



Legislation Details (With Text)

**File #:** O-23-16      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 5/2/2016      **In control:** City Council

**On agenda:** 7/11/2016      **Final action:** 7/11/2016

**Title:** Grading Permits for Tree Removal - For the purpose of requiring a Grading Permit when trees having a combined diameter of 60 inches are to be removed from lots 40,000 square feet or greater.

**Sponsors:** Jared Littmann, Sheila Finlayson, Joe Budge, Ross Arnett, Michael J. Pantelides

**Indexes:** Economic Matters Committee, Environmental Commission, Environmental Matters Committee

**Code sections:**

**Attachments:** 1. O-23-16 Grading Permit for Tree Removal.pdf, 2. O-23-16 Staff Report.pdf, 3. O-23-16 Fiscal Impact.pdf, 4. O-23-16 SIGNED.pdf

Date	Ver.	Action By	Action	Result
7/11/2016	1	City Council	adopt on second reader	Pass
6/9/2016	1	Environmental Matters Committee	recommend favorably	Pass
6/8/2016	1	Economic Matters Committee	recommend favorably	Pass
5/23/2016	1	City Council	declare the public hearing closed	
5/9/2016	1	City Council	adopt on first reader	Pass

**Grading Permits for Tree Removal** - For the purpose of requiring a Grading Permit when trees having a combined diameter of 60 inches are to be removed from lots 40,000 square feet or greater.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 23-16**

**Introduced by: Alderman Littmann, Alderwoman Finlayson, Alderman Budge  
and Alderman Arnett**

**Referred to  
Economic Matters Committee  
Environmental Matters Committee  
Annapolis Environmental Commission**

**AN ORDINANCE** concerning

**Grading Permits for Tree Removal**

**FOR** the purpose of requiring a Grading Permit when trees having a combined diameter of 60 inches are to be

removed from lots 40,000 square feet or greater.

**BY** repealing and re-enacting with amendments the following portion of the Code of the City of Annapolis, 2015 Edition:

Section 17.08.040

**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:

**CHAPTER 17.08 - GRADING, EROSION, AND SEDIMENT CONTROL**

**17.08.040 Grading Permit - Exemptions**

No person shall disturb land without implementing soil erosion and sediment controls in accordance with the requirements of this chapter and the standards and specifications except as provided within this section.

A. A grading permit is not required for the following limitations as set forth by the Anne Arundel Soil Conservation District's most recent standard sediment and erosion control plan limitations, provided that the other provisions of this chapter and of applicable State law are satisfied:

Land on which the following exist:

1. Agricultural land management practices and agricultural BMPs.
2. The lot where the work is to be performed is on a paved, graveled or publicly maintained street where storm drains are in operation and roadside ditches are stabilized.
3. Not more than five thousand square feet of ground shall be disturbed; no more than two thousand square feet for waterfront lots.
4. Cuts and fills shall not exceed ten feet in depth or height and shall not exceed one hundred cubic yards in volume.
5. Slopes with a grade of fifteen percent or greater shall not be disturbed and slopes steeper than 3:1 may not be created.
6. Highly erodible soils shall not be disturbed.
7. No earth disturbance shall occur within the following with the exception of shoreline stabilization projects and retaining wall replacements in kind:
  - a. The limits of the one hundred-year floodplain of any stream;
  - b. One hundred feet of any perennial stream or water body;
  - c. One hundred feet landward of the mean high water line of any water body affected by tidal action (subject to variance procedures in Title 21 of the City Code);

- d. One hundred feet from any tidal wetland or bog; or
  - e. Twenty-five feet of any non-tidal wetland except for an approved buffer management plan approved by the City for clearing less than five thousand square feet of vegetation.
8. The owner, builder or developer is not the same owner, builder or developer of any contiguous lots undergoing development.
  9. The proposed construction is not a single family dwelling or an addition or modification that is classified as a substantial improvement to an existing single family dwelling as determined in accordance with City Of Annapolis Code.
  10. Any proposed grading will not impair existing surface drainage, constitute a potential erosion hazard or act as a source of sedimentation to adjacent land or water resource or impact an erosion and sediment control plan previously approved by the Anne Arundel Soil Conservation District or the City of Annapolis.
  11. The site conditions must be such that it is possible to satisfy the required erosion and sediment control requirements by the use of reinforced silt fence, a stabilized construction entrance and vegetative stabilization.
  12. The applicant has submitted a site plan adequately showing the property lines, site conditions, and the proposed work which is attached hereto and made a part thereof.
  13. For work in the critical area, the applicant has submitted a critical area worksheet detailing existing, and proposed lot coverage and impervious cover.
  14. The proposed work does not require a state waterway or wetland permit except where the project is a shoreline stabilization project.
- B. Land-disturbing activities that are subject exclusively to State approval and enforcement under State law and regulations.
- C. If a grading permit is not required under Subsection A., a standard sediment and erosion control plan shall be issued.
- D. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION A. AND SUBSECTION C., A GRADING PERMIT SHALL BE REQUIRED FOR REMOVAL OF MULTIPLE TREES HAVING A COMBINED DIAMETER AT BREAST HEIGHT (DBH) OF 60 INCHES OR GREATER ON LOTS OF 40,000 SQUARE FEET OR GREATER.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

#### EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.  
~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.