

Protecting Trees in Critical Areas and Tree Replacement

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

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 27-25

**Introduced by: Alderman Savidge
Co-sponsored by:**

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

AN ORDINANCE concerning

Protecting Trees and Tree Replacement in Critical Areas

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

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

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

**Title 21 – PLANNING AND ZONING
Division IV – Overlay District Regulations
Chapter 21.54 – Critical Area Overlay**

Section 21.54.130 – Trees in Critical Areas

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

B. Tree Removal Permit Required. Property owners shall:

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

Explanation:

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates a change to the City Code.

Underlining & black - copyediting or reformatting of existing Code section

Underlining & red - new matter added to the code.

Bracket means a note for the reviser

2. Document the need for tree removal through photos;
 3. Submit such information that the Department may require as part of the removal permit, such as an arborist report or a more detailed assessment of the tree(s); and
 4. Provide for a Department inspection, as determined by the Department, subject to due notice provided to the property owner by the Department prior to any inspection.
- C. **Tree Removal Criteria.** A tree shall meet at least one of the following criteria before a removal permit is issued:
1. The tree is dead, dying or diseased, such that 50% or more of the crown area is visibly dead;
 2. The tree is damaged or injured to the extent that it is likely to die or become diseased or
 3. Any two of the following:
 - a. The tree's removal will serve the purposes of this chapter or will enhance the health of the remaining trees in the Critical Area;
 - b. The removal of the tree will avoid or alleviate, mitigate, or reduce a substantial undue hardship or damage to the property or any structure located thereon, or
 - c. The tree removal is consistent with good forestry practices as determined by the Department.
- D. **Tree Replacement.**
1. The property owner is required to plant replacement tree(s) in accordance with regulations established by the Department, and any such plantings must be indicated in the Tree Removal Permit application.
 2. Replacement trees shall be a native species unless otherwise approved by the Department.
 3. Requirements for replacement tree size, location, and variety to reestablish the visual character and environmental benefits of the removed tree shall be subject to regulations established by the Department.
 4. The area where the tree was removed shall be the priority for replacing the removed tree.
 5. Alternate planting locations shall be recommended by the property owner and approved by the Department.

Explanation:

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates a change to the City Code.

Underlining & black - copyediting or reformatting of existing Code section

Underlining & red - new matter added to the code.

Bracket means a note for the reviser

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.

23
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;~~

Explanation:

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates a change to the City Code.

Underlining & black - copyediting or reformatting of existing Code section

Underlining & red - new matter added to the code.

Bracket means a note for the reviser

1

4

7

2

4

5

8

1

5