

ARTICLE IX. - SCENIC ROAD CORRIDORS OVERLAY

Sec. 405.34. - Objectives of article.

The objectives of this article are as follows:

- (a) To promote the convenience and enjoyment of public travel on the highways, roadways, and other travel corridors of the county.
- (b) To protect the natural and cultural heritage scenic road corridors of the county and to enhance their resource values for the enjoyment of future generations.
- (c) To protect the public investment in scenic road corridors from activities, land uses, signs, etc., which impair both the integrity of the corridor, its capacity for traffic, and its visual qualities.
- (d) To provide safe facilities for leisure driving, hiking, and biking.
- (e) To provide access to and protect outstanding visual experiences representative of the county's variety of landscape resources and cultural attractions.
- (f) To contribute to the environmental and historical appreciation of the county and education of the residents and visitors.
- (g) To attract visitors to the county by preserving natural beauty along the scenic road corridors.
- (h) To expose scenic views and vistas along the travel corridor.

(Ord. No. 05-10, § 2, 12-8-05)

Sec. 405.35. - Guidelines for designation.

To measure the significance of the scenic, historical, and cultural value of scenic road corridors, the following guidelines shall apply:

- (a) The quality of its scenic, historic, or cultural resources is unique and/or of sufficient magnitude to merit regional or county recognition;
- (b) A variety and diversity of visual experience created by land form, changes in terrain, natural vegetation, type of landscape and/or land use activity is provided;
- (c) Access between or to recreation areas or points of scenic, cultural, historical, or scientific interest occur as part of the system;
- (d) The immediate roadside or corridor is relatively free of commercial or other development restrictive of scenic quality; and
- (e) The scenic road corridor's natural, scenic, and cultural resources are not damaged beyond their recognition and it is relatively easy to restore their initial resource value.

(Ord. No. 05-10, § 2, 12-8-05)

Sec. 405.36. - Specific criteria for designation.

To receive the designation of scenic road corridor, one or more of the following criteria must apply:

- (a) *Scenic resource significance.*
 - (1) Interesting geomorphic formations.
 - (2) Type of natural vegetation.
 - (3) Presence or nearness of water bodies (by type).

- (4) Overall landscape composition.
- (b) *Archaeological resource significance.* Area of archaeological importance.
- (c) *Historical resource significance.*
 - (1) Road developed prior to era of interstate development.
 - (2) Sites of historical importance.
- (d) *Cultural resource significance.*
 - (1) Unspoiled character of resource (no adverse land uses and structures).
 - (2) Amenability for multiple recreational uses for pedestrian, equestrian, or bicycle paths, and passive recreation.
- (e) *Priority of criteria.*
 - (1) Scenic quality.
 - (2) Variety of recreation experience.
 - (3) Compatibility with other corridor users.
 - (4) Harmony with other land use.
 - (5) Access to parks and other recreation.
 - (6) Popular demand.
 - (7) Degree of urgency if the corridor is to be protected.
 - (8) Protection of ecology.
 - (9) Suitability for use by other transportation modes (bus, pedestrian, equestrian, bicycles).
 - (10) Type of developmental possibilities.
 - (11) Resource vulnerability to incompatible land use.

(Ord. No. 05-10, § 2, 12-8-05)

Sec. 405.37. - Protected area along scenic road corridors.

The area within 100 feet of the right-of-way lines or the limits of the county's prescriptive use on any road designated as a scenic road corridor shall be the protected area of the corridor.

(Ord. No. 05-10, § 2, 12-8-05)

Sec. 405.38. - Restrictions along scenic road corridors.

The county commission may designate by resolution or ordinance scenic road corridors for purposes of preservation. In preserving a scenic road corridor, the county commission shall have the power to impose restrictions along the corridor, including, but not limited to, the following:

- (a) Providing and erecting markers designating scenic road corridors.
- (b) Prohibition of outdoor advertising signs within the protected area except small (7½-square-foot maximum) signs advertising residential development or homes for sale on lots or parcels of property immediately adjacent to the corridor and subdivision entryway signs constructed in accordance with article 3 of chapter 407.
- (c) The setting and posting of speed limits.

- (d) The setting and posting of maximum weight limits and classes of vehicular travel.
- (e) Prohibiting the removal of trees which have attained a diameter of eight inches or more at a point 4½ feet above average ground level within the protected area except under circumstances where trees have died or the over-grown trees have hindered sight lines and safety factors creating traffic hazards in accordance with the requirements of section 406.12(b) of this ULDC, or where no access to the property is available without removal of such trees.
- (f) Providing for preservative maintenance to protect and enhance scenic quality in accordance with section 405.05.
- (g) Prohibiting structures within the protected area except for the following:
 - (1) Fences with opacity of not more than 50 percent when viewed along a line of sight perpendicular to the fence shall be permitted with an approved administrative permit.
 - (2) Traffic signals shall be permitted.
 - (3) Street lights shall be permitted within 25 feet of intersecting right-of-way lines.
 - (4) Subdivision entryway signs, decorative walls, and fences built as entryway features and permitted in accordance with this ULDC shall be permitted according to the following:
 - a. The line of sight is to be viewed as perpendicular to the centerline of the scenic roadway;
 - b. The entryway structure is not to exceed six feet in height except for columns and posts, which may not exceed eight feet in height. Structures may be allowed to extend to eight feet in height and columns and posts to ten feet in height at pedestrian and bicycle access points;
 - c. The width of the entryway structure is not to exceed 50 feet in a perpendicular direction from the entrance road edge of pavement;
 - d. The entryway structure shall be designed in a manner that is consistent with the intent of this chapter and blend with the natural surroundings and aesthetics of the scenic road corridor. Materials and colors utilized shall be in earth tones or natural woods;
 - e. Landscaping shall be provided and maintained along those areas that are visible from the scenic road corridor line of sight to "soften" the appearance of the entryway structure; and
 - f. The use of high-intensity lighting for any of these features is prohibited.
- (h) Prohibiting any commercial activity within the protected area.
- (i) Prohibiting overhead utilities within the protected area, except for the following:
 - (1) Utility drops may be installed to previously existing buildings within the protected area.
 - (2) Primary electrical transmission lines carrying 25,000 volts or more may be exempted from this restriction by the county commission after development plan approval when such transmission lines propose to cross the protected area perpendicular to the scenic road corridor.
 - (3) Utility lines carrying less than 25,000 volts shall be installed underground when making a perpendicular crossing to service new development; however, the installation of an attractively landscaped electric transformer to the buildings or structures in such new development from an underground electric connection shall be permitted within the protected area.
- (j) Providing for the mapping and description of all designated scenic road corridors in the comprehensive plan as part of the conservation and open space element.

- (k) Nothing herein shall be construed as otherwise denying the use of the protected area as yard space.

(Ord. No. 05-10, § 2, 12-8-05)

Sec. 405.39. - Maintenance of corridors and scenic quality.

The county engineer shall implement the following guidelines for scenic road corridor maintenance:

- (a) Conserve and restore the high quality of natural resources and unique features such as tree canopy, ground cover, animals and geological features in their natural state.
- (b) Preserve cultural and historical character.
- (c) Clear cutting of vegetation in the scenic road corridor right-of-way shall not be permitted, except as authorized in subsection (c) of this section, and except under such circumstances where the sight lines are obstructed and contributing to traffic hazards after fulfilling procedures in section 405.41(c)(3); provided, however, that one annual clear cutting shall be permitted, if necessary, to restore scenic vistas along a corridor.
- (d) Selective vegetation cutting may be permitted to open up and enhance views and vistas within the scenic road corridor right-of-way upon recommendation of the staff and approval of the county commission.
- (e) Where proper permits have been obtained controlled burning may be practiced where necessary to encourage vegetation growth and control insect and pest occurrence.
- (f) Mowing shall be permitted in drainage ditches to prevent clogging and overflow.
- (g) Trees and other vegetation damaged beyond the restoration stage, either by natural causes or accidents, should be removed. Attempts should be made to replant such areas to bring them to their original state.
- (h) In cases where recreation access and/or facilities (scenic overlook, picnic areas, multi-purpose trails, unpaved parking) are provided, they shall be maintained on a regular basis.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 09-01, § 2(Exh. A), 2-24-09)

Sec. 405.40. - Variances.

The county commission may grant variances from the terms of this chapter if serving the public interest and where, due to special conditions, a literal enforcement of the provisions would result in unnecessary and undue hardship or a safety hazard. Public notice shall be provided in accordance with article IV in chapter 402 of this ULDC. In granting variances, the county commission shall make a finding that:

- (a) Special conditions and circumstances exist which are peculiar to the land, such as size, shape or topography, which are not applicable to other lands in the protected area;
- (b) The special conditions and circumstances do not result from the actions of the applicant;
- (c) The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
- (d) The variance is necessary to promote public safety.

(Ord. No. 05-10, § 2, 12-8-05)

Sec. 405.41. - Procedure for designation.

(a) *Method of designation.*

- (1) Once a request has been received to designate a particular road as a scenic road corridor, staff will review the proposal and prepare a report and recommendation to be presented to the county commission.
- (2) Should staff's report be favorable, the county commission shall give public notice of a hearing to consider designation as a scenic road corridor, in accordance with the requirements of Article 4, Chapter 402 of this ULDC. The notice shall include the following:
 - a. Description and location of the corridor and popular name;
 - b. Maximum weight limit to be set, if any;
 - c. Speed limit to be set, if any;
 - d. Description of the protected area; and
 - e. Any other special limitation, restriction or use not covered above which may be imposed along the scenic road corridor.

(b) *Modification or revocation of designation.*

- (1) *Addition of right-of-way width.* The addition of right-of-way width along a designated scenic road corridor shall have no effect upon the reservation and protection of the full designated protected area unless and until the county commission approves an improvement plan that encroaches into the full designated protected area and financing of construction for the reclassified designated scenic road corridor has been established. In such instance, the scenic nature of the road shall be preserved to the maximum extent possible. This may include replanting of similar types of vegetation, including native vegetation, if available.
- (2) *Change in character.* In the event of change in character of a designated scenic road corridor, whether due to natural disaster or degradation, except for man-made disaster or degradation, the same procedure specified in subsection (b) (a) of this Section shall be utilized to consider continuing designation of the road as a scenic road corridor. In no case shall a change in character, where due to natural or man-made causes (such as incorporation in municipal limits), result in revocation unless a study report of the staff clearly shows that restoration to the original character of the scenic road corridor is impracticable. The same procedures specified in subsection (a) of this section shall be used to modify designated scenic road corridors.
- (3) *Revocation.* No designated scenic road corridor shall be revoked for any reason whatsoever except by the procedure specified in subsection (a) of this section. A designated scenic road corridor may be revoked by the procedures specified in subsection (a) of this section when:
 - a. Its character has been adversely altered by natural causes, rendering it irretrievable as a scenic road corridor; or
 - b. Imminent construction due to reclassification as provided in paragraph (1) above, when such construction irrevocably destroys the scenic character of the protected area.

(c) *Public hearing.*

- (1) At the time of hearing, the proof of publication of the required notice shall be filed with the county commission.
- (2) Mailed notice shall be provided to all property owners located along the proposed corridor no later than 15 days prior to the public hearing.
- (3) At the hearing, the county commission shall hear all interested parties and, should it determine that a road should be designated, modified, or revoked as a scenic road corridor, it shall adopt an appropriate resolution or ordinance stating the same.
- (4) Each such resolution or ordinance by the board of county commissioners shall have the effect of designating, modifying, or revoking, as the case may be, a road as a scenic road corridor.

- (5) Such designation, modification, or revocation as a scenic road corridor shall become effective when a certified copy of such resolution or ordinance has been filed by the board in the office of the clerk of the circuit court and duly recorded in the public records of the county.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 09-01, § 2(Exh. A), 2-24-09)