

COUNTY ORDINANCE NO. 25-08

A BILL ENTITLED

AN ACT CONCERNING Buffer Yards in Cluster Subdivisions Outside of Growth Areas;

FOR THE PURPOSE of repealing and replacing Section 18:1-76 D. of the Code of Public Local Laws of Queen Anne’s County; applying vegetative buffer standards to major cluster subdivisions in all zoning districts outside the growth area; requiring the buffer be planted prior to the issuance of any permit; establishing the width of the buffer required; providing requirements for size and types of plant material; and generally addressing and revising the buffer yard requirements as regards cluster subdivisions;

BY REPEALING AND REPLACING Section 18:1-76 D. of the Code of Public Local Laws of Queen Anne’s County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18:1-76 D. of the Code of Public Local Laws be and is hereby REPEALED AND REPLACED as set forth in “Exhibit A” attached hereunto.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46th) day following its adoption.

INTRODUCED BY: Commissioner Corchiarino

DATE: July 8, 2025

PUBLIC HEARING HELD: August 12, 2025

VOTE: 5 YEA 0 NAY

DATE OF ADOPTION: August 12, 2025

Article XI Buffer Yards.

§ 18:1-76 Table of required buffer yards and street buffers.

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~~D. Cluster subdivisions. In cases where a cluster residential development is proposed in any zoning district outside of the growth areas, the developing property shall provide a vegetative buffer of native species along the perimeter property line a minimum of 30 feet in width consisting of a mixture of canopy trees, canopy treewhips, and mature plant material of significant density to provide immediate buffering capacity in the vicinity of the proposed development to provide additional protection for the existing and continuing agricultural uses on adjacent properties. The buffer will occur regardless of the presence or absence of required district boundary. The buffers may be used in conjunction with meeting requirements of Chapter 18:2, Forest Conservation. The Planning Director or the Planning Commission, as appropriate (for the type of subdivision approval), may modify the requirements of this section if strict compliance would not be likely to protect adjacent agricultural lands from nuisance claims or complaints.~~

~~[Amended 10-9-2012 by Ord. No. 12-09]~~

D. MAJOR CLUSTER SUBDIVISION: IN ALL ZONING DISTRICTS OUTSIDE OF THE GROWTH AREA, REGARDLESS OF THE DISTRICT BOUNDARY A MAJOR CLUSTER SUBDIVISION SHALL PLANT A VEGETATIVE BUFFER ALONG THE PERIMETER OF THE PROPERTY LINE PRIOR TO THE ISSUANCE OF ANY PERMIT.

(1) THE BUFFER IS TO PROVIDE FOR IMMEDIATE BUFFERING CAPACITY AND ADDITIONAL PROTECTION FOR THE EXISTING AND CONTINUING AGRICULTURAL USES ON ADJACENT PROPERTIES AND MINIMALLY CONSIST OF THE FOLLOWING:

(a) MIX OF NATIVE SPECIES;

(b) 30 FEET IN WIDTH; AND

(c) ALL PLANT MATERIAL SHALL CONFORM TO THE PLANT SIZE SPECIFICATIONS AS ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1-2014, AS AMENDED, AND SHALL BE PLANTED TO THE FOLLOWING SPECIFICATIONS:

[1] A MINIMUM OF TWO STAGGERED ROWS OF EVERGREEN TREES THAT AT INSTALLATION, SHALL BE AT LEAST SIX FEET IN HEIGHT, PLANTED ON CENTERS OF SIX TO 12 FEET DEPENDING ON PLANT TYPE. EVERGREEN TREE SPECIES SHALL BE A VARIED MIXTURE OF COMPATIBLE TYPES AND ACHIEVE A HEIGHT OF EIGHT FEET IN A MINIMUM OF TWO YEARS.

[2] DECIDUOUS SHADE TREES WITH A MINIMUM SIZE AT INSTALLATION OF TWO-INCH CALIPER SHALL BE INTERSPERSED WITH THE EVERGREENS, PLANTED ON CENTER NO GREATER THAN 100 FEET.

- [3] UNDERSTORY TREES WITH A MINIMUM SIZE AT INSTALLATION OF ONE-INCH CALIPER OR SIX FEET IN OVERALL HEIGHT EACH PLANTED ON CENTER NO GREATER THAN 100 FEET.**
- [4] SHRUBS, 18 PER EVERY 100 FEET, INTERMEDIATE OR TALL, WITH A MINIMUM SIZE AT INSTALLATION OF 24 INCHES IN HEIGHT OR 30 INCHES IN SPREAD.**
- (d) MAY BE USED IN CONJUNCTION WITH REQUIREMENTS OF CHAPTER 18:2, FOREST CONSERVATION; AND**
- (e) EXISTING HEALTHY VEGETATION WITHIN THE REQUIRED BUFFER AREA MAY BE USED TO SATISFY THE SPECIFIC BUFFER STANDARDS.**
- [1] IN THE EVENT THAT HEALTHY VEGETATION WHICH IS INTENDED TO MEET THE BUFFER PLANTING REQUIREMENTS IS CLEARED, DAMAGED, OR DESTROYED, THE VEGETATION SHALL BE REPLACED WITH THE SAME SPECIES OR WITH AN APPROVED SUBSTITUTE. THE REMOVAL OF ANY EXISTING VEGETATION SHALL VOID ANY CREDIT RECEIVED AND A REVISED LANDSCAPE PLAN SHALL BE SUBMITTED.**