

1 **Protecting Trees in Critical Areas and Tree Replacement**

2 For the purpose of creating tree removal and replacement criteria in Critical Area zoning districts;
3 and generally related to tree policy in the City.

4

5

6 **CITY COUNCIL OF THE**

7 **City of Annapolis**

8

9 **Ordinance 27-25**

10

11 **Introduced by: Alderman Savidge**

12 **Co-sponsored by:**

13

14 **Referred to:** Planning Commission, Environmental Matters Committee,
15 Rules and City Government Committee

16

17 **AN ORDINANCE** concerning

18 **Protecting Trees and Tree Replacement in Critical Areas**

19 **FOR** the purpose of creating tree removal and replacement criteria in Critical Area zoning
20 districts; and generally related to tree policy in the City.

21 **BY** enacting with amendments the following portions of the Code of the City of Annapolis,
22 2025 Edition: **21.54.130 and 21.72.010.**

23

24 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
25 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

26

27

28 **Title 21 – PLANNING AND ZONING**

29 **Division IV – Overlay District Regulations**

30 **Chapter 21.54 – Critical Area Overlay**

31

32 **Section 21.54.130 – Trees in Critical Areas**

33 **A. Generally.** This section applies to trees on private land in the City of Annapolis "Critical
34 Area Overlay" zoning district as described in § 21.54.020.

35 **B. Tree Removal Permit Required.** Property owners shall:

36 1. Obtain a permit before removing trees larger than five inches in diameter as
37 measured four and one-half feet above the ground;

Explanation:

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Bracket means a note for the reviser

- 1 2. Document the need for tree removal through photos;
- 2 3. Submit such information that the Department may require as part of the removal
3 permit, such as an arborist report or a more detailed assessment of the tree(s); and
- 4 4. Provide for a Department inspection, as determined by the Department, subject to
5 due notice provided to the property owner by the Department prior to any
6 inspection.

7 **C. Tree Removal Criteria.** A tree shall meet at least one of the following criteria before a
8 removal permit is issued:

- 9 1. The tree is dead, dying or diseased, such that 50% or more of the crown area is
10 visibly dead;
- 11 2. The tree is damaged or injured to the extent that it is likely to die or become
12 diseased or
- 13 3. Any two of the following:
 - 14 a. The tree's removal will serve the purposes of this chapter or will enhance
15 the health of the remaining trees in the Critical Area;
 - 16 b. The removal of the tree will avoid or alleviate, mitigate, or reduce a
17 substantial undue hardship or damage to the property or any structure
18 located thereon, or
 - 19 c. The tree removal is consistent with good forestry practices as determined
20 by the Department.

21 **D. Tree Replacement.**

- 22 1. The property owner is required to plant replacement tree(s) in accordance with
23 regulations established by the Department, and any such plantings must be
24 indicated in the Tree Removal Permit application.
- 25 2. Replacement trees shall be a native species unless otherwise approved by the
26 Department.
- 27 3. Requirements for replacement tree size, location, and variety to reestablish the
28 visual character and environmental benefits of the removed tree shall be subject to
29 regulations established by the Department.
- 30 4. The area where the tree was removed shall be the priority for replacing the
31 removed tree.
- 32 5. Alternate planting locations shall be recommended by the property owner and
33 approved by the Department.

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- 1 a. If the Department determines that there are no reasonable areas to replace
2 the tree on the property, or if they determine that the forest on-site is
3 already at maximum healthy density and a replacement tree will compete
4 or endanger nearby trees, the property owner may be:
 - 5 i. Permitted to replace the tree in another location off the property
6 within the Critical areas. Such areas could include street trees that
7 would still be within the critical area; or
 - 8 ii. Allowed to pay a fee in lieu of planting a new tree, with the fee
9 determined by the City Council through annual resolution.
- 10 b. If a property owner demonstrates that replacing the tree creates a financial
11 hardship, the Department may utilize the Watershed Restoration Fund to
12 cover the cost of a replacement tree, subject to the availability of funds.

E. Enforcement.

1. Property Owner.

- 15 a. In addition to penalties in § 21.54.200, the Department may revoke any
16 permit issued under this section and issue a stop work order stopping
17 further tree removal if the Department determines that such action is
18 necessary to accomplish the purpose of this section.
- 19 b. A copy of any required tree removal permit must be posted at the job site
20 by the property owner for the duration of the project.
- 21 c. If the required mitigation, pursuant to subsection D, is not completed
22 within one year after the Department's notification, the property owner
23 shall be subject to a fine as established by resolution of the City Council.
- 24 d. Payment of all outstanding fines issued pursuant to this section is required
25 prior to continuing any work performed as part of the tree removal permit.

26 2. Contractors. If a tree care or arborist contractor violates the provisions of this 27 section more than two times in a 12-month period, the City shall, for 20 months:

- 28 a. Bar the contractor from receiving or maintaining a business license to
29 operate in the City; and
- 30 b. Not issue or approve any permit permit for a project if the contractor listed
31 to perform the work.
- 32 3. The Department is authorized to enforce this section and to develop such rules
33 and regulations as are necessary and proper to implement its requirements.

34 F. Fees, Fines, and Violations.

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- 1 1. Generally. Fees and fines required by this section shall be set by annual
2 resolutions of the City Council.
- 3 2. Permit Fees.
 - 4 a. There shall be a permit application fee.
 - 5 b. The tree-removal permit fee shall be paid when the tree removal permit is
6 submitted.
- 7 3. Fee-in-Lieu.
 - 8 a. The Department shall have the authority to develop rules and regulations
9 necessary to implement a fee-in-lieu for tree replacement as required in
10 this section.
 - 11 b. All fee-in-lieu funds collected pursuant to this section from this section
12 shall be set aside exclusively for equivalent tree replacement, as required
13 in this section.
- 14 4. Violation.
 - 15 a. A violation of any provision of this chapter shall constitute a municipal
16 infraction, and the person or entity in violation is subject to a fine as
17 established by resolution of the City Council for each violation.
 - 18 b. Each day a violation continues, it is a separate violation for which a
19 separate citation may be served.
 - 20 c. The Department may seek an injunction or other equitable relief
21 requiring a person to cease violation of this section and take corrective
22 action to restore an area.

24 Section 21.72.010 - Terms

25 **[Definition Change 1]**

26 ~~"Critical Area" means all lands and waters defined in §8-1807 of the Natural Resources~~
27 ~~Article, Annotated Code of Maryland. Critical Area includes:~~

- 28 a. ~~All waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and~~
29 ~~their tributaries to the head of tide;~~
- 30 b. ~~All State and private wetlands designated under [Title 16](#) of the Natural Resources~~
31 ~~Article, Annotated Code of Maryland;~~

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1 e. All land and water areas within one thousand feet beyond the landward boundaries
2 of State or private wetlands and the heads of tides designated under Title 16 of
3 the Natural Resources Article, Annotated Code of Maryland; and
4 d. Modification to these areas through inclusions or exclusions approved by the
5 Commission as specified in §8-1807 of the Natural Resources Article, Annotated
6 Code of Maryland.

7 "Critical area" refers to the sections of the City depicted on the Critical Area Overlay
8 zoning map outlined in Chapter 21.54. This generally encompasses all City land and
9 waters within 1,000 feet beyond the landward boundaries of state or private wetlands and
10 the heads of tides designated in Environmental Article, Title 16, of the Annotated Code
11 of Maryland.

12

13 **[Definition Change 2]**

14 "Tree" means a large, woody plant having one or several self supporting stems or
15 trunks and numerous branches that reach a height of at least twenty feet at maturity.
16 "Trees" refers to a large, woody plant with one or more self-supporting stems or trunks
17 and numerous branches that reach a height of at least 20 feet when fully grown.

18 "Tree conservation areas" refer to setbacks in front, side, or rear yards, as defined by City
19 zoning regulations in Title 21, for residential or commercial properties adjacent to a
20 public right-of-way.

21

22 **SECTION II: BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**
23 **CITY COUNCIL** that this ordinance shall take effect upon passage;

24

25 **SECTION III: AND BE IT FURTHER ESTABLISHED** that the Department, within 90 days
26 of enactment, shall promulgate such regulations as are necessary and proper for the full
27 implementation of this Ordinance.

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