots that are being sealed, restriped, or resurfaced by overlayment on existing impervious paved surfaces are exempt and city arborist review and approval is not required. Owners are responsible for any damage to public or private trees caused by these maintenance and improvement activities.**

(b) Tree planting requirements for parking lots.



- (1) Trees must be planted or retained so that there is one tree for every eight parking spaces and no parking space is further than 45 feet from a tree, as measured from the tree trunk to any portion of the parking space. These trees may be planted or growing on the perimeter or within the interior of the parking lot. Existing or newly planted trees on the perimeter must be no more than 10 feet from the edge of the parking lot and within the same development project.
- (2) All trees used to meet the parking lot planting requirement shall be overstory or mid-story trees, with at least 50% of the total number of trees being overstory species, and at least 50% of the trees planted in the in the interiors of parking lots also being overstory species.
- (3) Understory trees may be approved for use in parking lots below overhead utilities, or after the minimum planting requirements described in sec. 158-30 (b)(1) and (2) have been satisfied.
- (4) Barrier curbs and wheel stops. Where the end of a parking space abuts a landscaped area where trees are planted, 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 six 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.
- (5) 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, non-invasive herbaceous plants, 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.
- (6) Tree plantings adjacent to sidewalks and other rights-of-way.
 - a. Where a parcel does not have zoning related streetscape or screening requirements, landscaped areas of at least six 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. Trees planted in this area may count toward the requirements of this article.
- (7) Minimum soil area and volumes.
 - a. Trees planted in parking lots must be provided planting soil area or soil volumes that meet or exceed the requirements in section 158-103(i)
- (8) Replacement of trees. All trees planted to meet these current or previous parking lot planting requirement must be maintained as necessary to keep the trees healthy for



the life of the parking lot, and any tree that is dying, dead, or missing must be replaced with one new tree of a similar type during the next planting season.

- (c) Bus and truck lots, including warehouse and shipping facilities, will be required to plant one tree for every 4,000 square feet of paving, excluding driveways. Trees should be planted on the perimeter and in landscaped areas within the lot. Bus and truck lots must also meet requirements of subsections (2) through (8) in section 158-30(b).**

The owner of any surface parking lot that is being built and/or resurfaced, and that will have a total of 30 or more parking spaces, whether primary or accessory in use, and whether commercial or noncommercial, must present a plan to the city arborist for approval, indicating that the parking lot will meet the minimum barrier curb and landscaping requirements as follows:

- (1) Barrier curbs shall be installed around the perimeter of the parking lot and around landscaped areas that are required in this article, except where the perimeter abuts an adjacent building or structure and at points of ingress and egress into the facility, so as to prevent encroachment of vehicles onto adjacent property, rights-of-way and landscaped areas.
- (2) Barrier curbs shall be a minimum of six inches in height and a minimum of eight inches in width and permanent in nature. Barrier curbs shall be concrete or stone. Such curbs shall be securely installed and maintained in good condition.
- (3) Where the end of a parking space abuts a landscaped area, barrier curbs may be placed in the parking space at a maximum of two feet from the end of the parking space. This two-foot wide area may have the pavement removed and be developed as part of the required landscaped area.
- (4) Surface parking lots shall have a minimum landscaped area equal to at least ten percent of the paved area within such lot. In no case shall a parking lot owner be required to provide landscaped areas that exceeds ten percent of the paved area. The director of the bureau of buildings, in consultation with the city arborist, shall have the authority to grant a variance from the requirements of this subsection if: the parking lot existed prior to 1977; and the director of the bureau of buildings finds that the applicant's circumstances meet the requirements set forth in subsection 158-30(15); and the director of the bureau of buildings finds that it is impossible to achieve the minimum landscaping requirement. For surface parking lots with fewer than 30 spaces, this variance may reduce or completely eliminate the amount of landscaped area required. For surface parking lots with 30 or greater spaces, this variance may reduce the landscaping requirement, but in no event shall the parking lot be permitted to have landscaped area that is less than ten percent of the paved area.
- (5) A minimum of one tree per eight parking spaces shall be included in the required landscaped areas. For the purpose of satisfying this requirement, existing trees that are two and one-half inches or more in caliper as measured at a height of 36 inches above ground level shall be considered to be equivalent to one or more newly planted trees on the basis of one tree for each two and one-half inches of caliper.
- (6) In addition to trees, ground cover shall also be provided in order to protect tree roots and to prevent erosion. Ground cover shall consist of shrubs, liriope, pine bark mulch and other similar landscaping materials.
- (7) Shrubs shall be maintained at a maximum height of two and one-half feet, except where such shrubs are screening the parking surface from an adjacent residential use.
- (8) If landscaped areas are in the interior of a parking lot they shall be a minimum of six feet in width and six feet in length with a minimum area of 36 square feet.
- (9) Continuous landscaped buffer strips shall be constructed along sidewalks and public rights-of-way where surface parking lots are adjacent to such sidewalks or public rights-of-way except at points of ingress and egress into the facility. Such landscaped buffer strips shall be a minimum of five feet in width and shall contain, in addition to ground cover, trees planted a maximum of 42½ feet on center along the entire length.



- ~~(10) Newly planted trees shall be a minimum of two and one half inches in caliper as measured at a height six inches above ground level, shall be a minimum of ten feet in height, shall have a 40-foot minimum mature height and shall be drought-tolerant. Trees shall be planted at a minimum of 30 inches from any barrier curb so as to prevent injury to trees from vehicle bumpers.~~
- ~~(11) Where landscaped area is located adjacent to vehicle overhangs, the trees shall be planted in line with the side stripes between parking spaces in order to avoid injury to trees by vehicle bumpers.~~
- ~~(12) All landscaped areas, including trees located in the public right-of-way that are counted in the fulfillment of this requirement, shall be properly maintained in accordance with approved landscape plans. If a tree or any plant material dies, it shall be replaced within six months so as to meet all requirements of this section and to allow for planting in the appropriate planting season.~~
- ~~(13) If it is determined by the city arborist that implementation of these regulations will result in the loss of parking spaces in existing lots, the director of the bureau of traffic and transportation may increase the allowable percentage of compact car spaces from 25 percent up to 35 percent so as to minimize the loss of parking spaces, but only with the approval of the city arborist.~~
- ~~(14) Notwithstanding subsection (13) of this section, existing parking lots shall not be required to reduce the number of parking spaces by more than three percent as a result of implementing these landscaping regulations.~~
- ~~(15) Upon written application by any person subject to the provisions of this section, the director of the bureau of buildings is hereby authorized to grant administrative variances to the requirements of this section only upon making all of the following findings:~~
- ~~a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, subsurface conditions, overhead structures or the existence of sufficient trees in the public right-of-way within ten feet of the property line.~~
 - ~~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 of this Code.~~

(Code 1977, § 10-2038; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2007-32(07-0-0362), § 2, 6-12-07)

Sec. 158-31. Easements to plant trees on private property.

The mayor is hereby authorized to enter into agreements with the owners of private property located within the city for the purpose of acquiring easements to plant trees on such property, in consideration for which such private property owner shall acquire ownership of such trees as the city may plant. Provided, however, that any such agreement shall limit the duration of the easement to a time period of two years and shall limit the property interest acquired by the city to that distance sufficient to allow the planting of trees, in no case to exceed a maximum of a 15-foot setback from the property line or right-of-way held by the city. Provided further, that under such agreement the private property owner shall agree to maintain the trees planted thereon and shall also agree to hold the city harmless for any liability attributable to the planting or presence of the trees on the private property.

(Code 1977, § 10-2043; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03)

Sec. 158-32. Conservation easements and fee simple donations.

The mayor is hereby authorized, but is not required to accept conservation easements created pursuant to the provisions of the Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1 et seq., as amended from



time to time, or any successor provision of law, the' purpose of which easements are to preserve land in its natural scenic landscape or in a forest use. Such easements must be perpetual in duration and shall contain such other terms and provisions as the mayor or her/his designee shall deem appropriate. In addition, the mayor is authorized, but not required, to accept fee simple donations of land, the purpose of which is to preserve the land in its natural scenic landscape or in a forest use. Such donation shall contain the terms and provisions deemed appropriate by the mayor or her/his designee.

(Code 1977, § 10-2044; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2007-32(07-O-0362), § 3, 6-12-07)

Sec. 158-33. Enforcement.

The bureau of parks and the bureau of buildings shall be charged with the enforcement of this article. The city forester and the city arborist have police power to do all acts necessary to ensure that the provisions of this article are not violated, including, but not limited to, the issuance of citations for the violation of any provision of this article. In instances in which an individual or firm is found cutting or otherwise destroying a tree without a permit to do so in their possession, the Atlanta Police Department shall require such person or persons to cease such operations until a permit is obtained.

(Code 1977, § 10-2045; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03)

Sec. 158-34. Variations

- (a) **The city arborist may allow modest variations to any portion of this article in the case where the strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future. A modest variation may not grant permission to remove a tree not otherwise authorized for removal, nor allow greater than 33% impact to the CRZ of a preserved tree. When variations are granted, a written explanation of the variation(s), and rationale for granting them, shall be included in the appropriate project record and available to the public through quarterly reports.**

Sec. 158-3435. Penalties.

- (a) *Legal.* Any person violating any of the provisions of this article **, and which results in the illegal injury or destruction of a tree,** shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in section 1-8 of the Atlanta Code of Ordinances. The tree conservation commission shall have the authority to determine when a person has violated any of the provisions of this article and shall have the authority to impose and enforce the fines described herein. Where the tree conservation commission is able to determine the exact number of trees upon which a tree protection ordinance violation occurred, a fine imposed for the first violation shall be no less than \$500.00, and the fine imposed for each subsequent violation shall be \$1,000.00. Each tree upon which a violation occurred shall be deemed a separate violation of the tree protection ordinance. Where the tree conservation commission is unable to determine the exact number of trees upon which a tree protection ordinance violation occurred, the commission shall assume a density of 1,000 inches DBH of trees per acre, and specifically shall assume that the lot contains 60 trees of 16.67 inches DBH per acre, and shall impose a fine of \$60,000.00 per acre of land where the offense(s) occurred. Where the subject property is smaller than one acre, the fine shall be pro rated. Each day's continuance of a violation may be considered a separate offense. The owner of any building, structure or site, or part thereof, where anything in violation of this article exists, and any architect, builder, contractor or agent of the owner, or any tenant who commits or assists in the commission of any violation of this article shall be guilty of a separate offense.
- (b) In addition to paying the penalties set forth in subsection (a) above, any tree of six inches or larger DBH except pines, or any pine tree of 12 inches DBH or larger, that is removed or destroyed in violation of this article shall be replaced or recompensed by the violator, as set forth in section 158-103.



(c) Tree protection. Fences surrounding root save areas must be erected before the commencement of any land disturbance, demolition or construction. Fences must comply with City of Atlanta arboricultural standards **and must be constructed of chain link, wood, or substantial mesh material, with a minimum height of four feet. Chain link or substantial wood fencing must be used in the following circumstances:**

- (1) **All commercial, multi-family residential, and mixed-use development projects;**
- (2) **Protection of trees in the front yards of single-family residential properties;**
- (3) **Protection of trees that have been approved for CRZ impacts greater than 20%;**
- (4) **Protection of trees for which an appeal of the tree's destruction was appealed to, and upheld by, the tree conservation commission; or**
- (5) **Any other situation where the city arborist finds a significant risk of damage to a saved tree's critical root zone. The city arborist may require these measures at any time, including after commencement of site disturbance.**

More substantial wood or steel fencing may be required by the arborist on commercial or other heavy construction sites or upon multiple violations. No activity, including construction material storage, shall occur in areas protected by tree fences. Tree protection fences must remain in place and upright until such time as final landscaping of a site requires their removal. The arborist may assess recompense against the violator if, in the arborist's opinion, the incursion has converted trees from the status of saved trees to the status of injured, lost, or destroyed trees, as set forth in this section above.

(d) **Other violations during construction that do not result in destruction or injury to a tree.**

- (1) **During the course of construction, where the city arborist is able to determine the responsible party is not abiding by the city arborist approved plans for tree protection (e.g., failing to maintain a tree construction fence), the first violation will result in a correction notice or stop work order. The second violation within the same development project will result in a correction notice or stop work order and a fine of \$500, all subsequent violations shall result in a fine of \$1000.**
- (2) **Each day's continuance of a violation may be considered a separate offense.**

(de) *Additional actions and penalties.* In addition to all other actions and penalties authorized in this section, the city attorney is authorized to institute injunctive, abatement or any other appropriate judicial or administrative actions or proceedings to prevent, enjoin, abate, or remove any violations of this section.

(Code 1977, § 10-2046; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2006-04, § 3, 2-14-06; Ord. No. 2007-32(07-O-0362), § 4, 6-12-07)

Sec. 158-36. Site selection for City facilities

- (1) **City arborist to be consulted on site selection for City facilities. Prior to any land purchase or development of site plans, the department of enterprise asset management shall consult with the city arborist on the appropriateness of potential sites for City facilities and other City sponsored or constructed capital projects, other than linear infrastructure. If the proposed site for the capital project has significant trees or tree cover as determined by the city arborist, alternative sites that meet the proposed facility's requirements shall be considered, particularly previously developed parcels.**

Secs. 158-~~35~~37—158-60. Reserved.



DIVISION 2. TREE CONSERVATION COMMISSION²

Sec. 158-61. Establishment; appointment of members.

There is established a tree conservation commission of the city, referred to in this article as the commission. The commission shall consist of 15 members, eight of which shall be appointed by the mayor and seven by the council. All members shall be confirmed by the city council. Each of the members shall contain specialized knowledge about trees, the Tree Protection Ordinance, and/or the impact of construction activities on trees. The membership shall consist of the following:

- (1) One member shall be appointed by the mayor who is a registered landscape architect.
- (2) One member shall be appointed by the mayor who is either a botanist, forester, horticulturist or nursery worker.
- (3) One member shall be appointed by the mayor who is a registered architect.
- (4) One member shall be appointed by the mayor who is a member of an environmental organization.
- (5) One member shall be appointed by the mayor who is a real estate professional.
- (6) One member shall be appointed by the mayor who is a private arborist.
- (7) Two members shall be lay citizens appointed by the mayor interested in environmental protection.
- (8) One member shall be appointed by the council who is a residential builder.
- (9) One member shall be appointed by the council who is a residential developer.
- (10) One member shall be appointed by the council who is a commercial or industrial developer.
- (11) Three members shall be citizens appointed by the paired districts in consultation with the at-large council member.
- (12) One member shall be an urban planner or an environmental resource planner appointed by the president of council.

(Code 1977, § 10-2041(a); Ord. No. 1998-65, § 1, 9-23-98; Ord. No. 2000-17, § 1, 3-29-00; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2007-32(07-O-0362), § 5, 6-12-07)

Sec. 158-62. Terms; vacancies; compensation.

- (a) The initial tree conservation commission membership shall contain three members appointed for a term of one year and four members appointed for a term of two years. Thereafter, all subsequent appointments shall be for a term of two years. Members of the tree conservation commission may be appointed for consecutive terms consistent with general laws regulating service on city boards and commissions. The mayor may recommend removal and replacement of a member of the commission for nonperformance of duty. Each 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 (or at least one of each) per month. The commission shall select from its members a chairperson to serve for a one-year term.

²Charter reference(s)—Boards and commissions, § 3-401.

Cross reference(s)—Boards, councils, commissions and authorities, § 2-1851 et seq.



- (b) The council shall appoint seven of the 15 tree conservation commission members as described in subsection 158-61. With regard to the citizens appointed by the paired districts, pursuant to subsection 158-61(11), the council shall appoint the three members in the following manner:
- (1) Districts 1, 2, 3 and 4 and at-large post 1.
 - (2) Districts 5, 6, 7 and 8 and at-large post 2.
 - (3) Districts 9, 10, 11 and 12 and at-large post 3.
- (c) In the event that an appointment to fill vacancies by the mayor or council is not made within 60 days of the mayor's or council's request, the president of council can proceed to nominate a person for the position, and the nomination shall be forwarded to the committee on council.
- (d) If a tree conservation commission board position becomes vacant and a member is not appointed pursuant to section 158-61 within six months, the tree conservation commission, by a majority vote of the remaining members, may temporarily appoint someone to the missing category until such time that a permanent board member is appointed as described in section 158-61. The person appointed by the tree conservation commission need not meet the specific requirements of the vacant position, but must contain specialized knowledge about trees, the tree protection ordinance, and/or the impact of construction activities on trees.
- (e) The executive branch shall provide such staff as is required for the efficient operation of the board.

(Code 1977, § 10-2041(b); Ord. No. 2000-17, § 2, 3-29-00; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2007-32(07-O-0362), § 6, 6-12-07)

Sec. 158-63. Functions; powers; duties.

The functions, powers and duties of the tree conservation commission shall be as follows:

- (1) Assisting the city arborist in establishing and maintaining a record of historic trees, specimen trees and other unique environmentally significant trees within the city.
- (2) Hearing and deciding appeals of decisions of administrative officials as provided in section 158-65.
- (3) Establishing educational and other programs to encourage proper management and maintenance of trees on private property in the city.
- (4) Reviewing and approving the city arboricultural specifications and standards of practice promulgated by the city arborist and city forester and required pursuant to this article.
- (5) Providing consultation and assistance to the city forester in the preparation of the master plan required pursuant to this article.

(Code 1977, § 10-2041(c); Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03)

Sec. 158-64. Meetings; clerk; court reporter; rules of procedure.

The tree conservation commission shall establish a regular meeting schedule, and all meetings of the commission shall be open to the public. The commission shall have a clerk, designated by the commissioner of the department of planning, development and neighborhood conservation, who shall be a full-time employee of the department. The clerk shall serve as secretary to the commission and shall be responsible for the clerical administration of the appeals process, 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 shall also 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. The clerk shall also be responsible for the maintenance and preservation of all records of the commission. The meetings of the tree conservation commission shall be recorded by a court reporter contracted for by the city.



and paid for by the city from the proceeds of the tree trust fund. The commission shall adopt rules of procedure for the conduct of meetings, hearings and attendance requirements for members.

(Code 1977, § 10-2041(d); Ord. No. 2000-21, § I, 4-12-00; Ord. No. 2000-26, § II, 5-23-00; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2003-113, § 1, 12-10-03)

Sec. 158-65. Appeals.

(a) Appeals from the decisions of administrative officials.

(1) Who may appeal.

- a. For a decision by a city administrative official based on the tree protection ordinance regarding tree(s) on private property, an appeal may be made 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, except that appeals may not be made for decisions made by the city arborist pursuant to subsection 158-101(h) of this article. The appeal may be made only if the appellant is able to identify on the notice of appeal (as described in subsection 158-65(3)c.) the specific section of the tree protection ordinance that the appellant believes was misinterpreted or misapplied by the city administrative official, and the way in which the appellant believes the section should be interpreted or applied; and/or any facts material to the city administrative official's decision that the appellant believes were misinterpreted or misunderstood.
- b. For a decision by a city administrative official based on the tree protection ordinance regarding tree(s) on public property, an appeal may be made by any citizen of Atlanta, any owner of property or a business in Atlanta, and/or any civic association in the neighborhood planning unit in which the tree(s) at issue are located, ~~who is aggrieved by the decision~~, except that appeals may not be made for decisions made by the city arborist pursuant to subsection 158-101(h) of this article. The appeal may be made only if the appellant is able to identify on the notice of appeal (as described in subsection 158-65(3)c. the specific section of the tree protection ordinance that the appellant believes was misinterpreted or misapplied by the city administrative official, and the way in which the appellant believes the section should be interpreted or applied; and/or any facts material to the city administrative official's decision that the appellant believes were misinterpreted or misunderstood.

(2) Timing of appeal.

- a. Appeals regarding tree(s) on private property must be filed within ~~five calendar~~ **seven business** days of the **on-site posting of the** city arborist's preliminary decision regarding the tree(s) at issue. At the time that a permit application is filed with the city arborist regarding tree(s) on private property, the city arborist shall pre-post the property on which the tree(s) are located for a minimum of ten ~~calendar~~ **business** days prior to making a preliminary decision. The pre-posting shall indicate to the public that a permit application has been filed. If and when the city arborist grants preliminary approval of the permit application, s/he shall post the property for ~~five working~~ **seven business** days with a final posting, indicating to the public that preliminary approval has been granted.
- b. 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.

(3) Appeal requirements.

- a. All appeals must be filed with the clerk of the tree conservation commission.
- b. An appeal shall not be deemed filed until the clerk receives a completed notice of appeal, along with either a \$75.00 administrative fee used to help defray the administrative costs of the appeal



r a hardship letter. The hardship letter must explain in detail why the appellant is unable to pay the fee and must be signed by the appellant. At its earliest convenience, but in no event later than at the appeal hearing, the tree conservation commission shall determine whether to waive the \$75.00 fee.

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

(4) *After the appeal is filed.*

- a. Once an appeal is filed, any activity authorized by the decision appealed shall be stayed automatically. Despite the authorization given by the decision appealed, no permits shall be issued, no trees cut, nor earth disturbed.
- b. The tree conservation commission shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof as well as prompt notice in writing to the parties in interest. 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 15 calendar days before the date of the hearing.
- c. At least two weeks prior to the appeal hearing, each party shall submit to the clerk of the tree conservation commission and the other parties in interest a written summary of their argument and a copy of all documentary evidence supporting their argument. This requirement shall apply to any property owner or resident, on which the subject tree(s) is located, that is not a party to the appeal, and any other person wishing to present evidence at the hearing. The parties shall submit to the tree conservation commission and the other parties in interest all rebuttal arguments and rebuttal documentary evidence at least one week prior to the hearing. Submissions of new evidence at the appeal hearing will not be accepted or considered by the tree conservation commission unless a showing can be made and the tree conservation commission finds that the evidence was not available one week prior to the hearing.

(5) *The appeal hearing.*

- a. At the hearing, any party may appear in person or by an agent or by an attorney.
- b. At least three members of the tree conservation commission must preside over each hearing. The decision on any appeal shall be determined by a majority vote of the tree conservation commission members present and voting on the particular appeal.
- c. The tree conservation commission shall decide the appeal within a reasonable time. All appeals to the tree conservation commission must be concluded or resolved within two months of the initial hearing. If the appeal is not concluded or resolved within that time, the tree conservation commission will issue an "appeal approved" or "appeal denied" final ruling no later than the two month deadline.



- (6) *Tree conservation commission's ruling.*
- a. The tree conservation commission shall sustain an appeal upon an express finding that the administrative official's action was based upon an erroneous finding of a material fact or upon an erroneous application of law. If no such finding is made, the tree conservation commission shall deny the appeal. The tree conservation commission shall have the authority to reverse, affirm, wholly or partly, or modify the administrative official's decision being appealed, and to that end shall have all of the powers of the administrative official. These powers shall include, where applicable, the power to direct the issuance of a permit, provided that all requirements imposed by this article and all other applicable laws are met.
 - b. In the event that the tree conservation commission rules that recompense and/or a fine should be assessed, but also finds that the amount of recompense owed or fine assessed cannot be paid as a result of financial hardship, the commission shall have the authority to reduce the fine or recompense. The commission shall create written guidelines by which to determine whether and to what extent financial hardship exists. These 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 and listed in the guidelines. The commission shall apply these guidelines consistently any time that a hardship request is made. Where the commission finds, based upon the hardship request, the supporting documentation, and the guidelines, that a financial hardship exists, the commission shall have the authority to reduce or completely eliminate the amount of recompense and/or fine owed, as long as said decision is consistent with the guidelines. The commission shall issue a written decision regarding the financial hardship request and shall provide in writing the basis for that decision.
 - c. Any person desiring to appeal a decision of the tree conservation commission under subsection 158-65(b) shall notify the clerk of the commission, in writing, of such intent within six working 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, within the constraints imposed by the commission's ruling.
- (b) *Appeals from decisions of the tree conservation commission.* 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. The filing of an appeal in the superior court from any decision of the commission shall not ipso facto act as a supersedes, but the city shall abide by any supersedes granted by Fulton County Superior Court.
- (c) *Frivolous appeals.* An appeal may be dismissed as frivolous by a vote of the commission in advance of the time that would be set for hearing. In such instances, the members of the commission may be polled without meeting. An appeal is frivolous 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 frivolous, all parties shall be notified in writing by the clerk, and the clerk shall also give immediate notice by telephone, e-mail, or facsimile transmission to the appellant, advising the appellant of his or her right to appeal. Any person desiring to appeal a decision of the commission under subsection 158-65(c) shall notify the clerk of the commission in writing of such intent within three working days of the written decision of the commission. Barring such notice of intent the stay on the activity appealed from shall be lifted.
- (d) *Appeals of cash recompense.* An appeal whose sole purpose is to request an adjustment in cash recompense shall not prohibit the issuance of the arborist's final approval of a plan if the appellant submits with the appeal, a bank certified check, or a money order payable to the City of Atlanta in the amount of the calculated recompense that occasions the appeal. The check or money order shall be retained by the clerk of the tree conservation commission until such time as the appeal is decided. If recompense relief is granted



and the arborist has receipt of recompense paid to the City of Atlanta in the recompense amount determined by the appeal, the clerk shall surrender the check or money order to the appellant.

(Code 1977, § 10-2039; Ord. No. 2000-21, § II, 4-12-00; Ord. No. 2000-26, § III, 5-23-00; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2007-32(07-O-0362), § 7, 6-12-07; Ord. No. 2008-25(08-O-0486), § 1, 4-28-08)

Sec. 158-66. Tree trust fund.

(a) *Establishment and administration.* The tree conservation commission shall establish a tree trust fund for the protection, maintenance, and regeneration of the trees and other forest resources of Atlanta. During any given fiscal year, five percent of the funds received by the tree trust fund during the immediately preceding fiscal year or \$100,000.00, whichever is greater, shall be placed into a tree trust fund education outreach account ("education account"), and such monies shall be used for educational materials, educational programs, and educational outreach. Any amount not utilized in the given fiscal year shall remain in the account to be utilized in future years. A maximum of \$60,000.00 per year of the fund may be used to pay for the annual salary and benefits of a Tree Commission administrative analyst whose primary responsibility shall be education. In the event that the cost of the salary and benefits exceeds \$60,000.00, the remainder of the cost shall be paid for from the education account. A maximum of \$50,000.00 per year of the fund may be used for costs arising directly from administering and enforcing the tree protection ordinance that would not have arisen in the absence of the tree protection ordinance, including but not limited to the cost of posting trees to be removed, the cost of advertising tree commission hearings, and the cost of court reporter services at tree commission hearings. The honoraria for tree conservation commission members, as described in subsection 158-62(a), may also be paid from the fund.

(b) Management of the tree trust fund

(1) The tree trust fund shall be managed by the department of city planning, which will have approval authority over all expenditures from the fund.

(2) Tree trust fund accounts.

a. Contributions to the tree trust fund shall be placed in the following City accounts:

General range of revenue accounts:

<u>CATEGORY ACCOUNT</u>	<u>RANGE</u>
<u>LICENSES AND PERMITS</u>	<u>3200000 : 3249999</u>
<u>CHARGES FOR SERVICES</u>	<u>3400000 : 3459999</u>
<u>FINE AND FORFEITURES</u>	<u>3510000 : 3519999</u>
<u>PRIVATE CONTRIBUTIONS AND DONATIONS</u>	<u>3710000 : 3710003</u>

Specific account numbers:

<u>3413901</u>	<u>FEES, TREE APPEALS</u>	<u>FEE</u>
<u>3519002</u>	<u>PENALTIES AND FINES</u>	<u>FINE</u>
<u>3413915</u>	<u>ARBORIST PRIVATE STANDARD RECOMPENSE</u>	<u>FEE</u>
<u>3413916</u>	<u>ARBORIST PUBLIC STANDARD RECOMPENSE</u>	<u>FEE</u>
<u>3413917</u>	<u>ILLEGAL TREE DESTRUCTION FINE</u>	<u>FINE</u>
<u>3413918</u>	<u>ILLEGAL PUBLIC RECOMPENSE</u>	<u>FEE</u>
<u>3413919</u>	<u>ILLEGAL PRIVATE RECOMPENSE</u>	<u>FEE</u>
<u>3413920</u>	<u>REINSPECTION FEE</u>	<u>FEE</u>



3413922 BOND RECEIPT FINE

General range of expense accounts:

CATEGORY ACCOUNT	RANGE
PERSONNEL SERVICES AND EMPLOYEE BENEFITS	5110000 : 5129999
PURCHASED / CONTRACTED SERVICE	5210000 : 5239999
SUPPLIES	5310000 : 5319999
CAPITAL OUTLAYS	5410000 : 5429999
INTERFUND / INTERDEPARTMENTAL CHARGES	5510000 : 5519999
OTHER COSTS	5710000 : 5739999
OTHER FINANCING USES	6110000 : 6119999

(3) Quarterly reports of funds dispersed from the fund, approved expenditures for new projects, and current balance of unallocated funds shall be submitted to the Tree Conservation Commission and made available to the public.

(c) A maximum of \$200,000 per year, with no carryover, of the tree trust fund may be used to financially assist low-income homeowners with the pruning of hazardous tree branches or the removal and replacement of dead, dying, and hazardous trees on their property.

(1) All trees removed using financial assistance from the tree trust fund must be replaced on the same property from which they were removed with no less than one new overstory or mid-canopy tree for every tree removed.

(2) The standards to qualify for this low-income homeowner assistance program will be established by the Department of City Planning.

(3) Each occurrence of assistance shall be documented, and this information made available to the public.

A maximum of \$75,000.00 per year of the fund may be used to pay for the annual salary and benefits of an office of parks arborist senior position. The person in this position shall act as a project manager for the various projects on city-owned property being paid for by the tree fund, namely new tree plantings, tree maintenance work, removal of invasive species, and fulfillment of ongoing tree maintenance work orders. The position may also be utilized to prepare for future projects that are paid for by the Tree Fund, such as preparation of RFP's, evaluation of proposals, and performance of research regarding the same. The specific responsibilities of this position shall be determined by the Commissioner of the Department of Parks and Recreation or her/his designee, after consultation with the Tree Conservation Commission.

A maximum of \$110,000.00 per year of the fund may be used to fund the annual salary and benefits of the two arborist positions. In the event that the costs of the salary and benefits positions exceeds \$110,000.00, the remainder of the cost shall be assumed by the general fund budget in the department of city planning.

A maximum of \$200,000.00 per year of the fund may be used to pay for the annual salary and benefits of an office of parks tree trimming crew. The tree trimming 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 trimming, pruning, and limbing trees that are located in city-owned parks and rights-of-way.

(bd) 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 city planning 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:
 - a. The property must explicitly be dedicated and preserved in perpetuity as forested land;
 - b. The property must be available for public use without cost (subject to Atlanta's park rules and other applicable city ordinances);
 - c. 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
 - d. The department of parks and recreation commissioner shall provide a property restoration and maintenance plan as an attachment to the ordinance. The plan will describe the types of restoration and maintenance that may be needed at the property, will estimate the property's annual restoration and maintenance cost, and will identify the source(s) of funding for the estimated annual restoration and maintenance cost. To the extent that the commissioner identifies the tree trust fund as one of the sources of funding, any specific allocation of dollars from the tree trust fund shall only be used for initial, short-term tree restoration and stabilization related to the protection, preservation and regeneration of trees on the property. This includes the removal of dead, dying or hazardous trees or invasive species that present a significant threat to the health of the trees, and staff or contractors to administer such services. This initial stabilization, clean-up and maintenance period shall not exceed three years from the purchase date of the property. Any expenses beyond three years after the purchase date shall be considered long-term maintenance costs and shall not be funded from the tree trust fund but rather from the operations and maintenance budget of the department of parks and recreation or a source other than the tree trust fund. No funds from the tree trust fund may be used for permanent infrastructure, including but not limited to the development or maintenance of roads, parking lots, trails, buildings or similar infrastructure, on the property.

Any allocation of maintenance dollars from the tree trust fund for any of these specified uses must 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 city planning 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(~~bd~~)(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 city planning 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.
- (~~ee~~) *Recompense for illegal removal or destruction.* Developers, builders, contractors, homeowners and others who violate the criteria for removal or destruction of section 158-102 shall contribute to the fund the replacement value of the trees illegally removed or destroyed according to the recompense formulas of section 158-~~343~~**35**.
- (~~df~~) *Recompense for permitted removal or destruction.* Developers, builders, contractors, homeowners and others who are unable to meet the standards for tree replacement and afforestation of section 158-103 shall



contribute to the fund the replacement value of the trees removed in excess of the trees replaced in the course of new construction, landscaping, or other permitted activities according to the recompense formulas of subsections 158-103(b) and (c).

(eg) *(Reserved.)*

(Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2003-113, § 2, 12-10-03; Ord. No. 2007-32(07-O-0362), § 8, 6-12-07; Ord. No. 2008-64(08-O-1260), § 1, 7-30-08; Ord. No. 2008-77(08-O-1716), § 12, 10-14-08; Ord. No. 2011-31(11-O-0901), § 1, 7-14-11; Ord. No. 2013-27(13-O-1088), § 4, 6-26-13; Ord. No. 2016-42(16-O-1353), §§ 1, 2, 11-30-16; Ord. No. 2017-14(17-O-1157), § 6, 4-26-17; Ord. No. 2020-45(20-O-1337), § 1, 8-26-20)

Secs. 158-67—158-100. Reserved.

DIVISION 3. REMOVAL AND RELOCATION

Sec. 158-101. Permit to remove, destroy, or injure.

- (a) *Required.* No person shall directly or indirectly remove or destroy or injure any tree located on public property that is subject to the provisions of this article, or any tree having a diameter at breast height (DBH) of six inches or more which is located on private property subject to the provisions of this article, without obtaining a permit as provided in this section.
- (1) **The city arborist shall provide a list of undesirable and invasive tree species, invasive flora, and recommended replacement tree species to the Tree Conservation Commission at a public meeting for approval by the commission. The proposed list or lists shall be made available to the public prior to that tree conservation commission meeting. All updates to the aforementioned species lists shall follow the same process for approval by the Tree Conservation Commission.**
- (b) *Permits for construction, renovation, demolition.* Permits to remove, destroy, or injure trees for construction, renovation or demolition shall be obtained by making application in a form prescribed by the city to the director of the bureau of buildings.
- (c) *Other permits.* Permits to remove, destroy, or injure trees for safety, landscaping, silvicultural or other purposes shall be obtained by making application to the city arborist. All permits shall be posted for public inspection on site.
- (1) Applications to remove dead, dying, diseased, or hazardous trees may be made by phone, fax, mail, or other means. Each application shall include the address of the property and the owner's name, phone, and fax number. If applicable, it shall also include the name, phone, and fax number of the tree service proposing to do the work. Each tree shall be identified as to its species, its diameter within two inches of the actual diameter, location and identifying characteristics or added markings. Permits to remove dead, dying, diseased, or hazardous trees shall be approved at the determination of the city arborist. Such permits are not subject to the notice of preliminary approval of subsection 158-101(d), the posting requirements of subsection 158-101(e), the standards for tree replacement or afforestation of subsection 158-103(1), the recompense formulas of subsection 158-103(b), or to public appeal. Applicants may appeal a notice of denial to the tree conservation commission as provided in this article. The permit shall be valid for six months from the date of its issuance, though the city arborist may extend the expiration date of the permit by no more than six additional months based upon extenuating circumstances, as determined by the city arborist.
- (2) **Invasive and undesirable tree species. The arborist division shall maintain a list of undesirable and invasive tree species that is available to the public.**



- a. **Invasive tree species. Invasive, non-native trees pose a threat to Atlanta’s native ecosystems. Removal of invasive trees six inches DBH or greater requires a permit from the city arborist but is exempt from the posting, public appeal, replacement, and recompense portions of this article.**
 1. **The city arborist may update the list of invasive trees periodically, based on the list of invasive species published by the Georgia exotic pest plant council (<https://www.gaepcc.org/list/>), scholarly research and consultation with professional arborists, ecologists, and foresters. All updates shall be approved by the Tree Conservation Commission.**

 - b. **Undesirable tree species. Certain tree species are found by the city arborist to have undesirable qualities, which may include, but are not limited to, poor form at maturity, significant disease or pest problems, and low ecological benefits.**
 1. **The removal of undesirable tree species six inches DBH or greater requires a permit from the city arborist but is exempt from the posting and recompense requirements of this article.**
 2. **The removal of undesirable species is also exempt from the replacement requirement of this article, except in the following circumstance:**
 - (a) **When the removal of five or more trees of an undesirable species from a single property is not associated with a building, land disturbance, or demolition permit, the owner must either obtain city arborist approval of a landscape plan showing tree for tree replacement of the undesirable species with trees from the city arborist’s recommended tree list or demonstrate that the site meets the afforestation requirement of section 158-103(g) of this article.**
 3. **The city arborist may update the list of undesirable species periodically based on evidence of plant performance, best arboricultural and ecological practices, and approval of the Tree Conservation Commission at a public meeting.**

 - c. **Applications to remove or destroy trees of an invasive and undesirable species shall be made to the arborist division and must contain the following:**
 1. **At least two pictures of the tree at issue that identify the species of tree; and**
 2. **A site plan showing the appropriate zoning information of the property; and**
 3. **Where five or more trees of an undesirable or invasive species are proposed to be removed, a tree survey including but not limited to location, quantity, types and DBH, prepared by an ISA certified arborist or a landscape architect.**
- (2) Applications to remove, destroy, or injure trees for landscaping improvements or other purposes shall be accompanied by a tree replacement plan meeting all of the requirements of section 158-103. The work prescribed by an approved tree replacement plan shall be completed within one calendar year. Replacement tree plantings shall be inspected by the city arborist and verified by the dated signature of the city arborist on the approved plan. Applications to remove, destroy, or injure trees for landscaping and other purposes shall be subject to the notice of preliminary approval of subsection 158-101(d), the posting requirements of subsection 158-101(e), the standards for tree replacement or afforestation of subsection 158-103(a), and the recompense formulas of subsection 158-103(b). Applicants may appeal a notice of denial to the tree conservation commission as provided in this article.
- (3) Applications to remove, destroy, or injure trees for thinning or other silvicultural prescription for forest stand improvement shall be approved at the determination of the city arborist, with or without requirement for tree replacement. Each application shall include a silvicultural prescription that is prepared by a private arborist. Payment of recompense for tree(s) on private property, and tree replacement for tree(s) on public property, is required for trees included in any silvicultural



prescription that includes timber harvesting or stand improvement, except in cases where the intended harvesting or stand improvement is to reduce or prevent the spread of pests or disease. Applications to remove, destroy, or injure trees for silvicultural purposes shall be subject to the notice of preliminary approval of subsection 158-101(d), the posting requirements of subsection 158-101(e), the standards for tree replacement or afforestation of subsection 158-103(a), if applicable, and the recompense formulas of subsection 158-103(b). Applicants may appeal a notice of denial to the tree conservation commission as provided in this article.

- (d) *Application review; notice of preliminary approval or denial of permit to remove, destroy, or injure trees.* Upon receipt of a complete application by the city to remove, destroy, or injure trees for construction, renovation, demolition, landscaping, silviculture, or other non-safety related purposes, the city arborist shall review the application pursuant to the requirements of this article. The city arborist shall either give a notice of preliminary approval of the application if the application meets the requirements of this article, or shall give a notice of denial of the application if the application fails to meet the requirements of this article. The city arborist shall submit copies of such notices promptly to the clerk. The city arborist may impose conditions to the issuance of the permit consistent with this article. An applicant may submit a new application at any time after a notice of denial of an application under this chapter. An applicant may appeal the notice of denial to the tree conservation commission as provided in this article. **Appeals of Any person aggrieved by the notice of preliminary approval may also filed with appeal to the tree conservation commission pursuant to the procedures outlined in section 158-65.**
- (e) *Posting.*
- (1) For trees located on private property, two postings shall be required. The first posting shall **be in the form of a sign not less than six square feet in size posted prominently on the property and shall** remain for a minimum of ten ~~calendar~~ **business** days and shall notify the public that an application to remove the designated tree(s) was filed with the city. The city will not accept any appeals filed within this ten day notice period. The second posting, providing notice of preliminary approval, shall be made if and when the city issues preliminary approval of the application to remove the designated tree(s) from private property. This second posting shall not begin until after the first posting is removed. The second posting shall remain in place for ~~five~~ **seven** business days, during which time the city will accept appeals.
 - (2) 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.
 - (3) Immediately after an applicant receives preliminary approval for removal of a tree on public or private property, s/he shall mark all trees to be removed, destroyed, or injured **with a large painted orange "X" on the street-facing side of the tree trunk.**
 - (4) The notice of preliminary approval for both public and private property trees, shall be posted in the office of the city arborist that is ruling on the removal permit (either the office of planning or the office of parks), on the City of Atlanta website (www.atlantaga.gov), and in a prominent manner upon the property affected so that it may be seen and read by passers-by. The notice of preliminary approval shall **be in the form of a sign not less than six square feet in size and shall** inform any reader that an appeal may be filed with the clerk of the tree conservation commission, and shall indicate the deadline by which the appeal must be filed. The notice shall further indicate that the failure to appeal within the designated time period will result in the issuance of the removal permit without further right of appeal. If the notice of preliminary approval is not [posted as required by this section, no permit shall be issued. The commission] may provide further additional rules regarding the manner and method of posting to the extent that such rule is consistent with the requirements of this section.
 - a. **The City Arborist may require all signs to be of a standard design available from the arborist division.**



- (5) **Upon visiting and inspecting the site to post the preliminary approval, if the city arborist discovers significant errors or omissions on the tree survey or site plan or finds that the trees approved for removal have not been marked properly, the site shall not be posted, and the applicant shall be issued a notice to correct the errors or omissions. The city arborist shall reinspect the site and post the sign after preliminary approval has been given or trees have been properly marked and the applicant informs the City that the errors have been corrected. If uncorrected errors or omissions prevent the city arborist from posting the sign a second time, the applicant shall be charged a reinspection fee of \$50.00 (as authorized in Section 104.2(c) of the Atlanta building code) for every subsequent reinspection.**
- (f) *Time limits.* For tree(s) on public property, if no appeal is filed within 15 calendar days from the date of posting of a notice of preliminary approval upon the affected property, then the permit shall be issued in accordance with the terms of said notice of preliminary approval. For tree(s) on private property, if no appeal is filed within ~~five working~~ **seven business** days from the date of posting of a notice of preliminary approval upon the affected property, then the permit shall be issued in accordance with the terms of said notice of preliminary approval. In the event that an appeal is filed within 15 calendar days for tree(s) on public property, or ~~five working~~ **seven business** days for tree(s) on private property, from the date of posting of a notice of preliminary approval upon the affected property, no permit shall be issued until the sixth business day after the date of the tree conservation commission's written decision on the appeal, or until the appeal is voluntarily dismissed, whichever is earlier. At that time, the stay shall expire, unless a notice of intent to appeal the tree conservation commission's decision (if any) to the superior court is filed with the clerk of the tree conservation commission pursuant to subsection 158-65(a).
- (g) *Finality.* Once a permit has been issued in accordance with the procedures set forth in this section there can be no further appeal of the arborist's decision, except as provided in subsection 158-65(b) of this article pertaining to appeals to superior court.
- (h) *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 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 or specimen trees; and
 - (3) That the amendments in the aggregate do not increase by more than ten percent either the total number or the total DBH of the trees permitted for removal or destruction.
- (i) *Permit for tree removal based upon location to house.* The provisions set forth in subsections 158-101(b) through 158-101(h) shall not apply to permits issued pursuant to this subsection 158-101(i). The provisions provided below in this subsection shall pertain to this subsection 158-101(i) only. The city arborist may issue a permit to remove any tree located on private property within five feet of the structural foundation of an existing single family residential dwelling structure or duplex located on property subject to the provisions of this article, subject to the following:
- (1) The owner of the property on which the subject tree is located has submitted an application to the city arborist in a form prescribed by the city arborist.
 - (2) The application is not for the removal of a boundary tree unless the adjoining property owner is a co-applicant for the permit.
 - (3) The application is not for the removal of a right-of-way tree or any other public tree. For the purpose of this section a right-of-way tree is a tree deemed by the arborist to have majority of its root system in the public right-of-way.



- (4) There has been no removal of a tree pursuant to this subsection 158-101(i) for five years from the date of an application previously approved pursuant to this subsection, unless the tree(s) previously permitted and removed was leaning by greater than 20 degrees, as measured at breast height of the tree, toward an existing single family residential dwelling structure or duplex located on the subject property. 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. Any property which is combined with any part of any other property which has already removed a tree pursuant to this subsection within the five-year time period shall not be eligible for removal under this subsection. In the event that a lot with reconfigured property lines has received more than one approval under this subsection, the latest approved application shall be considered for deciding when a new application may be received.
 - (5) No lot of record which is not developed with a single family residential structure or duplex within its property lines shall be granted a permit to remove a tree pursuant to this subsection regardless of whether the zoning of the property will only allow the development of single family residences or duplexes on the property.
 - (6) When determining 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.
 - (7) When determining 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.
 - (8) No posting of the property is required prior to the issuance of a permit.
 - (9) Only the property owner shall have appeal rights associated with the permit. such appeal rights shall be as set forth in section 158-65 of this article.
 - (10) Where a permit is issued, the property owner shall not be required to replace the tree or pay recompense, except that where removal of the tree will result in the loss of ten percent or more of the tree canopy on the subject property, as determined by the city arborist, issuance of the permit shall be contingent upon the property owner's planting a replacement tree(s) on the subject property pursuant to the criteria set forth in this article.
 - (11) Where a tree is removed without a permit, recompense and fines shall be calculated and owed as prescribed throughout the tree protection ordinance, even if the property would have been eligible for a tree removal permit pursuant to this subsection 158-101(i).
 - (12) The city arborist shall not issue a permit if the tree at issue is located on property that was the subject of a violation of the tree protection ordinance within one year of the filing of the permit application.
- (j) *Permit for tree removal based upon compliance with federal consent decrees.* The provisions set forth in subsections 158-101(b) through 158-101(i) shall not apply to permits issued pursuant to this subsection 158-101(j). The provisions provided below in this subsection shall pertain to this subsection 158-101(j) only.
- (1) The city arborist in the department of city planning may issue a permit to the department of watershed management to remove, destroy, or injure any private property tree, including without limitation trees located on city easements over private property, when such removal, destruction, or injury is 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) (for purposes of this subsection (j), collectively the "decrees" or the "consent decrees"), provided that the following requirements are met:
 - a. The city's department of watershed management has submitted an application to the city arborist in the department of city planning in a form prescribed by said city arborist.



- b. For trees located within a city easement that are not boundary trees, the department of watershed management may destroy, remove and/or injure trees as prescribed in section 158-103(c)(6) of this tree protection ordinance, 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 specimen trees need not be identified. A maximum shall be set on recompense at \$5,000.00 per acre, prorated. A site plan drawn to scale shall be required for these trees showing locations impacted by acre, but not showing individually impacted trees. No survey shall be required. For purposes of this section 158-101(j), the city shall be deemed to have an easement on land above city sewer lines.
 - c. The department of watershed management shall submit a site plan that meets the standards set forth in 158-105 of the tree protection ordinance for: 1) destruction or removal of or injury to a boundary tree located on a city easement whose subject boundary abuts private property or public property; or 2) destruction or removal of or injury to a boundary tree whose structural root plate extends from private property or public property into the city easement; and 3) destruction or removal of or injury to all other private property trees. This site plan must include each tree's critical root zone, structural root plate, whether it's a boundary tree, silvicultural prescriptions to be used if applicable, and the construction methodology to be utilized by location. It shall also provide a calculation of the percentage of impact on each tree that is not removed. A survey shall be required showing all impacted trees falling within this category, 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. The application shall include recompense calculations, and proposed plantings of new trees. The city shall give recompense credit to the department of watershed management for newly planted trees only if the replanting requirements set forth in the tree protection ordinance are met (other than those requirements set forth in subsections 158-101(b) through 158-101(i)), but shall not give any recompense credit for new trees planted within the city's easement. The department of watershed management shall not be required to replant trees within a city easement.
 - d. Except for trees located within a city easement that are not boundary trees, the department of watershed management's site plan must designate all specimen trees. The department of city planning's city arborist may discuss with the department of watershed management alternative routes for the work to be performed that may allow the specimen tree to survive, though the city arborist may not deny the removal/destruction application in the event that the department of watershed management does not agree upon an alternative route.
 - e. In the event that a public property tree, as defined in section 158-26 above, is located in part on a city easement or other private property, the permitting decision shall be made by the city arborist in the department of parks and recreation.
- (2) The city arborist in the department of parks, recreation, and cultural affairs may issue a permit to the department of watershed management to remove, destroy, and/or injure any public property tree, including without limitation trees located on city parks, streets, sidewalks, and other property owned by the City of Atlanta, when such removal, destruction, or injury is performed as a result of the City of Atlanta's compliance with the consent decrees, provided that the following requirements are met:
- a. The city's department of watershed management has submitted an application to the city arborist in the department of parks, recreation, and cultural affairs in a form prescribed by said city arborist, provided that applications may be made by projects, as defined in the consent decrees. Applications 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.
 - b. For destruction or removal of or injury to a public property tree, the department of watershed management shall submit a site plan drawn to scale that meets the standards set forth in 158-105 of the tree protection ordinance. This site plan must include each tree's critical root zone,



structural root plate, size, species, silvicultural prescriptions to be used if applicable, and the construction methodology to be utilized by location. It shall also provide a calculation of the percentage of impact on each tree that is not removed. A survey shall be required showing all impacted trees falling within this category, 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. The application shall include tree DBH inches removed, and proposed plantings of new trees.

- c. The department of watershed management's site plan for public property trees must designate all specimen trees. The office of parks' city arborist may discuss with the department of watershed management alternative routes for the work to be performed that may allow the specimen tree to survive, though the city arborist may not deny the removal/destruction application in the event that the department of watershed management does not agree upon an alternative route.
- d. In the event that a private property tree, as defined in section 158-26 above, is located in part on city-owned property, the permitting decision shall be made by the city arborist in the department of city planning .
- e. The department of watershed management must replace all public property trees that it destroys, removes, or injures on public 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. The city shall give credit to the department of watershed management for newly planted trees only if the replanting requirements set forth in the tree protection ordinance are met (other than those requirements set forth in subsections 158-101(b) through 158-101(i)), with the following exceptions:
 - i. 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, destroyed or injured, as prescribed by section 158-103. For purposes of this section, the city arborist shall consider the entire city for purposes of eligible areas for replanting.
 - ii. The city arborist in the department of parks, recreation, and cultural affairs need not approve a tree replacement plan prior to issuing a tree removal permit, provided that:
 - (a) The commissioner of the department of watershed management or her/his designee, working in good faith cooperation with the director of the office of parks or her/his designee, is unable to identify locations in which to plant the requisite number of replacement trees at the time of granting the tree removal permit.
 - (b) The director of the office of parks, or her/his 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. S/he shall communicate that number in writing to the commissioner of the department of watershed management or her/his designee.
 - (c) 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 the immediately following subsection (d). 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 her/his designee, shall make a good faith attempt to assist the department of watershed management with this task. 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 her/his designee prior to the trees being planted. The director of the office of parks shall forward this



replanting information to the impacted councilmember for review. The department of watershed management shall guarantee the life of each replacement tree for two years from the time of planting.

- (d) The commissioner of the department of watershed management and the commissioner of the department of parks, recreation, and cultural affairs enter a letter of understanding that accompanies each decree tree removal permit (as defined below). The letter of understanding must set forth those replacement inches for which locations have already 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 her/his designee may approve an extension. The letter of understanding shall also include the requirements set forth in subsection (c) immediately preceding this subsection (d).
 - (e) The department of watershed management prepares 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 by no later than May 1 of each year.
- iii. The city arborist need not require the replacement trees to meet the descriptions set forth in section 158-103, but rather may give replacement tree credit as follows:
- (a) For replacement trees that meet the requirements of section 158-103, the replacement credit shall be the DBH of the replacement tree.
 - (b) 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.
 - (c) The department of watershed management may be given replacement credit for planting a live stake 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.
 - (d) The department of watershed management may be given 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 the DBH of the tree saved.
- (3) The following provisions shall apply to the issuance of tree removal permits by the city arborist in the department of city planning and in the department of parks, recreation, and cultural affairs, where the removal or destruction of a tree is performed as a result of City of Atlanta compliance with the consent decrees ("decree tree removal permit"):
- a. Sections 158-101(j)(1) and (2) above notwithstanding, no city arborist shall require the department of watershed management, as part of its 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.



- b. No posting of the property is required prior to the issuance of a decree tree removal permit.
- c. There is no appeal right associated with a 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.
- d. The department of watershed management may not remove, destroy, or injure any private property tree or public property tree in order to comply with the consent decrees prior to being issued a decree tree removal permit by the city arborist in the department of city planning , or in the department of parks, recreation, and cultural affairs respectively.
- e. Where a tree is removed, destroyed, or injured without a decree tree removal permit during work related to the decrees, the department of watershed management must report the removal, destruction, or injury to a city arborist by the close of the following business day. In such instance, the appropriate city arborist shall calculate the recompense due and/or tree replacement required. Where a city arborist learns of a decree-related tree removal or destruction caused and not timely reported by the department of watershed management or its contractor/subcontractor, the appropriate city arborist shall issue penalties pursuant to section 158-34 above, and shall also require that recompense be paid and/or replacement be performed.

(Code 1977, § 10-2037(a)—(c); Ord. No. 2000-4, 1-27-00; Ord. No. 2000-21, §§ III, IV, 4-12-00; Ord. No. 2000-26, § IV, V, 5-23-00; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2006-04, § 4, 2-14-06; Ord. No. 2007-32(07-O-0362), §§ 9—11, 19, 6-12-07; Ord. No. 2007-38(07-O-1101), § 1, 6-26-07; Ord. No. 2008-25(08-O-0486), § 2, 4-28-08; Ord. No. 2009-13 (09-O-0399), § 2, 3-24-09; Ord. No. 2013-27(13-O-1088), § 4, 6-26-13; Ord. No. 2017-14(17-O-1157) , § 6, 4-26-17)

Sec. 158-102. Criteria for removal, destruction or injury.

- (a) No permit shall be issued for the removal, destruction, or injury of any living, healthy, and non-hazardous tree unless:
 - (1) A site plan and tree replacement plan meeting the requirements of section 158-~~103~~105 has been approved;
 - a. The city arborist has reviewed the application and determines the following:
 - 1. The application and plans submitted to the City are accurate;
 - 2. The design is appropriate to the site conditions, no trees are being removed unnecessarily, and the improvements cannot reasonably be designed or positioned to further increase tree protection;
 - 3. All reasonable efforts have been made to plan the construction or demolition methods and site access with protection of trees as a priority;
 - 4. The site plan shows that damage to trees during grading, construction, demolition, or utility installation will be minimized by using construction methods and products proven to protect existing trees. Construction methods and protection measures may be required by the city arborist and must be indicated on the Site Plans. These methods and measures may include but are not limited to:
 - a. Reuse of cleared, paved, or previously developed areas including but not limited to driveways, parking lots, former building footprints, and lawns;
 - b. Directional boring instead of open trenching for utility installation;
 - c. Root bridging for sidewalks, driveways, and other hardscapes;



d. Retaining walls and use of pier and beam foundations to reduce tree impacts from site grading;

e. Use of mulch, gravel, plywood, geotextiles, swamp/access mats, and temporary decking, alone or in combination per City of Atlanta Arborist standards to prevent soil compaction from vehicular traffic and material storage; and

f. Any other methods, materials, or techniques that meet with current arboricultural industry standards and are approved by the city arborist.

(2) All other requirements of this article are met; and

(3) One of the following conditions exists:

a. The tree is located within the buildable area of the lot and the applicant has been granted a building, landscaping, or other permit to make improvements otherwise permissible under all applicable ordinances of the city;

b. The tree is located in that portion of the setback or required yard area of the lot that must be used for vehicular ingress and egress or for the installation of utilities that cannot be accomplished in a manner allowing preservation of the tree;

c. The tree is ~~diseased or injured to the extent that death is imminent within two years, or is in imminent danger of falling, or is so close to existing or proposed buildings so as to endanger them, or physically interferes with utility services in a manner that cannot be corrected by anything less than destruction or removal of the tree, or creates unsafe vehicular visual clearance, or is otherwise deemed a hazard by the city arborist or city forester~~ **of an undesirable or invasive species;**

d. The tree removal qualifies for a permit pursuant to section 158-101(i) or section 158-101(j).

~~(b) The following species of trees, if 12 inches or smaller DBH and located on private property, are exempt from the posting, replacement, and recompense portions of this article, and from section 158-102(a)(3) of this article whereby a property owner may remove the tree located on her/his property without posting, replacing the tree or paying recompense: Mimosa – Albizia julibrissin; Tree of heaven – Ailanthus altissima; White mulberry – Morus alba; Paper mulberry – Broussonetia papyrifera; Chinaberry – Melia azederach; Princess tree – Paulownia tomentosa; Carolina cherry laurel – Prunus caroliniana; Bradford Pear – Pyrus calleryana; Leyland cypress – Cupressocyparis leylandii. Where such species of tree is larger than 12 inches DBH and located on private property, the property owner need not post the tree, and need only replace the tree or pay recompense if the tree cover on the lot from which the tree is removed is less than the minimum tree cover per zoning district, as set forth in section 158-103(g). Removal of trees of one of the above-listed species, where the tree is six inches DBH or larger, requires the homeowner to apply for and receive a permit from the office of buildings, and said application must include:~~

~~(1) At least two pictures of the tree at issue that identify the species of tree; and~~

~~(2) A site plan showing the appropriate zoning information of the property; and~~

~~(3) A tree survey including but not limited to location, quantity, types and DBH, prepared by ISA certified arborists or landscape architects.~~

~~Removal of trees of one of the above-listed species, where the tree is six inches DBH or larger, requires the homeowner to apply for and receive a permit from the office of buildings, and said application must include:~~

~~(1) At least two pictures of the tree at issue that identify the species of tree; and~~

~~(2) A site plan showing the appropriate zoning information of the property; and~~



~~(3) A tree survey including but not limited to location, quantity, types and DBH, prepared by ISA certified arborists or landscape architects.~~

(Code 1977, § 10-2037(d); Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2006-04, § 1, 2-14-06; Ord. No. 2007-32(07-O-0362), §§ 10, 18, 6-12-07; Ord. No. 2009-13 (09-O-0399), § 3, 3-24-09)

Sec. 158-103. Standards for tree replacement and afforestation.

- (a) *Minimal impact on trees; replacement trees.* Each applicant for a permit to remove, destroy or injure trees shall, to the maximum extent feasible, minimize the impact on the trees on the site. The applicant shall plant replacement trees on site that equal the total number of trees being removed, destroyed, or injured, provided that where the removed, destroyed or injured trees were located on public property, the cumulative DBH of the replacement trees shall be equal to or greater than the cumulative DBH of the trees removed, destroyed and/or injured. Where construction of improvements or existing dense tree cover precludes the planting of the total number of replacement trees required on the site, the city arborist may approve a plan which results in the planting of the number of trees on the site which can reasonably be expected to be accommodated in a manner which will allow mature growth of the replacement trees. The remainder of the total number of trees may be planted in a local park, on public lands, or along right-of-ways, subject to approval of the City of Atlanta Parks Department, provided such plantings are within the same NPU district or within one mile of the NPU boundary.
- (1) Where appropriate site conditions exist, replacement trees shall be overstory or mid-canopy species. Understory trees shall be permitted where site conditions do not allow the planting of overstory or mid-canopy trees. Overstory trees shall be planted **at no less than 25-foot spacings if planted in a single row. When planted with other overstory or mid-canopy trees on three sides or more, the overstory trees must be spaced no less than 30 feet apart** at a minimum 35 feet on center. Mid-canopy trees shall be planted at a minimum **25 of 20** feet on center. Understory trees shall be planted at a minimum **of 15** feet on center.
 - (2) **Spacing variations. The city arborist may approve planting distances less than the standard spacing as appropriate for the project type and site conditions. Denser plantings may be allowed or encouraged for stabilization, environmental restoration, reforestation, or similar projects.**
 - (3) **Replacement credit may not be given for columnar or fastigate species or cultivars unless approved by the city arborist based upon site conditions that would not be appropriate for a broad canopy. If replacement credit is given, then each columnar or fastigate tree will receive only half credit.**

~~Certain columnar species used primarily for screening may be accepted for partial recompense in accord with the planting distance established for understory trees.~~

~~(2) The following species of trees may not be used as replacement trees: Mimosa – Albizia julibrissin; Tree of heaven – Ailanthus altissima; White mulberry – Morus alba; Paper mulberry – Broussonetia papyrifera; Chinaberry – Melia azederach; Princess tree – Paulownia tomentosa; Carolina cherry laurel – Prunus caroliniana; Bradford Pear – Pyrus calleryana; Leyland cypress – Cupressocyparis leylandii. In addition, no recompense credit shall be provided for the planting of said species of trees.~~

- (b) *Recompense.* The difference between the number of trees removed, destroyed or injured (Nrem) and the number of trees replaced (Nrep) on a site times the established recompense value shall be calculated as partial recompense to the tree trust fund. In addition, the difference between the total diameter at breast height of the trees removed or destroyed (TDBHrem) and the total caliper inches of the trees replaced on site (TCIrep), as indicated on the approved tree replacement plan, shall be calculated as partial recompense to the tree trust fund. Total recompense(R) shall be calculated according to the formula



$$R = \$100.00 (Nrem - Nrep) + \$30.00 (TDBHrem - TCirep), C \geq 0$$

(c) *Limits and adjustments.*

- (1) For recompense purposes of this section, all trees except pines with a minimum DBH of six inches shall be included in the formula. Pines with a minimum DBH of 12 inches shall be included in the formula.
- (2) 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 of existing trees, by total DBH inches, are retained on a site. Credit based on the established recompense value formula will be given for trees planted. This credit may be subtracted from maximum recompense per acre, provided trees are spaced at no more than one tree per 400 square feet.

Table 158-103

Zoning	Minimum Trees Retained (Total DBH Inches)	Maximum Recompense Per Acre
R-1	45%	\$10,000.00
R-2	40%	\$10,000.00
R-2A	40%	\$7,500.00
R-3, R-3A	35%	\$7,500.00
R-4, R-4A, R-G, R-LC	30%	\$5,000.00
RG-4, RG-5	10%/20%*	\$10,000.00
R-4B	10%/20%*	\$5,000.00
R-5	10%/30%*	\$5,000.00
O & I, C (1-5), I (1&2)	10%	\$10,000.00
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

*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.

**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 .60 which will establish the Minimum Trees Retained percentage (MTR%). This amount shall be calculated according to the formula:

$$\text{Required Pervious Area (K) x .60 = MTR\%}$$

$$\text{Maximum Recompense Per Acre} = \$10,000.00$$

- (3) Provided that no less than the specified minimum of existing trees, by total DBH, are retained on a site in accordance with Table 158-103 then the maximum recompense per acre may be further reduced by the replanting of new trees. Adjusted maximum recompense per acre (AMRPA) shall be calculated according to the formula:

$$\text{Reduction from MRPA} = \$100.00 (Nrep) + \$30.00 (TCirep)$$

$$\text{AMRPA} = \text{MRPA} - \text{Reduction from MRPA}$$

- (4) For sales housing units which have a pro-forma sales price equal to or less than 1.5 times median family income as defined by the United States Department of Housing and Urban Development, the percent of minimum trees retained may be reduced to 50 percent of the above percentage values in order to qualify for maximum recompense per acre.



- (5) For sales housing units which have a pro-forma sales price greater than one and one-half times median family income but not exceeding two and one-half times median family income as defined by the United States Department of Housing and Urban Development, the percent of minimum trees retained may be reduced to 75 percent of the above percentage values in order to qualify for maximum recompense per acre.
 - (6) For trees removed in the required construction of streets and related infrastructure in new subdivisions or other planned developments, a maximum shall be set on recompense at \$5,000.00 per acre, pro rated. Credit based on the established recompense value formula shall be given for trees planted. This credit may be subtracted from maximum recompense per acre, provided trees are spaced at no more than one tree per 400 square feet. For infrastructure development that requires disturbance of one acre or more, a recognized sampling technique performed and certified by a registered forester may be substituted for an actual count of the trees to be removed. All specimen trees must be identified by species and location regardless of the counting procedure adopted.
 - (7) Conservation easements [and fee simple donations] (section 158-32) that result in the preservation of wooded lands, or newly created wooded parkland afforested to 100 inches DBH per acre, and that are perpetual in duration shall receive a credit of \$20,000.00 per acre, pro rated, against recompense fees. Natural water detention areas established in lieu of the construction of detention ponds shall qualify as conservation easements if so deeded as a conservation easement. In addition, a fee simple donation of land that is afforested to 100 inches DBH per acre, and that is accepted by the city, will receive a credit of \$20,000.00 per acre, pro rated, against recompense fees, but only if the city dedicates the land for a use that will preserve the land in its natural scenic landscape or in a forest use.
 - (8) For rental housing units that have at least 20 percent of the total number of residential units constructed being within the ability to pay of those households whose annual incomes do not exceed 60 percent of the median family income for the Atlanta metropolitan statistical area, the percent of minimum trees retained may be reduced to 50 percent of the above percentage values in order to qualify for maximum recompense per acre.
- (d) An impacted tree will not be considered destroyed and will not be charged recompense only if all the following are met:
- (1) Tree save fencing is established and maintained to protect at least 67 percent of the root save area, and the structural root plate is not disturbed.
 - (2) 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.
 - (3) The prescription of the retained arborist is approved by the city arborist or city forester in advance of construction.
 - (4) A report on the effectiveness of the prescribed measures is submitted by the retained arborist to the city arborist or city forester prior to issuance of a certificate of occupancy.
- (e) A lost tree shall be charged recompense regardless of whether or not it is removed from the site.
- (f) The city arborist shall prepare a quarterly report to be presented to the tree conservation commission. The report shall include the total number and DBH of trees removed and/or the total number and DBH of trees replanted during the preceding quarter in each of the following categories: maximum recompense per acre, dead/dying/diseased/hazardous removal, landscaping permit, silvicultural removal, buildable area removal, parking lots, illegal removal, off-site planting, or any other permit or penalty category not listed. The report shall also include acreage, total number of trees and total DBH for any newly created conservation easements or newly created parklands.
- (g) *Minimum tree cover.* In any request for a permit for construction in which no trees are proposed to be removed, or in cases where trees are being removed but the total tree cover on the lot is less than the



minimum tree cover per zoning district, the city arborist shall require an afforestation standard such that the minimum tree cover per zoning district is satisfied, provided that all such trees so planted can reasonably be expected to be accommodated in a manner which will allow mature growth of the new trees.

Tree replacements per zoning district and the minimum required tree coverage (TDBH + TCI) on a site, regardless of any loss of trees, are as follows:

R-5, R-4-A and R-4-B districts: 35 inches per acre

R-3, R-3-A and R-4 districts: 40 inches per acre

R-2 and R-2-A districts: 100 inches per acre

R-1 districts: 150 inches per acre

RG, PD and all other districts: 90 inches per acre

(h) A healthy tree preserved on site may not be counted towards the minimum tree coverage requirement if it has invasive vines such as English Ivy, Chinese Wisteria, or similar species growing in the crown or on the trunk of the tree that may impact the health of the tree now or in the future.

- (1) A site will not pass the final arborist inspection for a certificate of occupancy until invasive vines on healthy trees are killed by severing the vines at the ground and removing a four-foot vertical section of the vine from the tree trunk.**
- (2) Invasive vines must be removed or killed in a manner that does not cut or damage the bark, poison or otherwise harm the tree. Vines should not be pulled from the upper parts of a tree because this can damage the tree.**
- (3) A list of invasive vines is included on the list of undesirable and invasive species, maintained by, and available from, the arborist division.**

Replacement trees shall **typically** be a minimum of two and one-half inches in caliper. Regardless of caliper or diameter at breast height, ~~replacement trees~~ **trees planted as a requirement of this article or trees planted using tree trust funds** shall not subsequently be removed or destroyed without a permit from the city arborist.

- (4) The City arborist may approve, pursuant to the conditions set forth in section 158-34(a), the planting of trees smaller or larger than 2.5 caliper inches as appropriate for the project type and site conditions. Smaller trees may be allowed or encouraged for environmental restoration, slope plantings, reforestation, or similar projects. Similarly, understory tree species that are unavailable from nurseries in a 2.5 caliper inch size may be approved for planting at a smaller size. All planted trees will be awarded replacement credit based on the size in caliper inches of the tree.**

(i) Species of replacement trees.

- (1) Species of acceptable replacement trees are listed on the City's recommended tree list which is available from the arborist division. The city arborist may approve species that are not on the list if the city arborist deems it an appropriate species and suitable for site conditions.**
 - a. Prohibited replacement trees. No tree on the list of undesirable and invasive species may be planted to meet tree replacement and afforestation requirements. Recompense credit will not be given for planting undesirable or invasive species.**
- (2) Species diversity required. Species diversity creates resilience in the urban forest and reduces the impacts of pests and disease. To ensure continued resilience, a diversity of tree species will be needed on each site. The species of planted trees should adhere to the following diversity guidelines, unless the trees preserved on site, coupled with the replacement trees, offer a comparable diversity of species and genera.**
 - a. When four to 10 trees are proposed to be planted, no more than 50% of the replacement Trees shall be of a single species.**



- b. When 11 to 20 trees are proposed to be planted, no more than 33% of the replacement Trees shall be of a single species.
 - c. When 21 to 50 trees are proposed to be planted, no more than 20% of overall trees planted shall be of the same species, no more than 50% shall be of the same genus.
 - d. When 51 or more trees are proposed to be planted, no more than 20% of overall trees planted shall be of the same species, and no more than 30% shall be of the same genus, with the exception of the genus *Quercus* (Oaks) which may make up 50% of the trees planted.
 - e. Approximately 75% of replacement trees planted on any project should be species native to the Piedmont region of Georgia.
 - f. New tree planting in zoning-mandated streetscapes or on other highly urbanized sites may have the species diversity standards adjusted or waived at the discretion of the city arborist.
- (3) Mixture of mature tree sizes. Where appropriate site conditions exist, afforestation and replacement tree plantings shall be overstory and mid-canopy trees. Understory trees shall be permitted by the city arborist where site conditions do not allow the planting of overstory or mid-canopy trees. Where understory trees are allowed, they should generally make up no more than 25% of the required plantings.
- (j) Minimum planting areas and soil volumes. To ensure the health, longevity, and desired mature size, all trees must be provided ample healthy soil to grow. Trees do best when planted together in large open planting areas of uncompacted native or suitably amended soil. Where conditions or the design restricts the establishment of large open planting areas, suspended pavement techniques or other comparable methods may be used to provide adequate volumes of uncompacted soil below paving or other hardscape.
- (1) Soil surface area. Each tree must meet the following soil surface areas and utilize uncompacted, high quality native or amended planting soil per the City's technical planting specifications and must be approved by the city arborist.
- a. Overstory Trees: 400 square feet.
 - b. Mid-canopy Trees: 250 square feet.
 - c. Understory Trees: 100 square feet.
 - d. When trees are planted together in a single planting area, the required soil area for each tree within the shared planting area may be reduced by 25%.
 - e. The minimum dimension of a tree island or other constrained planting shall be five feet in width for understory and mid-canopy trees and eight feet in width for overstory trees. The city arborist may allow less than the minimum widths when the city arborist allows the reuse of existing planting wells or where space between an existing building and street does not allow for the minimum tree island width and sidewalk or streetscape components required by the property's zoning. When a new building is being constructed, the minimum widths shall be required.
 - f. When applicable, the city arborist may allow alternative methods and materials to be used, such as engineered underground channels, or root chases, that direct root growth and allow tree roots to establish soil connections by having access to adjacent open space as a means of increasing available soil.
- (2) Soil volume for planting within hardscaped areas. For tree plantings in constrained areas where the soil surface area requirements cannot be met, rooting area for trees below paving may be created by using suspended paving over soil cells filled with high quality topsoil, above ground



planters filled with high quality topsoil, or other approved designs or methods. Installation of suspended paving systems must follow manufacturer's guidelines, or the planting specifications maintained by the arborist division. Minimum soil volumes must be as follows:

- a. Overstory Trees: 800 cubic feet of soil.
- b. Mid-canopy Trees: 500 cubic feet of soil.
- c. Understory Trees: 200 cubic feet of soil.
- d. When trees are planted together and share soil within a continuous planting area, the required soil volume for each tree within the shared planting area may be reduced by 25%.
- e. The minimum depth of soil in a suspended pavement system or planter is two feet and the maximum depth is four feet.
- f. In suspended pavements, understory and mid-canopy trees must be provided a minimum of five-foot by five-foot non-paved open soil area around the tree trunk. Overstory trees must be provided a minimum of eight-foot by eight-foot non-paved open soil area around the tree trunk.

(3) The city arborist may allow for deviations from the required soil volumes, or percentage of overstory trees due to site constraints outside of the control of the applicant.

(k) Street trees required.

(1) All sites, residential and commercial, must have trees planted along any public or private road at a maximum spacing of 40 feet, with allowances for driveways, and within 10 feet of the back of curb or back of sidewalk if the distance between the sidewalk and curb is insufficient for planting trees.

(2) All street trees, other than those planted during infill development on single-family residential lots, must be overstory or mid-canopy species, with at least half of the trees being overstory species.

- a. Where overhead utilities are present, the city arborist may approve understory trees to be used.
- b. Zoning-mandated streetscape tree planting requirements supersede the 40 feet spacing requirements for public street frontages.
- c. The city arborist may waive or alter the street tree planting or spacing requirement if there are sufficient trees growing along the street frontage of the property, whether at regular or irregular spacing, or if conditions prevent planting on 40-foot spacings. The city arborist may also allow other adjustments to the requirements, including allowing understory species or a larger percentage of mid-canopy species to address planting constraints outside of the applicant's control.

(3) Residential subdivisions in which public infrastructure is installed must submit a tree replacement plan showing proposed tree plantings on common property for the entire development, including streets, in order to get final arborist approval for any land disturbance permits. The trees shown on the tree replacement plan must also be shown on the final plat that is approved by the office of zoning and development.

- a. All public and private streets within a subdivision must meet the street tree planting requirements described in this section.
- b. Tree planting options. Replacement trees shown on the tree replacement plan may be planted by the applicant under the land disturbance permit or may be deferred to the subsequent phases of construction.
 1. Option 1: Planting under land disturbance permit. Trees planted under the land disturbance permit will be given replacement credit for that permit. These replacement trees must be inspected by the city arborist prior to the approval of



the final plat and must be protected from all impacts during future home construction phases.

2. **Option 2: Planting during subsequent building phases. Trees shown on the tree replacement plan that are not planted under the land disturbance permit shall be planted during subsequent phases of construction. The city arborist will work with the applicant to designate which of the trees shown on the tree replacement plan are to be associated with new individual lots, upon which they shall be planted as a requirement to obtain the final certificate of occupancy.**

(kl) *Planting priority.* The location of tree plantings required by this section normally shall be prioritized as follows:

- (1) Heat islands. 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 when feasible. Street trees shall be planted as close to the street as is practicable. Internal heat islands shall be shaded at a minimum rate of one tree per 750 square feet of heat island area.
- (2) Soil stabilization. Replacement trees shall next be planted on steep slopes and other erodible areas and on the banks of wetlands and waterways.
- (3) Following satisfaction of priorities (1) and (2), the applicant shall have discretion to satisfy additional tree planting requirements either by planting on the subject site, on another location approved by the city arborist, or by contributing the appropriate amount to the tree trust fund.

(Code 1977, § 10-2037(e); Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2004-02, 1-12-04; Ord. No. 2006-04, §§ 2, 6, 2-14-06; Ord. No. 2007-32(07-O-0362), §§ 9, 10, 12, 6-12-07)

Sec. 158-104. Protection of trees.

(a) The city arborist shall require that improvements be located so as to result the protection of the trees on the site. It is the specific intent of this section to require that damage to trees located within the setback and required yard areas and to trees located on abutting properties owned by others be minimized to the greatest degree possible under the particular circumstances, as determined by the city arborist according to the following guidelines:

- (1) On lots and subdivisions of one acre or more, the applicant shall identify environmentally sensitive areas as part of the site plan required in section 158-105 below. Such areas shall include wetlands, floodplains, permanent and intermittent streams, stands of trees and other significant aspects of the natural environment on site. Limits of disturbance to these areas shall be established and detailed on the site plan. In order to protect the more environmentally sensitive areas, development shall be confined to the portion of the lot required for the intended construction.
- (2) On lots and subdivisions of less than one acre, root save areas shall be established in the setback and required yard areas to preserve trees in those areas. Grading, trenching, or other land disturbance in these areas shall be limited to necessary hydrologic and erosion control measures and access corridors to streets, utility connections, or other features required by code. In order to protect the trees in the setback and required yard areas, building shall be confined to the portion of the lot required for the intended construction.
- (3) A maximum of ten percent of the trees in a designated wetland or 100-year floodplain may be approved for removal or destruction.

(Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2006-04, § 3, 2-14-06; Ord. No. 2007-32(07-O-0362), § 13, 6-12-07)



Sec. 158-105. Site plan required.

- (a) *General requirements.* The site plan shall include a tree survey identifying the size, species and location of all trees having a diameter at breast height (DBH) of six inches or greater. Such site plan 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 required cut and fill. Single family lots of record may be exempt from the requirement of the topographic survey provided that no grading or cut or fill or other changes in topography will occur. Such plan shall denote each tree to be saved, lost or destroyed, the percentage of root save area that will be impacted, the required tree protection fences for trees to be saved, and the proposed tree replacement plan. The proposed tree replacement plan shall set forth the manner in which the newly planted trees will be watered, for example, manually, drip irrigation, Gator bags, etc. In addition, the proposed tree replacement plan shall have attached a copy of a paid maintenance contract if applicable. Pines of less than 12 inches DBH are exempted from being denoted on the tree survey. 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, no tree survey shall be required, and the applicant shall be required to leave undisturbed all areas of trees.
- (b) *Boundary trees.* Boundary trees shall be included in the site plan. The on-site portion of the root save area of a boundary tree shall be enclosed in a tree protection fence according to established arboricultural standards. In consultation with the owner or owner's representative of a boundary tree, the city arborist may prescribe and the applicant shall institute additional protective measures to limit impact on the tree during construction, including but not limited to watering regimes, root treatments, mulching, deadwood removal and protective pruning.

(Code 1977, § 10-2037(g); Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2006-04, § 4, 2-14-06; Ord. No. 2007-32(07-O-0362), § 14, 6-12-07)

Sec. 158-106. Preconstruction conference.

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 their designees. 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 notify the director, and thereupon demolition, grading and construction may proceed. It is further provided that for any permit for an addition to a one-family or two-family residence, the city arborist may 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.

(Code 1977, § 10-2037(h); Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03)

Sec. 158-107. Certificates of occupancy.

No certificate of occupancy shall be issued by the director, bureau of buildings with respect to any permit unless and until the city arborist shall have inspected such site and confirmed that all replacement trees have been planted in accordance with this article.

(Code 1977, § 10-2037(i); Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03)



Sec. 158-108. Maintenance of trees.

The owner shall be responsible for maintaining the health of all replacement trees for a period of two years from the date of planting. The owner shall replace any tree which dies during this time period. ~~Subsequent applicants for a building permit entailing no additional loss of trees on a site that has been certified as compliant by the city arborist and which has maintained that compliance shall not be required to provide additional tree replacement except as required by subsequent law.~~

In addition to guaranteeing newly planted trees through the two year-long establishment period, the owner or their successor shall maintain all trees planted on commercial, multi-family residential, or mixed-use projects as a requirement of this article, with the exception of street trees or other trees planted on City property, for the duration of the development's existence, and shall replace any dead or dying tree with one new tree of a similar type during the next planting season.

(Code 1977, § 10-2037(j); Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2007-32(07-O-0362), § 15, 6-12-07)

Sec. 158-109. Exemptions.

The following are exempted from the terms of this article:

- (1) When the parks arboricultural manager or city arborist finds any tree to present hazard or danger to the health, safety and welfare of the public, such tree may be removed immediately by the owner or the owner's agent upon verbal authorization by the parks arboricultural manager or city arborist. Any property owner or resident who reasonably believes and can demonstrate that a tree on her/his property presents imminent hazard or danger to the health, safety and welfare of the public, may contact the city arborist or her/his designee by phone to inform the city arborist of the emergency. Based upon the information provided by phone, the city arborist or her/his designee may give verbal approval of the tree's removal. Within five working days of said approval, the owner, resident, or her/his agent must provide to the department of city planning 's arborist division photos of the tree at issue along with a tree removal application. Failure to follow these procedures may result in an assessment of recompense and fines. In addition, should the photos and application, and any other information obtained by the city arborist, cause the city arborist to find that the tree did not present imminent hazard or danger, the city arborist shall assess recompense and may impose a fine. Should the emergency be identified by the property owner or resident during non-working hours, s/he may remove the tree immediately, but must contact the city arborist or her/his designee during the next working day to discuss the emergency, and must submit the information described above within five working days of the tree's removal. The owner and/or resident may be subject to recompense and fines under the circumstances described above in this subsection. No permit is required.
- (2) During the period of any emergency, such as a tornado, ice storm, flood or an other act of nature, the requirements of this article may be waived by the mayor and the mayor's designee.
- (3) 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 in the ordinary course of business, or for some public purpose. All licensed tree museums or public botanical gardens which employ a full-time arborist or horticulturist, and which are located upon property owned by the city and leased to such tree museums or botanical gardens and are growing for display to the public in furtherance of the museums and botanical gardens, or for some other public purpose.

(Code 1977, § 10-2040; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2007-32(07-O-0362), § 16, 6-12-07; Ord. No. 2017-14(17-O-1157), § 6, 4-26-17)



Sec. 158-110. Dead or diseased trees; nuisances.

The provisions of this section shall apply to all property in the city, as follows:

- (1) *Generally.* Any dead or diseased tree or part of a tree is a nuisance when, by reason of such condition, natural forces may, more readily than if such tree or part thereof were live or not diseased, fell or blow such tree or part thereof onto public ways or public property, off of the property of the owner of such tree, and thereby imperil life or property or impede traffic. When a dead or diseased tree which is alleged to constitute a nuisance is brought to the attention of the parks arboricultural manager or city arborist, the parks arboricultural manager or city arborist, in their discretion, may submit through the director, bureau of parks a written opinion to the director, bureau of buildings. Upon receiving a written opinion from the director, bureau of parks that any tree or part thereof is a nuisance as defined in this section, the director, bureau of buildings shall commence nuisance abatement proceedings.
- (2) *Notice to owner to remedy conditions; failure to comply.* The director, bureau of buildings shall give written notice to the owner or the person in possession, charge or control of the property where a tree nuisance as defined in this section exists, stating that in the city arborist's opinion the tree or part of a tree does constitute a nuisance that shall be removed, and requesting that such removal be done within a reasonable time to be specified in such notice. In no event shall such reasonable time exceed ten working days. Such notice shall further state that unless the tree or part thereof is voluntarily removed within the time specified, the director may cause summons to be issued requiring the party notified to appear in the municipal court to have there determined whether the tree or part of a tree involved constitute a nuisance and should be abated. If the tree is not removed within the time specified by the director, the director may cause the owner of such tree, or the person in possession, charge or control thereof, to be summoned to appear before the judge of the municipal court to determine whether or not the tree or part of a tree involved constitutes a nuisance.
- (3) *Hearing; failure to comply with order to abate.* If upon such a hearing as provided for before the judge of the municipal court, the judge shall find that the tree or part of a tree constitutes a nuisance and orders the defendant to abate the same within a specified time, then each ten days that the conditions adjudicated to be a nuisance by the judge are maintained subsequent to the expiration of the time fixed in the judgment of the judge the same to be abated shall constitute an offense.
- (4) *Emergencies.* Such nuisance trees pose immediate hazards and, because of the imminence of danger, are too great a risk to leave standing while standard procedures for giving notice take place. In such cases where danger to the public is imminent, the director of the office of parks shall have the right, but not the obligation, to enter the property and abate the nuisance, and the reasonable costs of such work, as documented by the office of parks, shall be reimbursed by the department of city planning . The department of city planning shall have the authority to obtain reimbursement from the property owner.

(Code 1977, § 10-2042; Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2007-32(07-O-0362), § 17, 6-12-07; Ord. No. 2017-14(17-O-1157) , § 6, 4-26-17)



CITY COUNCIL
ATLANTA, GEORGIA

22-O-1829

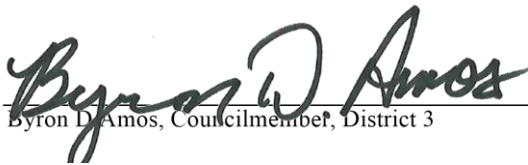
SPONSOR SIGNATURES


Jason H Winston, Councilmember, District 1


Michael Julian Bond, Councilmember, Post 1 At Large


Alex Wan, Councilmember, District 6


Amir R Firokhi, Councilmember, District 2

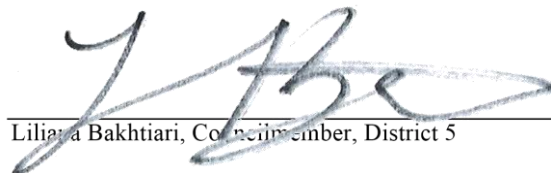

Byron D Amos, Councilmember, District 3


Duane Evans, Councilmember, District 9

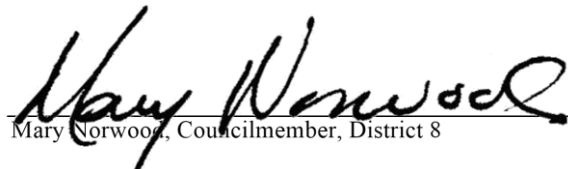

Howard Shook, Councilmember, District 7

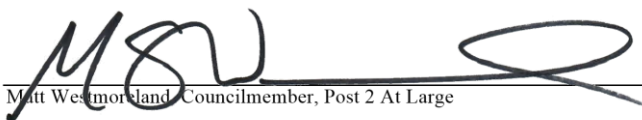

Jason Gozier, Councilmember, District 4


Kisha Sean Waites, Councilmember, Post 3 At Large


Liliava Bakhtiari, Councilmember, District 5


March Collier Overstreet, Councilmember, District 11


Mary Norwood, Councilmember, District 8


Matt Westmoreland, Councilmember, Post 2 At Large



CITY COUNCIL
ATLANTA, GEORGIA

22-O-1829

AN ORDINANCE BY COUNCILMEMBERS MICHAEL JULIAN BOND, JASON WINSTON, AMIR FAROKHI, BYRON D. AMOS, JASON DOZIER, LILIANA BAKHTIARI, ALEX WAN, HOWARD SHOOK, MARY NORWOOD, DUSTIN HILLIS, MARCI COLLIER OVERSTREET AND MATT WESTMORELAND AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE TO AMEND THE ATLANTA CITY CODE PART II (GENERAL ORDINANCES), CHAPTER 158 (VEGETATION), ARTICLE II (TREE PROTECTION), TO MAKE SEVERAL UPDATES RELATED TO ORDINANCE ADMINISTRATION, TREE PLANTING AND PROTECTION AND USE OF TREE TRUST FUNDS; TO AMEND PART III - LAND DEVELOPMENT CODE, PART 15 - LAND SUBDIVISION ORDINANCE, SECTIONS 15-07.004; AND FOR OTHER PURPOSES.

Workflow List:

Atlanta City Council	Completed	11/07/2022 1:00 PM
Community Development/Human Services Committee	Completed	11/15/2022 1:30 PM
Atlanta City Council	Completed	11/21/2022 1:00 PM
Community Development/Human Services Committee	Completed	11/29/2022 1:30 PM
Atlanta City Council	Completed	12/05/2022 1:00 PM
Mayor's Office	Pending	
Office of Research and Policy Analysis	Pending	

HISTORY:

11/07/22 Atlanta City Council REFERRED WITHOUT OBJECTION

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 11/15/2022 1:30 PM
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11/15/22 Community Development/Human Services Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [5 TO 0]
MOVER:	Jason Dozier, Chair, District 4
SECONDER:	Matt Westmoreland, Vice-Chair, Post 2 At-Large
AYES:	Dozier, Bond, Hillis, Westmoreland, Winston
AWAY:	Byron D Amos, Liliana Bakhtiari

11/21/22 Atlanta City Council RETURNED AS HELD

RETURNED AS HELD TO COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 11/29/2022 1:30 PM
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11/29/22 Community Development/Human Services Committee FAVORABLE ON SUBSTITUTE



RESULT: FAVORABLE ON SUBSTITUTE [4 TO 0] **Next: 12/5/2022 1:00 PM**
MOVER: Matt Westmoreland, Vice-Chair, Post 2 At-Large
SECONDER: Michael Julian Bond, Post 1 At-Large
AYES: Liliana Bakhtiari, Michael Julian Bond, Matt Westmoreland, Jason H Winston
ABSTAIN: Byron D Amos, Dustin Hillis
ABSENT: Jason Dozier

RESULT: ADOPTED ON SUBSTITUTE [13 TO 0]
MOVER: Matt Westmoreland, Councilmember, Post 2 At Large
SECONDER: Liliana Bakhtiari, Councilmember, District 5
AYES: Bond, Westmoreland, Winston, Farokhi, Amos, Dozier, Bakhtiari, Wan, Shook, Hillis, Boone, Overstreet, Lewis
ABSENT: Keisha Sean Waites
AWAY: Mary Norwood

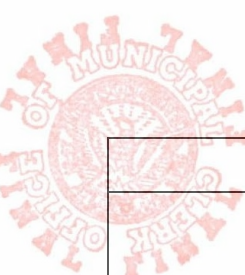
AN ORDINANCE BY COUNCILMEMBERS MICHAEL JULIAN BOND, JASON WINSTON, AMIR FAROKHI, BYRON D. AMOS, JASON DOZIER, LILIANA BAKHTIARI, ALEX WAN, HOWARD SHOOK, MARY NORWOOD, DUSTIN HILLIS, MARCI COLLIER OVERSTREET AND MATT WESTMORELAND AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE TO AMEND THE ATLANTA CITY CODE PART II (GENERAL ORDINANCES), CHAPTER 158 (VEGETATION), ARTICLE II (TREE PROTECTION), TO MAKE SEVERAL UPDATES RELATED TO ORDINANCE ADMINISTRATION, TREE PLANTING AND PROTECTION AND USE OF TREE TRUST FUNDS; TO AMEND PART III - LAND DEVELOPMENT CODE, PART 15 - LAND SUBDIVISION ORDINANCE, SECTIONS 15-07.004; AND FOR OTHER PURPOSES.

VOTE RECORD - ORDINANCE 22-O-1829						
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			YES/AYE	NO/NAY	ABSTAIN	ABSENT
	MICHAEL JULIAN BOND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MATT WESTMORELAND	MOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	KEISHA SEAN WAITES	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	JASON H WINSTON	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	AMIR R FAROKHI	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	JASON DOZIER	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	LILIANA BAKHTIARI	SECONDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ALEX WAN	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	HOWARD SHOOK	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MARY NORWOOD	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AWAY
	DUSTIN HILLIS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDREA L. BOONE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MARCI COLLIER OVERSTREET	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANTONIO LEWIS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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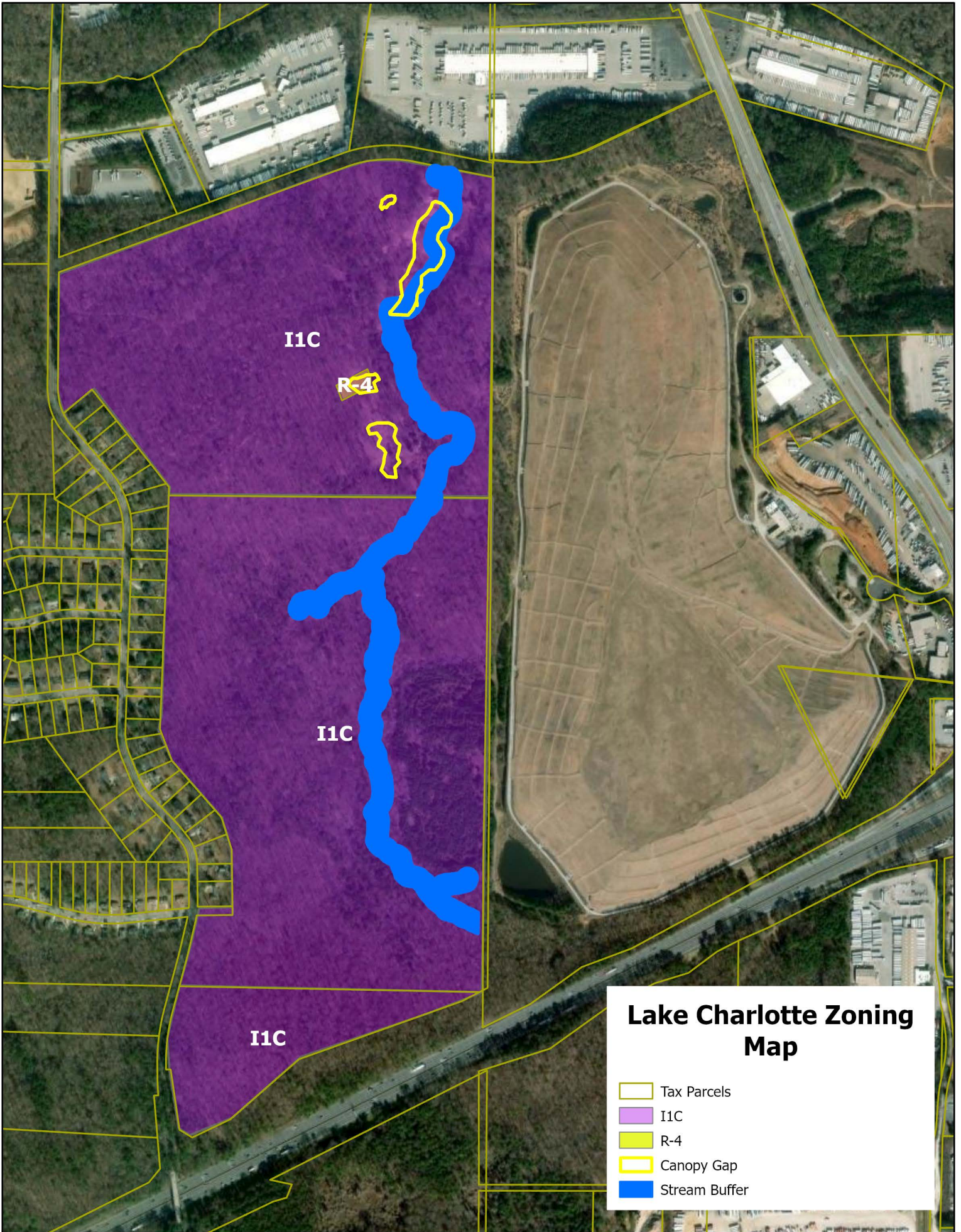
[Unanimous]






Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">12/5/2022</p> <p style="text-align: center;">ATLANTA CITY COUNCIL PRESIDENT</p> <p style="text-align: center;"><i>Doug Shipman</i></p>	<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">12/5/2022</p> <p style="text-align: center;">MUNICIPAL CLERK</p> <p style="text-align: center;"><i>[Signature]</i></p>
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

ADOPTED BY COUNCIL
12/05/2022

Zoning Maps



Lake Charlotte Zoning Map

-  Tax Parcels
-  I1C
-  R-4
-  Canopy Gap
-  Stream Buffer

Zoning Description(s)

CHAPTER 16. I-1 LIGHT INDUSTRIAL DISTRICT REGULATIONS

Sec. 16-16.001. Scope of provisions.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations in the I-1 Light Industrial District.

(Code 1977, § 16-16.001)

Sec. 16-16.002. Statement of intent.

The intent of this chapter in establishing the I-1 Industrial District is as follows:

- (1) To provide locations for wholesaling, warehousing, storage, light manufacturing, processing, repair services, and sales lots, in addition to other retail and service establishments.
- (2) To create, expand or extend such districts only where there is adequate and direct access to major transportation facilities and where there is minimal conflict with residential districts.
- (3) To permit dwellings or lodging units as accessory to permitted principal uses.
- (4) To permit the conversion of industrial buildings which are 50 years of age or older to multi-family dwellings so as to promote the city's policy of permitting combined living and work space in suitable locations.

(Code 1977, § 16-16.002; Ord. No. 1996-39, § 1.B, C, 6-24-96)

Sec. 16-16.003. Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes:

- (1) Adult businesses as defined in section 16-29.001(3). See section 16-28.016 for locational requirements.
- (2) Conversion of existing industrial buildings which are 50 years of age or older to banks, savings and loan associations, and similar financial institutions.
- (3) Broadcasting towers, line-of-sight relay devices for telephonic, radio or television communications when located 200 feet or more from any off-site residential districts or residential use not located within an industrial district, and when such towers or devices are greater than 200 feet in height, when located a distance which is greater than or equal to the height of the tower or device from a residential district or residential use which is not in an industrial district.
- (4) Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services.
- (5) Clubs and lodges, union halls, hiring halls.
- (6) Places of worship.

-
- (7) Conversion of existing industrial buildings which are 50 years of age or older to eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.
 - (8) Manufacturing, wholesaling, repairing, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and by-products do not create adverse effects beyond the boundaries of the property. Use of heavy drop hammers, punch presses or other machinery; or processing methods creating excessive noise or vibration is prohibited in this district.
 - (9) Offices, clinics (including veterinary), laboratories, studios.
 - (10) Parking surface and structures.
 - (11) Professional and personal service establishments.
 - (12) Conversion of existing industrial buildings which are 50 years of age or older to recreational establishments.
 - (13) Repair garages, paint and body shops, welding shops.
 - (14) Conversion of existing industrial buildings which are 50 years of age or older to retail establishments, including those with sales or display lots or storage lots.
 - (15) Sales and leasing agencies for new and used passenger automobiles, bicycles, mopeds and commercial vehicles.
 - (16) Service stations, battery exchange stations and car washes, provided that no service station may be located within 1,500 feet of another service station.
 - (17) General advertising signs subject to the limitations contained in section 16-16.006(1) in chapter 28A of this part.
 - (18) Structures and uses required for operation of MARTA or a public utility, including uses involving extensive storage and railway rights-of-way and yards.
 - (19) Trade schools, colleges and universities.
 - (20) Warehousing, self-storage facilities, distribution centers.
 - (21) Yards for storage of contractor's equipment; sand and gravel; lumber and the like but specifically excluding junkyards, salvage yards and scrap metal processors.
 - (22) Conversion of existing industrial buildings which are 50 years of age or older to hotels.
 - (23) Conversion of existing industrial buildings which are 50 years of age or older to one-family, two-family, or multi-family dwellings.
 - (24) Conversion of existing industrial buildings which are 50 years of age or older to supportive housing.
 - (25) Urban gardens.
 - (26) Market gardens.
 - (27) The use of a building or premises as a party house is expressly prohibited.
 - (28) Short-term rentals, subject to the regulations in Atlanta City Code section 20-1001.

(Code 1977, § 16-16.003; Ord. No. 1995-69, § 5, 11-13-95; Ord. No. 1996-39, § 1.A, 6-24-96; Ord. No. 2001-96, § XXXVI, 12-12-01; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2005-41(06-O-0381), § 19, 7-12-05; Ord. No. 2009-24(08-O-1251), § 21, 6-9-09; Ord. No. 2009-61(09-O-1076), § 1(2), 10-13-09; Ord. No. 2014-53(14-O-1278), § 2(Attach. B), 12-10-14 ; Ord. No. 2014-22(14-O-1092), § 2-S, 6-11-14 ; Ord. No. 2017-68(17-O-1159), § 4, 11-29-17 ;

Ord. No. 2019-09(18-O-1581), § 3.A, 1-31-19 ; Ord. No. 2019-20(18-O-1679), § 6, 3-13-19 ; Ord. No. 2020-58(19-O-1393) , § 22, 10-28-20; Ord. No. 2021-60(21-O-0682) , § 20, 12-15-21)

Sec. 16-16.004. Permitted accessory uses and structures.

Structures and uses which are customarily accessory and clearly incidental to permitted principal uses and structures subject to general or specific limitations applying within the district.

- (1) Devices for the generation of energy such as solar panels, wind generators and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE.
- (2) Dwelling or lodging units for watchmen or caretakers requiring living quarters on the premises shall be permitted only as accessory uses. This provision does not apply to those dwellings specifically authorized in this district as a permitted principal use or structure.
- (3) Eating and drinking establishments provided they are integrated into the permitted principal use and structure of which they are accessory and are not physically separated from said use and structure except by interior walls or partitions.
- (4) Retail establishments provided they are integrated into the permitted principal use and structure of which they are accessory and are not physically separated from said use and structure except by interior walls or partitions.

(Code 1977, § 16-16.004; Ord. No. 2014-53(14-O-1278), § 2(Attach. B), 12-10-14 ; Ord. No. 2019-09(18-O-1581), § 3.B, 1-31-19)

Sec. 16-16.005. Special permits.

The following uses are permissible only by special permits of the kinds indicated, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) *Special use permits:*
 - (a) Cemetery and mausoleum.
 - (b) Extraction or removal of sand, gravel, topsoil, clay, dirt or other natural resources.
 - (c) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas or outdoor areas for religious ceremonies of 90 days' or more duration.
 - (d) Sanitary landfills.
 - (e) Terminals, freight, rail, bus or truck, when erected or operated by other than a governmental agency.
 - (f) *Truck stops:* Provided that no truck stop shall be located within 1,000 feet of any other truck stop nor within 1,000 feet of any public or private school, any public or private park or recreation facility, any public or private hospital or mental health care facility, any church or similar place of religious worship, any cemetery, any child care or day care facility or any residential districts.
 - (g) Bingo parlors.
 - (h) Broadcasting towers, line-of-sight relay devices for telephonic, radio or television communications when located within 200 feet of any off-site residential districts or residential use not located within an industrial district, and when such towers or devices are greater than 200 feet in height, when located a distance which is less than or equal to the height of the tower

or device from a residential district or residential use which is not in an industrial district in accordance with the provisions of sections 16-25.002 and 16-25.003.

- (i) Single-room occupancy residences (SROs).
 - (j) Roominghouses.
 - (k) Compost facility.
 - (l) Materials recovery facility.
 - (m) Municipal solid waste disposal facility.
 - (n) Processing operation facility.
 - (o) Solid waste handling facility.
 - (p) Shelter.
 - (q) Recovered materials processing facility.
 - (r) ATV parks. ATV parks shall have at least 10 acres of land. No ATV park shall be located within 3000 feet of any residential district. Distance shall be measured in a straight line from the nearest lot line of the ATV park to the nearest lot line of a residential district.
- (2) *Special administrative permits:*
- (a) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of less than 90 days' duration.
 - (b) New or additional uses of existing broadcasting towers and line-of-sight relay devices for telephonic, radio, or television communications that are required to get a special use permit as contemplated by section 16-16.005(1)(h).
 - (c) Farmers' markets.
 - (d) Reduction of parking requirements may be permitted by the director of the office of zoning and development subject to a shared parking arrangement under the following criteria:
 - i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
 - ii. All shared parking spaces shall be clearly marked; and
 - iii. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a. A to-scale map indicating location of proposed parking spaces;
 - b. Hours of business operation of nonresidential parking users;
 - c. Written consent of property owners agreeing to the shared parking arrangement;
 - d. Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.
- (3) *Special exceptions:* None.

(Code 1977, § 16-16.005; Ord. No. 1993-54, § 1, 12-13-93; Ord. No. 1995-02, § 1, 1-11-95; Ord. No. 1995-69, § 6, 11-13-95; Ord. No. 1996-19, § 4, 5-13-96; Ord. No. 1996-39, § 1.E, G, 6-24-96; Ord. No. 1999-80, § 1, 11-9-99; Ord. No. 2001-96, § XXXIV, 12-12-01; Ord. No. 2008-62(06-O-0038), § 6G, 7-7-08; Ord. No. 2009-24(08-O-1251), § 2I(2),

6-9-09; Ord. No. 2011-39(10-O-1773), § 3S, 9-15-11; Ord. No. 2015-59(15-O-1302), § 2, 11-25-15 ; Ord. No. 2017-05(16-O-1428) , § 2, 1-26-17; Ord. No. 2019-09(18-O-1581), § 7.G, 1-31-19)

Sec. 16-16.006. Transitional uses, structures, requirements.

- (1) *Transitional uses:* Where a lot in this district abuts a lot in any R-1 through R-G district at the side along the same street frontage, and without an intervening street, the first lot within this district, or the first 100 feet of such lot if it is wider than 100 feet, shall not be used for any drive-in facility, service station, mortuary or funeral home, sales lot for automobiles, or general advertising sign, repair garage, or paint or body shop.
- (2) *Transitional height planes.*
 - (a) No portion of any structure shall protrude through a height limiting plane beginning the specified number of feet above the point set forth in subsection 16-16.006(2)(b) below and extending inward over the I-1 district at an angle of 45 degrees. The following districts shall be considered "protected districts" for purposes of this section 16-16.006(2):
 - i. R-1 through R-5;
 - ii. RG-1 and RG-2;
 - iii. MR-1, MR-2, and MR-MU; and
 - iv. Landmark, Historic, PD, and SPI districts and district subareas having uses and densities predominantly similar to those permitted in the district classifications listed in subsections (i) through (iii) above.
 - (b) Proximity to districts and measurement applications:
 - i. For parcels in an I-1 district that are contiguous to a protected district, the transitional height plane shall be measured beginning 35 feet above the required I-1 setback or transitional yard adjoining the common property line with such protected district.
 - ii. For parcels in an I-1 district that are not contiguous to but are within 150 feet of a protected district, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane shall not extend more than 150 linear feet (measured along the ground) from the protected district up to and into the I-1 district. (See diagrams at section 16-29.001(62).)
 - (c) The purpose and intent of this provision is to provide protection for the named protected districts from nearby looming structures regardless of the presence of an intervening public right-of-way or park or space, public or private street or alley, or any lot or parcel remnant.
 - (d) Transitional height plane measurements shall be applied to parcels on a point-by-point basis and not average grade.
- (3) *Transitional yards:*
 - (a) *Side yard:* Adjacent to an R district without an intervening street, 20 feet is required which shall not be paved or used for parking or servicing.
 - (b) *Rear yard:* There shall be a rear yard of 20 feet adjacent to an R district which shall not be paved or used for parking or servicing.
 - (c) *Screening:* Where a lot in this district abuts a lot in an R-1 through R-G district on the rear or side yard lot line without an intervening street, opaque fencing or screening not less than six feet in height shall be provided and maintained in sightly condition. See section 16-28.008(9).

(Code 1977, § 16-16.006; Ord. No. 2019-09(18-O-1581), § 10.7, 1-31-19)

Sec. 16-16.007. Development controls.

These requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Bulk limitations:* Floor area shall not exceed an amount equal to 2.0 times net land area.
- (2) *Minimum lot width, area, all uses:* No fixed minimum lot widths or areas are established for these districts, but lot dimensions shall be sufficient to meet other requirements set forth herein.
- (3) *Minimum yard requirements:*
 - (a) *Front:* 40 feet.
 - (b) *Side:* Adjacent to a street, half the required front yard, as generally provided. If a building is not built to the lot line, it shall be set back from the lot line at least five feet. For uses adjacent to residential districts, see transitional uses and structures, section 16-16.006.
- (4) *Minimum open space requirements:* The standard ratios for total open space (TOSR) and usable open space (UOSR) on Table 1 "Land Use Intensity Ratios" shall apply to multi-family dwellings, boarding houses containing quarters for five or more persons, and single-room occupancy (SRO) residences according to the nearest floor area ratio (FAR) shown on Table 1 to the actual floor area ratio (FAR) for the development.

(Code 1977, § 16-16.007; Ord. No. 1996-39, § 1.F, 6-24-96)

Sec. 16-16.008. Maximum height limitations.

None, except as required in section 16-16.006.

(Code 1977, § 16-16.008)

Sec. 16-16.009. Off-street parking minimum requirements.

The following parking requirements shall apply to all uses approved by special permits as well as permitted uses (see section 16-28.014 and also section 16-28.015 for loading requirements):

- (1) *Banks, savings and loan associations, and similar financial institutions:* One space per 200 square feet.
- (2) *Business service establishments:* One space per 200 square feet.
- (3) *Clubs, lodges, union halls, hiring halls:* One space per 300 square feet.
- (4) *Eating and drinking establishments, delicatessens, retail sales:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.
- (5) *Manufacturing, warehousing and distribution centers:* One space per 600 square feet or each two employees on the peak working shift whichever is greater.
- (6) *Office, clinics (other than veterinary), laboratories, studios:* One space per 300 square feet.

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- (7) *Veterinary clinics*: One space per 600 square feet.
 - (8) *Bowling alleys, pool halls, billiard parlors, amusement arcades, peep shows*: One space per 100 square feet.
 - (9) *Repair garages, paint and body shops, welding shops*: One (1) space per 200 square feet.
 - (10) *Retail establishments, except as otherwise specifically classified*: One space per 200 square feet.
 - (11) *Car washes*: See section 16-28.021.
 - (12) *Wholesaling*: One space per 400 square feet.
 - (13) *Schools, colleges, churches, recreational or community centers and other places of assembly*: One space for each four fixed seats, with 18 inches of bench length counted as one seat, or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - (a) *Public or private elementary or middle school*: Two spaces for each classroom.
 - (b) *High school*: Four spaces for each classroom.
 - (c) *Colleges and universities*: Eight spaces for each classroom.
 - (d) *Trade schools*: One space for each 200 square feet.
 - (14) *Repair establishments*: One space per 200 square feet.
 - (15) *Hotels and motels*: One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities (GLA).
 - (16) *Multi-family dwellings*: One space per dwelling unit.
 - (17) *Roominghouses*: One space per dwelling unit.
 - (18) *Single-room occupancy residences*: One space for each two dwelling units one space for each employee.
 - (19) *Accessory outdoor dining*: Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.
 - (20) *Shelter*: One parking space for each on duty staff member, whether paid or unpaid. In addition to staff parking, a space of sufficient size is required for each van, bus or other vehicle used by the facility and one additional parking space shall be provided for each 2,000 square feet of the facility.
 - (21) *Self-storage facilities*: One space per 50 individual units/compartments plus one space for each employee on the peak working shift.

(Code 1977, § 16-16.009; Ord. No. 1996-39, § 1.D, 6-24-96; Ord. No. 1996-59, § 8, 8-26-96; Ord. No. 2002-26, § 8, 3-14-02; Ord. No. 2005-41(06-O-0381), §§ 20, 21, 7-12-05; Ord. No. 2008-62(06-O-0038), § 6G(1), 7-7-08; Ord. No. 2009-24(08-O-1251), § 21(3), 6-9-09; Ord. No. 2009-61(09-O-1076), §§ 1(3), (4), 10-13-09)

Sec. 16-16.010. Sidewalks.

- (1) Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.
- (2) *Amenity zone requirements:* The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be five feet. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.
- (3) *Walk zone requirements:* The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of 10 feet for arterial and collector streets and six feet for all other streets. Said zones shall contain a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.
- (4) *Paving:* All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.
- (5) *Street tree planting requirements:* Street trees are required and shall be planted in the ground within the amenity zone and spaced equidistance and on-center between street lights a maximum of 40 feet apart. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriopie spicata. All tree plantings, replacement and removal shall be approved by the city arborist.
- (6) Pedestrian and street lights shall be placed equidistant and on-center between required street trees within the amenity zone.
- (7) Where property within the district abuts an R district without an intervening street, the sidewalk area within 20 feet of such districts shall taper when necessary to provide a smooth transition to the existing R districts sidewalk. In the event that the abutting R district has no existing sidewalk the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the Director of the Office of Zoning and Development.
- (8) Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development upon a finding that one or more of the site conditions set forth in subsections (8)(a) through (8)(f) below are present on the site. The applicant requesting the adjustment must provide documentation establishing the presence of the site condition(s) relied upon. If the adjustment results in the waiver of the sidewalk requirement on the site, the applicant shall construct sidewalks of equal or greater length along adjoining streets in a specific location approved by the Director.
 - a. Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;
 - b. Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;

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- c. Topographic conditions exist that would prevent driveway access to the property upon completion of the proposed sidewalk;
 - d. Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;
 - e. The existence of an overlay zoning district pursuant to chapter 20 of part 16, an Overlay SPI District, or the BeltLine Overlay District; or
 - f. Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly-funded by the City of Atlanta.

(Ord. No. 2018-11(18-O-1023), § 12.M, 5-16-18)

Sec. 16-16.011. Off-street loading requirements.

The off-street loading requirements for this district are as shown in table of loading requirements, chapter 28, section 16-28.015.

(Code 1977, § 16-16.011)

CHAPTER 6. R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

Sec. 16-06.001. Scope of provisions.

The regulations set forth in this chapter or set forth elsewhere in this part when referred to in this chapter are the regulations for the R-4 Single-Family Residential District.

(Code 1977, § 16-06.001)

Sec. 16-06.002. Statement of intent.

The intent of this chapter in establishing the R-4 Single-Family Residential District is as follows:

- (1) To provide for the protection of existing single-family communities and the development of new communities on lots of medium size at a density of not more than one dwelling unit per 9,000 square feet.
- (2) To provide for the development of recreational, educational and religious facilities as basic elements of a balanced community.

(Code 1977, § 16-06.002)

Sec. 16-06.003. Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes, and in no case shall there be more than one main building and one main use on a lot:

- (1) Repealed.
- (2) Public schools through the secondary level operated by the Atlanta Board of Education, having no dwelling or lodging facilities except for caretakers.
- (3) Single-family detached dwellings.
- (4) Structures and uses required for the operation of MARTA, but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purposes.
- (5) The use of a building or premises as a party house is expressly prohibited.
- (6) Short-term rentals, subject to the regulations in Atlanta City Code section 20-1001.

(Code 1977, § 16-06.003; Ord. No. 2020-58(19-O-1393) , § 17, 10-28-20; Ord. No. 2021-60(21-O-0682) , § 8, 12-15-21)

Sec. 16-06.004. Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

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- (1) Greenhouses, garden sheds, private garages and similar structures.
 - (2) Barns for the keeping of horses, provided that no such barn shall be within 50 feet of any lot line.
 - (3) Guest houses, servant quarters, or lodging facilities for caretakers or watchmen.
 - (4) Swimming pools, tennis courts and similar facilities.
 - (5) Home occupation, subject to the limitations set forth in section 16-29.001(17).
 - (6) Structures necessary for active construction projects.
 - (7) Devices for the generation of energy, such as solar panels, wind generators and similar devices.
 - (8) Amateur radio service antenna structures 70 feet or less in height. Amateur radio service antenna towers over 70 feet in height shall be by special use permit and comply with the requirements of 16-25.002(3)h, except that subsection h(ii) and subsection h(iv)(d) shall not be applicable to such applications.
 - (9) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.
 - (10) Urban gardens.
 - (11) Market gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.
 - (12) Accessory dwelling units, where the total number of dwelling units on any parcel, including the accessory dwelling unit, does not exceed two.

Except in the case of home occupation, no accessory use shall be of a commercial nature.

No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and in use.

(Code 1977, § 16-06.004; Ord. No. 2014-53(14-O-1278), § 2(Attach. B), 12-10-14 ; Ord. No. 2014-22(14-O-1092), § 2-G-i, 6-11-14 ; Ord. No. 2019-09(18-O-1581), § 1.A, 1-31-19)

Sec. 16-06.005. Special permits.

The following uses are permissible only by special permits of the kind indicated, subject to the limitations and requirements set forth herein or elsewhere in this part:

- (1) *Special use permits:*
 - (a) Cemeteries, mausoleums and columbariums.
 - (b) Child care nurseries, day care centers, prekindergartens, kindergartens, play and special schools or day care facilities for young children.
 - (c) Churches, synagogues, temples, mosques and other religious worship facilities.
 - (d) Civic, service, garden, neighborhood or private clubs.
 - (e) Colleges and universities, other than trade schools, business colleges and similar uses.
 - (f) Extraction or removal of sand, gravel, topsoil, clay, dirt, or other natural resources.
 - (g) Personal care homes and rehabilitation centers.
 - (h) Landfills.

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- (i) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
 - (j) Nursing homes.
 - (k) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.
 - (l) Private schools.
 - (m) If a lot has no existing street frontage a special use permit is required for the development of a single-family detached dwelling. All other permitted uses and permitted accessory uses and structures are allowed by right on said lot.
- (2) *Special administrative permits:*
- (a) Farmers' markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.
 - (b) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
 - (c) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
 - (d) Urban gardens as a principal use on an undeveloped lot.
- (3) *Special exceptions:*
- (a) Churches, synagogues, temples, mosques and other religious worship facilities, where lot area is one acre or less.
 - (b) Structures and uses required for operation of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.

(Code 1977, § 16-06.005; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ XII, XIII, 12-12-01; Ord. No. 2004-53, §§ 7A—7C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), § 3F, 7-7-08; Ord. No. 2011-39(10-O-1773), § 3G, 9-15-11; Ord. No. 2014-22(14-O-1092), § 2-G-ii, 6-11-14 ; Ord. No. 2020-60(20-O-1022) , § 7, 11-11-20)

Sec. 16-06.006. Transitional uses, structures, requirements.

None.

(Code 1977, § 16-06.006)

Sec. 16-06.007. Minimum lot requirements.

The following minimum lot requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Churches, temples, synagogues, mosques and similar religious facilities, except when authorized by a special permit.*

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- (2) *Single-family detached dwellings and all other uses:* Every lot shall have an area of not less than 9,000 square feet and a frontage of not less than 70 feet.
 - (3) If a lot has less area or width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling.

(Code 1977, § 16-06.007; Ord. No. 2005-21, §§ 1, 2, 3-25-05)

Sec. 16-06.008. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Front yard:* There shall be a front yard having a depth of not less than 35 feet.
- (2) *Side yard:* There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet.
- (3) *Rear yard:* There shall be a rear yard of not less than 15 feet.
- (4) *Accessory structures:* Accessory structures other than fences, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) *Maximum floor area ratio:* The maximum floor area ratio within this district shall not exceed 0.50.
- (6) *Maximum lot coverage:* Maximum lot coverage within this district shall not exceed 50 percent of total lot area.

(Code 1977, § 16-06.008)

Sec. 16-06.009. Maximum height.

The following height limitations shall apply to all uses approved by special permits as well as permitted uses: No building shall exceed 35 feet in height. See section 16-28.022 for excluded portions of structures.

(Code 1977, § 16-06.009)

Sec. 16-06.010. Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permits as well as permitted uses (see section 16-28.014):

- (1) *Single-family detached dwellings:* One space per dwelling.
- (2) *Schools, colleges, churches, recreational or community centers and other places of assembly:* One space for each four fixed seats (with 18 inches of bench length counted as one seat), or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - (a) *Public or private elementary or middle school:* Two spaces for each classroom.
 - (b) *High school:* Four spaces for each classroom.
 - (c) *Colleges and universities:* Eight spaces for each classroom.

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- (3) *[Nursing homes:]* Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.
 - (4) *Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children:* One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
 - (5) *Other uses:* One space for each 300 square feet of floor area.
 - (6) *Accessory dwelling units:* No parking required.

(Code 1977, § 16-06.010; Ord. No. 2004-53, § 7D, 8-20-04; Ord. No. 2019-09(18-O-1581), § 1.B, 1-31-19)

Sec. 16-06.011. Sidewalks.

Whenever the following regulations are at variance with historic district regulations of part 16 chapter 20 or SPI district regulations, the more stringent regulations shall apply.

- (1) Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.
- (2) *Amenity zone requirements:* The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be two feet. This zone is reserved for the placement of street trees in a manner that does not obstruct pedestrian access or motorist visibility.
- (3) *Walk zone requirements:* The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of five feet. Said zone shall contain a consistent cross-slope not exceeding two percent.
- (4) *Paving:* All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.
- (5) *Street tree planting requirements:* Street trees are required and shall be planted in the ground within the amenity zone and spaced a maximum of 40 feet apart from other amenity zone street trees. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriopse spicata. All tree plantings, replacement and removal shall be approved by the city arborist.
- (6) Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development upon a finding that one or more of the site conditions set forth in subsections (6)(a) through (6)(i) below are present on the site. The applicant requesting the adjustment must provide documentation establishing the presence of the site condition(s) relied upon. If the adjustment results in the waiver of the sidewalk requirement on the site, the applicant shall construct sidewalks of equal or greater length along adjoining streets in a specific location approved by the Director.
 - a. Sidewalks exist that are not in need of repair;
 - b. Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;

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- c. Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;
 - d. Topographic conditions exist that would prevent driveway access to the property upon completion of the proposed sidewalk;
 - e. Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;
 - f. Sidewalks on either side of the parcel block face or the opposing block face that are of a dimension different than these requirements. In this case, the new sidewalk dimensions shall match the dimensions of the sidewalks found on the block;
 - g. Parcels that are on block faces that do not have sidewalks or that have opposing block faces that do not have sidewalks may be permitted to waive these sidewalk requirements;
 - h. The existence of an overlay zoning district pursuant to chapter 20 of part 16 or an Overlay SPI District; or
 - i. Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly- funded by the City of Atlanta.

(Ord. No. 2018-11(18-O-1023), § 12.A, 5-16-18)

Sec. 16-06.012. Relationship of building to street.

(1) *Front porches.*

- a. Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the single-family detached dwellings on the block face.
- b. Front porches, when required, shall:
 - i. Be a minimum of 12 feet wide or one-third the width of the front façade, whichever is greater, and a minimum of eight feet deep; and
 - ii. Contain roofs, a minimum of six-inch wide porch roof supports, and steps.
- c. For parcels with more than one street frontage, the front porch requirements of this section shall only be required to be applied to the building façade located in the front yard of the parcel, and not the half-depth front yard, side yard, or rear yard.

(2) *Garages.* Garages with front-facing garage doors shall be recessed and located a minimum distance of ten linear feet behind the front façade of the principal structure. For parcels with more than one street frontage, front-facing garage doors shall be defined as those facing the front yard of the parcel, and not the half-depth front yard, side yard, or rear yard.

(3) *Front doors.* Front doors shall face and be visible from the adjacent street.

(4) *Window fenestration.* Window fenestration shall be provided along the façade of the principal structure for a minimum of ten percent of the front façade area of the principal structure.

(Ord. No. 2019-09(18-O-1581), § 8.2, 1-31-19)

Ord. No. 2019-09(18-O-1581) , § 8.2, adopted Jan. 31, 2019, set out provisions intended for use as § 16-06.011. Inasmuch as there were already provisions so designated, and at the editor's discretion, these provisions have been included as 16-06.012.

ARTICLE VII. - RIPARIAN BUFFER REQUIREMENTS

Sec. 74-300. - Title, authority, and purpose.

- (a) *Title.* This article may be cited as the "City of Atlanta Riparian Buffer Ordinance."
- (b) *Authority.* This article is enacted pursuant to the city's authority under Ga. Const. Art. IX, § II (Home Rule and supplementary powers); O.C.G.A. § 36-35-1 et seq. (Municipal Home Rule powers); Atlanta City Charter §§ 1-102(b), 1-102(c)(42), and 1-102(c)(46); and to implement the requirements of the Metropolitan North Georgia Water Planning District Act, O.C.G.A. § 12-5-570 et seq.
- (c) *Purpose.* The purpose of this article is to maintain stream water quality and protect water resources by protecting buffer areas along the streams and wetlands of the city; to minimize development within such buffers by requiring authorization for any development; to provide additional protection for streams and wetlands within the city beyond the buffer areas mandated by the State of Georgia; to minimize public and private losses due to erosion, siltation, and water pollution; and to promote the safety, health, peace, and general welfare of the city and its inhabitants.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 1, 4-27-10)

Sec. 74-301. - Findings and applicability.

- (a) *Findings.* The City of Atlanta finds that buffers adjacent to streams and wetlands are beneficial to water quality because they:
 - (1) Protect, restore, and maintain the chemical, physical and biological integrity of streams and their water resources;
 - (2) Improve surface water, urban stormwater runoff, and groundwater quality by filtering pollutants, nutrients, sediment, and other contaminants;
 - (3) Reduce erosion and sedimentation;
 - (4) Protect and stabilize stream banks and stream channels;
 - (5) Maintain base flow of streams by aiding in groundwater recharge, and thereby protect dry weather low flows in streams;
 - (6) Contribute organic matter that is a source of food, energy, and habitat for the aquatic ecosystem;
 - (7) Provide tree canopy to shade streams and promote desirable aquatic habitat including but not limited to the moderation of water temperature in streams;
 - (8) Provide and protect riparian wildlife habitat and wildlife migration corridors;

- (9) Offer educational and recreational opportunities; and
- (10) Protect greenspace.

Therefore, the city finds that the protection of the streams, wetlands, and the areas adjacent to them is vital to the safety, health, peace, and general welfare of the city and its inhabitants.

- (b) *Applicability.* This article shall apply to both public and private property within the city. This article shall be administered in its entirety by the department of watershed management unless otherwise specified herein.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 2, 4-27-10)

Sec. 74-302. - 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:

- (1) *Authorized encroachment* means development in the buffer authorized by the technical panel allowing an activity otherwise prohibited by this article.
- (2) *Applicant* means the person who applies for an authorized encroachment and who must be the owner of the real property containing the buffer or an authorized agent of the owner.
- (3) *Best management practices (BMPs)* means a collection of sound conservation and engineering practices, and vegetative measures to prevent or minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia, as referenced in section 74-302(16).
- (4) *Buffer* means the area of land lying adjacent to a wetland or stream in which development is prohibited or limited as more particularly set out in section 74-303.
- (5) *City* means City of Atlanta.
- (6) *Commissioner* means the commissioner of the department of watershed management or a designee.
- (7) *Department* means the department of watershed management or its successor agency.
- (8) *Development* means any human-made change to improved or unimproved property that includes, but is not limited to, construction of buildings or other structures, mining, dredging, filling, clearing and grubbing, clearing, grading, paving, installation of impervious cover, excavation or drilling, storage of equipment or materials, or any construction activity.
- (9) *Effective date* means the date of adoption by city council and approval by the mayor of the Riparian Buffer Ordinance on December 11, 2001.
- (10) *EPD* means the Environmental Protection Division of the State of Georgia Department of Natural Resources.

- (11) *Existing lot* means a parcel of land that was both:
- (i) approved by the director of the bureau of planning or incorporated in the city's official cadastral maps prior to the effective date, or approved later than the effective date but was initiated by an application for subdivision completed and filed on or before May 25, 2001, with all necessary supporting documentation according to the Atlanta City Code, and
 - (ii) recorded in the records of the Clerk of the Superior Court of Fulton or DeKalb County.
- (12) *Extreme hardship* means a unique or special condition more particularly set out in section 74-306(b)(3) proposed by an applicant as grounds for the grant of an authorized encroachment on a new lot.
- (13) *Georgia Stormwater Management Manual* means the guide, First Edition (August 2001 or as updated), published by the Atlanta Regional Commission and adopted by reference in section 74-508 of the Atlanta City Code, and commonly referred to as the "Blue Book." The Georgia Stormwater Management Manual is currently available from the Metropolitan North Georgia Water Planning District (<http://www.northgeorgiawater.com> or <http://www.georgiastormwater.com>).
- (14) *Hardship* means a unique or special condition, more particularly set out in section 74-306(a)(1), and not to include lesser property value by comparison to properties in the vicinity, proposed by an applicant as grounds for the grant of an authorized encroachment.
- (15) *Impervious cover or surface* means any paved, hardened, or structural surface, regardless of material. Impervious cover or surface includes, but is not limited to buildings, rooftops, driveways, streets, roads, parking lots, swimming pools, dams, gaming courts, decks, any concrete or asphalt, and any other surfaces or structures that will substantially reduce or prevent the infiltration of water.
- (16) *Manual for Erosion and Sedimentation Control in Georgia* means the guide published by the Georgia Soil and Water Conservation Commission specified in O.C.G.A. § 12-7-6(b) and adopted by reference in section 74-40(a) of the Atlanta City Code and commonly referred to as the "Green Book." The Manual for Erosion and Sedimentation and Control in Georgia is currently available from the Georgia Soil and Water Conservation Commission (<http://www.gaswcc.org>).
- (17) *Mitigation* means measures undertaken to protect, restore, or enhance a stream, wetland, or buffer in order to compensate for or reduce the adverse impacts of development within a stream, wetland, or buffer, and more particularly set out in section 74-306(d).
- (17.1) *Multi-family residential development* means a building containing three or more dwelling units whether or not the building is for a mixed-use.
- (18) *New lot* means a parcel of land that:

- (i) was approved by the director of the bureau of planning after the effective date, and was not initiated by an application for subdivision completed and filed on or before May 25, 2001, and;
 - (ii) is recorded in the records of the Clerk of the Superior Court of Fulton or DeKalb County.
- (19) *Normal stream flow* means any stream flow that consists of base flow during any period of the year under normal meteorological conditions. Base flow results from groundwater that enters the stream channel through sub-surface flow and includes spring flows into streams. Base flow does not include surface water entering stream channels immediately after precipitation.
- (20) *On-site sewage management system* means a system that includes a septic tank, absorption field and any other elements intended to be used for management and disposal of sewage on-site, as specified in GA Comp. R. & Regs. § 290-5-26-.02(gg) and as regulated by O.C.G.A. §§ 12-5-20 et seq.
- (20.1) *Redevelopment* means a development project on a previously developed site.
- (21) *Stream* means any watercourse that sustains normal stream flow during any period of the year under normal meteorological conditions.
- (22) *Stream channel* means the portion of a watercourse in a well-defined channel that contains the base flow of the stream.
- (23) *Technical panel* means at least three department of watershed management staff professionals designated by the commissioner in accordance with section 74-307 who hold periodic meetings, develop procedures, make determinations, and maintain the public record in order to process applications for authorized encroachments.
- (24) *Waters of the state* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, as provided by O.C.G.A. § 12-7-3(16).
- (25) *Well* means an excavation or constructed opening into the ground from which groundwater is sought or obtained.
- (26) *Wetlands* means those areas, delineated in accordance with the U.S. Army Corps of Engineers Wetlands Delineation. Manual, 1987 as amended that under normal conditions contain hydric soils, hydrophytic vegetation, and hydrologic conditions reflecting temporary or permanent inundation or saturation by surface or ground water. Wetlands generally include swamps, marshes, bogs, and similar areas and typically support a prevalence of vegetation adapted for life in saturated soil conditions.
- (27)

Wrested vegetation, point of means that point at the edge of a stream where vegetation has been moved or wrested as a result of normal stream flow or wave action.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 3, 4-27-10; Ord. No. 2012-01(11-O-1840), § 3, 1-26-12; Ord. No. 2022-37(22-O-1714), § 1, 10-26-22)

Sec. 74-303. - Buffer requirements.

From and after the effective date of this ordinance, no person shall conduct development within the buffers set out as follows:

- (a) *City of Atlanta Stream Buffer.* Streams shall have a 75-foot, natural, undisturbed, vegetative buffer measured perpendicularly and horizontally on both sides of the stream from the point of wrested vegetation.
- (b) *City of Atlanta Wetlands Buffer.* Wetlands shall remain in their natural state and shall have a minimum 25-foot, natural, undisturbed, vegetative buffer measured horizontally and perpendicularly on all sides of the wetland (where applicable) from the edge of the wetland as determined and delineated in accordance with section 74-401 et seq. of the Atlanta City Code. Wetlands lying in part or in whole within a stream buffer shall have a buffer that includes the extent of the wetland within the stream buffer, plus the wetland buffer.
- (c) *Water Supply Watershed Buffer.* The water supply watershed buffer applies to streams that are both tributary to a water supply and within a seven-mile radius of the boundary of a reservoir. A map of the Water Supply Watershed Buffer (which currently consists of the Long Island Creek Basin) shall be maintained for public inspection in the department of watershed management. The following buffer requirements shall apply from and after January 13, 2009:
 - (1) A natural, undisturbed vegetative buffer shall be maintained for a distance of 100 feet measured perpendicularly and horizontally on both sides of the stream from the point of wrested vegetation.
 - (2) No impervious surfaces or on-site sewage management systems shall be constructed within a distance of 150 feet measured perpendicularly and horizontally on both sides of the stream from the point of wrested vegetation.
- (d) *Waters of the State Buffer.* As required by O.C.G.A. § 12-7-6 and section 74-43(c)(15) of the Atlanta City Code, waters of the state not otherwise covered by this article shall have a 25-foot, natural, undisturbed, vegetative buffer measured perpendicularly and horizontally from the point of wrested vegetation.
- (e) *Measuring of buffers.* For purposes of measuring buffers set out in this section, if wrested vegetation is not present due to a human-made modification, removal, or replacement of the stream bank with a structure (e.g. concrete lining, gabions, retaining wall, or rip rap), the buffer shall be measured from the top of the structure or point of modification or removal.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 4, 4-27-10; Ord. No. 2012-01(11-O-1840), § 4, 1-26-12)

Sec. 74-304. - Stream crossing requirements.

Construction or repair of structures that cross streams, including but not limited to those exempt under section 74-305, shall be subject to the following:

- (a) A hydraulic analysis prepared, signed, and sealed by an engineer registered to practice in the State of Georgia is required for any proposed stream crossing. The analysis shall demonstrate that the proposed crossing will not adversely impact upstream and downstream properties during a 100-year flood; and
- (b) Free-span techniques shall be employed to prevent blockage or constriction of natural drainage ways; and
- (c) Approximately perpendicular crossing angles shall be employed; provided, however, crossings shall be aligned to minimize buffer disturbance to the maximum extent practicable; and
- (d) Best management practices shall be utilized, stream banks shall be properly stabilized, and buffers shall be vegetated in accordance with the City of Atlanta Buffer Revegetation Guidelines.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 5, 4-27-10)

Sec. 74-305. - Exemptions.

Subject to protection of the buffer to the maximum extent practicable and compliance with stream crossing requirements set out in section 74-304, the construction, operation, and maintenance of the following are exempt from the authorized encroachment requirements of section 74-306:

- (a) Existing public streets, utilities, and related appurtenances;
- (b) Stream crossings for public or private utility lines, and for streets and stormwater infrastructure and related appurtenances required to be dedicated to the city;
- (c) Public drinking water, public wastewater, and public stormwater infrastructure and related appurtenances and treatment facilities;
- (d) Multi-use trails, pedestrian bridges, and associated appurtenances listed in the City of Atlanta Comprehensive Development Plan; provided, however, section 74-306(d) shall apply;
- (e) A single driveway necessary to provide access to an existing lot;
- (f) Environmental monitoring and remediation activities such as water quality monitoring, stream gauging activities, and soil and groundwater monitoring or remediation;
- (g)

Removal of dead, dying, diseased, or hazardous trees, provided, however, no grading or stump removal shall be conducted, and such removal is authorized by the city arborist pursuant to section 158-26 et seq. of the Atlanta City Code;

- (h) Removal without replacement of existing impervious cover from the buffer; and
- (i) Activities on owner-occupied, single-family, residential lots to protect, restore, or enhance stream bank stability, vegetation, water quality, or aquatic habitat, or minor land disturbing activities as set out in O.C.G.A. § 12-7-17(3); provided, however, no grading shall be conducted.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 6, 4-27-10)

Sec. 74-306. - Authorized encroachments.

The technical panel may authorize an encroachment to allow development within the buffer upon a showing by the applicant that due to site-specific conditions, the buffer required by this article would result in a hardship or extreme hardship; provided however, the grant of such encroachment shall require mitigation such that post-development conditions are at least as protective of water quality as pre-development conditions and as otherwise required by subsection (d).

An authorized encroachment may be granted in accordance with the following:

- (a) *Existing lots of record.* In addition to the requirements set out in (c), (d) and (e) of this section, the technical panel may grant an authorized encroachment subject to the requirements of this article on existing lots of record (as defined herein):
 - (1) The technical panel may grant an authorized encroachment subject to the requirements of this ordinance when literal enforcement of the required buffer would result in a hardship, and no reasonable alternative to an authorized encroachment exists; and
 - (2) No authorized encroachment shall be granted to an existing lot of record that allows for development unless it is a redevelopment that meets the requirements of subsection 74-306(a)(3) of this article or a single- or two-family residential development; and
 - (3) No authorized encroachment shall be granted for redevelopment of an existing lot of record unless the redevelopment:
 - (i) Results in a net reduction of the buffer encroachment from the existing condition, the redevelopment is designed to minimize the degree and impact of the encroachment, and the result of redevelopment is an overall improvement of buffer's ability to provide water quality and other environmental benefits, or
 - (ii) Is for the purpose of multifamily residential development and the proposed encroachment is located in the outermost 25 feet of the buffer, the redevelopment is designed to minimize the degree and impact of the encroachment, and the result of

redevelopment is an overall improvement of buffer's ability to provide water quality and other environmental benefits.

(b) *New lots of record.* In addition to the requirements set out in (c) and (d) of this subsection, no authorized encroachment shall be granted to a new lot of record except in the case of an extreme hardship. An extreme hardship shall be based upon on a showing by the applicant (set out more particularly in section 74-308) that no reasonable alternative for compliance exists and denial of such authorized encroachment would result in one of the following:

- (1) Non-compliance with applicable state or federal regulatory law, including, in particular, the Americans with Disabilities Act of 1990; or
- (2) Severe and unavoidable hazard to public health or safety; or
- (3) Severe and unavoidable harm to the environment;

Provided, however, neither lesser property value by comparison to properties in the vicinity, nor compliance with this or other applicable ordinances shall constitute grounds for extreme hardship.

(c) *All lots of record.* The following are applicable to all authorized encroachments.

- (1) Authorized encroachments shall not be granted that reduce the buffer to a width less than the minimum standards established by O.C.G.A. §§ 12-2-8, 12-7-6, or federal law.
- (2) Authorized encroachments shall not be granted for a distance, location, or activity that is greater than necessary to alleviate a hardship or extreme hardship imposed by a strict application of this article.
- (3) Actions of a property owner that have created a hardship or extreme hardship shall not constitute grounds for granting an authorized encroachment.
- (4) The granting of a zoning variance shall not create a right to an exemption under section 74-305 or the grant of an authorized encroachment under section 74-306.
- (5) Authorized encroachments shall not be granted for wells, on-site sewage management systems, detention ponds, or underground stormwater detention facilities, except upon a showing by the applicant of an extreme hardship as set out in section 74-306(b)(3).
- (6) Authorized encroachments shall not be granted for impervious gaming courts.
- (7) Authorized encroachments shall be designed to maximize the area of the buffer where sheet flow discharge of stormwater occurs. The sheet flow of stormwater through the entire buffer shall be the goal of the design. However, where redirection of stormwater is necessary for drainage control, vegetated swales shall be utilized where practicable.

(d) *Mitigation generally.* Mitigation shall be required as a condition for the grant of an authorized encroachment in order to ensure that post-development conditions are at least as protective of water quality as pre-development conditions. Mitigation shall be proposed by the applicant

in accordance with guidance prepared by the department of watershed management that shall include, at a minimum, the following options:

- (1) Stormwater quality improvement measures or stormwater quantity reduction measures as specified by the Georgia Stormwater Management Manual;
 - (2) Stream or wetland restoration;
 - (3) Buffer revegetation as specified in the City of Atlanta Buffer Revegetation Guidelines, which shall be maintained by the department of watershed management and available for public inspection;
 - (4) Reduction of run-off beyond pre-development levels;
 - (5) Removal of existing impervious surfaces;
 - (6) Buffer compensation; or
 - (7) Green Infrastructure or low impact development practices designed in accordance with the Coastal Stormwater Supplement of the Georgia Stormwater Management Manual.
- (e) *Mitigation for certain multifamily residential development.* Multifamily residential development referred to in subsection (a)(3)(ii) shall comply with the following mitigation requirements, in addition to the mitigation required in (d) above:
- (1) Exceed the minimum post-development stormwater runoff reduction or water quality protection measures referred to in section 74-513 of the Atlanta City Code by a minimum of 50 percent; and
 - (2) Onsite streams and wetlands must be restored to their natural state.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 7, 4-27-10; Ord. No. 2012-01(11-O-1840), §§ 1, 2, 5, 1-26-12; Ord. No. 2022-37(22-O-1714), § 2, 10-26-22)

Sec. 74-307. - Technical panel.

The commissioner shall designate a technical panel for the review and processing of applications for authorized encroachments. The technical panel shall be comprised of at least three staff professionals in the department of watershed management certified by the Georgia Soil and Water Conservation Commission pursuant to O.C.G.A. § 12-7-19 in the field of pollution, erosion, and sedimentation control at the plan reviewer level (Level II). Technical panel members shall serve for a period of two years renewable by the commissioner, and should have expertise in the following areas: stream buffer revegetation, erosion and sedimentation control, stream and wetland restoration, mitigation (as defined herein), and riparian habitat restoration. The technical panel shall meet not less than once monthly, shall develop procedural rules, maintain a docket, and make records available for review upon request.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 8, 4-27-10)

Sec. 74-308. - Contents of an application for an authorized encroachment.

- (a) Applicants shall apply for an authorized encroachment on a form supplied by the department and in a format specified by the department. An application shall include, at a minimum, the following showings by the applicant:
- (1) Documentation that the lot was recognized by the city either on or before the effective date of this ordinance (as defined herein), or after the effective date of this ordinance;
 - (2) A written description of the project, including details of the buffer disturbance
 - (3) Documentation of hardship or extreme hardship should the authorized encroachment application be denied;
 - (4) Alternative plans which attempt to meet the same development goals as the original site plan while preventing buffer intrusion, and an explanation of why the alternative development is not feasible;
 - (5) Demonstration that impact to the stream buffer will be minimized and that impact only occurs to the extent necessary to remove a hardship or extreme hardship;
 - (6) Signature of the applicant; and
 - (7) A site plan that depicts the physical characteristics of the property, including, at a minimum, the following:
 - (i) Waters of the state, streams, wetland delineation, floodplain boundaries, other natural features, and all buffers as determined by a field survey;
 - (ii) Property boundaries, size, existing and proposed topography, slopes, soil types, vegetation, and other relevant physical characteristics of the property;
 - (iii) Locations of both existing and proposed structures, utilities, stormwater facilities, impervious surfaces, and the boundaries of the area of soil disturbance both inside and outside of the buffer. The area of the buffer to be impacted shall be accurately and clearly delineated, and shall show the total area and length of buffer disturbance;
 - (iv) Erosion and sedimentation control measures in accordance with the Manual for Erosion and Sediment Control in Georgia to prevent the migration of sediment into streams, wetlands, or waters of the state;
 - (v) 100-year flood components for all streams with elevations and contour locations as they cross the property. Where 100-year flood elevations have been determined by the Federal Emergency Management Agency Flood Insurance Rate Maps, or where other studies deemed acceptable by the department exist, those elevations shall be used. In areas that have not been studied by the Federal Emergency Management Agency as shown on flood

insurance rate maps, the technical panel may require a 100-year flood study prepared in accordance with Atlanta City Code Chapter 74, Article V, and prepared by a professional engineer or hydrogeologist currently licensed in the State of Georgia;

- (vi) Proposed mitigation for the buffer disturbance in accordance with section 74-306(d).
- (b) The technical panel may require other information deemed necessary to evaluate an application including, but not limited to, engineering analysis of stream dynamics, cross sections and profiles, details of proposed mitigation, and modifications to site plans.
- (c) The applicant shall certify that all information provided in the application and all supporting documentation is true and correct. The omission or misrepresentation of material fact in connection with the application shall be grounds for denial.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 9, 4-27-10; Ord. No. 2022-37(22-O-1714), § 3, 10-26-22)

Sec. 74-309. - Technical review.

Within 30 days of receipt of a substantially complete application, the technical panel shall conduct a technical review, which shall include, at a minimum, an evaluation of the following:

- (a) Whether the application meets the requirements of section 74-308 and provides sufficient information to proceed with review;
- (b) Whether the application contains a disqualifying characteristic that makes the applicant ineligible for an authorized encroachment;
- (c) Whether the proposed encroachment is on a wetland, 100-year floodplain, or other location that is inappropriate for development;
- (d) Whether the property owner has demonstrated a hardship or an extreme hardship;
- (e) Whether, in light of the showings by the applicant required by section 74-308, the applicant has demonstrated that the location and extent of the proposed buffer encroachment has been minimized;
- (f) Whether alternative designs are possible which require less intrusion or no intrusion;
- (g) Whether, in light of the mitigation proposed by the applicant in accordance with section 74-306(d), the post-development conditions will be at least as protective of water quality as pre-development conditions;
- (h) Whether the proposed development meets all other requirements of this ordinance; and
- (i) Whether the property to be affected by the authorized encroachment has no reasonable use given, but not limited to, the current zoning if the authorized encroachment is denied.

Upon completion of technical review, the technical panel shall either request modifications, or in the event compliance with the applicable criteria is not possible, deny the application for authorized encroachment.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 10, 4-27-10; Ord. No. 2022-37(22-O-1714), § 4, 10-26-22)

Sec. 74-310. - Public notice of application, public comment, and maintenance of public record.

Public notice and the opportunity for public comment is required as a condition for the grant of an authorized encroachment. The purpose of public notice and comment is to provide an opportunity for public input and engagement on the proposed encroachment, and to provide the technical panel with relevant information consistent with the requirements of this ordinance.

- (a) *Public comment.* The public may comment on any application for an authorized encroachment during the pendency of the application. Public comments may be submitted in writing to the attention of the riparian buffer technical panel in the department of watershed management or may be made during a hearing at which the technical panel considers the application. Public comments shall be timely and must identify the application to which they pertain. Public comments shall be made part of the application file.
- (b) *Public notice.* The applicant shall notify the public of the application for an authorized encroachment in accordance with this section. The technical panel is authorized to develop standards and procedures for posting of notice, which shall, at a minimum, include the following:
 - (1) The applicant shall notify all owners of real property adjoining the stream or wetland for a distance of 200 feet upstream and 500 feet downstream as measured from the property line contiguous to the stream or wetland that an authorized encroachment is being requested. The notice shall be sent via U.S. mail, shall contain a copy of the application and the information listed in section 74-310(c), and shall be postmarked within 14 days of the date the application is submitted; and
 - (2) The applicant shall notify the chairperson of the NPU in which the subject property is located that an authorized encroachment is being requested. The notice shall be sent via U.S. mail, shall contain a copy of the application and the information listed in section 74-310(c), and shall be postmarked within 14 days of the date the application is submitted; and
 - (3) The city shall post a sign on the property for which the authorized encroachment is being sought in accordance with the following specifications:
 - (i) Post one sign adjacent to each street the property abuts for every 600 feet of frontage;

- (ii) The sign shall contain the words "stream buffer encroachment" in letters not less than three inches high;
 - (iii) The sign shall be legible and posted in a conspicuous place on the property so it can be easily viewed from the public street on which the property fronts;
 - (iv) The sign shall be at least one and one-half feet by two feet;
 - (v) The sign shall contain all information in section 74-310(c); and
 - (vi) The sign shall remain in place for a minimum of 30 consecutive calendar days.
- (c) *Notice contents.* The notice required by subsections (b)(1) and (2) shall include the following information:
- (1) The property address where the encroachment is being proposed;
 - (2) The scope of the proposed encroachment;
 - (3) The authorized encroachment application number;
 - (4) The location where plans may be reviewed and that comment may be submitted during the pendency of the application or during a hearing at which the technical panel considers the application; and
 - (5) The current address and contact information, including phone number and email address, for the riparian buffer technical panel, department of watershed management.
- (d) *Certification.* Upon completion of public notice required by subsections (b)(1) and (2), the applicant shall certify to the technical panel that all public notification requirements have been fulfilled and shall provide documentation of compliance including, but not limited to, copies of required letters.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 11, 4-27-10; Ord. No. 2012-01(11-O-1840), § 6, 1-26-12; Ord. No. 2022-37(22-O-1714), § 5, 10-26-22)

Sec. 74-311. - Processing of applications for authorized encroachments.

- (a) *Public comment.* When determining the application, the technical panel shall determine whether public notice was completed in accordance with section 74-310.
- (b) *Determination.* After due consideration of public comments, the technical panel shall issue a determination and notify the applicant of the determination in writing. The technical panel may make findings of fact and conclusions to support its determination. The technical panel may take any of the following actions on an application for an authorized encroachment:
 - (1) Issue the authorized encroachment as requested in the application;
 - (2) Issue an authorized encroachment with written, site-specific conditions necessary to ensure conformity to the requirements and stated intent of this article; or
 - (3) Deny the application.

- (c) *Expiration.* An application shall expire when there has been no activity on the application for a period of 180 days. With respect to an application not approved for issuance of an authorized encroachment, "no activity" shall mean that the applicant has not responded to the technical panel's notification that additional information or corrections are required before further processing of the application can take place.
- (d) *Term.* An authorized encroachment may be transferred to subsequent property owners; provided, however, changes to the site plan as set out in section 74-308(a)(7) require resubmission of the application. The authorized encroachment shall expire if a building permit is not issued for the proposed encroachment within 30 months of the date the encroachment is granted.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 12, 4-27-10; Ord. No. 2022-37(22-O-1714), § 6, 10-26-22)

Sec. 74-312. - Notice of disposition.

- (a) Following the grant of an authorized encroachment, the applicant shall notify each of the following parties of the technical panel's determination under section 74-311(b) via certified mail return receipt requested within ten calendar days of receipt of notice:
- (1) All property owners notified pursuant to section 74-310(b)(1); and
 - (2) The chairperson of the NPU in which the subject property is located.
- (b) The notice required by section 74-312(a) above shall state the technical panel's determination, the location where the application and related records are available for inspection, and the deadline for appeal as set out in section 74-313(a).

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 13, 4-27-10)

Sec. 74-313. - Appeal.

- (a) Within 30 days of the date of issuance of a determination by the technical panel, aggrieved or adversely affected parties may file an appeal with the commissioner. Such appeal shall be in writing and shall include a copy of the technical panel's determination.

Appellants shall submit a copy of the appeal to the technical panel. Upon receipt of an appeal and for good cause, the commissioner may suspend the authorized encroachment pending review. Within 30 days after receipt of an appeal, the commissioner shall make a determination and notify the appellant.

- (b) The commissioner's determination may be appealed to the superior court of the county where the subject property is located. Such appeal shall be filed within 30 days of the date of issuance of the commissioner's determination as provided in O.C.G.A. § 5-4-1 and will be reviewed under the standard provided by O.C.G.A. § 50-13-19(h).

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 14, 4-27-10)

Sec. 74-314. - Relationships to other laws and regulations.

(a) *Relationship to O.C.G.A. §§ 12-2-8 and 12-7-6.*

- (1) The City of Atlanta Stream Buffer shall overlay the state waters buffer recognized by section 74-43(c)(15) of the Atlanta City Code, and created by O.C.G.A. §§ 12-2-8 and 12-7-6. If an applicant applies to EPD for a state waters buffer variance under O.C.G.A. § 12-7-6, the applicant must also apply with the city for an authorized encroachment, and these applications may be considered concurrently.
- (2) No provision of this article shall be interpreted as relaxing or exempting any requirement of O.C.G.A. §§ 12-2-8 or 12-7-6. The technical panel shall not grant an authorized encroachment to stream buffers otherwise regulated by the Environmental Protection Division, Department of Natural Resources, State of Georgia pursuant to O.C.G.A. § 12-2-8 absent the grant of a stream buffer variance from EPD.
- (3) Receiving a stream buffer variance from EPD from the operation of O.C.G.A. § 12-7-6 is not grounds for the technical panel to grant a similar authorized encroachment.

(b) *Relationship to the Metropolitan River Protection Act.* No provision of this article shall be interpreted as relaxing or exempting any requirement of the Metropolitan River Protection Act, O.C.G.A. § 12-5-453. Further, the requirements of this article are intended to fulfill the requirements of the Metropolitan River Protection Act, O.C.G.A. § 12-5-453, which mandate that local jurisdictions adopt regulations governing the use of all land which is in the drainage basin of any tributary flowing into the Chattahoochee River Corridor (2,000-foot Chattahoochee River Corridor), which at a minimum, include buffer areas of adequate width as determined by local governing authorities along all flowing streams in the drainage basin of any tributary, in which buffer areas there shall be no development.

(c) *Relationship to Chapter 74 Article VIII of the Atlanta City Code (Wetland Protection Regulation).*

- (1) The technical panel shall not grant an authorized encroachment allowing development in a wetland under the jurisdiction of the United States Army Corps of Engineers pursuant to § 404 of the Clean Water Act absent the grant of a United States Army Corps of Engineers permit.
- (2) No section of this article shall be interpreted as relaxing or exempting any requirements of section 74-401 et seq. of the Atlanta City Code, § 404 of the Clean Water Act, or any jurisdictional wetland disturbance permitting procedures under the jurisdiction of the United States Army Corps of Engineers.

(3)

The City of Atlanta Wetland Buffer shall overlay any buffers or other protections that may be required by federal law. If an applicant applies to the Department of the Army for a wetland disturbance permit, the applicant must also apply with the city for an authorized encroachment, and these applications may be considered concurrently. Receiving a United States Army Corps of Engineers permit is not grounds for the technical panel to grant a similar authorized encroachment.

- (d) *Relationship to O.C.G.A., 12-5-570 et seq.* The water supply watershed buffer is adopted, effective January 13, 2009, pursuant to O.C.G.A. § 12-5-570 et seq. and GA Comp. R. & Regs. §§ 391-3-16.01 et seq.

As required by O.C.G.A. § 12-5-570 et seq., from and after January 13, 2009, new facilities located within seven miles of a water supply intake or water supply reservoir that handle hazardous materials of the types and amounts determined by the Department of Natural Resources, State of Georgia, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources, State of Georgia.

- (e) *Relationship to Chapter 74 Article II of the Atlanta City Code (Soil Erosion and Sedimentation Control).* Erosion and sedimentation control best management practices as set forth in Chapter 74 Article II of this Code shall be implemented to prevent the migration of any sediment into a stream, wetland, waters of the state, or buffer, if such practices are not already required by this or other ordinances.
- (f) *Relationship to plat approval process for lot creation.* No new lot shall be created, and the commissioner shall not approve any preliminary or final subdivision plat, that requires an authorized encroachment in order to comply with minimum lot development requirements as set out in section 74-306(b)(1) or section 74-306(b)(2), or in Parts 15 and 16 of the City of Atlanta Land Development Code. In addition, the following requirements shall apply:
- (1) All riparian buffers shall be shown on the plat;
 - (2) For any new development, the riparian buffer shall be physically delineated in accordance with City of Atlanta Buffer Revegetation Guidelines.
- (g) *Conflict with other laws.* No section of this ordinance shall be interpreted as relaxing or exempting any requirements of Chapter 74 Article II, Chapter 74 Article VI, or Chapter 158 Article II of the Atlanta City Code. In the event of a conflict between or among any provisions of this article, or any other laws, regulations, or policies, the requirements that are most protective of water quality shall apply. Violation of this article shall not preclude the prosecution of a violation of other sections of this Code which may apply.
- (h) *Liability.* Neither the issuance of a building permit nor compliance with this article shall relieve any person from civil liability to any person or property otherwise imposed by law, or constitute the assumption of such liability.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2009-01(08-O-2281), § 1, 1-13-09; Ord. No. 2010-13(10-O-0058), § 15, 4-27-10; Ord. No. 2022-37(22-O-1714), § 7, 10-26-22)

Sec. 74-315. - Nonconformities.

Structures, or impervious surfaces, existing as of the effective date of this article, and as amended, shall be deemed existing nonconforming for the purposes of this article. No structure or impervious surface shall be horizontally expanded to occupy greater land area inside the buffer; altered in a manner that changes the quantity, velocity, or quality of stormwater runoff; or moved in whole or in part to any other portion of the buffer without an authorized encroachment. Any replacement or reconstruction activity within the buffer shall occur within the original footprint or shall require compliance with the provisions of this article. No authorized encroachment is required by this article for repairs, restoration, and renovation performed upon existing structures and impervious surfaces which are considered to be existing nonconforming as of the effective date of this article.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 16, 4-27-10)

Sec. 74-316. - Buffer management and maintenance.

- (a) In the event that development is conducted within 25 feet of any buffer, the buffer shall be physically protected by placing currently approved tree protection fencing at the buffer boundary or the limits of construction, whichever is more protective of the buffer. If an authorized encroachment has been granted, the limits of the encroachment shall be similarly delineated.
- (b) The owner of the property containing a buffer as defined herein shall be responsible for maintenance of the buffer and shall inspect the buffer periodically for evidence of degradation in regard to the purposes listed in section 74-301 and compliance with all other provisions of this article. Corrective actions shall be taken by the owner in a manner to ensure compliance with the terms of this article.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 17, 4-27-10)

Sec. 74-317. - Enforcement.

The commissioner is authorized to enforce the requirements of this article in accordance with the procedures set forth in this section.

- (a) Any person who conducts development within a buffer that is in violation of this Code shall be subject to the general penalty set out in section 1-8 (a fine not exceeding \$1,000.00, imprisonment for a term not exceeding six months, or any combination thereof) and shall be

required to restore or remove the unpermitted encroachment and revegetate the area per the City of Atlanta Buffer Revegetation Guidelines. Each day during which violation or failure to comply continues shall be a separate violation.

- (b) *Notice of violation.* If the City of Atlanta determines that a person has failed to comply with any provision of this article, it may issue a written notice of violation to such applicant or other responsible person. Such notice shall be in writing and shall be served on the applicant, owner, or the responsible person in charge of the activity being conducted on the site.
- (c) *Stop work orders.* The commissioner of the department of watershed management, and the commissioner of the department of city planning, and the commissioners' designee(s) are each authorized to issue stop work orders to any person that violates any provision of this article. Stop work orders may include a specific area and activity, or the entire site and all activities. Stop work orders are effective immediately and shall remain in effect until the necessary corrective actions or remedial measures have occurred. Stop work orders shall state the conditions under which the work may be resumed.
- (d) *Refusal to issue certificates of occupancy or completion.* The commissioner of the department of city planning or said commissioner's designee is authorized to refuse to issue certificates of occupancy or completion for the building or other improvements constructed or being constructed on a site until the owner or responsible person has taken the remedial measures as set forth in the notice of violation or stop work order, or has otherwise corrected the violations described therein.
- (e) *Suspension, revocation, or modification of building permit.* If the City of Atlanta determines that an applicant or other responsible person has failed to comply with any provision of this article or with the terms and conditions of an authorized encroachment, the commissioner of the department of city planning or said commissioner's designee may suspend, revoke or modify the building permit that was issued authorizing the development, and following implementation of remedial measures or mitigation to protect water quality, may reinstate the building permit.
- (f) *Suspension, revocation, or modification of authorized encroachment.* If the City of Atlanta determines that an applicant or other responsible person has failed to comply with the requirements of an authorized encroachment, the commissioner may suspend, revoke or modify the authorized encroachment, and following implementation of remedial measures or mitigation to protect water quality, may reinstate the authorized encroachment.
- (g) *Restoration or removal of encroachment.* From and after the effective date of this ordinance, development within a buffer that is in violation of this article shall constitute a nuisance per se and shall be unlawful. The solicitor or city attorney is authorized to file such actions as may

be necessary to remedy the encroachment in the buffer, including petition for a restraining order, injunction, abatement, or any other appropriate legal action or proceeding in a court of competent jurisdiction to prevent, restrain, or abate an unlawful use or activity.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 18, 4-27-10; Ord. No. 2017-14(17-O-1157), § 6, 4-26-17)

Secs. 74-318—74-320. - Reserved.

Editor's note— Ord. No. 2010-13(10-O-0058), §§ 19—21, approved April 27, 2010, repealed §§ 74-318—74-320, which pertained to liability; conflict with other regulations; and relationship to Metropolitan River Protection Act. See also the Code Comparative Table.

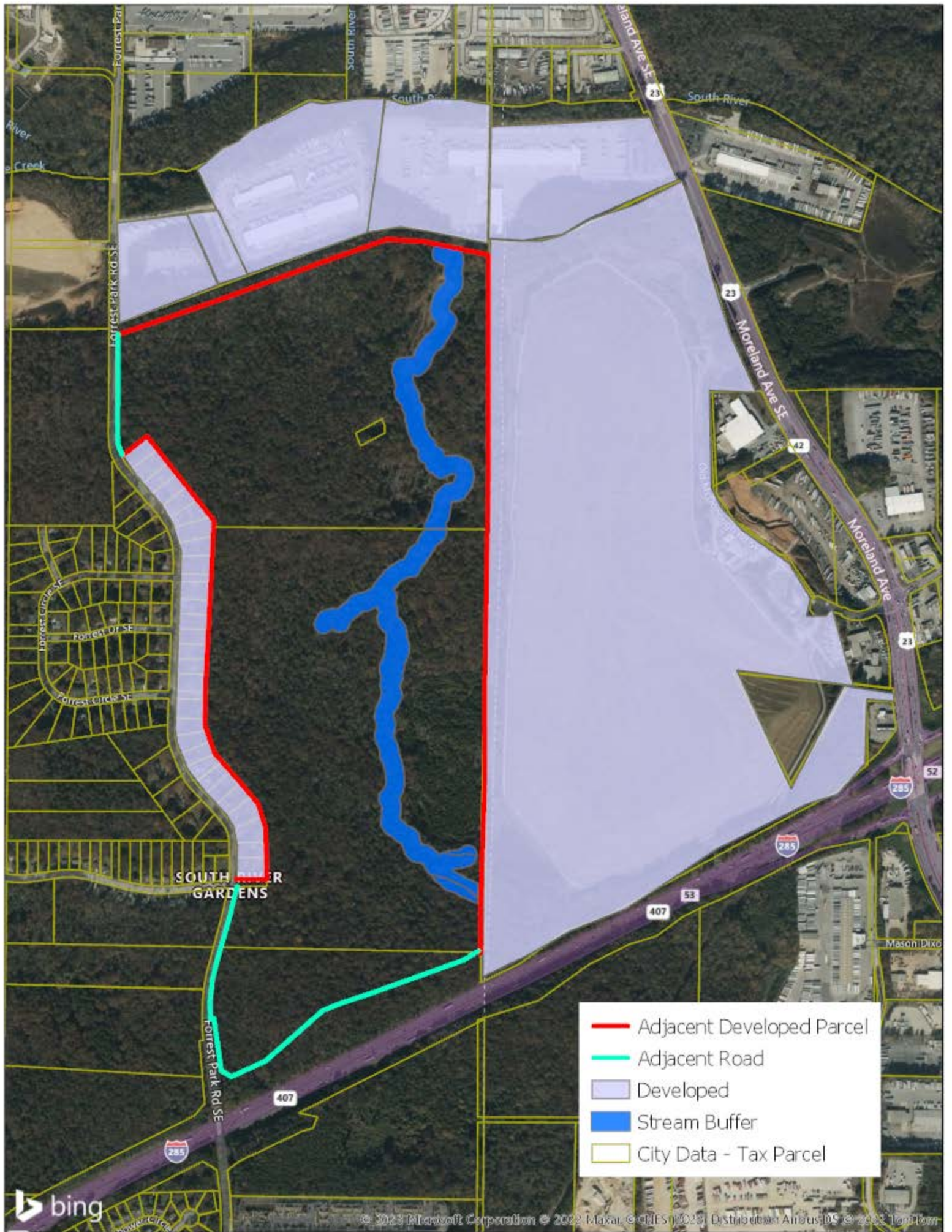
Sec. 74-321. - Severability.

Should any section, subsection, clause, or provision of this article be declared to be invalid, such decision shall not affect the validity of this article in whole or any part thereof other than the part so declared to be invalid.

(Ord. No. 2001-100, § 3, 12-11-01; Ord. No. 2002-21, § 3, 3-26-02; Ord. No. 2010-13(10-O-0058), § 22, 4-27-10)

Secs. 74-322—74-400. - Reserved.

Threat of Loss Demonstration



Attestation of No Double Counting and No Net Harm



Lake Charlotte Nature Preserve Carbon Credit Program Attestation of No Double Counting of Credits & No Net Harm

I am Chandra Farley of the City of Atlanta and make this attestation regarding the no double counting of credits and no net harm from this tree preservation project, Lake Charlotte Nature Preserve Carbon Credit Program.

1. Project Description

The Project that is the subject of this attestation is described more fully in both our Application and our Project Design Document (PDD), both of which are incorporated into this attestation.

2. No Double Counting by Applying for Credits from another Registry

The City of Atlanta has not and will not seek credits for CO₂ for the project trees or for this project from any other organization or registry issuing credits for CO₂ storage.

3. No Double Counting by Seeking Credits for the Same Trees or Same CO₂ Storage

The City of Atlanta has not and will not apply for a project including the same trees as this project nor will it seek credits for CO₂ storage for the project trees or for this project in any other project or more than once.

4. No Net Harm

The trees preserved in this project will produce many benefits, as described in our Application and PDD. Like almost all urban trees, the project trees are preserved for the benefits they deliver to people, communities, and the environment in a metropolitan area.

The project trees will produce many benefits and will not cause net harm. Specifically, they will not:

- Displace native or indigenous populations
- Deprive any communities of food sources
- Degrade a landscape or cause environmental damage

Signed on February 24 in 2023, by Chandra Farley, Chief Sustainability Officer for the City of Atlanta.

Signature

Chandra Farley
Printed Name

470-316-1936
Phone

CFarley@atlantaga.gov
Email

Attestation of Additionality

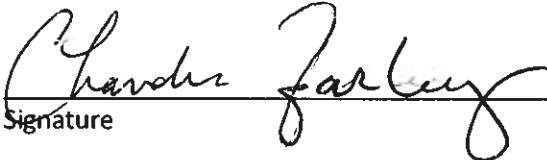


Lake Charlotte Nature Preserve Carbon Credit Program Attestation of Additionality

I am Chandra Farley of the City of Atlanta and make this attestation regarding additionality from this tree preservation project, Lake Charlotte Nature Preserve Carbon Credit Program.

- Project Description
 - The Project that is the subject of this attestation is described more fully in our Application and our Project Design Document (PDD), both of which are incorporated into this attestation.
- Prior to the start of the project, the trees in the project area were not protected via easement or recorded encumbrance or in a protected zoning status that preserves the trees.
- The zoning in the project area currently allows for a non-forest use
- The trees in the project area face a threat or risk of removal or conversion out of forest
- The City of Atlanta recorded in the public land records a Declaration of Development Restrictions, specifically protecting the trees for the project duration of 40 years and in perpetuity. This Declaration of Development Restrictions, in addition is supported by the City's preservation measures that are set out in the Atlanta City Code and City of Atlanta Ordinance 20-O-1215.
- Additionality is also embedded in the quantification methodology that our project followed. Projects cannot receive, and our project will not receive, credits for trees that would have remained had development occurred, nor can they receive soil carbon credits for soil that would have been undisturbed had development occurred. Our project also had to apply a discount to credited carbon for potential displaced development due to the project.
- Project Implementation Agreement for Project Duration
 - City of Atlanta signed a Project Implementation Agreement with City Forest Credits for 40 years.

Signed on February 24 in 2023, by Chandra Farley, Chief Sustainability Officer for the City of Atlanta.


Signature

Chandra Farley
Printed Name

470-316-1936
Phone

CFarley@atlantaga.gov
Email

Carbon Quantification Tool

City Forest Credits - Preservation Protocol Carbon Quantification Calculator

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Project Operator
 Project Name
 Project Location

Carbon Quantification Summary	Protocol Section	Supplemental Information/Notes
196.270 Total Project Area Acres		Include project area for all parcels enrolled in carbon project
B44 Oak Hickory, B44 Oak Hickory, B43 Oak G US Forest Service General Technical Report NE-343 - Table Number 71.32852703		11.1.A based on the GTR regions map and primary forest type
6.103925205 Biomass tCO ₂ e/ac		11.1.A determine using aerial photos
223.8 Biomass tCO ₂ e/ac		11.1.A use appropriate GTR table and stand age, use bottom half of table, find years on the left and use 'total nonsoil' number
98% Percent cover		11.1.A
43,158 Project Stock, tCO ₂ e		11.1.A include i-Tree Canopy file containing coordinates of evaluated points
34,527 Accounting Stock, tCO ₂ e		11.1.A
91% Fraction at risk of tree removal		11.2 Based on zoning - see 11.2 in preservation protocol
31,249 Avoided Biomass Emissions, tCO ₂ e		11.2
90% Avoided impervious surface, percent		11.4 Based on zoning - see 11.4 in preservation protocol
176.515 Avoided impervious surface, acres		11.4
21,182 Avoided Soil Carbon Emissions, tCO ₂ e		11.4
18.3% Displacement		11.5 Fraction of avoided development that cannot be served by development or re-development of existing non-treed properties within the urban area
5,719 Displaced Biomass Emissions, tCO ₂ e		11.5
6,418 Displaced Soil Emissions		11.5 Assumes that redevelopment causes increase in impervious surface on redeveloped parcels
25,530 Credits from Avoided Biomass Emissions, tCO ₂ e		
14,764 Credits from Avoided Soil Emissions, tCO ₂ e		
40,294 Total Credits attributed to the project, tCO ₂ e		
4,029 Registry Reversal Pool Account (10%), tCO ₂ e		
36,265 Total credits issued to the project, tCO₂e		
185 Total credits issued to the project, tCO₂e/acre		

Year	Credits Issued This Year	Cumulative Credits Issued
1	9239	9239
2	9239	18478
3	9239	27717
4	8548	36265
5	0	36265

City Forest Credits - Preservation Protocol Carbon Quantification Calculator

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Project Operator	City of Atlanta
Project Name	Lake Charlotte Nature Preserve Carbon Credit Project
Project Location	Atlanta, GA
Stand & Zoning	3 stands, residential and industrial zoning

Carbon Quantification Summary		Protocol Section	Supplemental Information/Notes
175.070	Total Project Area Acres		include project area for all parcels enrolled in carbon project
B44 Oak Hickory	US Forest Service General Technical Report NE-343 - Table Number	11.1.A	based on the GTR regions map and primary forest type
75	Stand age (years)	11.1.A	determine using aerial photos
63.9	Biomass tC/ac	11.1.A	use appropriate GTR table and stand age, use bottom half of table, find years on the left and use 'total nonsoil' number
234.3	Biomass tCO ₂ e/ac	11.1.A	
99%	Percent cover	11.1.A	include i-Tree Canopy file containing coordinates of evaluated points
40,609	Project Stock, tCO ₂ e	11.1.A	
32,487	Accounting Stock, tCO ₂ e	11.1.A	
90%	Fraction at risk of tree removal	11.2	Based on zoning - see 11.2 in preservation protocol
29,238	Avoided Biomass Emissions, tCO ₂ e	11.2	
90%	Avoided impervious surface, percent	11.4	Based on zoning - see 11.4 in preservation protocol
157,563	Avoided impervious surface, acres	11.4	
18,908	Avoided Soil Carbon Emissions, tCO ₂ e	11.4	
18.3%	Displacement	11.5	Fraction of avoided development that cannot be served by development or re-development of existing non-treed properties within the urban area
5,351	Displaced Biomass Emissions, tCO ₂ e	11.5	
5,729	Displaced Soil Emissions	11.5	Assumes that redevelopment causes increase in impervious surface on redeveloped parcels
23,888	Credits from Avoided Biomass Emissions, tCO ₂ e		
13,179	Credits from Avoided Soil Emissions, tCO ₂ e		
37,066	Total Credits attributed to the project, tCO ₂ e		
3,707	Registry Reversal Pool Account (10%), tCO ₂ e		
33,360	Total credits issued to the project, tCO₂e		
191	Total credits issued to the project, tCO₂e/acre		

City Forest Credits - Preservation Protocol Carbon Quantification Calculator

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Project Operator
Project Name
Project Location
Stand & Zoning

Carbon Quantification Summary	Protocol Section	Supplemental Information/Notes
0.320 Total Project Area Acres		include project area for all parcels enrolled in carbon project
B44 Oak Hickory US Forest Service General Technical Report NE-343 - Table Number	11.1.A	based on the GTR regions map and primary forest type
75 Stand age (years)	11.1.A	determine using aerial photos
63.9 Biomass tC/ac	11.1.A	use appropriate GTR table and stand age, use bottom half of table, find years on the left and use 'total nonsoil' number
234.3 Biomass tCO ₂ e/ac	11.1.A	
99% Percent cover	11.1.A	include i-Tree Canopy file containing coordinates of evaluated points
74 Project Stock, tCO ₂ e	11.1.A	
59 Accounting Stock, tCO ₂ e	11.1.A	
90% Fraction at risk of tree removal	11.2	Based on zoning - see 11.2 in preservation protocol
53 Avoided Biomass Emissions, tCO ₂ e	11.2	
50% Avoided impervious surface, percent	11.4	Based on zoning - see 11.4 in preservation protocol
0.16 Avoided impervious surface, acres	11.4	
19 Avoided Soil Carbon Emissions, tCO ₂ e	11.4	
18.3% Displacement	11.5	Fraction of avoided development that cannot be served by development or re-development of existing non-treed properties within the urban area
10 Displaced Biomass Emissions, tCO ₂ e	11.5	
6 Displaced Soil Emissions	11.5	Assumes that redevelopment causes increase in impervious surface on redeveloped parcels
44 Credits from Avoided Biomass Emissions, tCO ₂ e		
13 Credits from Avoided Soil Emissions, tCO ₂ e		
57 Total Credits attributed to the project, tCO ₂ e		
6 Registry Reversal Pool Account (10%), tCO ₂ e		
51 Total credits issued to the project, tCO₂e		
160 Total credits issued to the project, tCO₂e/acre		

City Forest Credits - Preservation Protocol Carbon Quantification Calculator

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Project Operator
Project Name
Project Location
Stand & Zoning

Carbon Quantification Summary	Protocol Section	Supplemental Information/Notes
8.870 Total Project Area Acres		include project area for all parcels enrolled in carbon project
B43 Oak Gum Cypress US Forest Service General Technical Report NE-343 - Table Number	11.1.A	based on the GTR regions map and primary forest type
75 Stand age (years)	11.1.A	determine using aerial photos
61.8 Biomass tC/ac	11.1.A	use appropriate GTR table and stand age, use bottom half of table, find years on the left and use 'total nonsoil' number
226.6 Biomass tCO2e/ac	11.1.A	
100% Percent cover	11.1.A	include i-Tree Canopy file containing coordinates of evaluated points
2,010 Project Stock, tCO2e	11.1.A	
1,608 Accounting Stock, tCO2e	11.1.A	
90% Fraction at risk of tree removal	11.2	Based on zoning - see 11.2 in preservation protocol
1,447 Avoided Biomass Emissions, tCO2e	11.2	
90% Avoided impervious surface, percent	11.4	Based on zoning - see 11.4 in preservation protocol
7,983 Avoided impervious surface, acres	11.4	
958 Avoided Soil Carbon Emissions, tCO2e	11.4	
18.3% Displacement	11.5	Fraction of avoided development that cannot be served by development or re-development of existing non-treed properties within the urban area
265 Displaced Biomass Emissions, tCO2e	11.5	
290 Displaced Soil Emissions	11.5	Assumes that redevelopment causes increase in impervious surface on redeveloped parcels
1,182 Credits from Avoided Biomass Emissions, tCO2e		
668 Credits from Avoided Soil Emissions, tCO2e		
1,850 Total Credits attributed to the project, tCO2e		
185 Registry Reversal Pool Account (10%), tCO2e		
1,665 Total credits issued to the project, tCO2e		
188 Total credits issued to the project, tCO2e/acre		

City Forest Credits - Preservation Protocol Carbon Quantification Calculator

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Project Operator
 Project Name
 Project Location
 Stand & Zoning

Carbon Quantification Summary		Protocol Section	Supplemental Information/Notes
12.010	Total Project Area Acres		include project area for all parcels enrolled in carbon project
B39 Loblolly Shortleaf Pine	US Forest Service General Technical Report NE-343 - Table Number	11.1.A	based on the GTR regions map and primary forest type
15	Stand age (years)	11.1.A	determine using aerial photos
18.7	Biomass tC/ac	11.1.A	use appropriate GTR table and stand age, use bottom half of table, find years on the left and use 'total nonsoil' number
68.6	Biomass tCO ₂ e/ac	11.1.A	
86%	Percent cover	11.1.A	include i-Tree Canopy file containing coordinates of evaluated points
708	Project Stock, tCO ₂ e	11.1.A	
567	Accounting Stock, tCO ₂ e	11.1.A	
90%	Fraction at risk of tree removal	11.2	Based on zoning - see 11.2 in preservation protocol
510	Avoided Biomass Emissions, tCO ₂ e	11.2	
90%	Avoided impervious surface, percent	11.4	Based on zoning - see 11.4 in preservation protocol
10.809	Avoided impervious surface, acres	11.4	
1,297	Avoided Soil Carbon Emissions, tCO ₂ e	11.4	
18.3%	Displacement	11.5	Fraction of avoided development that cannot be served by development or re-development of existing non-treed properties within the urban area
93	Displaced Biomass Emissions, tCO ₂ e	11.5	
393	Displaced Soil Emissions	11.5	Assumes that redevelopment causes increase in impervious surface on redeveloped parcels
417	Credits from Avoided Biomass Emissions, tCO ₂ e		
904	Credits from Avoided Soil Emissions, tCO ₂ e		
1,321	Total Credits attributed to the project, tCO ₂ e		
132	Registry Reversal Pool Account (10%), tCO ₂ e		
1,189	Total credits issued to the project, tCO₂e		
99	Total credits issued to the project, tCO₂e/acre		

iTree Canopy Report

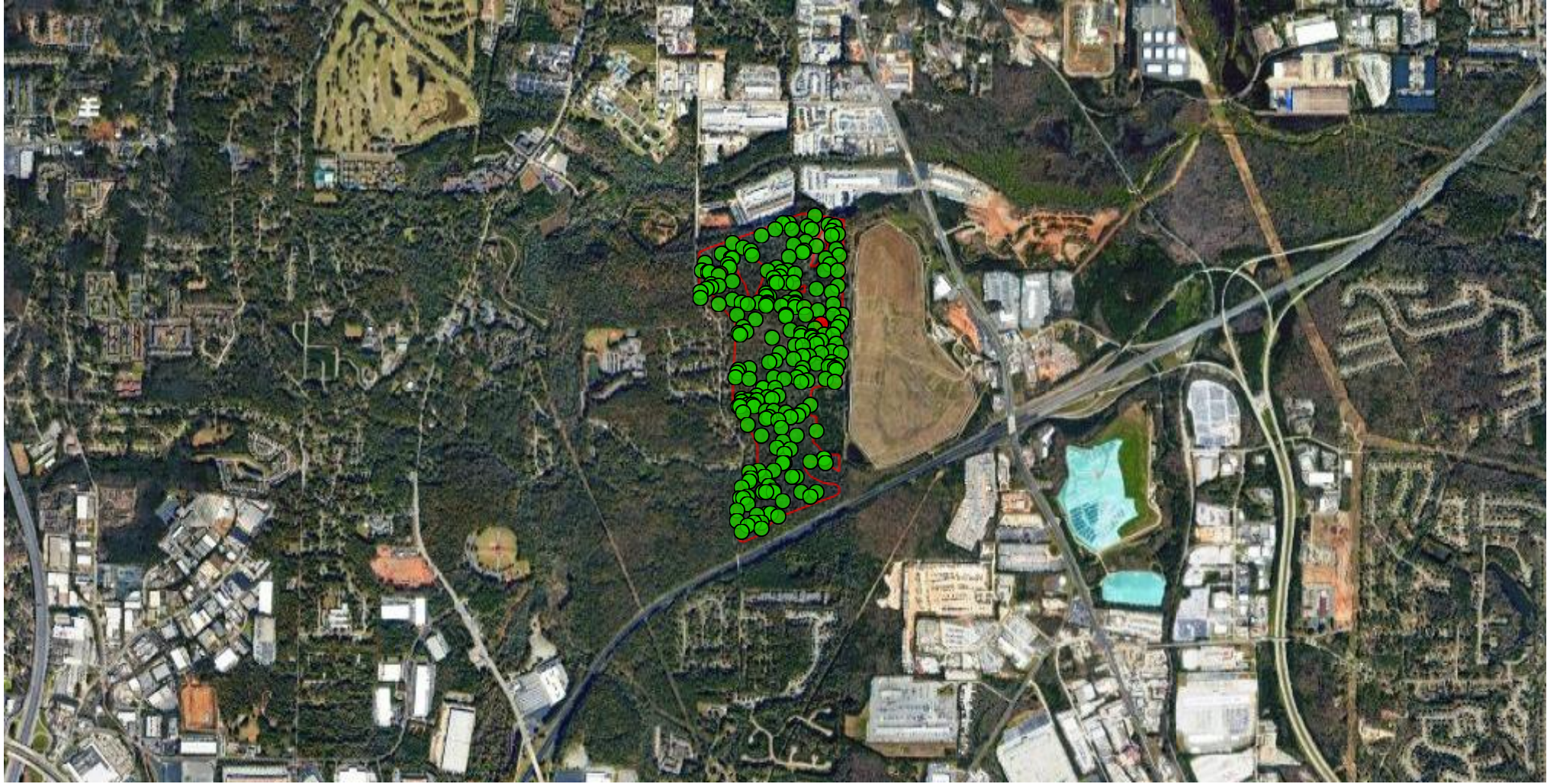
i-Tree Canopy

Cover Assessment and Tree Benefits Report

Estimated using random sampling statistics on 12/12/2022



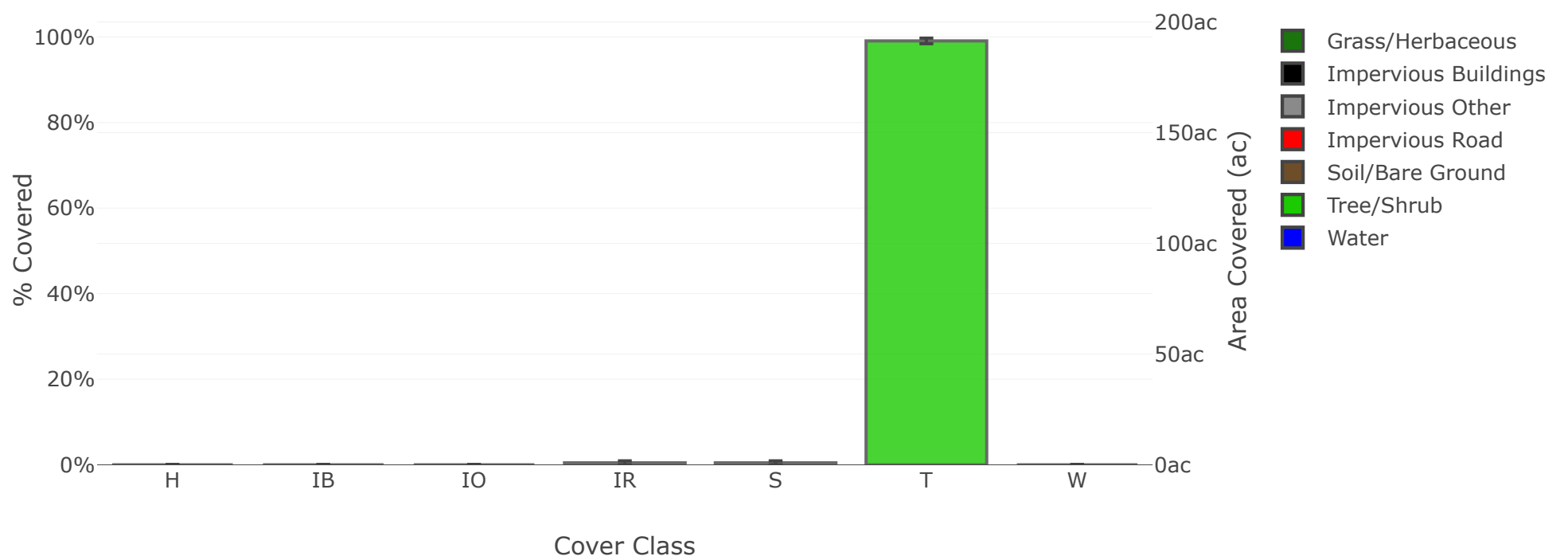
Stand 1



Google

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Land Cover



Abbr.	Cover Class	Description	Points	% Cover ± SE	Area (ac) ± SE
H	Grass/Herbaceous		0	0.00 ± 0.00	0.00 ± 0.00
IB	Impervious Buildings		0	0.00 ± 0.00	0.00 ± 0.00
IO	Impervious Other		0	0.00 ± 0.00	0.00 ± 0.00
IR	Impervious Road		1	0.46 ± 0.46	0.89 ± 0.89
S	Soil/Bare Ground		1	0.46 ± 0.46	0.89 ± 0.89
T	Tree/Shrub		214	99.07 ± 0.65	191.42 ± 1.26
W	Water		0	0.00 ± 0.00	0.00 ± 0.00
Total			216	100.00	193.21

Tree Benefit Estimates: Carbon (English units)

Description	Carbon (T)	±SE	CO ₂ Equiv. (T)	±SE	Value (USD)	±SE
Sequestered annually in trees	261.29	±1.72	958.06	±6.30	\$44,563	±293
Stored in trees (Note: this benefit is not an annual rate)	6,561.97	±43.16	24,060.54	±158.27	\$1,119,148	±7,362

Currency is in USD and rounded. Standard errors of removal and benefit amounts are based on standard errors of sampled and classified points. Amount sequestered is based on 1.365 T of Carbon, or 5.005 T of CO₂, per ac/yr and rounded. Amount stored is based on 34.281 T of Carbon, or 125.697 T of CO₂, per ac and rounded. Value (USD) is based on \$170.55/T of Carbon, or \$46.51/T of CO₂ and rounded. (English units: T = tons (2,000 pounds), ac = acres)

Tree Benefit Estimates: Air Pollution (English units)

Abbr.	Description	Amount (lb)	±SE	Value (USD)	±SE
CO	Carbon Monoxide removed annually	216.25	±1.42	\$144	±1
NO2	Nitrogen Dioxide removed annually	1,194.67	±7.86	\$261	±2
O3	Ozone removed annually	9,228.46	±60.70	\$11,987	±79
SO2	Sulfur Dioxide removed annually	587.28	±3.86	\$39	±0
PM2.5	Particulate Matter less than 2.5 microns removed annually	471.45	±3.10	\$25,095	±165
PM10*	Particulate Matter greater than 2.5 microns and less than 10 microns removed annually	2,619.23	±17.23	\$8,209	±54
Total		14,317.34	±94.18	\$45,736	±301

Currency is in USD and rounded. Standard errors of removal and benefit amounts are based on standard errors of sampled and classified points. Air Pollution Estimates are based on these values in lb/ac/yr @ \$/lb/yr and rounded: CO 1.130 @ \$0.67 | NO2 6.241 @ \$0.22 | O3 48.211 @ \$1.30 | SO2 3.068 @ \$0.07 | PM2.5 2.463 @ \$53.23 | PM10* 13.683 @ \$3.13 (English units: lb = pounds, ac = acres)

Tree Benefit Estimates: Hydrological (English units)

Abbr.	Benefit	Amount (Kgal)	±SE	Value (USD)	±SE
AVRO	Avoided Runoff	1.59	±0.01	\$14	±0
E	Evaporation	35.61	±0.23	N/A	N/A
I	Interception	35.84	±0.24	N/A	N/A
T	Transpiration	33.72	±0.22	N/A	N/A
PE	Potential Evaporation	228.99	±1.51	N/A	N/A
PET	Potential Evapotranspiration	188.86	±1.24	N/A	N/A

Currency is in USD and rounded. Standard errors of removal and benefit amounts are based on standard errors of sampled and classified points. Hydrological Estimates are based on these values in Kgal/ac/yr @ \$/Kgal/yr and rounded: AVRO 0.008 @ \$8.94 | E 0.186 @ N/A | I 0.187 @ N/A | T 0.176 @ N/A | PE 1.196 @ N/A | PET 0.987 @ N/A (English units: Kgal = thousands of gallons, ac = acres)

About i-Tree Canopy

The concept and prototype of this program were developed by David J. Nowak, Jeffery T. Walton, and Eric J. Greenfield (USDA Forest Service). The current version of this program was developed and adapted to i-Tree by David Ellingsworth, Mike Binkley, and Scott Maco (The Davey Tree Expert Company)

Limitations of i-Tree Canopy

The accuracy of the analysis depends upon the ability of the user to correctly classify each point into its correct class. As the number of points increase, the precision of the estimate will increase as the standard error of the estimate will decrease. If too few points are classified, the standard error will be too high to have any real certainty of the estimate.



Additional support provided by:



Use of this tool indicates acceptance of the [EULA](#).

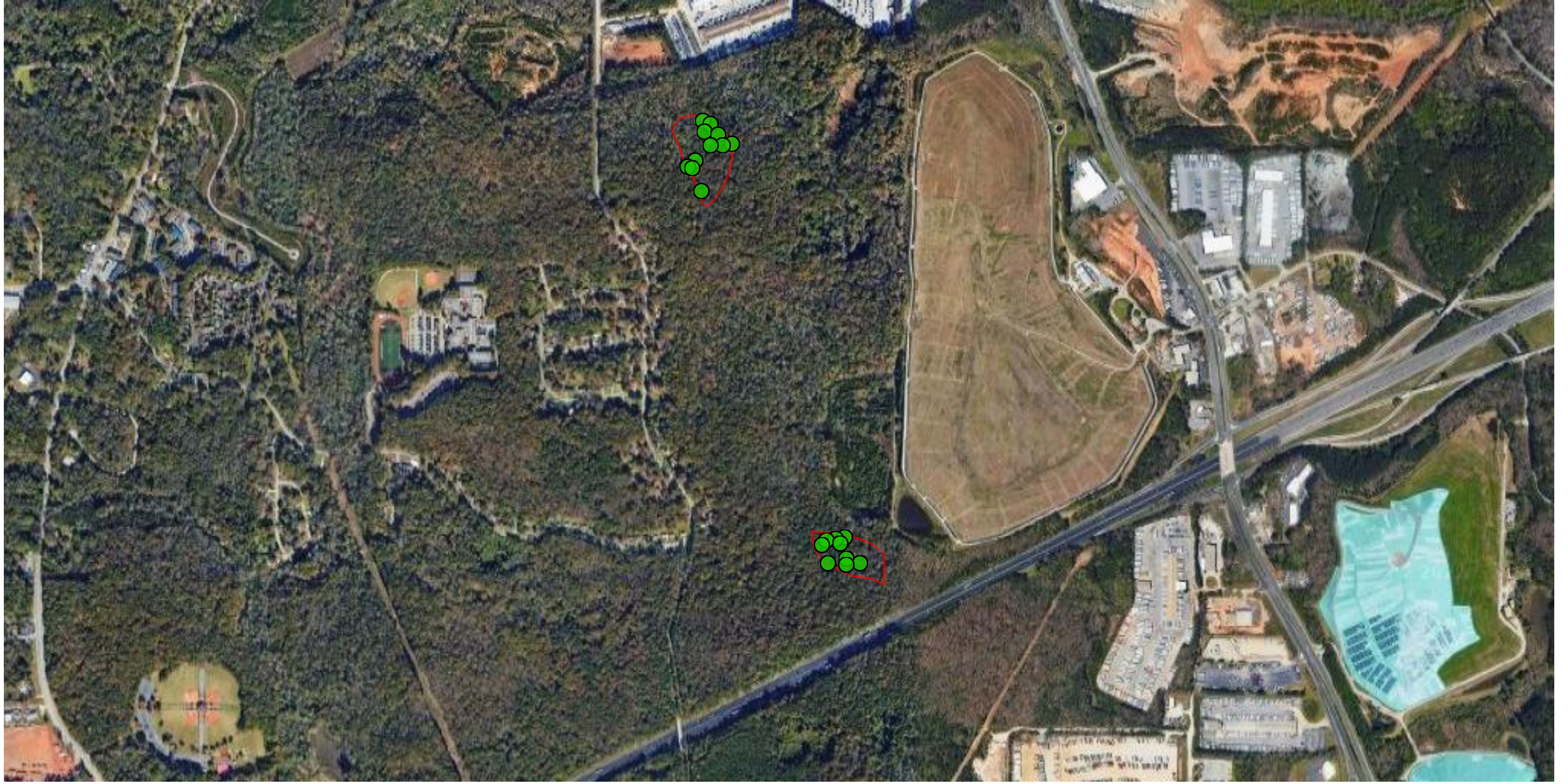
i-Tree Canopy

Cover Assessment and Tree Benefits Report

Estimated using random sampling statistics on 12/13/2022



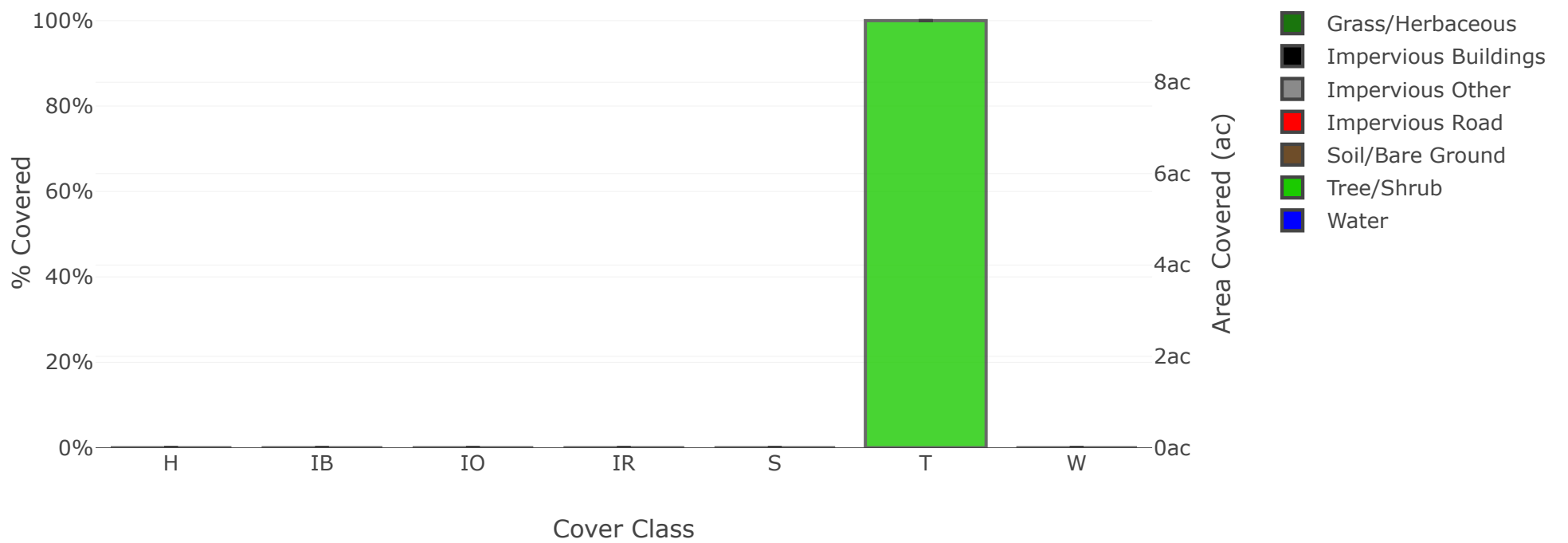
Stand 2



Google

Imagery ©2022, CNES / Airbus, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO Report a map error

Land Cover



Abbr.	Cover Class	Description	Points	% Cover ± SE	Area (ac) ± SE
H	Grass/Herbaceous		0	0.00 ± 0.00	0.00 ± 0.00
IB	Impervious Buildings		0	0.00 ± 0.00	0.00 ± 0.00
IO	Impervious Other		0	0.00 ± 0.00	0.00 ± 0.00
IR	Impervious Road		0	0.00 ± 0.00	0.00 ± 0.00
S	Soil/Bare Ground		0	0.00 ± 0.00	0.00 ± 0.00
T	Tree/Shrub		20	100.00 ± 0.00	9.35 ± 0.00
W	Water		0	0.00 ± 0.00	0.00 ± 0.00
Total			20	100.00	9.35

Tree Benefit Estimates: Carbon (English units)

Description	Carbon (T)	±SE	CO ₂ Equiv. (T)	±SE	Value (USD)	±SE
Sequestered annually in trees	12.77	±0.00	46.82	±0.00	\$2,178	±0
Stored in trees (Note: this benefit is not an annual rate)	320.68	±0.00	1,175.82	±0.00	\$54,692	±0

Currency is in USD and rounded. Standard errors of removal and benefit amounts are based on standard errors of sampled and classified points. Amount sequestered is based on 1.365 T of Carbon, or 5.005 T of CO₂, per ac/yr and rounded. Amount stored is based on 34.281 T of Carbon, or 125.697 T of CO₂, per ac and rounded. Value (USD) is based on \$170.55/T of Carbon, or \$46.51/T of CO₂ and rounded. (English units: T = tons (2,000 pounds), ac = acres)

Tree Benefit Estimates: Air Pollution (English units)

Abbr.	Description	Amount (lb)	±SE	Value (USD)	±SE
CO	Carbon Monoxide removed annually	10.57	±0.00	\$7	±0
NO ₂	Nitrogen Dioxide removed annually	58.38	±0.00	\$13	±0
O ₃	Ozone removed annually	450.99	±0.00	\$586	±0
SO ₂	Sulfur Dioxide removed annually	28.70	±0.00	\$2	±0
PM _{2.5}	Particulate Matter less than 2.5 microns removed annually	23.04	±0.00	\$1,226	±0
PM ₁₀ *	Particulate Matter greater than 2.5 microns and less than 10 microns removed annually	128.00	±0.00	\$401	±0
Total		699.68	±0.00	\$2,235	±0

Currency is in USD and rounded. Standard errors of removal and benefit amounts are based on standard errors of sampled and classified points. Air Pollution Estimates are based on these values in lb/ac/yr @ \$/lb/yr and rounded:

CO 1.130 @ \$0.67 | NO₂ 6.241 @ \$0.22 | O₃ 48.211 @ \$1.30 | SO₂ 3.068 @ \$0.07 | PM_{2.5} 2.463 @ \$53.23 | PM₁₀* 13.683 @ \$3.13 (English units: lb = pounds, ac = acres)

Tree Benefit Estimates: Hydrological (English units)

Abbr.	Benefit	Amount (gal)	±SE	Value (USD)	±SE
AVRO	Avoided Runoff	77.49	±0.00	\$1	±0
E	Evaporation	1,740.04	±0.00	N/A	N/A
I	Interception	1,751.36	±0.00	N/A	N/A
T	Transpiration	1,647.67	±0.00	N/A	N/A
PE	Potential Evaporation	11,190.51	±0.00	N/A	N/A
PET	Potential Evapotranspiration	9,229.28	±0.00	N/A	N/A

Currency is in USD and rounded. Standard errors of removal and benefit amounts are based on standard errors of sampled and classified points. Hydrological Estimates are based on these values in gal/ac/yr @ \$/gal/yr and rounded:

AVRO 8.283 @ \$0.01 | E 186.013 @ N/A | I 187.224 @ N/A | T 176.139 @ N/A | PE 1,196.288 @ N/A | PET 986.628 @ N/A (English units: gal = gallons, ac = acres)

About i-Tree Canopy

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Additional support provided by:



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i-Tree Canopy

Cover Assessment and Tree Benefits Report

Estimated using random sampling statistics on 12/13/2022

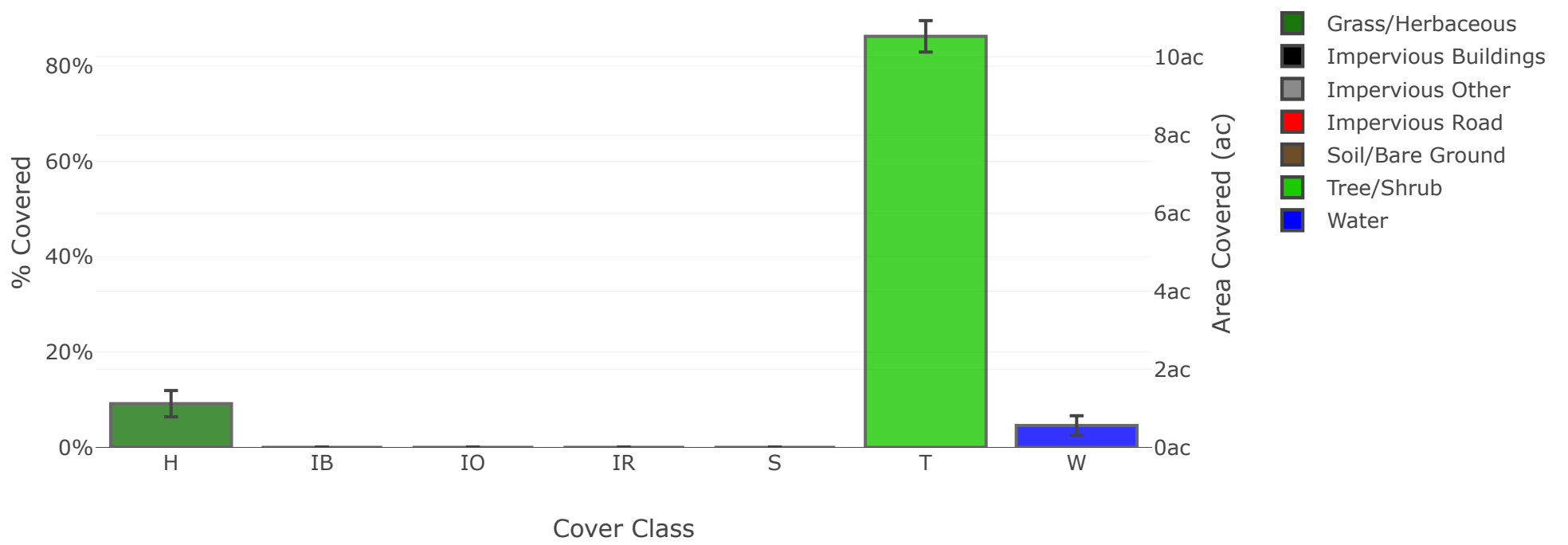
Stand 3



Google

Imagery ©2022, CNES / Airbus, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO Report a map error

Land Cover



Abbr.	Cover Class	Description	Points	% Cover ± SE	Area (ac) ± SE
H	Grass/Herbaceous		10	9.17 ± 2.76	1.12 ± 0.34
IB	Impervious Buildings		0	0.00 ± 0.00	0.00 ± 0.00
IO	Impervious Other		0	0.00 ± 0.00	0.00 ± 0.00
IR	Impervious Road		0	0.00 ± 0.00	0.00 ± 0.00
S	Soil/Bare Ground		0	0.00 ± 0.00	0.00 ± 0.00
T	Tree/Shrub		94	86.24 ± 3.30	10.53 ± 0.40
W	Water		5	4.59 ± 2.05	0.56 ± 0.25
Total			109	100.00	12.21

Tree Benefit Estimates: Carbon (English units)

Description	Carbon (T)	±SE	CO ₂ Equiv. (T)	±SE	Value (USD)	±SE
Sequestered annually in trees	14.37	±0.55	52.70	±2.02	\$2,451	±94
Stored in trees (Note: this benefit is not an annual rate)	360.94	±13.81	1,323.45	±50.64	\$61,559	±2,355

Currency is in USD and rounded. Standard errors of removal and benefit amounts are based on standard errors of sampled and classified points. Amount sequestered is based on 1.365 T of Carbon, or 5.005 T of CO₂, per ac/yr and rounded. Amount stored is based on 34.281 T of Carbon, or 125.697 T of CO₂, per ac and rounded. Value (USD) is based on \$170.55/T of Carbon, or \$46.51/T of CO₂ and rounded. (English units: T = tons (2,000 pounds), ac = acres)

Tree Benefit Estimates: Air Pollution (English units)

Abbr.	Description	Amount (lb)	±SE	Value (USD)	±SE
CO	Carbon Monoxide removed annually	11.90	±0.46	\$8	±0
NO ₂	Nitrogen Dioxide removed annually	65.71	±2.51	\$14	±1
O ₃	Ozone removed annually	507.61	±19.42	\$659	±25
SO ₂	Sulfur Dioxide removed annually	32.30	±1.24	\$2	±0
PM _{2.5}	Particulate Matter less than 2.5 microns removed annually	25.93	±0.99	\$1,380	±53
PM ₁₀ *	Particulate Matter greater than 2.5 microns and less than 10 microns removed annually	144.07	±5.51	\$452	±17
Total		787.53	±30.13	\$2,516	±96

Currency is in USD and rounded. Standard errors of removal and benefit amounts are based on standard errors of sampled and classified points. Air Pollution Estimates are based on these values in lb/ac/yr @ \$/lb/yr and rounded:
 CO 1.130 @ \$0.67 | NO₂ 6.241 @ \$0.22 | O₃ 48.211 @ \$1.30 | SO₂ 3.068 @ \$0.07 | PM_{2.5} 2.463 @ \$53.23 | PM₁₀* 13.683 @ \$3.13 (English units: lb = pounds, ac = acres)

Tree Benefit Estimates: Hydrological (English units)

Abbr.	Benefit	Amount (gal)	±SE	Value (USD)	±SE
AVRO	Avoided Runoff	87.21	±3.34	\$1	±0
E	Evaporation	1,958.51	±74.94	N/A	N/A
I	Interception	1,971.26	±75.42	N/A	N/A
T	Transpiration	1,854.55	±70.96	N/A	N/A
PE	Potential Evaporation	12,595.56	±481.93	N/A	N/A
PET	Potential Evapotranspiration	10,388.08	±397.47	N/A	N/A

Currency is in USD and rounded. Standard errors of removal and benefit amounts are based on standard errors of sampled and classified points. Hydrological Estimates are based on these values in gal/ac/yr @ \$/gal/yr and rounded:
 AVRO 8.283 @ \$0.01 | E 186.013 @ N/A | I 187.224 @ N/A | T 176.139 @ N/A | PE 1,196.288 @ N/A | PET 986.628 @ N/A (English units: gal = gallons, ac = acres)

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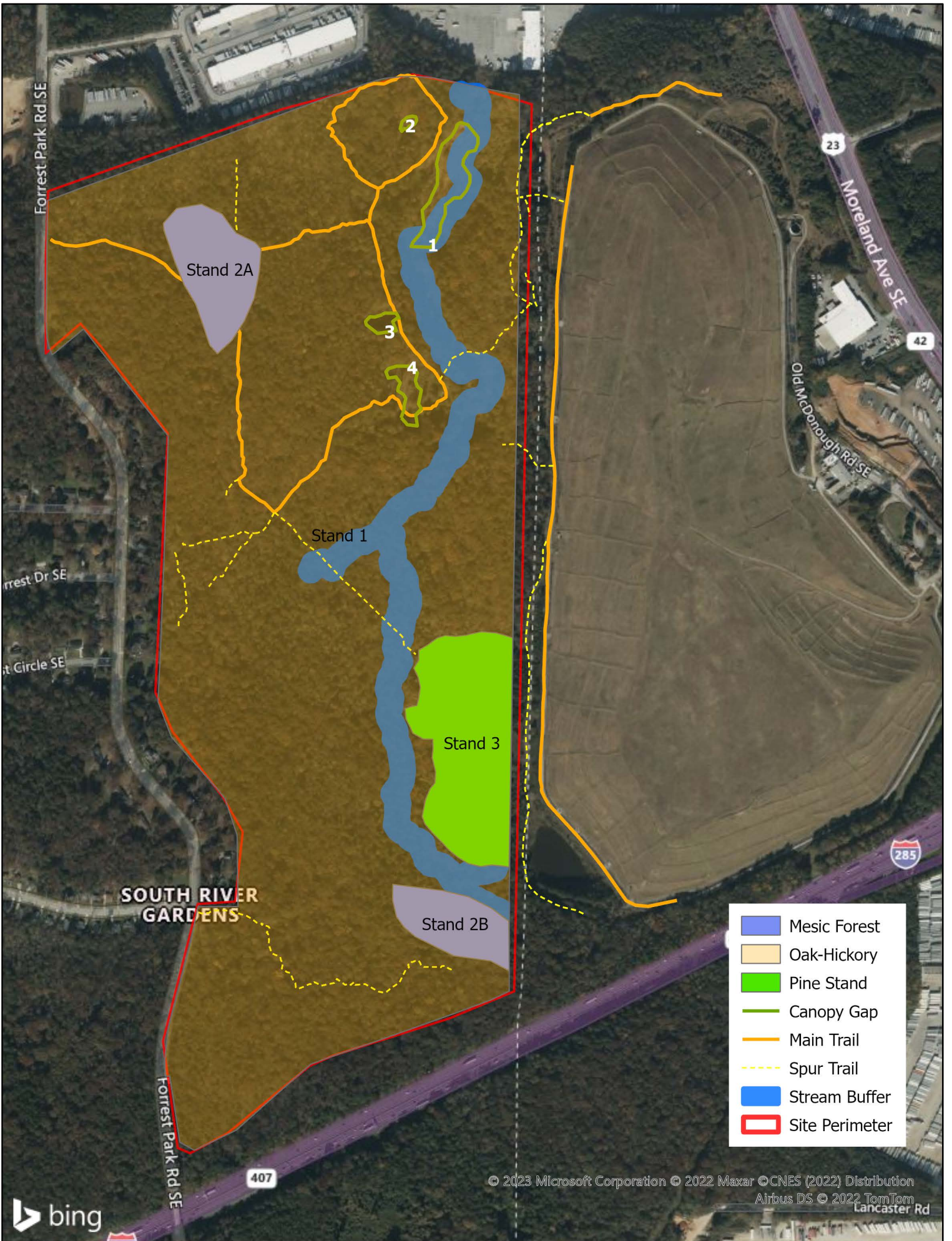
Use of this tool indicates acceptance of the [EULA](#).

Id	Cover Clas Descriptio	Latitude	Longitude
1	Water	33.66734	-84.3513
2	Grass/Herbaceous	33.66935	-84.3505
3	Tree/Shrub	33.66926	-84.3512
4	Tree/Shrub	33.66744	-84.3505
5	Grass/Herbaceous	33.66833	-84.3512
6	Water	33.66739	-84.3513
7	Tree/Shrub	33.6693	-84.3508
8	Tree/Shrub	33.6688	-84.3511
9	Tree/Shrub	33.66884	-84.3516
10	Tree/Shrub	33.66808	-84.3506
11	Tree/Shrub	33.66868	-84.3516
12	Tree/Shrub	33.66665	-84.35
13	Tree/Shrub	33.6679	-84.3506
14	Tree/Shrub	33.66761	-84.3511
15	Tree/Shrub	33.66659	-84.3508
16	Tree/Shrub	33.66843	-84.3514
17	Tree/Shrub	33.66883	-84.3512
18	Tree/Shrub	33.66701	-84.3503
19	Tree/Shrub	33.66897	-84.3514
20	Tree/Shrub	33.66807	-84.351
21	Tree/Shrub	33.66722	-84.3514
22	Tree/Shrub	33.66824	-84.3506
23	Tree/Shrub	33.66804	-84.3513
24	Tree/Shrub	33.66835	-84.3513
25	Tree/Shrub	33.66856	-84.3509
26	Grass/Herbaceous	33.66689	-84.35
27	Tree/Shrub	33.66718	-84.3514
28	Tree/Shrub	33.66733	-84.3509
29	Tree/Shrub	33.66815	-84.3504
30	Tree/Shrub	33.66921	-84.35
31	Tree/Shrub	33.66869	-84.351
32	Tree/Shrub	33.66946	-84.3501
33	Tree/Shrub	33.6683	-84.3514
34	Water	33.66943	-84.3514
35	Tree/Shrub	33.66704	-84.3504
36	Tree/Shrub	33.66712	-84.3502
37	Tree/Shrub	33.66813	-84.35
38	Tree/Shrub	33.6681	-84.3508
39	Tree/Shrub	33.66886	-84.3502
40	Tree/Shrub	33.66862	-84.3513
41	Tree/Shrub	33.66796	-84.3507
42	Tree/Shrub	33.66968	-84.3503
43	Tree/Shrub	33.66919	-84.3507
44	Tree/Shrub	33.66888	-84.3501
45	Tree/Shrub	33.66905	-84.3513
46	Grass/Herbaceous	33.66761	-84.3505

47 Tree/Shrub	33.66698	-84.3502
48 Tree/Shrub	33.66695	-84.351
49 Tree/Shrub	33.66692	-84.35
50 Tree/Shrub	33.66867	-84.3507
51 Tree/Shrub	33.66768	-84.351
52 Water	33.66733	-84.3512
53 Grass/Herbaceous	33.66745	-84.3503
54 Tree/Shrub	33.6691	-84.3511
55 Tree/Shrub	33.66834	-84.3512
56 Tree/Shrub	33.66789	-84.3509
57 Tree/Shrub	33.66955	-84.3511
58 Tree/Shrub	33.66661	-84.3502
59 Tree/Shrub	33.6674	-84.3508
60 Tree/Shrub	33.66873	-84.3502
61 Tree/Shrub	33.6674	-84.3501
62 Tree/Shrub	33.66685	-84.3506
63 Tree/Shrub	33.66948	-84.3509
64 Tree/Shrub	33.66761	-84.3511
65 Tree/Shrub	33.66847	-84.3502
66 Tree/Shrub	33.66966	-84.3513
67 Tree/Shrub	33.66757	-84.3501
68 Tree/Shrub	33.66887	-84.3512
69 Tree/Shrub	33.66868	-84.3514
70 Tree/Shrub	33.66694	-84.3503
71 Tree/Shrub	33.66771	-84.3504
72 Tree/Shrub	33.6675	-84.3511
73 Grass/Herbaceous	33.66821	-84.35
74 Tree/Shrub	33.66918	-84.3513
75 Tree/Shrub	33.66673	-84.35
76 Tree/Shrub	33.66916	-84.351
77 Water	33.6694	-84.3514
78 Tree/Shrub	33.66738	-84.3504
79 Tree/Shrub	33.66815	-84.3512
80 Tree/Shrub	33.66868	-84.3515
81 Tree/Shrub	33.66902	-84.3508
82 Tree/Shrub	33.6685	-84.3501
83 Grass/Herbaceous	33.66762	-84.3509
84 Tree/Shrub	33.66956	-84.3507
85 Tree/Shrub	33.66845	-84.3514
86 Grass/Herbaceous	33.6692	-84.3512
87 Grass/Herbaceous	33.66815	-84.3501
88 Tree/Shrub	33.66939	-84.3509
89 Tree/Shrub	33.66702	-84.3507
90 Tree/Shrub	33.66841	-84.3504
91 Tree/Shrub	33.66913	-84.351
92 Tree/Shrub	33.66827	-84.3507
93 Tree/Shrub	33.66977	-84.3503

94 Tree/Shrub	33.66912	-84.3513
95 Tree/Shrub	33.66674	-84.3508
96 Tree/Shrub	33.66832	-84.3513
97 Tree/Shrub	33.66694	-84.3511
98 Tree/Shrub	33.66753	-84.3504
99 Tree/Shrub	33.66879	-84.3511
100 Tree/Shrub	33.66738	-84.3509
101 Grass/Herbaceous	33.66766	-84.3508
102 Tree/Shrub	33.66807	-84.3508
103 Tree/Shrub	33.66735	-84.351
104 Tree/Shrub	33.6669	-84.351
105 Tree/Shrub	33.66962	-84.3504
106 Tree/Shrub	33.66873	-84.3509
107 Tree/Shrub	33.66792	-84.3507
108 Tree/Shrub	33.66959	-84.3505
109 Tree/Shrub	33.668	-84.3502

Forest Composition Report and Site Photos



- Mesic Forest
- Oak-Hickory
- Pine Stand
- Canopy Gap
- Main Trail
- Spur Trail
- Stream Buffer
- Site Perimeter

Lake Charlotte Nature Preserve Forest Composition Report

Instructions – Complete the report by providing a thorough description of the forest as outlined below. Include photos (at least four-five for each parcel) in Exhibit A.

I am Brian Williams, the Urban Forestry Director for Trees Atlanta, and I co-wrote this Forest Composition Report for the Lake Charlotte Nature Preserve (Project 028) with Taryn Heidel, the Forest Restoration Manager for Trees Atlanta. Taryn is a Certified Arborist (#SO-10703A), with five years of urban forestry and restoration experience. I am a Certified Arborist (#SO-6571A), with fourteen years of urban forestry and restoration experience.

These descriptions are based on familiarity with the site over 3 years, an in-depth vegetation analysis on native plant communities and invasive plant extents and densities found on site, management of invasive plant control contractors onsite for two years, and follow-up site visits to the property on 11/22/22 & 11/27/22.

Lake Charlotte Nature Preserve presents 216.5 acres of mostly undeveloped upland forest, situated around a tributary of the South River. It is located along the Soapstone Ridge, which lends the site unique soils, an uncommon plant community, and recognized archaeological significance. A perennial stream runs south-to-north along the eastern side of the site. Per City of Atlanta code, there is a 75-ft buffer on either side of this stream that cannot be developed, accounting for 18.46 acres of the 216.5-acre total. There are also 4 canopy gaps onsite, occupying 3 acres (1.23 acres of which overlap with the stream buffer). Photos of the canopy gaps can be found in Appendix A.

- **Canopy Gap 1 (1.94 acres):** old lake bed that has now become a wetland; 1.23 acres of this gap overlaps with the stream buffer
- **Canopy Gap 2 (0.08 acres):** old home site that became overgrown with invasive Chinese wisteria that killed the surrounding canopy trees
- **Canopy Gap 3 (0.3 acres):** old home site
- **Canopy Gap 4 (0.68 acres):** old home site that became overgrown with invasive Chinese wisteria that killed the surrounding canopy trees

The remaining 196.27 acres (91%) of the site is completely forested and outside of the protected stream buffer. The site can be divided into three stands differing in tree density, tree uniformity, or forest type:

- **Stand 1:** Oak-Hickory Forest (175.39 acres after deducting 17.84 acres of stream buffer and 1.77 acres of non-overlapping canopy gaps)
- **Stand 2:** Mesic Forest (8.87 acres after deducting 0.43 acres of stream buffer)
 - **Stand 2A:** Mesic Forest (5.4 acres)
 - **Stand 2B:** Mesic Forest (3.47 acres after deducting 0.43 acres of stream buffer)
- **Stand 3:** Early Successional Pine Forest (12.01 acres after deducting 0.19 acres of stream buffer)

Data and photographs were taken within each forest stand shown in the map below. Photos of each stand can be found in Appendix B.



The age of the forest stands was determined using the following aerial imagery data:

- **Aerial Photography Index for Fulton County, Georgia Sheet 4 (NAID: 100379764), Produced in 1950:** used to determine the age of Stand 1 and Stand 2
- **Georgia Color NAIP (FSA 2005):** used to determine the age of Stand 3
- **Georgia Color NAIP (FSA 2006):** used to determine the age of Stand 3

Stand 1 and Stand 2 existed long before 1950, but this was the earliest satellite image found. The satellite images can be found in Appendix C.

The invasive plant pressure present on site was mapped in 2019 and is included in Appendix D as well as a map of where invasive plants have already been removed. There is a five-year invasive removal plan that covers the entire site, of which we are in year 2. For more information on the invasive plants present on site, refer to Exhibit A: Lake Charlotte Vegetation Analysis and Management Plan.

Stand 1: Oak-Hickory Forest

Images and other data from the site visit(s) are included in Appendix B of this document. Data and photographs were taken in 5 locations throughout Stand 1.

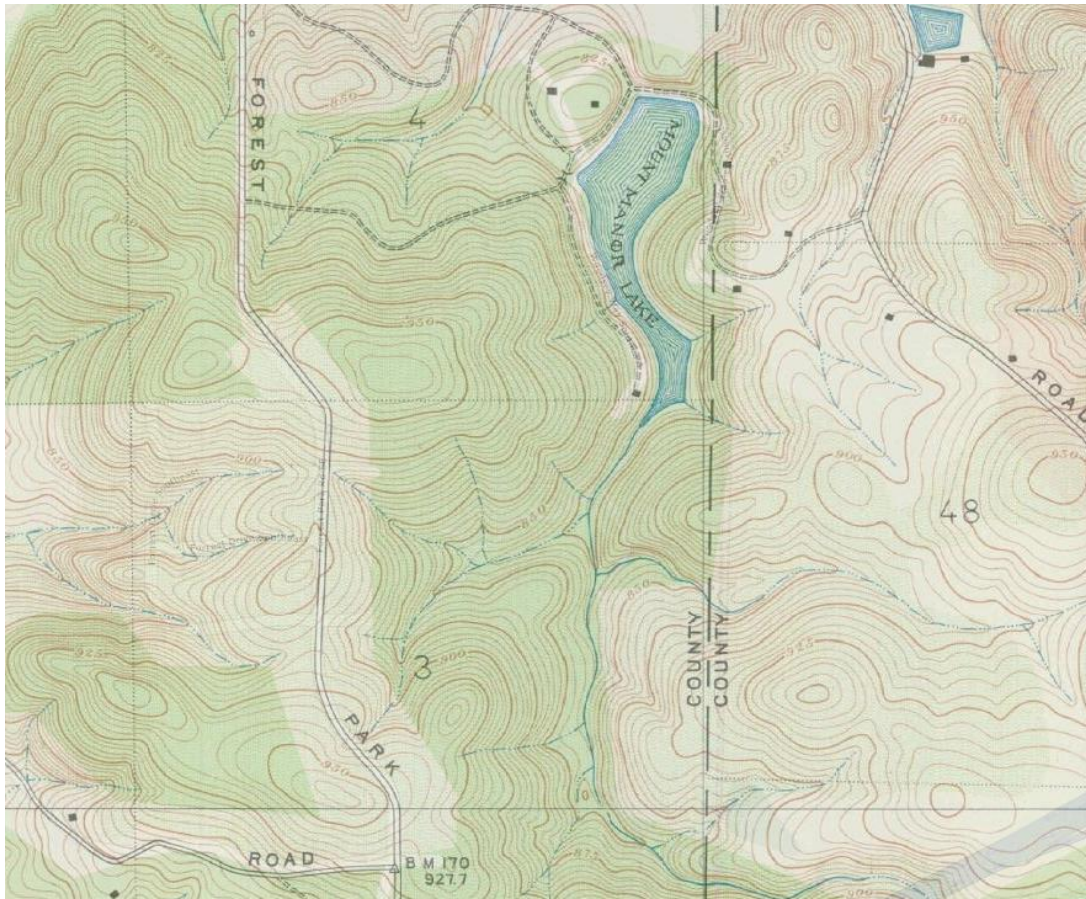
Stand 1 occupies around 89.36% (175.39 of 196.27 acres) of the site. The four canopy gaps are all within Stand 1. The age of the forest appears to be the same throughout and is at least 72 years old based on satellite imagery taken in 1950. The tree density is fairly uniform throughout the stand. Any density variability present is due to invasive plant pressure that has slightly altered patches. In the southern portion of the property, where the Soapstone Ridge is present, there are thinner soils that has led to a decrease in maximum height of the trees, but the density appears very similar to the rest of the site. Stand 1 is a late successional/climax forest. There is not much variability in the top 3 tree species, but there is some diversity in the composition of more minor tree species. This seemed to depend on soil pH, water availability, and sun exposure.

This forest can best be described as an oak-hickory forest. Indicator species of oak-hickory forests found in this stand include: shagbark hickory (*Carya ovata*), pignut hickory (*Carya glabra*), mockernut hickory (*Carya tomentosa*), white oak (*Quercus alba*), southern red oak (*Quercus falcata*), scarlet oak (*Quercus coccinea*), black oak (*Quercus velutina*), small-fruited pawpaw (*Asimina parviflora*), flowering dogwood (*Cornus florida*), sourwood (*Oxydendrum arboretum*), lowbush blueberry (*Vaccinium pallidum*), and sparkleberry (*Vaccinium arboreum*). Other tree species found include: loblolly pine (*Pinus taeda*), shortleaf pine (*Pinus echinata*), winged elm (*Ulmus alata*), tulip tree (*Liriodendron tulipifera*), sweetgum (*Liquidambar styraciflua*), sourwood (*Oxydendrum arboreum*), southern sugar maple (*Acer floridanum*), black cherry (*Prunus serotina*), and common persimmon (*Diospyros virginiana*). The top species most represented throughout stand 1 are outlined below.

Stand 1 Species Composition

Tree species	Percentage
Oak (white, southern red, scarlet oak, black oak)	60
Hickory (shagbark, mockernut, pignut)	20
Pine (loblolly, shortleaf)	5
Other (winged elm, tulip tree, sweetgum, flowering dogwood, sourwood, southern sugar maple)	15

1927 maps indicate the site had been dammed to form Mount Manor Lake and there were several home sites and indications of terraced agricultural fields. The foundations of these houses are still on site, but remaining structures were demolished that were deemed unsafe for the public. These old home sites are 3 of the 4 canopy gaps.



Atlanta 1927-30 Topographic Maps with Open Street Map Overlay Emory

There are trails throughout the stand and can be found on the map on page 2. All the trails onsite are permeable and are remnants of old dirt roads that once accessed houses, the lake, or groundwater monitoring locations for the landfill. The gravel trails and dirt trails outlined were old roads that were regraded and improved to better manage drainage after the purchase of the property. The trails are currently used by invasive plant control contractors, maintenance purposes, and passively by the public.

The health of Stand 1 is overall excellent for an urban forest. There are patches that are poor due to high invasive vine pressure, but these areas make up the 3 home site canopy gaps. The largest invasive plant issue outside of those canopy gaps is the invasive shrub layer. Even with this pressure, plant diversity is high in the canopy, shrub, and ground layers. Post invasive plant removal, we expect these native shrub populations to increase. The high deer pressure has likely helped control invasive plants such as English ivy, so the ground layer has remained relatively undisturbed.

Table 1. Forest composition breakdown for Stand 1

Stand size (acres)	175.39
Stand age (years)	72
GTR table number	B44 Oak Hickory

Stand 2A & 2B: Mesic Forest

Images and other data from the site visit(s) are included in Appendix B of this document. Data and photographs were taken in 4 locations throughout the stands (2 in Stand 2A and 2 in Stand 2B).

Stand 2A occupies around 2.75% (5.4 of 196.27 acres) of the site and Section 2B occupies around 1.77% (3.47 of 196.27 acres) of the site. Although the stands are separate from each other, their tree densities and species composition are almost indistinguishable from each other. They are both late successional/climax forests. These two stands do not differ from Stand 1 in age and are at least 72 years old based on satellite imagery taken in 1950. They do differ from Stand 1 in species composition and density. The stem density within these two sections is slightly higher than Section 1, likely due to the increase in water in the soil from being located on a north facing slope. The densities within the two sections are fairly uniform.

Stand 2 can best be described as a mesic forest. Indicator species of mesic forests found in Section 2A and 2B include: American beech (*Fagus grandifolia*), southern sugar maple (*Acer floridanum*), American hornbeam (*Carpinus caroliniana*), American Hophornbeam (*Ostrya virginiana*), tulip tree (*Liriodendron tulipifera*), and northern red oak (*Quercus rubra*). Other tree species found include: sweetgum (*Liquidambar styraciflua*), white oak (*Quercus alba*), American elm (*Ulmus americana*), and shagbark hickory (*Carya ovata*). The top species most represented throughout Section 2A and Section 2B are outlined below.

Stand 2A Species Composition

Tree species	Percentage
American beech	40
Southern sugar maple	20
Oak (northern red/white)	20
Tulip tree	10
Sweetgum	10

Stand 2B Species Composition

Tree species	Percentage
American beech	40
Tulip tree	30
Oak (northern red/white)	15
Southern sugar maple	10
Other (sweetgum/American elm, American hornbeam)	5

There is no evidence of terracing or building foundations present within these stands. The only land use besides forest is the old road that gave access to the lake and buildings located in Stand 1. Trails are only present in Stand 2A where there is an intersection of gravel trail, dirt trail, and old road segment. The trails are all permeable and used by invasive plant control contractors, maintenance purposes, and passively by the public.

The health of Stand 2 is excellent. There is little invasive plant pressure and high plant diversity in the canopy, shrub, and ground layers. Given the low density of invasive plants in this stand, it is unlikely the native populations have been drastically impacted.

Table 1. Forest composition breakdown for Stand 2

Stand size (acres)	8.87
Stand age (years)	72
GTR table number	B43 Oak Gum Cypress

Stand 3: Early Successional Pine Forest

Images and other data from the site visit(s) are included in Appendix D of this document. Data and photographs were taken in 4 locations throughout the stand.

Stand 3 occupies around 6.12% (12.01 of 196.27 acres) of the site. The forest can be described an early successional pine forest. This part of the forest was clear cut two years after the landfill was closed for unknown reasons in 2006 based on Georgia Color NAIP (FSA 2005) & (FSA 2006) satellite images. The stand is therefore only 16 years old. The tree ages are extremely uniform and growing close together, typical of an early successional forest. The stand is extremely uniform in density and species composition with the only exception being in small areas where water collects. In these areas, there are some riparian species present including eastern cottonwood (*Populus deltoides*), river birch (*Betula nigra*), and black willow (*Salix nigra*). The rest of the stand is made up of other typical early successional species including loblolly pine (*Pinus taeda*), winged elm (*Ulmus alata*), willow oak (*Quercus phellos*), box elder (*Acer negundo*), eastern red cedar (*Juniperus virginiana*), sweetgum (*Liquidambar styraciflua*), sumac (*Rhus sp.*), invasive Callery pear (*Pyrus calleryana*), blackberry (*Rubus sp.*), invasive Chinese lespedeza (*Lespedeza cuneata*), and grasses.

Section 3 Species Composition

Tree species	Percentage
Loblolly pine	90
Sweetgum	5
Winged elm	3
Other (eastern red cedar, callery pear, sumac)	2

There are no trails within the zone. Due to the high stem density, and distance from other trails, it is not being used for any recreational purpose. Due to the recent clearing of the area, the forest has little diversity and the stem density is very high. To improve stand health, the invasive plants should be removed, and the stand should be thinned to allow for larger trees with less competition. Invasive plants such as Himalayan blackberry, Chinese lespedeza (likely seeded for erosion control after the site was cleared), and callery pear are found throughout the stand.

Table 1. Forest composition breakdown for Stand 3

Stand size (acres)	12.01
Stand age (years)	16
GTR table number	B39 Loblolly Shortleaf Pine

Signed on February 17, 2023, by Brian Williams, Urban Forestry Director, Trees Atlanta.

Brian Williams

Signature

404-681-4901

Phone

brian@treesatlanta.org

Email

APPENDIX A: Canopy Gap Photos

Canopy Gap 1



Canopy Gap 2



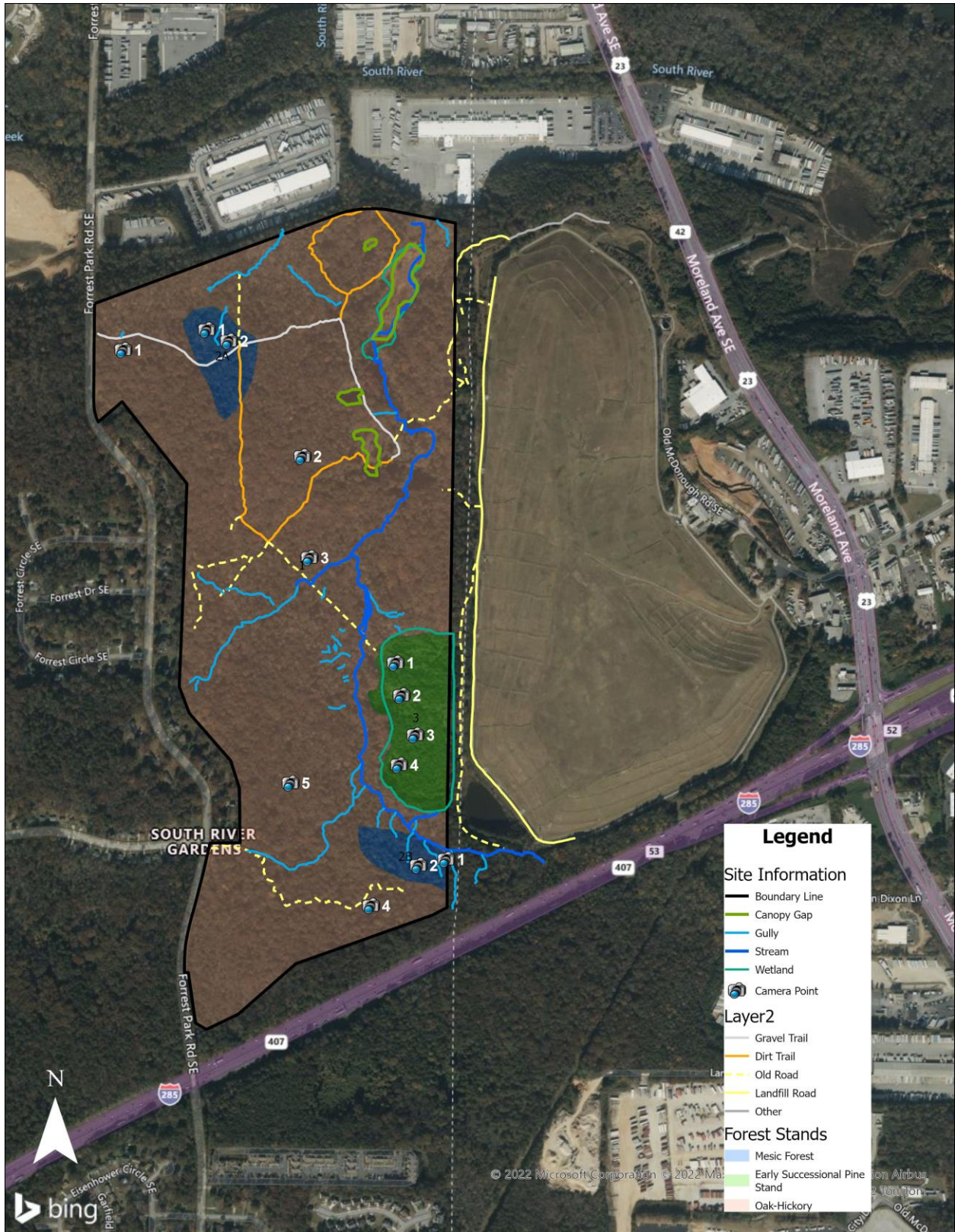
Canopy Gap 3



Canopy Gap 4



APPENDIX B: Forest Section Photos



Section 1 Point 1



Section 1 Point 2



Section 1 Point 3



Section 1 Point 4



Section 1 Point 5



Section 2A Point 1



Section 2A Point 2



Section 2B Point 1



Section 2B Point 2



Section 3 Point 1



Section 3 Point 2



Section 3 Point 3



Section 3 Point 4



APPENDIX C: Satellite Image Data

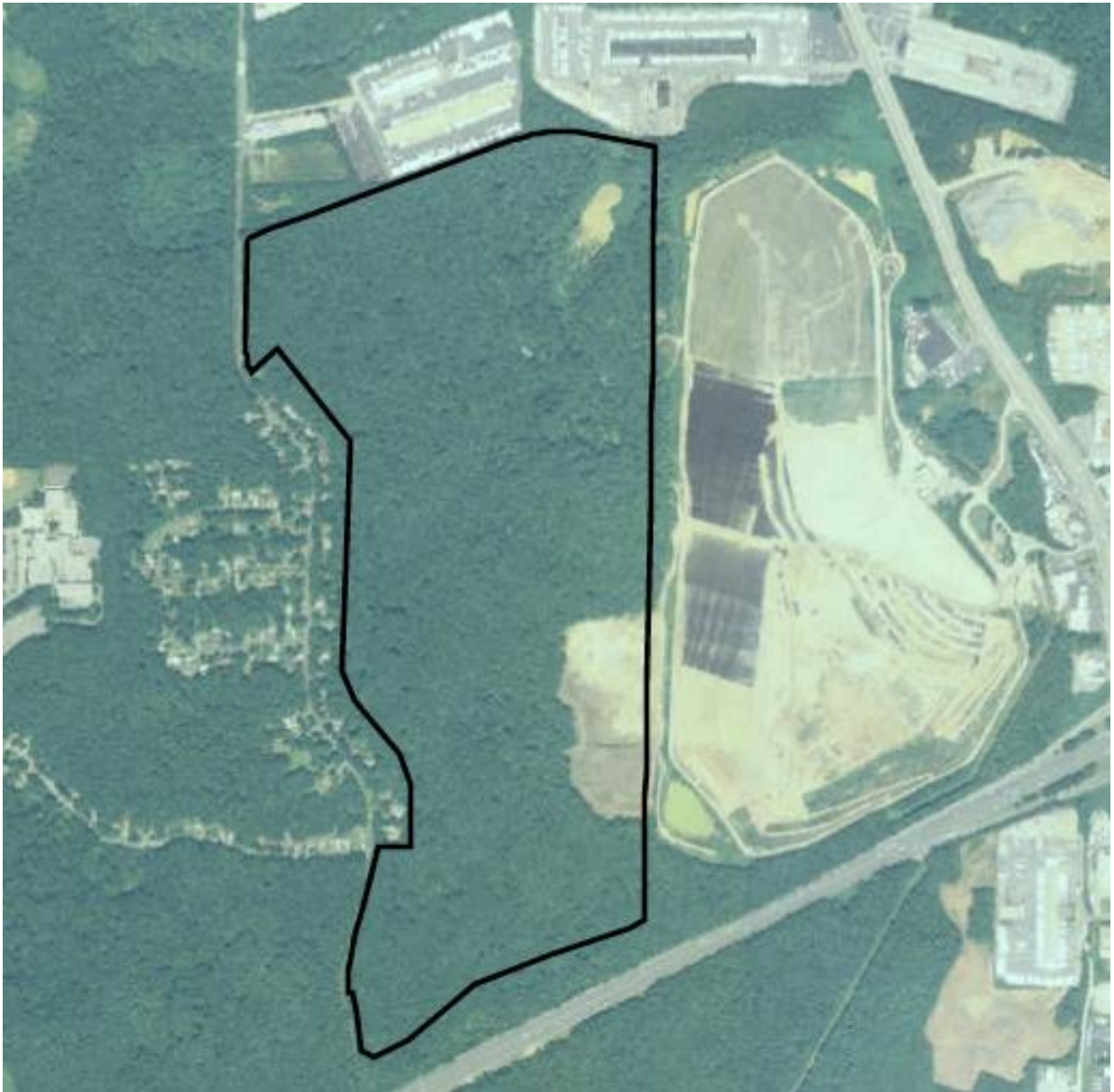
Aerial Photography Index for Fulton County, Georgia Sheet 4 (NAID: 100379764) Produced in 1950



Georgia Color NAIP (FSA 2005)



Georgia Color NAIP (FSA 2006)



APPENDIX D: Invasive Plant Density Maps



Onsite Distribution of Invasive Shrubs
Tan = Light Density Blue = Medium Density Navy Blue = Heavy Density



0 500 1,000 2,000 Feet

Onsite Distribution of Invasive Trees

Tan = Light Density

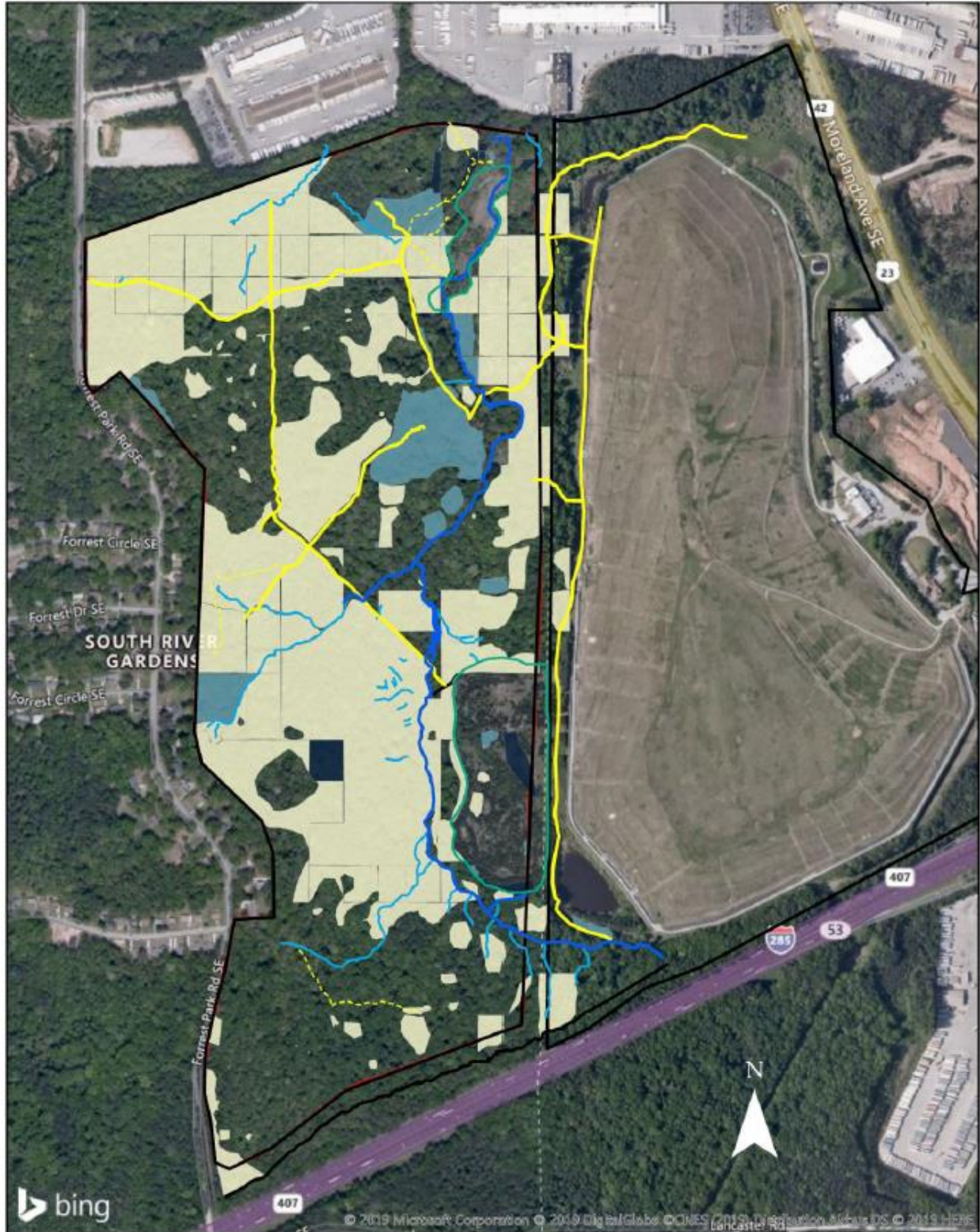
Blue = Medium Density

Navy Blue = Heavy Density

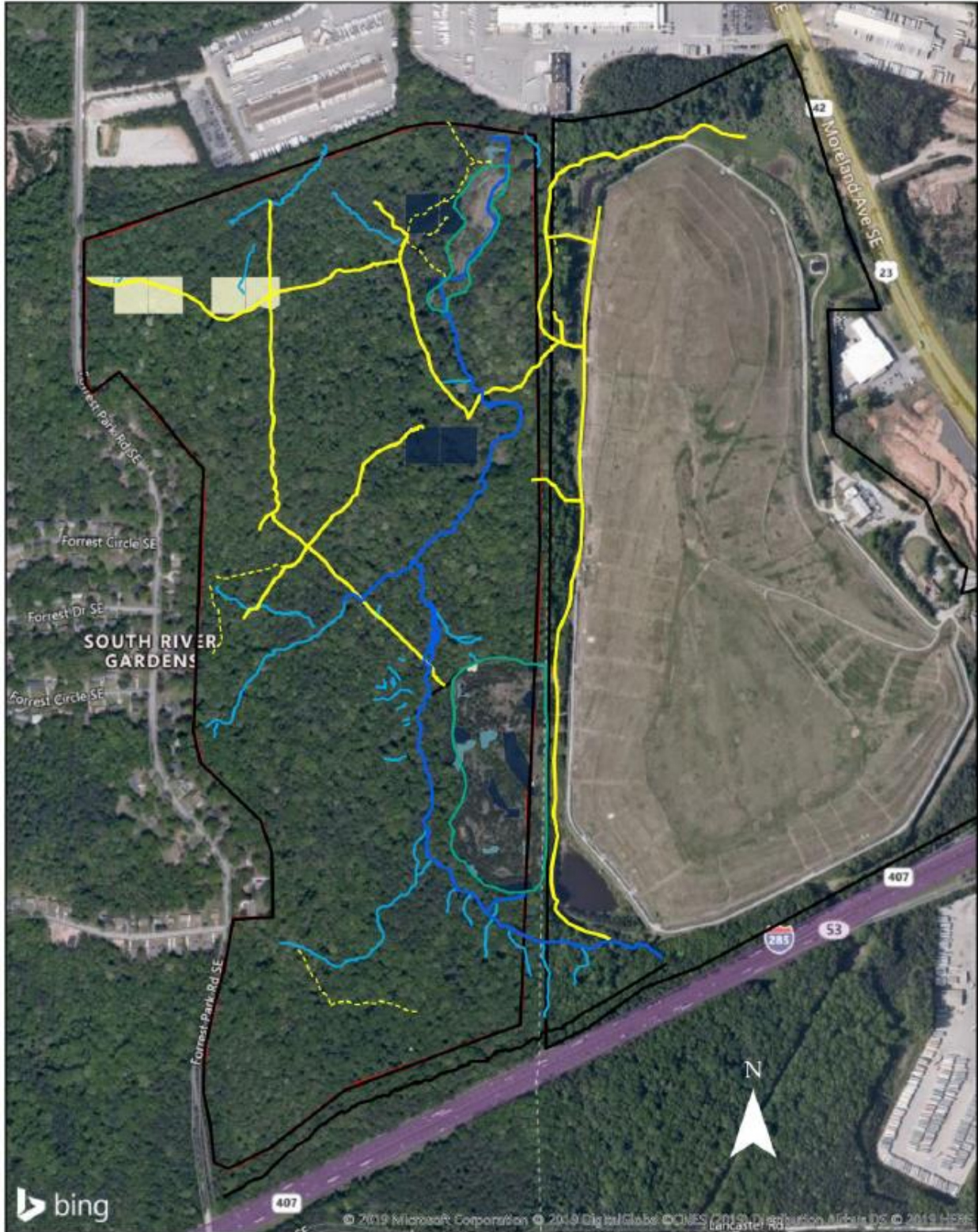


0 500 1,000 2,000 Feet

Onsite Distribution of Invasive Climbing Vines
 Tan = Light Density Blue = Medium Density Navy Blue = Heavy Density

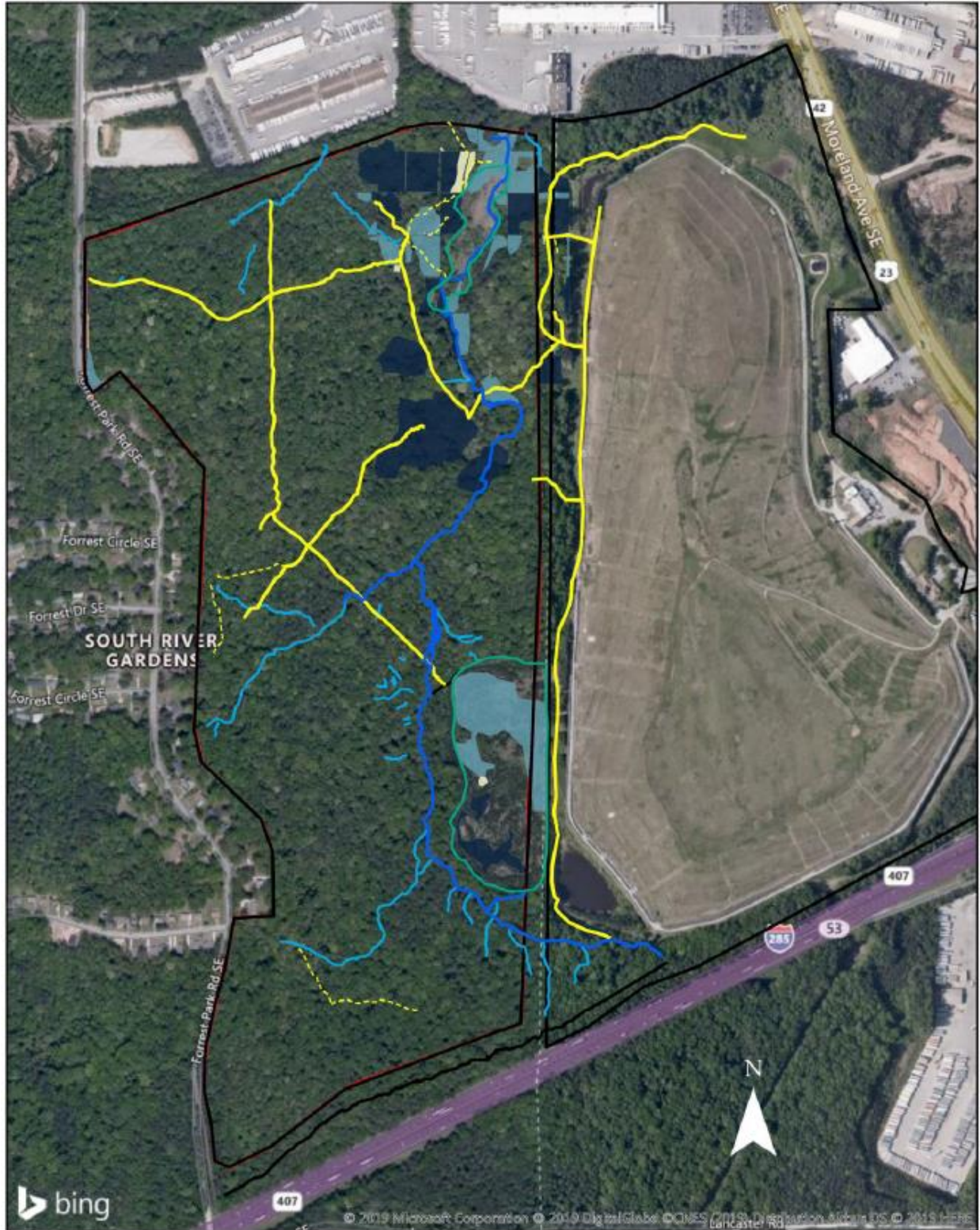


Onsite Distribution of Invasive Evergreen Ground Layer
 Tan = Light Density Blue = Medium Density Navy Blue = Heavy Density

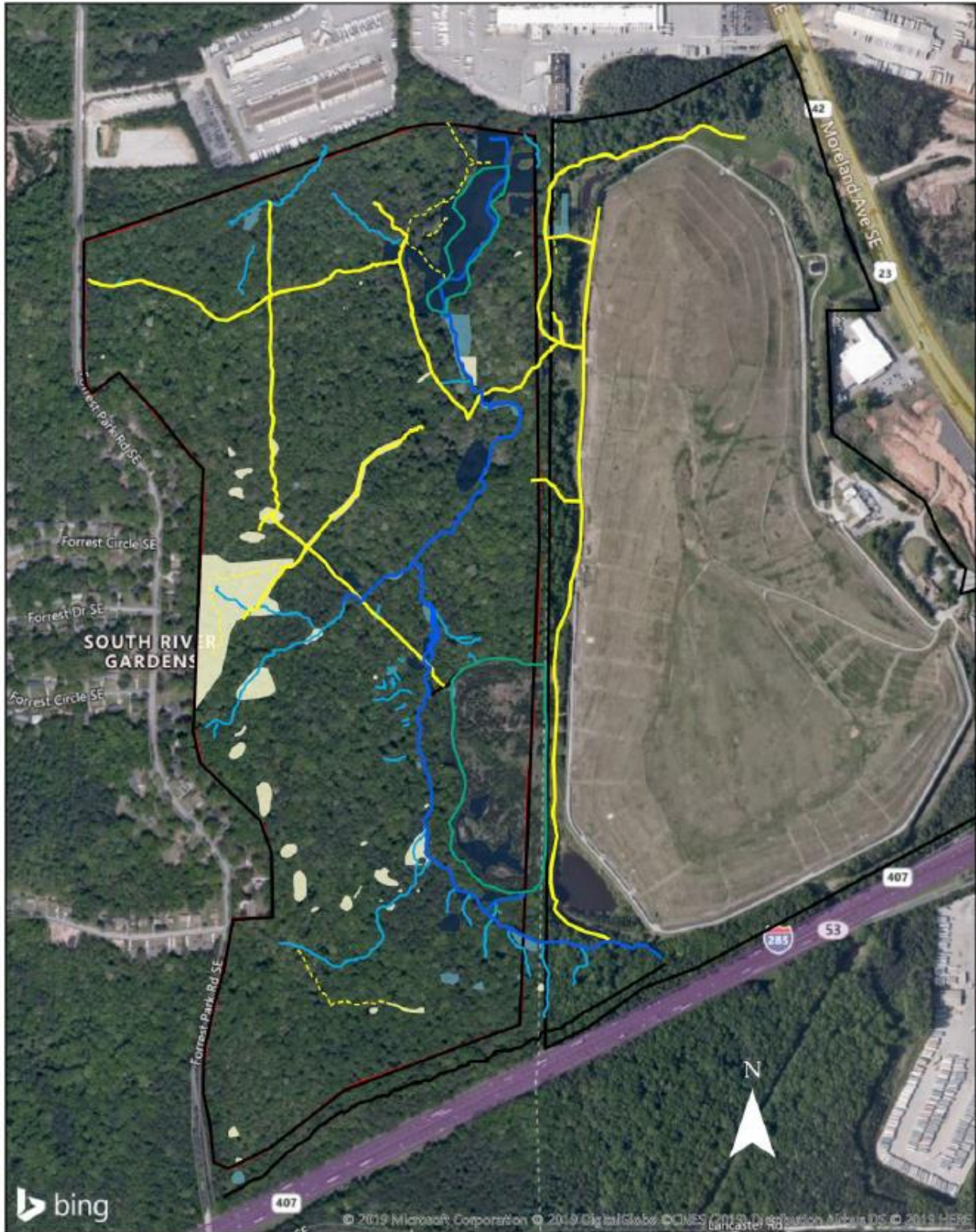


0 500 1,000 2,000 Feet

Onsite Distribution of Invasive Brambles
 Tan = Light Density Blue = Medium Density Navy Blue = Heavy Density

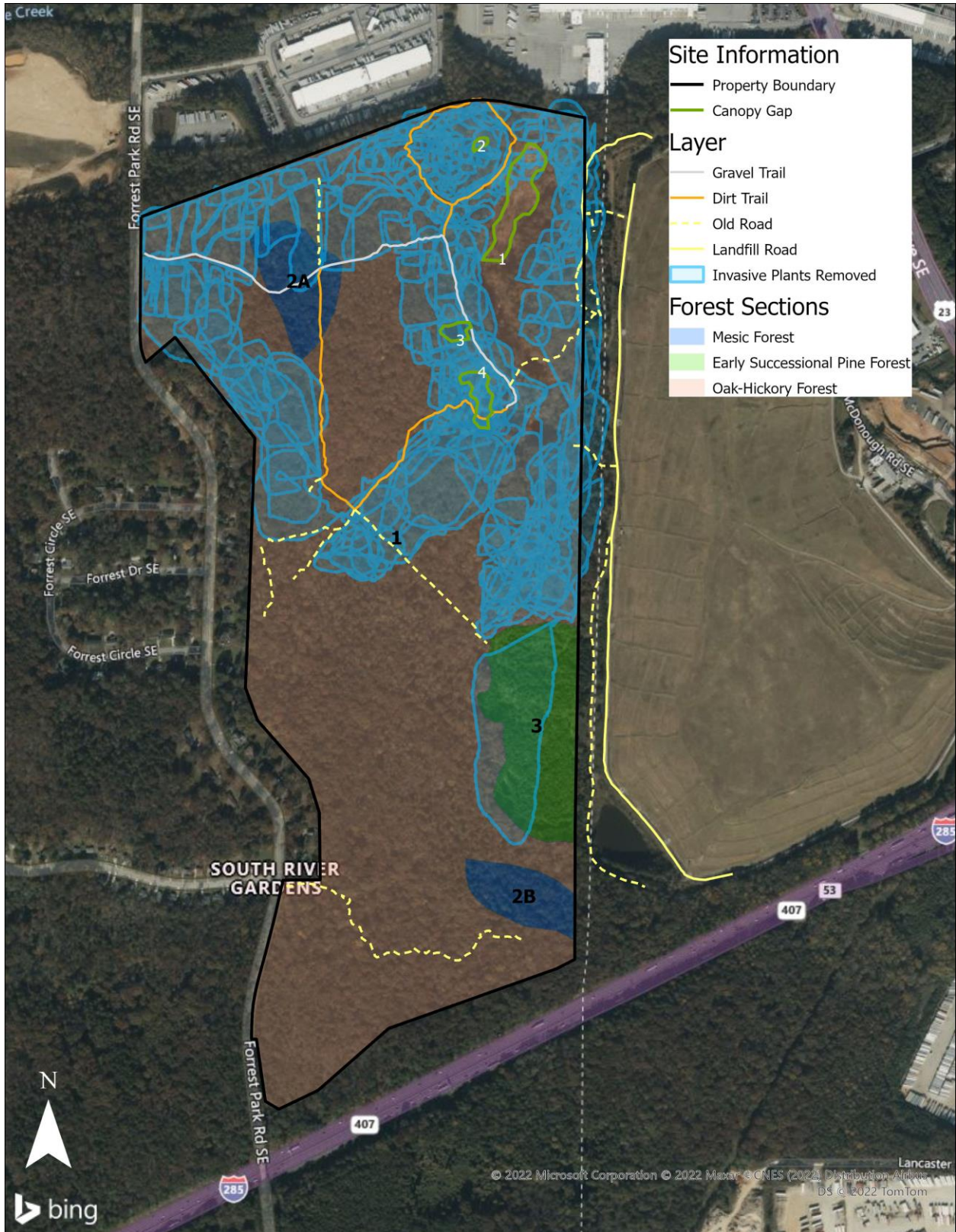


Onsite Distribution of Kudzu/Wisteria/Lespedeza
 Tan = Light Density Blue = Medium Density Navy Blue = Heavy Density

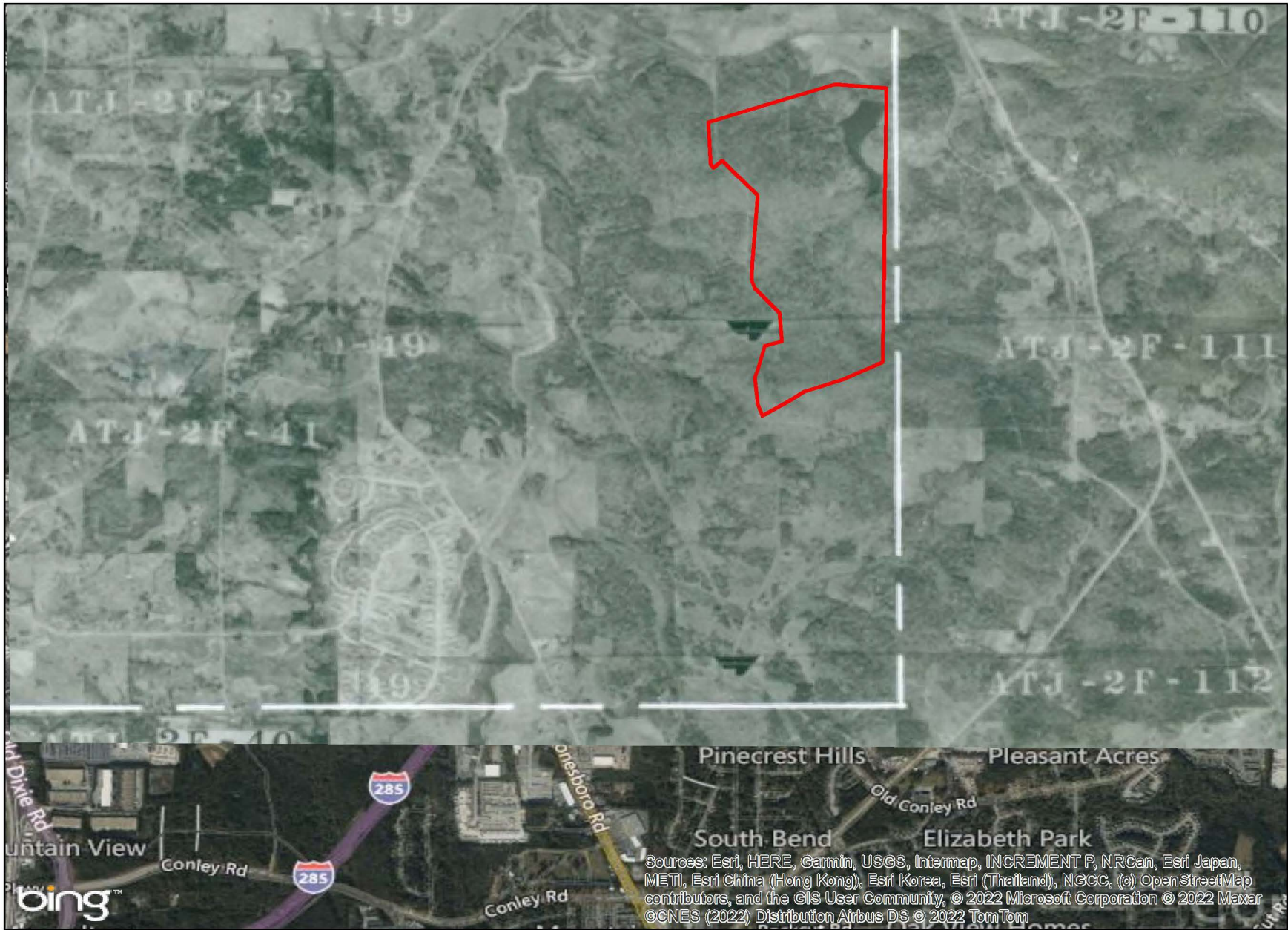


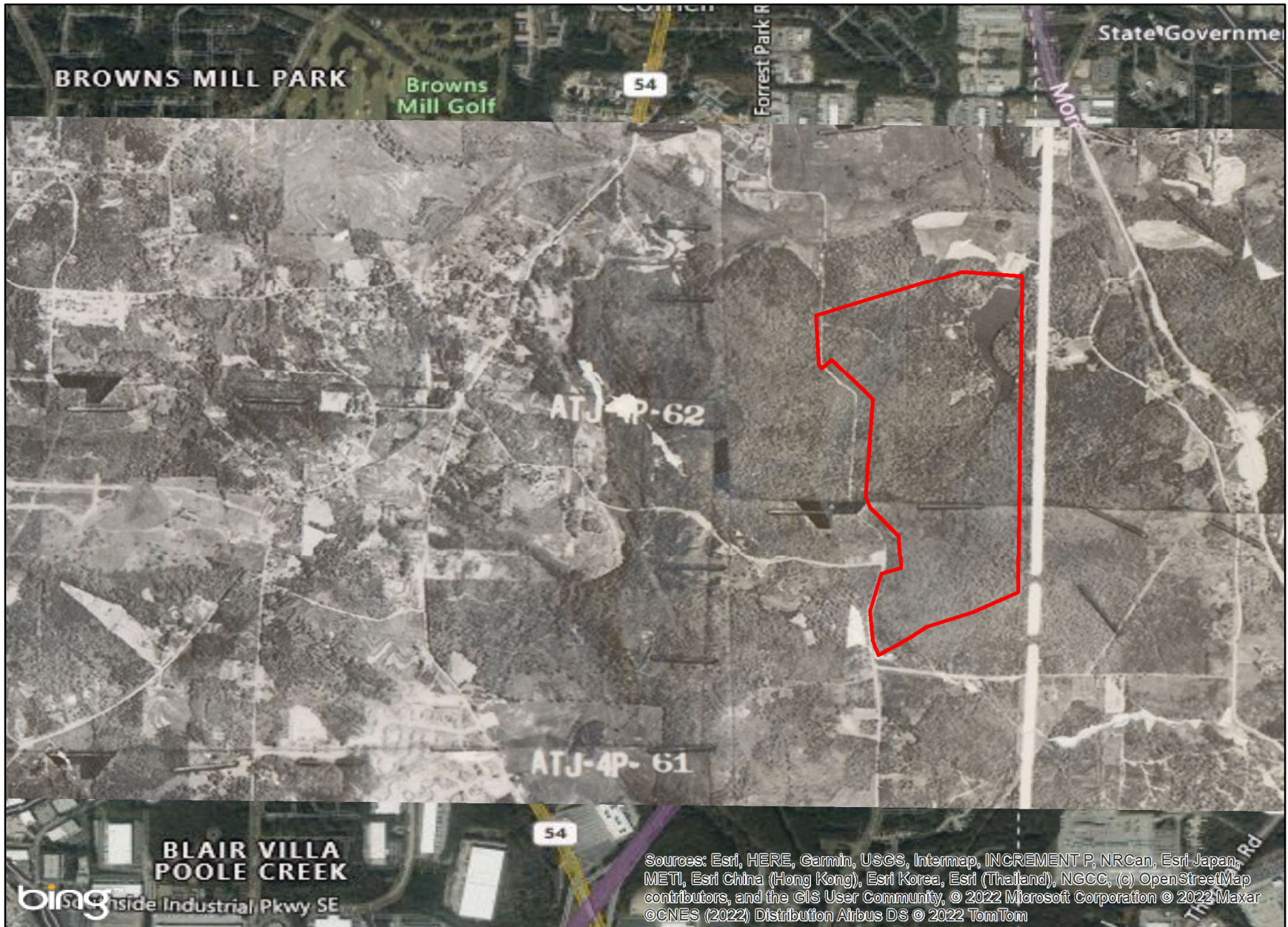
Onsite Distribution of *Microstegium*
 Tan = Light Density Blue = Medium Density Navy Blue = Heavy Density

Invasive Plants Removed from February 2021 – December 2022



Historical Photos





Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, © 2022 Microsoft Corporation © 2022 Maxar © CNES (2022) Distribution Airbus DS © 2022 TomTom

2005



2006



Cobenefit Calculator

Light yellow background denotes an input cell ->



Directions

- 1) Use i-Tree Canopy, or another tool, to estimate the amount of deciduous and coniferous tree cover area (acres) (Cell C20 and D20).
- 2) Use i-Tree Canopy, or another tool, to estimate the amount of non-tree cover area (acres) (Cell F20) in the project area.
- 3) In Cell G20 the total area of the project is calculated (acres). Prompt i-Tree Canopy to provide an estimate of the project area by clicking on the gear icon next to the upper right portion of the image and selecting "Report By Area."
- 4) Total Project Area, cell G17 should equal 100%.

Table 1. Tree Cover

	Deciduous Tree Cover	Coniferous Tree Cover	Total Tree Cover	Non-Tree	Total Project Area
Percent (%)	94%	5%	99%	1%	100%
Area (sq miles)	0.288	0.016	0.304	0.003	0.31
Area (m2)	745,668	41,925	787,593	6,677	794,270
Area (acres)	184.26	10.36	194.62	1.65	196.27

Using the information you provide on tree canopy cover, the tool provides estimates of co-benefits in Resource Units and \$ per year.

Table 2. Co-Benefits per year with current tree canopy cover.

Ecosystem Services	Resource Units Totals	Total \$
Rain Interception (m3/yr)	26,189.2	\$68,500.04
Air Quality (t/yr)		
O3	2.9726	\$8,831.62
NOx	0.7441	\$2,210.61
PM10	1.6329	\$1,844.27
Net VOCs	-0.2384	-\$676.93
Air Quality Total	5.1111	\$12,209.57
Energy (kWh/yr & kBtu/yr)		
Cooling - Elec.	244,550	\$18,561.38
Heating - Nat. Gas	124,058	\$1,289.01
Energy Total (\$/yr)		\$19,850.39
Grand Total (\$/yr)		\$100,559.99

Social Impacts

City Forest Carbon Project

Social Impacts



UN Sustainable Development Goals

The 17 United Nations Sustainable Development Goals (SDGs) are an urgent call for action and global partnership among all countries, representing key benchmarks for creating a better world and environment for everyone. Well-designed and managed urban forests make significant contributions to the environmental sustainability, economic viability and livability of cities. They help mitigate climate change and natural disasters, reduce energy costs, poverty and malnutrition, and provide ecosystem services and public benefits. See more details in the CFC Carbon Project Social Impact Reference Guide.

Instructions

This template sets out all relevant SDGs and lists various urban forest project activities that fall within each SDG. Evaluate the SDGs to determine how your carbon project provides social impacts that may contribute towards achievement of the global goals. Check the box(es) that contain one of your project activities and describe in no fewer than two sentences how your project activities align with the corresponding SDG. **On page 12, select the icon for three to five of the most relevant SDGs to your project and provide any additional information.**

SDG 3 - Good Health and Well Being

Goal: Ensure healthy lives and promote well-being for all at all ages.

Examples of project activities include, but are not limited to:

- Plant or protect trees to reduce or remove air pollutants
- If planting trees, select trees for reduced pollen counts and irritant production
- Plant or protect trees to create shade, provide UV exposure protection, reduce extreme heat negative effects, and/or reduce temperatures to relieve urban heat effects
- Design project to buffer sounds, optimize biodiversity, or create nature experiences
- Locate project near vulnerable populations, such as children or elderly
- Locate project near high volume roads to screen pollutants
- Locate project near people to encourage recreation, provide new parks or green space, or otherwise promote an active lifestyle
- Locate project near schools, elderly facilities, or mental health services to promote nature-based wellness, attention restoration, or other mental well-being
- Locate project in area with conditions of project-defined high inequity to trees, such as at schools, affordable or subsidized housing, formerly redlined neighborhoods, areas with high property vacancy rates, or area with high proportion of renters
- Reduce stormwater runoff or improve infiltration rates
- Design project to reduce human exposure to specific pollutants or toxins
- Other

Lake Charlotte is an incredible resource for Atlanta. As a nature preserve as well as a City park, Lake Charlotte and the included project area hosts a multitude publicly accessible activities that help increase our community's health and wellbeing. These activities include walking, hiking, and biking trails. Lake Charlotte has a varied terrain and existing neighborhood connectivity. Trails towards the southwestern side of the park can connect to mountain biking trails that lead to Southside Park complex. The Southside trail system has additional opportunities to connect to the trail system proposed through Habitat for Humanity's Browns Mill Neighborhood, Path Foundation trails, and existing hiking trails in at Constitution Lakes Park in DeKalb County.

SDG 11 - Sustainable Cities and Communities

Overall: Make cities inclusive, safe, resilient, and sustainable.

Examples of project activities include, but are not limited to:

- Plant or protect trees to reduce or remove air pollutants
- If planting trees, select trees for reduced pollen counts and irritant production
- Locate project near high volume roads to screen pollutants
- Locate project near vulnerable populations, such as children or elderly
- Plant or protect trees to create shade, provide UV exposure protection, reduce extreme heat negative effects, and/or reduce temperatures to relieve urban heat effects
- Locate project near people to encourage recreation, provide new parks or green space, or otherwise promote an active lifestyle
- Design project to improve wellness and mental health, such as planting trees to buffer sounds, optimize biodiversity, optimize views from buildings, or create nature experiences
- Locate project near schools, elderly facilities, or mental health services to promote nature-based wellness, attention restoration, or other mental well-being
- Provide connections and cohesion for social health, such as create or reinforce places that promote informal interactions, engage local residents and users in tree management, include symbolic or cultural elements, or other events
- Research, understand, and design to address understand historic and current sociocultural inequities, community health conditions, environmental injustices, or prior local greening efforts in community
- Locate project in area with conditions of project-defined high inequity to trees, such as at schools, affordable or subsidized housing, formerly redlined neighborhoods, areas with high property vacancy rates, or area with high proportion of renters
- Community engagement in project design, including such things as engaging and respecting existing relationships and social networks, community cultural traditions, and public participation methods that are empowering and inclusive
- Community participation in project implementation, including such things as addressing and removing barriers to participation, promote ongoing community-based care and access to financial resources
- Other

Lake Charlotte Nature Preserve, and the protection of its biodiverse and vast old growth urban forests helps make the City of Atlanta and its communities inherently more sustainable and resilient. As shown in the co-benefits section of the Project Design Document (PDD) this urban forest is critical for reducing air pollutants. Specifically, in terms of air quality, O₃, NO_x, PM₁₀ are all reduced each year due to the preservation of this urban forest. As seen in the surrounding development map, Lake Charlotte Nature Preserve is also completely surrounded by different development, including roads, and a capped landfill. Lake Charlotte and its healthy, biodiverse urban forest, helps serve as an air filter for the surrounding residential community especially on the east side near the project area.

SDG 13 - Climate Action

Goal: Take urgent action to combat climate change and its impacts.

Examples of project activities include, but are not limited to:

- Plant or protect trees to reduce or remove air pollutants
- Plant or protect trees to create shade or reduce temperatures to relieve urban heat effects
- Promote community capacity for social and climate resilience by engaging local residents or users in tree management, or other events to connect people to the project
- Reflect cultural traditions and inclusive engagement for climate resilience
- Design project to improve soil health
- Provide cooling benefits and energy savings by shading impervious surfaces such as streets or parking lots, or planting trees on south and west sides of buildings
- Plant or protect trees to reduce stormwater runoff
- Select water-efficient trees for climate zone and drought resistance
- Create and/or enhance wildlife habitat
- Other

Lake Charlotte Nature Preserve and its urban forest also helps support climate action through direct greenhouse gas sequestration as well as climate adaptation and resilience. As mentioned in the co-benefits section of the PDD, there are green infrastructure benefits for the city of Atlanta and its surrounding communities, especially in terms of mitigating flooding. Further, Lake Charlotte Nature Preserve provides quantifiable urban heat and energy benefits for the surrounding communities as well, this includes cooling and heating mitigation benefits. These quantified benefits and their associated monetary benefits are located in the co-benefits section of the PDD. These co-benefits amongst the other biodiversity and wildlife habitat benefits all help to advance both climate action through adaptation and resilience in projecting the old growth urban forest within the project area.

SDG 15 - Life on Land

Goal: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

Examples of project activities include, but are not limited to the following with increased functionality of green infrastructure:

- Plant or protect trees to reduce stormwater runoff
- Select water-efficient trees for climate zone and drought resistance
- Create and/or enhance wildlife habitat to improve local biodiversity
- Plant forested buffers adjacent to streams, rivers, wetlands, or floodplains
- Prevent soil erosion by protect steep slopes
- Improve infiltration rates
- Other

Lake Charlotte Nature Preserve, as it's suitably named, and the project areas within it, represent a precious biodiversity hotspot within the City of Atlanta as a public nature preserve. Specifically, the project area contains ultramafic rock, which produces an uncommon soil type, referred to as serpentine soils. These serpentine soils host plants that are very distinct from neighboring areas and have high rates of endemism, meaning unique to one location. Plants often appear stunted, portray unique coloration, and have carnivorous traits. It is an endangered botanical community that covers less than 1% of land mass in the United States. Due to the rarity of this ecosystem, it is a significant environmental resource for science, conservation, and education. The project area is also a hotspot for a diverse array of wildlife including native birds, insects, and mammals.

Summary of Project Social Impacts



Lake Charlotte is an incredible resource for Atlanta. As a nature preserve as well as a City park, Lake Charlotte and the included project area hosts a multitude publicly accessible activities that help increase our community's health and wellbeing. These activities include walking, hiking, and biking trails. Lake Charlotte has a varied terrain and existing neighborhood connectivity. Trails towards the southwestern side of the park can connect to mountain biking trails that lead to Southside Park complex. The

Southside trail system has additional opportunities to connect to the trail system proposed through Habitat for Humanity's Browns Mill Neighborhood, Path Foundation trails, and existing hiking trails in at Constitution Lakes Park in DeKalb County. The public health benefits and the network of trails that Lake Charlotte offers community members, helps progress SDG 3 – Good Health and wellbeing.



Lake Charlotte Nature Preserve, and the protection of its biodiverse and vast old growth urban forests helps make the City of Atlanta and its communities inherently more sustainable and resilient. As shown in the co-benefits section of the Project Design Document (PDD) this urban forest is critical for reducing air pollutants. Specifically, in terms of air quality, O₃, NO_x, PM₁₀ are all reduced each year due to the preservation of this urban forest. As seen in the surrounding development map, Lake

Charlotte Nature Preserve is also completely surrounded by different development, including roads, and a capped landfill. Lake Charlotte and its healthy, biodiverse urban forest, helps serve as an air filter for the surrounding residential community especially on the east side near the project area. These actions help progress the City and its surrounding communities on SDG 11 – Sustainable Cities and Communities.



Lake Charlotte Nature Preserve and its urban forest also helps support climate action through direct greenhouse gas sequestration as well as climate adaptation and resilience. As mentioned in the co-benefits section of the PDD, there are green infrastructure benefits for the city of Atlanta and its surrounding communities, especially in terms of mitigating flooding. Further, Lake Charlotte Nature Preserve provides quantifiable urban heat and energy benefits for the surrounding communities

as well, this includes cooling and heating mitigation benefits. These quantified benefits and their associated monetary benefits are located in the co-benefits section of the PDD. These co-benefits amongst the other biodiversity and wildlife habitat benefits all help to advance both progress on SDG 13 - Climate Action through adaptation and resilience in projecting the old growth urban forest within the project area.



Lake Charlotte Nature Preserve, as it's suitably named, and the project areas within it, represent a precious biodiversity hotspot within the City of Atlanta as a public nature preserve. Specifically, the project area contains ultramafic rock, which produces an uncommon soil type, referred to as serpentine soils. These serpentine soils host plants that are very distinct from neighboring areas and have high rates of endemism, meaning unique to one location. Plants often appear stunted, portray unique

coloration, and have carnivorous traits. It is an endangered botanical community that covers less than

1% of land mass in the United States. Due to the rarity of this ecosystem, it is a significant environmental resource for science, conservation, and education. The project area is also a hotspot for a diverse array of wildlife including native birds, insects, and mammals. All these efforts that help enhance and protect Lake Charlotte Nature Preserve and its associated project area helps progress us on SDG 15, life on land.