

Introduced 3/4/19
Public hearing 3/18/19
Council action 4/1/19
Executive action 4/8/19
Effective date _____

County Council of Howard County, Maryland

2019 Legislative Session

Legislative day # 4

BILL NO. 11- 2019

Introduced by: Christiana Mercer Rigby and Liz Walsh

Co-sponsored by: Deb Jung

AN ACT amending the Howard County Code by altering the minimum buffer of ~~existing forest or wooded area~~ between a road and a new development that is required for any new developments located along scenic roads; requiring a certain buffer to be wide enough to maintain a road's visual character with a certain minimum width from the road right-of-way; altering the requirements for new developments on Scenic Roads; and generally relating to Scenic Roads.

Introduced and read first time March 4, 2019. Ordered posted and hearing scheduled.

By order _____

Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on March 18, 2019.

By order _____

Jessica Feldmark, Administrator

This Bill was read the third time on April, 2019 and Passed , Passed with amendments , Failed .

By order _____

Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4 day of April, 2019 at 5 a.m./p.m.

By order _____

Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive April 8, 2019

Calvin Ball, County Executive

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard County
2 Code is hereby amended as follows:

3
4 *By Amending:*

5
6 Title 16. “Planning, Zoning and Subdivisions and Land Development Regulations”

7
8 Subtitle 1. “Subdivisions and Land Development Regulations”

9 Article II. “Design Standards and Requirements”

10 Section 16.125. “Protection of Scenic Roads.”; and

11
12 ~~Subtitle 14. “Scenic Roads”~~

13 ~~Section 16.1404. “Alterations to Scenic Road Rights-of-Way.”~~

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16
17 **HOWARD COUNTY CODE**

18
19 **Subtitle 1. Subdivisions and Land Development Regulations**

20 **Article II. Design Standards and Requirements**

21 **Section. 16.125. – Protection of Scenic Roads.**

22 (a) *Application of Regulations.* The Subdivision and Land Development Regulations, Zoning
23 Regulations, Forest Conservation ordinance and Landscape Manual shall be applied to
24 development along a scenic road in a manner which helps to preserve the scenic character of
25 the landscape viewed from these roads and the features of the road right-of-way that contribute
26 to the road's scenic character.

27 (b) *Guidelines for Development of Land Abutting a Scenic Road.* Because scenic landscapes
28 vary greatly, design solutions for development will vary. The following guidelines provide
29 direction for the development of land abutting a scenic road. They are to be applied as
30 appropriate, given the constraints of the particular site and the relative priority of other County
31 policies and requirements such as public safety, farmland preservation, forest conservation,
32 protection of sensitive environmental features and the need to construct public facilities.

33 (1) *General.*

- 1 (i) Use the cluster subdivision provisions of the zoning regulations to site buildings and
2 roads in locations that minimize the impact of the subdivision on views from the
3 scenic road. Generally structures and uses should be located away from the right-of-
4 way for scenic roads unless screened by topography or vegetation.
- 5 (ii) Minimize tree and vegetation removal. In addition to requirements for protection
6 of forests, steep slopes, streams and wetlands, emphasize the protection of vegetation
7 adjacent to the scenic road, as well as mature trees and hedgerows visible from the
8 road.
- 9 (iii) Minimize grading; retain existing slopes along the scenic road frontage.
- 10 (iv) Orient lots so that houses do not back up to a scenic road. If this cannot be avoided,
11 houses should be sited as far as possible from the road and well screened.
- 12 (v) Locate and design utilities, stormwater management facilities, drainage structures,
13 bridges, lighting, fences and walls to be unobtrusive and to harmonize with the
14 surroundings to maintain existing view corridors. Subdivision entrance features
15 should be low, open, and in keeping with the scenic character of the area in
16 accordance with section 128 of the zoning regulations.
- 17 (vi) Locate parking lots, loading areas and storage areas so that these uses are screened
18 from the scenic road.
- 19 (vii) Use vegetation commonly found on the site or in the area for landscaping.
- 20 (viii) For density receiving subdivisions in the RC and RR zoning districts, achieving
21 the maximum possible density is not sufficient justification to allow impacts on
22 scenic roads.
- 23 (2) ~~Forested or wooded areas. Any new developments located along scenic roads must~~
24 ~~maintain at least a [[35-foot]] 100-FOOT buffer of existing forest or wooded area between~~
25 ~~the road and the new development. The buffer shall be wide enough to maintain the road's~~
26 ~~visual character with a minimum width of at least [[35 feet]] 100 FEET from the road right-~~
27 ~~of-way. BUFFERS. FOR NEW MAJOR SUBDIVISIONS, A MINIMUM 100-FOOT CONTINUOUS~~
28 ~~VEGETATED BUFFER, AS MEASURED FROM THE RIGHT-OF-WAY, SHALL BE MAINTAINED~~
29 ~~BETWEEN THE ROAD AND SUBDIVISION TO PRESERVE, MAINTAIN, OR ENHANCE THE VISUAL~~
30 ~~CHARACTER OF THE ROAD. THE BUFFER SHALL CLOSELY REFLECT THE NATURAL~~

1 CHARACTER OF THE UNDEVELOPED LAND. ANY NON-NATIVE, INVASIVE SPECIES SHALL BE
2 REMOVED FROM THE BUFFER, AND THE BUFFER SHALL BE REPLANTED AND ENHANCED WITH
3 NATIVE SPECIES OF THE SAME COMMUNITY TYPES (WHETHER WETLANDS, FIELD, PASTURE,
4 MEADOW, HEDGEROW, OR OTHERWISE).

5 (3) *Areas with open views.*

- 6 (i) Cluster development to retain as much as possible of the open character of the site
7 and to minimize interference with panoramic views from the road.
- 8 (ii) Where possible, site new buildings behind natural screening or cluster development
9 in or along the edges of forests, at the edges of fields and hedgerows, or near existing
10 buildings.
- 11 (iii) Preserve the foreground meadow, pasture or cropland and place development in
12 the background as viewed from the road.
- 13 (iv) Avoid placing structures on the tops of prominent ridges.
- 14 (v) If new construction cannot be made unobtrusive through siting or the use of natural
15 screening, use landscaping, including berms, to buffer development from the scenic
16 road.

17 ~~(4) *ALTERNATIVE INGRESS AND EGRESS.* ANY EXCEPT FOR A DEVELOPMENT OUTSIDE THE~~
18 ~~PLANNED SERVICE AREA NEW DEVELOPMENT THAT ADJOINS A SCENIC ROAD SHALL TO~~
19 ~~THE EXTENT PRACTICABLE, PROVIDE VEHICULAR INGRESS AND EGRESS AT A NON-~~
20 ~~SCENIC ROAD. ANY NEW VEHICULAR INGRESS AND EGRESS ALONG A SCENIC ROAD~~
21 ~~SHALL BE APPROVED BY THE PLANNING BOARD AFTER A PUBLIC MEETING AND A~~
22 ~~DETERMINATION THAT SUCH VEHICULAR INGRESS AND EGRESS CANNOT PRACTICABLY~~
23 ~~BE LOCATED ON A NON-SCENIC ROAD.~~

24 ~~(5) *LARGER DEVELOPMENTS.* ANY EXCEPT FOR A DEVELOPMENT OUTSIDE THE PLANNED~~
25 ~~SERVICE AREA NEW DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL UNITS, WHICH~~
26 ~~PROPOSES A NEW VEHICULAR INGRESS AND EGRESS ON A SCENIC ROAD OR PROPOSES~~
27 ~~SUCH INGRESS AND EGRESS WITHIN ONE ROADWAY MILE OF A SCENIC ROAD, THE~~
28 ~~CHARACTER OF WHICH WILL BE DIRECTLY IMPACTED BY THE DEVELOPMENT'S~~
29 ~~TRAFFIC SHALL BE REQUIRED TO OBTAIN APPROVAL FROM THE DEPARTMENT OF~~
30 ~~PLANNING AND ZONING, AND FROM THE PLANNING BOARD AFTER A PUBLIC MEETING~~

1 IN ACCORDANCE WITH SUBSECTION 6 BELOW.

2 (6) FOR ANY DEVELOPMENT SUBJECT TO SUBSECTION 5 ABOVE, THE DEPARTMENT OF
3 PLANNING AND ZONING, AND SUBSEQUENTLY THE PLANNING BOARD, AFTER A PUBLIC
4 MEETING, SHALL APPROVE THE PLAN IF IT DETERMINES THAT THE PROPOSED
5 VEHICULAR INGRESS AND EGRESS ADEQUATELY BALANCES THE PROTECTION OF
6 SCENIC ROADWAY ELEMENTS OF SUBSECTION (B)(1)–(3) ABOVE WITH THE
7 CONSTRUCTION OF IMPROVEMENTS PRESCRIBED UNDER VOLUME III (ROADS AND
8 BRIDGES) OF THE DESIGN MANUAL TO ENSURE THE PUBLIC’S SAFETY TO THE
9 MAXIMUM EXTENT PRACTICABLE.

10 (C) APPROVALS

11 (1) FOR ANY MAJOR SUBDIVISION THAT ABUTS OR ADJOINS A SCENIC ROAD OR ANY NEW
12 DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL UNITS WITHIN ONE ROAD WAY MILE OF
13 A SCENIC ROAD, AN INITIAL PLAN MUST BE APPROVED BY THE PLANNING BOARD PRIOR
14 TO APPROVAL BY THE DEPARTMENT OF PLANNING AND ZONING. THIS PROVISION SHALL
15 NOT APPLY TO ANY DEVELOPMENT THAT IS SUBJECT TO THE ROUTE 1 MANUAL, THE
16 ROUTE 40 DESIGN MANUAL, THE CLARKSVILLE PIKE STREETScape PLAN AND DESIGN
17 GUIDELINES, THE DOWNTOWN-WIDE DESIGN GUIDELINES, OR THE DOWNTOWN
18 NEIGHBORHOOD DESIGN GUIDELINES FOR DOWNTOWN COLUMBIA REVITALIZATION.

19 (2) THE PLANNING BOARD SHALL EVALUATE THE PROPOSED INITIAL PLAN AT A PUBLIC
20 HEARING MEETING AND CONSIDER A VISUAL ASSESSMENT OF THE AFFECTED SCENIC
21 ROAD.

22 (3) THE INITIAL PLAN SUBMITTED FOR REVIEW SHALL INCLUDE ALL INFORMATION
23 REQUIRED BY THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE
24 HOWARD COUNTY CODE, AS WELL AS THE FOLLOWING:

25 (i) SITE ACCESS AND METHODS TO MINIMIZE BUFFER DISTURBANCE.

26 (ii) A CONCEPT LANDSCAPE AND GRADING PLAN FOR THE BUFFER.

27 (iii) A VISUAL ASSESSMENT, INCLUDING POTENTIAL VIEWPOINTS OF THE DEVELOPMENT
28 TAKEN FROM THE SCENIC ROAD, INCLUDING:

29 A. PLANS AND AERIAL PHOTOGRAPHS SHOWING THE SUBJECT PROPERTY, ITS
30 CONTEXT, AND SURROUNDING LAND USES AND DEVELOPMENT CHARACTER,
31 INCLUDING THE SETBACKS AND LOT LAYOUTS OF THE SURROUNDING AREA,
32 PROVIDED THAT THE NON-SCENIC ROAD IS THE SAME OR GREATER LEVEL OF

1 ROAD CLASSIFICATION.

- 2 B. PERSPECTIVE DRAWINGS, PHOTOGRAPHIC SIMULATIONS, CROSS SECTIONS
3 AND/OR ELEVATIONS SHOWING EXISTING CONDITIONS AND PROPOSED
4 CHANGES ASSOCIATED WITH THE PROPOSED DEVELOPMENT.
- 5 C. A SURVEY OF EXISTING VEGETATION SHOWING TREES 12 INCHES OR
6 GREATER IN CALIPER, AND NON-NATIVE, INVASIVE SPECIES.
- 7 D. A DESCRIPTION SUMMARIZING THE CHARACTER AND QUALITY OF THE
8 SCENIC ROAD, AS VIEWED FROM THE ROAD, USING THE SCENIC ROADS
9 INVENTORY AS A GUIDE.
- 10 E. A DETAILED ASSESSMENT OF ANY PROPOSED VISUAL IMPACTS TO SCENIC OR
11 HISTORIC FEATURES AND PROPOSED MITIGATION MEASURES, INCLUDING AN
12 ASSESSMENT OF WHETHER THE PROPOSED CHANGES COMPLY WITH THE
13 GUIDELINES FOR DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD,
14 SECTION 16.125(B).

15 (4) THE FOLLOWING CRITERIA SHALL BE USED BY THE PLANNING BOARD IN EVALUATING THE
16 INITIAL PLAN:

- 17 (i) ACCESS. ~~ALL~~ THE PLANNING BOARD SHALL DETERMINE WHETHER ALL NEW
18 VEHICULAR ACCESS ONTO A SCENIC ROAD MUST DOCUMENT THAT ACCESS CANNOT BE
19 PRACTICABLY LOCATED ALONG A NON-SCENIC ROAD. ~~IN MAKING A DETERMINATION~~
20 THE PLANNING BOARD SHALL CONSIDER WHETHER THE PROPERTY HAS FRONTAGE ON A
21 NON-SCENIC ROAD; AND THE IMPACTS TO ENVIRONMENTAL FEATURES WHEN
22 CONSIDERING ALTERNATIVE ACCESS, ~~AND TRAFFIC SAFETY CONSIDERATIONS.~~ ONLY TO
23 THE EXTENT VEHICULAR ACCESS CANNOT BE PRACTICABLY LOCATED ALONG A NON-
24 SCENIC ROAD, SUCH ACCESS ALONG A SCENIC ROAD SHALL BE PERMITTED, UTILIZING
25 AND PRESERVING THE LOCATION, ALIGNMENT, TOPOGRAPHY AND SURROUNDINGS OF
26 ANY EXISTING DRIVEWAY SO AS TO MINIMIZE INTERFERENCE WITH PANORAMIC VIEWS
27 FROM THE ROAD FOR AT LEAST THE WIDTH OF THE REQUIRED BUFFER WHILE ENSURING
28 PUBLIC SAFETY.
- 29 (ii) BUFFERS. ~~WHETHER~~ THE PLANNING BOARD SHALL DETERMINE WHETHER THE BUFFER
30 PRESERVES, MAINTAINS, OR ENHANCES THE VISUAL CHARACTER OF THE ROAD AND
31 SURROUNDING AREA; AND WHETHER ACCESS MINIMIZES IMPACTS TO THE BUFFER.
32 AFTER CONSIDERING THE SITE ACCESS, THE BUFFER CONCEPT PLAN, AND THE VISUAL

1 ASSESSMENT AND POTENTIAL IMPACTS TO THE BUFFER, THE PLANNING BOARD MAY
2 REDUCE THE AN EXISTING NON-WOODED BUFFER TO NO-LESS THAN 75 FEET IF A BASED
3 ON THE FOLLOWING:

4 A. THE PROPOSED DEVELOPMENT HAS COMPLIED WITH THE GUIDELINES FOR
5 DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD, SECTION 16.125(B) TO THE
6 MAXIMUM EXTENT PRACTICABLE.

7 B. FOR A WOODED BUFFER— CONSIDER THE CONDITION, QUALITY, AND CHARACTER OF
8 EXISTING VEGETATION AND ANY PROPOSED ENHANCEMENTS TO DETERMINE:

9 I. WHETHER AN EXISTING BUFFER LESS THAN 100 FEET WIDE PROVIDES
10 ADEQUATE SCREENING.

11 II. WHETHER AN EXISTING BUFFER LESS THAN 100 FEET WIDE COULD PROVIDE
12 ADEQUATE NATURAL SCREENING OR IF REPLANTED AS FOREST OR WOODED
13 AREA. MORE TREES OR PLANTS WERE ADDED.

14 C. FOR A NON-WOODED BUFFER— WHETHER NATURAL SCREENING SUCH AS EXISTING
15 MEADOWS, PASTURES, CROPLAND, AND LAND FORMS PROVIDE AN ADEQUATE
16 BUFFER. IF A NEW SUBDIVISION CANNOT BE ADEQUATELY SCREENED FROM A
17 SCENIC ROAD BY CAREFULLY SITING HOMES OR BY NATURAL SCREENING, CONSIDER
18 WHETHER ADDING LANDSCAPED BERMS, OR OTHER VEGETATIVE BUFFERS COULD
19 PROVIDE ADEQUATE SCREENING.

20
21 (6) (III) ROAD IMPROVEMENTS. ROAD IMPROVEMENTS REQUIRED PURSUANT TO DESIGN
22 MANUAL VOLUME III (ROADS AND BRIDGES) SHALL SERVE TO PRESERVE, MAINTAIN,
23 AND ENHANCE THE EXISTING CHARACTER OF A SCENIC ROAD AS PRACTICABLE AND
24 MINIMIZE VISUAL IMPACTS BY LIMITING IMPROVEMENTS TO THOSE NECESSARY FOR
25 PUBLIC SAFETY. IN THE EVENT THAT THE DIRECTOR OF PLANNING AND ZONING,
26 AFTER CONSULTATION WITH THE DIRECTOR OF PUBLIC WORKS, DETERMINES THAT
27 THE TIMING OF A CAPITAL PROJECT(S) OR THE NEED TO ENSURE CONTINUITY IN THE
28 TRANSPORTATION NETWORK MAKES IT MORE EFFICIENT TO DELAY CONSTRUCTION OF
29 ALL OR PART OF THE PRESCRIBED ROAD IMPROVEMENTS UNDER VOLUME III (ROADS
30 AND BRIDGES) OF THE DESIGN MANUAL, THE DIRECTOR OF PLANNING AND ZONING
31 SHALL REQUIRE THAT THE DEVELOPER:

32 (A) DELAY THE ROAD CONSTRUCTION OF ALL OR PART OF THE IMPROVEMENTS TO

1 A DATE CERTAIN NOT TO EXCEED 12 MONTHS AND SIGN A MAJOR FACILITIES
2 AGREEMENT GUARANTEEING THE CONSTRUCTION OF THE DELAYED ROAD
3 IMPROVEMENTS; OR

4 (H)(B) SIGN A MAJOR FACILITIES AGREEMENT TO PAY THE COUNTY THE CURRENT
5 ESTIMATE COST OF THE ROAD IMPROVEMENTS, WHICH MONEY SHALL BE USED
6 BY THE COUNTY TO FUND ALL OR PART OF A CAPITAL PROJECT TO IMPROVE
7 THE SCENIC ROAD.

8 (([4])7.D) *Administrative waivers.*

9 (i) A developer seeking an administrative waiver from the scenic road requirements
10 shall give written notice within one week of the filing date of the waiver petition, via
11 first-class mail to:

12 a. All adjoining property owners identified in the records of the State Department
13 of Assessments and Taxation; and

14 b. All attendees of record of the presubmission community meeting; and

15 c. All interested parties on file with the Department of Planning and Zoning.

16 (ii) The Department shall not approve any petition for a scenic road requirement waiver
17 within 30 days of meeting the written notice requirement to allow for public
18 comment.

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24 **Subtitle 14. Scenic Roads**

25
26 **~~Section. 16.1404. Alterations to Scenic Road Rights-of-Way.~~**

27 (a) ~~County Maintained Scenic Roads:~~

28 (1) ~~Standards.~~ The road design manual adopted pursuant to section 18.210 of this Code
29 shall include standards for scenic roads. The standards shall protect the features of the

1 scenic road right-of-way that contribute to the scenic character of the road when necessary
2 road improvements are made.

3 ~~(2) *Protecting scenic character.* Scenic roads may be altered to make necessary safety,~~
4 ~~access, drainage, or road capacity improvements, including improvements to meet the~~
5 ~~requirements of the adequate public facilities act (title 16, subtitle 11) or to install pull-~~
6 ~~offs or utility, water or sewage systems. Projects which alter the appearance of a scenic~~
7 ~~road, including maintenance, capital projects and improvements required through the~~
8 ~~subdivision or development process, shall be designed to protect to the maximum extent~~
9 ~~possible the features of the road right-of-way that contribute to the scenic character of the~~
10 ~~road.~~

11 ~~(3) *ALTERNATIVE INGRESS AND EGRESS.* ANY EXCEPT FOR A DEVELOPMENT OUTSIDE THE~~
12 ~~PLANNED SERVICE AREA NEW DEVELOPMENT THAT ADJOINS A SCENIC ROAD SHALL TO~~
13 ~~THE EXTENT PRACTICABLE, PROVIDE VEHICULAR INGRESS AND EGRESS AT A NON-SCENIC~~
14 ~~ROAD. ANY NEW VEHICULAR INGRESS AND EGRESS ALONG A SCENIC ROAD SHALL BE~~
15 ~~APPROVED BY THE PLANNING BOARD AFTER A PUBLIC MEETING AND A DETERMINATION~~
16 ~~THAT SUCH VEHICULAR INGRESS AND EGRESS CANNOT PRACTICABLY BE LOCATED ON A~~
17 ~~NON-SCENIC ROAD.~~

18 ~~(4) *LARGER DEVELOPMENTS.* ANY EXCEPT FOR A DEVELOPMENT OUTSIDE THE PLANNED~~
19 ~~SERVICE AREA NEW DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL UNITS, WHICH~~
20 ~~PROPOSES A NEW VEHICULAR INGRESS AND EGRESS ON A SCENIC ROAD OR PROPOSES~~
21 ~~SUCH INGRESS AND EGRESS WITHIN ONE ROADWAY MILE OF A SCENIC ROAD, THE~~
22 ~~CHARACTER OF WHICH WILL BE DIRECTLY IMPACTED BY THE DEVELOPMENT'S TRAFFIC~~
23 ~~SHALL BE REQUIRED TO OBTAIN APPROVAL FROM THE DEPARTMENT OF PLANNING AND~~
24 ~~ZONING, AND FROM THE PLANNING BOARD AFTER A PUBLIC MEETING IN ACCORDANCE~~
25 ~~WITH SUBSECTION 5 BELOW.~~

26 ~~(5) *DEPARTMENT OF PLANNING AND ZONING APPROVAL.* FOR ANY DEVELOPMENT SUBJECT TO~~
27 ~~SUBSECTION 4 ABOVE, THE DEPARTMENT OF PLANNING AND ZONING, AND~~
28 ~~SUBSEQUENTLY THE PLANNING BOARD, AFTER A PUBLIC MEETING, SHALL APPROVE THE~~
29 ~~PLAN IF IT DETERMINES THAT THE PROPOSED VEHICULAR INGRESS AND EGRESS~~
30 ~~ADEQUATELY BALANCES THE PROTECTION OF SCENIC ROADWAY ELEMENTS OF SECTION~~
31 ~~16.125 (B)(1) (3) WITH THE CONSTRUCTION OF IMPROVEMENTS PRESCRIBED UNDER~~

1 VOLUME III (ROADS AND BRIDGES) OF THE DESIGN MANUAL TO ENSURE THE PUBLIC'S
2 SAFETY TO THE MAXIMUM EXTENT PRACTICABLE. IN THE EVENT THAT THE DIRECTOR OF
3 PLANNING AND ZONING, AFTER CONSULTATION WITH THE DIRECTOR OF PUBLIC WORKS,
4 DETERMINES THAT THE TIMING OF A CAPITAL PROJECT(S) OR THE NEED TO ENSURE
5 CONTINUITY IN THE TRANSPORTATION NETWORK MAKES IT MORE EFFICIENT TO DELAY
6 CONSTRUCTION OF ALL OR PART OF THE PRESCRIBED IMPROVEMENTS UNDER VOLUME III
7 (ROADS AND BRIDGES) OF THE DESIGN MANUAL, THE DIRECTOR OF PLANNING AND
8 ZONING SHALL REQUIRE THAT THE DEVELOPER:

9 (I) — DELAY THE CONSTRUCTION OF ALL OR PART OF THE IMPROVEMENTS TO A
10 DATE CERTAIN AND SIGN A MAJOR FACILITIES AGREEMENT GUARANTEEING
11 THE CONSTRUCTION OF THE DELAYED IMPROVEMENTS; OR

12 (II) — SIGN A MAJOR FACILITIES AGREEMENT TO PAY THE COUNTY THE CURRENT
13 ESTIMATE COST OF THE IMPROVEMENTS, WHICH MONEY SHALL BE USED BY
14 THE COUNTY TO FUND ALL OR PART OF A CAPITAL PROJECT TO IMPROVE THE
15 SCENIC ROAD.

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

20 ~~(c) Effect of Adequate Public Facilities Act.~~ Scenic roads are subject to the requirements of the
21 adequate public facilities ordinance (title 16, subtitle 11). To limit alterations to an intersection
22 involving a scenic road under the provisions of the adequate public facilities ordinance, such
23 an intersection may be designated a "constrained road facility" by the County Council in
24 accordance with subsections 16.1101(f)(4) and 16.1110(e) of this Code. Restrictions on
25 improvements to a constrained road facility shall not be grounds for denial of subdivision
26 plans or site development plans that would otherwise be subject to required road
27 improvements under the adequate public facilities ordinance.

28
29 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act*
30 *shall become effective 61 days after its enactment.*

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