

SUBTITLE 14

**SCENIC
ROADS**

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SCENIC ROADS**

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Section 16.1401. Short Title; Purpose; Components.

- (a) **Short Title:** This Subtitle shall be known as “The Scenic Roads Act.”
- (b) **Purpose:** The scenic roads act is established to protect the character of certain roads or road segments in the county which have outstanding scenic or historic value and pass through areas of the county where forest, agricultural or historic features are predominant.
- (c) **Three Components of Scenic Roads Program:** This Subtitle is part of a scenic roads program which has three components: designation of scenic roads; development of land abutting scenic roads; and improvements to scenic roads.
 - (1) **Designation of scenic roads:** This Subtitle provides for the designation of scenic roads through the adoption of a scenic roads inventory by the County Council.
 - (2) **Development of land abutting scenic roads:** The second component of the scenic roads program ensures that new development abutting a scenic road is designed to minimize impacts on scenic views from the road while allowing for development of land as permitted by the zoning regulations. This is accomplished through requirements and guidelines of the zoning, subdivision and land development, and forest conservation regulations, using mechanisms such as lot clustering, open space, forest conservation, protection of slopes, wetlands and streams, and landscaping.
 - (3) **Improvements to scenic roads:** The third component addresses features of the road itself that contribute to the road's scenic character, such as width, alignment, and vegetation or slopes within the right-of-way. The County's development regulations, capital project procedures, and road design standards require that improvements within the right-of-way of scenic roads be designed to preserve the character of the road while providing safe conditions for traffic.

Section 16.1402. Characteristics of scenic roads.

- (a) **Definition:** Scenic roads are public roads in the county which have one or more of the following characteristics:
 - (1) Pass through an area of outstanding natural environmental features providing views of scenic elements such as forests, steep topography, and stream or river valleys;
 - (2) Provide outstanding views of rural, agricultural landscapes including scenic elements such as panoramic or distant views, cropland, pastures, fields, streams, ponds, hedgerows, stone or wooden fences, farm buildings and farmsteads;
 - (3) Follow historic road alignments and provide views of historic resources; or

- (4) A large proportion of the road provides frontage for properties that are in a historic district or subject to perpetual or long-term agricultural, environmental or historic easements.
- (b) **Features of Scenic Road Rights-Of-Way:** The rights-of-way of scenic roads also have features which contribute to scenic character, such as narrow pavement width, embankments, road alignments which conform closely to natural topography, hedgerows, mature trees or forest along the edges of the roadway, and other features by which the road reflects and is related to the surrounding landscape.

Section 16.1403. Scenic Roads Inventory.

- (a) **Adoption By Council Resolution:** The County Council may, by resolution, adopt a Scenic Roads Inventory which designates certain roads or road segments in the county as scenic roads. After initial adoption of the Scenic Roads Inventory, roads or road segments may be added or deleted by County Council Resolution.
- (b) **Road Must Meet Definition:** The County Council may include a road or road segment in the Scenic Roads Inventory if it finds that the road has one or more of the characteristics listed in Section 16.1402(a) above.
- (c) **Contents of Inventory:** The Scenic Roads Inventory shall:
 - (1) Identify all scenic roads;
 - (2) Describe in general terms the scenic elements of views from the road; and
 - (3) Describe in general terms the features of the road right-of-way.

Section 16.1404. Alterations To Scenic Road Rights-Of-Way.

- (a) **County Maintained Scenic Roads:**
 - (1) **Standards:** The road design manual adopted pursuant to Section 18.210 of this Code shall include standards for scenic roads. The standards shall protect the features of the scenic road right-of-way that contribute to the scenic character of the road when necessary road improvements are made.
 - (2) **Protecting scenic character:** Scenic roads may be altered to make necessary safety, access, drainage, or road capacity improvements, including improvements to meet the requirements of the adequate public facilities act (Title 16, Subtitle 11) or to install pull-offs or utility, water or sewage systems. Projects which alter the appearance of a scenic road, including maintenance, capital projects and improvements required through the subdivision or development process, shall be designed to protect to the maximum extent possible the features of the road right-of-way that contribute to the scenic character of the road.

- (b) ***State Maintained Scenic Roads:*** State maintained scenic roads are not subject to design standards and other county regulations governing alterations to the road right-of-way. The County will seek to work cooperatively with the State Highway Administration in the design of alterations to State roads.

- (c) ***Effect of Adequate Public Facilities Act:*** Scenic roads are subject to the requirements of the Adequate Public Facilities Ordinance (Title 16, Subtitle 11). To limit alterations to an intersection involving a scenic road under the provisions of the adequate public facilities ordinance, such an intersection may be designated a “constrained road facility” by the County Council in accordance with Sections 16.1101(f)(4) and 16.1110(e) of this Code. Restrictions on improvements to a constrained road facility shall not be grounds for denial of subdivision plans or site development plans that would otherwise be subject to required road improvements under the Adequate Public Facilities Ordinance.