

COUNTY ORDINANCE NO. 05-12

A BILL ENTITLED

AN ACT CONCERNING Screening and Set-Back Requirements for Noncontiguous Development in Queen Anne's County.

FOR THE PURPOSE of adopting screening and buffering requirements for noncontiguous development in Queen Anne's County and adopting the recommendations of the Preservation Task Force in connection therewith.

BY Amending Section 18:1-98 D., Adopting a new Section 18:1-98 E. and renumbering Sections 18:1-98 E. and F., of Chapter 18 of the Code of Public Local Laws of Queen Anne's County, Maryland (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18:1-98 of the Code of Public Local Laws of Queen Anne's County, Maryland be amended to read as follows:

**PART 6
Development Alternatives and Bonuses**

. . .

**ARTICLE XIX
Noncontiguous Development**

. . .

§ 18:1-98. Application and standards.

. . .

D. Density and lot line setbacks.

- (1) The developed parcel shall use a density of no more than 0.9 of a dwelling unit per acre.
- (2) For any developed parcel 50 acres in area or less, all new lots shall be located at least 100 feet from the property lines of the developed parcel as they existed prior to submittal of the development plan.
- (3) For any developed parcel greater than 50 acres in area, all new lots shall be located at least 50 feet from the property line of the developed parcel as they existed prior to submittal of the development plan.

~~(3)~~ (4) All new lots on a developed parcel shall be located at least ~~50-~~ 100 feet from the nearest public road that exists prior to submittal of the development plan.

E. Developed parcel screening requirements:

(1) A planted tree buffer at least 50 feet in width shall be installed between the developed portion of the parcel and any adjacent farm operation or tillable and pasture land and any public road.

(2) A qualified professional or licensed forester shall design the planting scheme for the buffer area in accordance with the following.

(a) For every 100 linear feet of buffer, the developer shall plant:

1. 7 canopy trees;
2. 15 understory trees or large shrubs; and
3. 30 small shrubs.

(b) The buffer shall be planted according to sound nursery practices with the following specifications:

1. The minimum required size of canopy trees at the time of planting shall be three quarter to one-inch (3/4 - 1) caliper measured four inches (4) above the root ball. Understory and evergreen trees shall be at least three feet (3) tall at the time of planting.
2. The canopy tree planting shall include at least four (4) different species and trees must be expected to attain a height of at least 50 feet at maturity.
3. Drought resistant native trees and plants shall be used whenever feasible.
4. Plants shall be nursery grown in accordance with good horticultural practices, and grown under local climatic conditions.
5. The State of Maryland s Noxious Weed Law must be adhered to during

the planting and maintenance of the planted tree buffer.

6. Plants shall be installed with intact root balls. Properly installed guy wires shall be provided for canopy and understory trees so that they stand plumb after planting. The trees shall bear the same relation to finished grade as they bore to grade at the nursery where grown.
7. Planting soil (backfill mix) must be five parts topsoil and one part wet loose peatmoss. All plants shall be well watered after installation.
8. The installation shall be supervised by a qualified professional or licensed forester.

(c) A performance guarantee, secured by a bond, cash deposit or letter of credit from the developer, shall be provided ensuring survival of the plantings for two years after installation.

(3) The screening provisions of this section may be used to meet the provisions of the Forest Conservation Act, and may not be required when there is an existing mature forest located between the proposed development and any farm operation, tillable or pasture land, and any public road provided that the mature forest is identified by a Forest Stand Delineation and will be protected by a long-term protective agreement in accordance with the provisions of Chapter 18:2, Forest Conservation.

E. F. Resource protection land. Natural resources shall be protected at the required percentage on the developed parcel and noncontiguous parcels. **[Amended 9-7-2004 by Ord. No. 04-28]**

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F. G. Noncontiguous parcel.

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SECTION II

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

INTRODUCED BY: Gene Ransom

DATE: June 7, 2005

PUBLIC HEARING HELD: July 26, 2005

VOTE: 4 Yea 0 Nay

DATE OF ADOPTION: August 2, 2005