

Throughout Roswell's long and rich history, its Mayors and City Councils have passed laws protecting the environment and the City's tree canopy. The first law protecting trees dates back to 1878 when the Mayor and Council passed an ordinance that would fine anyone \$10.00 who "cut, injured, or destroyed any shade tree on any street, sidewalk or public square." So, it should come as no surprise that the City today has a Tree Protection Ordinance that provides standards for preservation and mandates that trees which are removed during development within the city limits must be replaced.

TREE PRESERVATION

The City of Roswell Tree Protection Ordinance described in Article 15 of the Roswell Zoning Ordinance regulates the removal, transplantation and trimming of trees that may be impacted during land development and construction. It provides standards for tree preservation and mandates replacement of trees that may be removed during the development process. It also protects specimen trees – trees that qualify for special consideration due to their size, species or condition.

If you are a homeowner with property of one acre or more outside the Chattahoochee River Corridor, you must obtain a Tree Removal Permit to cut specimen trees or any tree larger than three (3) inches in diameter. Before you remove any trees, please contact the City's Arborist to discuss your particular need. You can also download a Tree Removal application or read the Tree Protection Ordinance on Roswell's website at www.roswellga.gov.



TREE PRESERVATION – FAQs

Q: Pine Bark Beetles have damaged trees on my property. Do I need a Tree Removal Permit to have them cut?

A: No, you do not need a tree removal permit to remove dead or damaged trees from your property; however, you should notify the City Arborist at 770-641-3780 to verify that the trees cannot be salvaged. All debris must be legally disposed of off site.

Q: I want to add a room onto my house. Do I need more than a building permit?

A: When you file for a building permit, other supplemental permit applications may also be required including a Tree Removal Permit, a Development Permit and possibly a Grading Permit. The building permit staff will advise you which, if any, additional permits are required.

Q: I fear that a large oak tree near my house may fall and damage my home. Is it okay to remove this tree?

A: Any tree that threatens life or property may be removed or pruned with the approval of the City Arborist. The Arborist may be reached at 770-641-3780.

Q: Some of the trees on my property have been neglected for many years and need severe pruning. Do I need a permit to do this?

A: You do not need a permit to prune trees. However, in buffer areas along creeks and everywhere in the River Corridor, the canopy must remain to shelter the stream banks. All pruning must be done using acceptable arboriculture standards. Removing the complete top from trees, known as topping, is not allowed.

Q: There is a tree near the street that is damaged. Who is responsible for maintaining this tree?

A: If this tree is in the public right-of-way it is the City's responsibility to maintain all plant materials. Otherwise, the property owner is responsible.

Q: My neighbor's tree is about to fall on my fence. What should I do?

A: You should contact your neighbor first to resolve this matter, and then your insurance company. The City cannot resolve civil matters between neighbors.

Q: I live on a small lot outside of the River Corridor and I want to cut some small trees that have grown up over the past few years. Do I need a permit?

A: If your lot is less than one acre in size, you may cut trees without a permit with the exception of specimen trees. Specimen trees require a Tree Removal Permit from the City. If your lot is one acre or larger, removal of any tree over three inches in diameter requires a Tree Removal Permit.

Minimum Specimen Tree Criteria	
24" DBH	Large hardwoods such as oaks, hickories, yellow-poplars, sweet gums, magnolia, large holly, etc.
30" DBH	Large softwoods such as pines, deodar cedars.
4" DBH	Small ornamentals such as dogwoods, redbuds, sourwoods.
DBH (diameter breast height) is the diameter of a tree measured at 4.5 feet above the ground.	
A lesser sized tree, if it is a rare or unusual species of exceptional or unique quality, or of historical significance, may be considered to be a specimen tree by the City Arborist.	

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Prepared by the City of Roswell Community Development Department.

Links:
 Atlanta Regional Commission - www.atche.org
 Upper Chattahoochee River Keepers - www.ucriverkeeper.org
 USDA Forest Service - www.fs.fed.us
 Georgia River Network - www.garivers.org
 Martin's Landing - martinslanding.org
 Chattahoochee Cold Water Fishery Foundation – chattahoocheefoodwebs.org



*Protecting Roswell's
Trees and Streams*



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PROTECTION OF THE CHATTAHOOCHEE RIVER AND THE CORRIDOR

The Metropolitan River Protection Act (MRPA) was adopted by the State Legislature in 1973. Since that time the Atlanta Regional Commission, in concert with local jurisdictions like Roswell, has reviewed over 1,500 developments ranging in size from the addition of a swimming pool on a single family lot to larger developments up to several hundred acres. These reviews establish the development parameters on specific properties consistent with the MRPA. The Act and the accompanying Rules and Regulations limit the clearance of vegetation and amount of impervious surface created within developments or lots that are within 2,000 feet of either bank of the Chattahoochee River.

No permit can be issued for development that exceeds the maximum limits of disturbance or impervious surface established by these reviews.

What does this mean to you as a homeowner? It means that, in most instances, your home was built in conformance with the established limits of disturbance and impervious surface, and that any subsequent landscaping or building additions cannot exceed these limits. Each time you seek a building permit to add to your home or to increase the impervious surface on your property, the City consults the established limits and determines that the addition will not exceed these limits before issuing your permit.

In other cases, your home may have been built prior to the adoption of this ordinance. In such cases, you may continue to landscape and maintain your property as it existed in 1973. Any additional clearance or landscaping will require a review.

Since most landscaping activities do not require a permit, they are not monitored; therefore, it is incumbent on all property owners to maintain your landscaped areas, while not exceeding the established limits of cleared areas. The City maintains the River Corridor review files and can tell you how much area can be cleared and what areas of your property are already considered cleared.

In practical terms, you as a property owner within the corridor, should *never remove any trees or clear any un-cleared areas* of your property without first contacting

the City at 770-641-3780 to determine if what you want to do is consistent with the limits pertaining to your specific property.

Other MRPA regulations you should be aware of are:

- ❖ No land disturbing activities (including clearing or cutting of vegetation) may occur within 50 feet of the river bank or within 35 feet of its tributary creeks.
- ❖ No impervious structures such as houses, patios, pool, decks, driveways or any other impervious surface may be built within 150 feet of the banks of the Chattahoochee River.
- ❖ The City of Roswell vigorously enforces these regulations. Violations can result in restoration of cleared land, removal of structures and fines up to \$1,000 per day.

STREAM PROTECTION

A stream buffer is a vegetated area, including trees, shrubs and herbaceous vegetation established to protect a stream system, lake or reservoir. Stream buffers play an important role in safeguarding water quality and enhancing the community. Their numerous benefits include flood control, pollutant removal, reduction in impervious surfaces, green space and greenways, and habitat protection.

To protect this valuable resource, the State of Georgia has established a minimum buffer width of 25 feet. This applies to all streams whether they are intermittent, meaning they may only flow during certain times of the year, or perennial, meaning they flow all year long. The City of Roswell requires additional undisturbed stream buffers throughout the city with widths in some cases exceeding state requirements. Undisturbed buffer widths vary from 25 feet to 100 feet, depending on the classification of the stream.

Do you have a protected stream buffer on your property? You can find out by consulting the Roswell Water Resources map available online at www.roswellgov.com under the heading: Departments/GIS Mapping. Streams identified as Perennial (shown in blue) on the map must have a 100 foot undisturbed buffer with an additional 50 foot impervious setback, i.e. buildings, sidewalks, patios, etc. Streams identified on this map or by field inspection as Flowing streams require a 50 foot buffer and 25 foot setback from the tops of both banks. Homeowners may thin or trim the buffers, except in the River Corridor,

provided that adequate cover is maintained to protect the stream bank and aquatic habitat, and a natural canopy remains to shade the stream channel. Mechanized clearing of the buffers with chainsaws, bobcats or other heavy equipment is not permitted without a variance issued by the State of Georgia.

As mentioned, the Roswell Water Resources Map is available online at www.roswellgov.com. For additional information on stream buffer regulations, refer to Chapter 7 of the Roswell Code of Ordinances and Chapter 21.2 of the Roswell Zoning Ordinance, also available on the City of Roswell website. If you have any questions about stream buffers, flood zone or stream bank protection, contact the Community Development Department, Engineering Division.

FAQs

Q: I would like to build a deck along the creek beside my house. Is this permissible?

A: All creeks have undisturbed natural buffers along them ranging from 25 feet to 100 feet. No structures or disturbance may occur in these buffers without a variance. Consult the Water Resources Map on the City's website to determine what type of stream you have and what buffers are required to be left undisturbed.

Q: The creek behind my house does not always have water flowing in it. Is it a protected stream with a buffer?

A: An intermittent stream does not always have water flowing through it, but flow returns after dry weather. An intermittent stream has a minimum 25 foot undisturbed buffer along each side where no clearance may occur. You can check the Water Resources Map on the web at www.roswellgov.com to identify which streams are on your property.

Q: I live near the river but not on the river. How can I tell if the River Corridor regulations apply to my property?

A: The Corridor extends outward for 2,000 feet along each side of the river banks. Consult the City's web site at www.roswellgov.com or call the City at 770-641-3780 to have your address verified.

Q: If the impervious surface created on my property is limited by the River Corridor regulations, how is that limit determined?

A: All property within 2,000 feet of the Chattahoochee River Corridor must be reviewed by the Atlanta Regional Commission and the City of Roswell to determine the limits of impervious surface and clearance. For help with this review process, please call the City at 770-641-3780.

Q: I live on the River Corridor and my neighbor's are using equipment to clear undergrowth for a garden. Is this a violation of the River Corridor regulations?

A: Unless the area of undergrowth removal was previously approved through a River Corridor review, the removal of undergrowth is most likely a violation of the regulations. Call the City's River Corridor Specialist at 770-641-3780 who will consult the review files to make the determination.

Q: I am considering building a dock on the river bank. Do I need a River Corridor Review before construction?

A: No disturbance of any kind is allowed within 50 feet of the river bank and no structures are allowed within 150 feet of the river bank without a variance. Any structure extending from the bank into the river such as a dock also needs a permit from the U.S. National Park Service.

Q: I saw someone pouring something in the street drain. Is this an acceptable practice?

A: No, anything poured into a street drain as well as any oil or run-off from your driveway or street that finds its way to the street drain will end up directly in our creeks and rivers. In fact it is a serious violation of environmental regulations and subject to severe fines.

