



County Commissioners:

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
J. Patrick McLaughlin, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

MEMORANDUM

DATE: JUNE 12, 2025
TO: QUEEN ANNE'S COUNTY PLANNING COMMISSION
FROM: STEPHANIE JONES, PRINCIPAL PLANNER
SUBJECT: PLANNING COMMISSION SPONSORED TEXT AMENDMENT
COUNTY ORD. # 25-08 CLUSTER SUBDIVISION BUFFER YARD

According to § 18:1-218.A(1)(b) the Planning Commission has the authority to initiate a text amendment through resolution. Through resolution, during the May 8, 2025 Planning Commission meeting, the Planning Commission voted all in favor for an ordinance to be drafted consistent with the cluster subdivision buffer yard May 8, 2025 staff memorandum and edits as discussed.

Background and Objective:

The intent of Text Amendment/County Ordinance #25-08 is to repeal the existing cluster subdivision buffer yard provisions and replace them in their entirety with edits that continue the intent of the cluster buffer yard. Specifically, the proposed provisions will require the buffer for major cluster subdivisions, will require installation of the buffer prior to the granting of any permit approval, will remove the ability to modify the standards, and will outline more specific landscaping standards.

In general, a 30-foot-wide native vegetative buffer is required around the entire perimeter of a cluster subdivision located in any zoning district outside the designated growth area. The purpose of the buffer is to provide additional protection for the existing and continuing agricultural uses on adjacent properties.

Proposed Text Amendment/ County Ordinance #25-08 is to amend § 18:1-76.D, Cluster subdivision buffer yards.

See attachment for proposed ordinance.

Comments:

- Currently, any cluster subdivision in any zoning district outside of the growth area is required to establish a vegetative buffer of native species along the perimeter of the property line. The buffer requires a width of 30 feet consisting of a mixture of canopy trees, canopy trewhips, and mature plant material of significant density to provide immediate buffering capacity in the vicinity of the proposed development. This standard provides additional protection for the existing and continuing agricultural uses on adjacent properties.
- A cluster subdivision is defined in § 18App-1Definitions as a residential subdivision in which single-family residential dwelling units are concentrated in a discrete area of the existing lot

such that significant open space is created and protected in accordance with the district regulations set forth in Chapter 18:1.

- Generally, the required open space is adjacent to the residential lots, and the permitted uses are those designated in § 18:1-12 (see attachment).
- The intent of the cluster subdivision buffer yard, as described in § 18:1-76.D, is 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.
- § 18:1-76.D currently allows the Planning Director or Planning Commission to modify the requirements if strict compliance would not be likely to protect adjacent agricultural lands from nuisance claims or complaints.
 - Within the recent years, the following applications have been submitted to the Planning & Zoning Office to modify the existing buffer by eliminated them.
 - SUB #20-10-0203, Hayden Estates:
 - To eliminate 15' landscape buffer.
 - Status: PC Approved
 - The buffer was never planted, but existing plant material had grown up in place. One portion of the buffer bisected a field that was currently being tilled.
 - SUB #23-08-0385, Condor Manor:
 - To eliminate 50' buffer.
 - Status: PC Denied
 - SUB #24-11-0439, Meadow's Edge:
 - To eliminate a 30' and 50' buffer.
 - Status: Has not been submitted for second STAC review.
 - SUB #24-11-0440, Woods Heritage:
 - To eliminate 15' buffer.
 - Status: PC Denied
- Although § 18:1-76.D was added to the code in 2012 (County Ord. #12-09), prior to the enactment of these standards, buffer yards were required without modification through noncontiguous development which created cluster subdivisions.
- Relevant Edits:
 - Currently it is not clearly identified when the landscaping buffer is to be installed. The Department policy has been and is to require buffer installation when the last dwelling unit is constructed. According to the proposed County Ord. #25-08, the buffer will be required to be installed prior to the issuance of any permit for the subdivision. By tying this to the first permit, which would likely be a grading permit for the installation of roads and site grading (prior to the first building permit for a dwelling). The developer would be held accountable rather than the single-family dwelling lot owner/s. Additionally, this clarification is consistent with the intent to provide immediate buffering as identified in § 18:1-76.D.
 - The standard which allows for modification of the buffer is to be removed as requested by the Planning Commission.
 - The proposed landscape requirements, as found in proposed § 18:1-76.D(1)(c) are consistent with the utility-scale solar landscaping requirements (as of May 29, 2025).
 - The amendment only applies to major cluster subdivisions. Currently, the standard is applied to all cluster subdivisions (minor and major). This distinction has been made because a residential subdivision of five or fewer lots may have direct access to an existing County or state road, requiring the sixth lot or more to have access from an

internal public road or private road. Generally, with five or fewer lots, the lots are spread out along the County or state road, and the landscaping buffer would then be sporadic around each lot and not a continuous buffer. Therefore, applying this standard to major cluster subdivisions (seven lots or more) seems more appropriate and beneficial since they require internal access and are generally located in the central location of an agricultural use due to open space requirements.

- The Comprehensive Plan indicates that Queen Anne’s County is a predominately rural County that plans for orderly growth to protect and sustain a primarily agricultural, forested, and maritime community within the limits of natural resources. As well, it indicates that current site design standards should be reviewed to further promote environmental protection, landscaping, and aesthetics, as well as seeking to preserve scenic beauty, vistas, viewscapes, and un-fragmented forestland and farmland through compact residential design.
- The MD. Land Use Code Ann., § 4-103 gives the authority to jurisdictions to address landscaping through zoning law.

Recommendation:

Planning Staff recommends that the Planning Commission send a favorable recommendation to the Board of County Commissioners on the proposed amendment to repeal and replace § 18:1-76.D as attached in County Ordinance # 25-08.

The Planning Commission recommendation should include consistency with §18:1, Md. Code Ann., Land Use and the Comprehensive Plan.

- See above or include discussion points to provide consistency findings regarding the comprehensive plan and zoning and subdivision regulations.

Resolution:

RESOLVED, that the Planning Commission makes a **FAVORABLE/UNFAVORABLE** recommendation to the Board of County Commissioners regarding Planning Commission Sponsored Text Amendment #25-08 to repeal the existing cluster buffer yard provisions and replace them in their entirety with edits that continue the intent of the cluster buffer yard. Specifically, the proposed provisions will require the buffer for major cluster subdivisions, will require installation of the buffer prior to the granting of any permit approval, will remove the ability to modify the standards, and will outline more specific landscaping standards. The Planning Commission provides the following findings:

(*PROVIDE FINDINGS FROM THE STAFF REPORT OR DISCUSSION RELATIVE TO CONSISTENCY/INCONSISTENCY WITH:

- ***THE ZONING AND SUBDIVISION REGULATIONS,***
- ***ANNOTATED CODE OF MARYLAND (LAND USE ARTICLE)***
- ***THE COMPREHENSIVE PLAN ****

Attachments: County Ordinance #25-08, Applicable Laws, Recommendation from Economic Development Commission

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: _____

DATE: _____

PUBLIC HEARING HELD: _____

VOTE: _____ YEA _____ NAY

DATE OF ADOPTION: _____

Article XI Buffer Yards.

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

...

~~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.

APPLICABLE LAWS

Annotated Code of Maryland/Land Use Article

§ 4-103. Additional powers

(c) When zoning or rezoning land under this division, to ensure conformity with the intent and purpose of this division and of the local jurisdiction’s zoning law, a legislative body may retain the power to approve or disapprove:

(1) the design of buildings, construction, landscaping, or other improvements; and

§ 4-204. Zoning regulations -- Amendment, repeal, and reclassification

(a) Authority. -- Zoning regulations and boundaries may be amended or repealed.

Chapter 18:1

§ 18:1-12 Permitted uses in open space.

A. The following are permitted or conditional uses allowed in open space areas required by this Chapter 18:1. Any use not specifically listed below is not permitted in required open space areas.

[Amended 6-12-2007 by Ord. No. 06-22; 8-19-2008 by Ord. No. 08-15; 12-13-2011 by Ord. No. 11-07; 8-13-2013 by Ord. No. 13-15; 1-23-2018 by Ord. No. 17-17]

* Column C us applicable to cluster subdivisions.

	A	B	C	
	Non-contiguous Open Space/TDR	Multifamily/ Manufactured Home Community/ Master Planned Residential Development	Single-Family Cluster Development	
Allowable Uses			NC	All Other
Agricultural uses	Y	N	Y	Y
Fields or pastures	Y	Y	Y	Y
Accessory building	Y	Y	Y	C
Commercial forestry	Y	N	C	C
Noncommercial forestry	Y	N	Y	Y
Commercial stables	Y	N	C	C
Public recreation	Y*	N	N	N
Private stables	Y	N	Y	Y
Nurseries	Y	C	C	Y
Farm employee dwelling	Y/N	N	N	Y
Drainage structures	Y	C	Y	Y
Minor extraction that does not require the issuance of a surface mining permit in accordance with COMAR 26.21.01.08 (C), (D), (E) and (F)	Y	N	C	Y

	A	B	C	
	Non-contiguous <i>Open Space/TDR</i>	<i>Multifamily/ Manufactured Home Community/ Master Planned Residential Development</i>	<i>Single-Family Cluster Development</i>	
<i>Allowable Uses</i>			NC	All Other
<i>Minor extraction and dredge disposal uses that require issuance of a surface mining permit on a transferor parcel, provided the parcel has not been subject to a cluster subdivision nor is the parcel a developed parcel for noncontiguous development</i>	Y	N	C	Y
<i>Minor extraction and dredge disposal uses that require issuance of a surface mining permit on a parcel that has been subject to a cluster subdivision or a parcel that is a developed parcel for noncontiguous development</i>	C	N	C	C
<i>Shooting clubs</i>	C	N	C	C
<i>Outdoor recreation</i>	C	Y**	C	C
NOTES:				
* <i>Public recreational uses</i> that include more than 10,000 square feet of enclosed floor area or are greater than one story in height shall be allowed only as a conditional use.				
** See § § 18:1-26 to 18:1-33, district regulations, for additional <i>open space</i> requirements.				

§ 18:1-76.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]

Article XXIX. Amendments

§18:1-218.A.1 Proposal of Amendment

A proposal for a text amendment, other than an amendment to the Subdivision Regulations, may be initiated by:

- (a) Resolution of the County Commissioners;
- (b) Resolution of the Planning Commission; or
- (c) Petition of a property owner or property owners acting as a private citizens' group filed with the County Commissioners.

§18:1-220 Action by Planning Commission

- A. Consideration. In considering any proposed amendment, the Planning Commission shall cause such investigation to be made as it deems necessary and for this purpose may require any person concerned to submit pertinent data and information.
- B. Hearing. Before making any recommendation with respect to an amendment involving comprehensive rezoning or an amendment of the Subdivision Regulations, the Planning Commission shall hold at least one public hearing.
- C. Report.
 - (1) The Commission shall submit its report and recommendation to the County Commissioners within 90 days from the date when it receives the proposal, unless an extension of time is granted by the County Commissioners.
 - (2) The recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners.

§18:1-221 Consideration by County Commissioners

- C. Matters considered. In addition to other matters pertinent to the proposed amendment, the County Commissioners shall give specific consideration to the following matters:
 - (1) The purposes set forth in Article 66B of the Annotated Code of Maryland [Land Use Article], the Comprehensive Plan, and this Chapter 18:1;
 - (2) The recommendations of the Planning Commission; and
 - (3) The relation of the proposed amendment to the Comprehensive Plan.

18:App-1 Definitions

CLUSTER SUBDIVISION

A residential subdivision in which single-family residential dwelling units are concentrated in a discrete area of the existing lot such that significant open space is created and protected in accordance with the district regulations set forth in Chapter 18:1, Part 3, Article V, of this Chapter 18.

GROWTH AREAS

Those lands designated and identified as most appropriate for future growth and residential density. The growth areas have been designated as follows: Stevensville, Chester, Kent Narrows, Grasonville, Centreville, and Queenstown.

2022 Queen Anne's County Comprehensive Plan

Chapter 4: Land Use

Vision: Queen Anne's County will be a predominantly rural County that plans for orderly growth to protect and sustain a primarily agricultural, forested, and maritime community within the limits of natural resources.

Goal 4-1: Review current site design standards to further promote environmental protection, landscaping, and aesthetics as well as seeking to preserve scenic beauty, vistas, viewscapes, and un-fragmented forestland and farmland through compact residential design.

Strategy 1, Recommendation 2: Establish design standards that will preserve vistas, viewscapes, and unfragmented farmland, which may include screening, setbacks, sign guidelines, enhanced buffer yard requirements, contiguous clustered lots, and open space. Page 4-21

Chapter 5: Environmental Resources

Goal 5-3, Strategy 3, Recommendation 10: Continue implementing required buffers, setbacks, and lot coverage/impervious surface regulations to protect water quality from impacts of development. Page 5-28

Water Resources Element: Appendix D

Table 1-6: Summary of Best Management Practices, Tools, Techniques & Strategies

Cluster Development is identified as a growth management and agricultural BMP for rural residential landscapes. Page AD-13



**Queen
Anne's
County**
MARYLAND

MEMORANDUM

TO: Queen Anne's County Planning Commission

FROM: Heather Bacher, Chair QAC Economic Development Commission

CC: Heather Tinelli, Director, Department of Economic & Tourism Dev.
Todd Mohn, County Administrator
Amy Moredock, Director, Department of Planning & Zoning

DATE: 6/3/2025

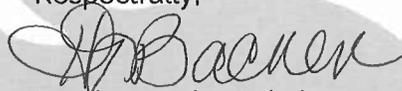
SUBJECT: County Ordinance #25-08

At the May 28, 2025 Queen Anne's Economic Development Commission (EDC) meeting, we reviewed the Planning Commission Sponsored Text Amendment, County Ordinance No. 25-08. After discussing the proposed amendment, the EDC voted to offer the following opinion on County Ordinance No. 25-08:

The EDC is in favor of strengthening the ability to ensure that buffers between major cluster subdivisions and adjacent agricultural land uses are installed as intended in Queen Anne's County Code. In order to support the intent of the required buffer yards, we suggest an amendment to §18:1-76D.(1)(a) to add that a mix of at least five native species is required in the buffer. We defer to Planning and Zoning staff to determine if this would be a helpful amendment for the review and enforcement of the buffer requirement.

Therefore, we support this proposed text amendment with a potential amendment as indicated above.

Respectfully,



Heather Bacher, Chair

County Commissioners

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
Patrick McLaughlin, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

Commission Members

Heather Bacher, Chair
Shelly Gross-Wade, Vice Chair
Lee Bridgman, Secretary
Lara Wilson, Treasurer
James P. Reilly
Larissa Costello
Deayna Ewell
Patricia Fox
Mason Popham
John Anderes
Shawna Payne
Kenneth Knight
Douglas Silber