



## **Staff Report on Lakeshore Drive Potential County Scenic Road Designation**

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Prepared for:  
Alachua County Board of County Commissioners

Prepared by:  
Alachua County Growth Management

Presented on October 7, 2025

## **Background**

On June 3, 2025, in response to a citizen request, the Board of County Commissioners directed staff to investigate Lakeshore Drive as a candidate for County Scenic Road designation. The procedure, criteria, and associated protections for such a designation are included in Alachua County Unified Land Development Code (ULDC) Article IX. Scenic Road Corridors Overlay (commonly referred to as the “County Scenic Road Ordinance”). The Ordinance’s Section 405.41. *Procedure for designation* states that 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 Board.

This Staff Analysis Report and associated presentation for the Board provides information to address County Scenic Road Ordinance Sections 405.35. *Guidelines for designation*, 405.36. *Specific criteria for designation*, 405.37. *Protected area along scenic road corridors*, 405.38. *Restrictions along scenic road corridors*, and 405.41. *Procedure for designation*. (See ULDC Article IX. Scenic Road Corridors Overlay in Appendix B. of this report.)

County Scenic Road Ordinance Section 405.41. *Procedure for designation* states that, should staff’s report be favorable, the Board shall give public notice of a hearing to consider designation as a scenic road corridor. Section 405.41. also specifies information to be included in the notice such as description and location of the corridor, any speed and weight limits to be set, description of the protected area, and any other restrictions which the Board may impose along the scenic road corridor.

This Report provides the basis for the following **Staff Recommendation**:

**Staff find that there is a reasonable basis for designation of Lakeshore Drive, excluding the portion within approximately 710 feet of SE Hawthorne Road, as a County Scenic Road. If the Board wishes to proceed with the designation of Lakeshore Drive as a County Scenic Road, then direct staff to advertise a public hearing to consider a Resolution for that designation.**

(See also map of Staff Recommendation for Location of Lakeshore Drive Scenic Road Designation, Appendix A., page 20.)

As detailed in the Report, most of the Lakeshore Drive corridor meets multiple ULDC criteria related to the scenic, historical, and cultural significance and value of scenic roads. However, a limited portion of the corridor near the intersection with SE Hawthorne Road is not recommended for Scenic Road designation due to land uses incompatible with these values.

If the Board approves Lakeshore Drive as a County Scenic Road, it would be subject to specific protections in the Scenic Road Ordinance. Section 405.37. *Protected area along scenic road corridors* states that “the area within one hundred (100) feet of the right-of-way lines or the limits of the County’s prescriptive use” of any designated scenic road shall be

protected. Section 405.38. *Restrictions along scenic road corridors* states that the Board “shall have the power to impose restrictions along the corridor” including but not limited to:

- Setting and posting speed limits and vehicular weight limits and classes
- Prohibiting outdoor advertising signs with limited exceptions
- Prohibiting removal of trees with limited exceptions
- Providing for preservative maintenance to protect and enhance scenic quality
- Prohibiting structures (except for traffic signals, streetlights, and certain fencing and subdivision entry features)
- Prohibiting commercial activity
- Prohibiting certain overhead utilities

In addition, scenic road markers would be placed and the corridor would be mapped and described in the Comprehensive Plan.

Public Works staff provided the following comments regarding Lakeshore Drive and a potential scenic road designation:

1. The road is currently posted at 35 MPH, though it drops to 30 MPH in the vicinity of SE 75<sup>th</sup> Street. Based on the most current speed data, the 85<sup>th</sup> percentile speed is 46 MPH. The curves at SE 74<sup>th</sup> Street and East University Avenue have been posted with advisory speeds of 10 MPH. In the last five complete years (1/1/20 – 12/31/24), there have been four reported crashes; one angle crash and three lane departure crashes. The roadway is approximately 17 FT wide. If for some reason there was an increase in accidents that could be related to the speed being posted too low, we would want to evaluate the appropriate posted speed limit. There is no weight restriction on this facility, though it is posted for “No Trucks.” The number of daily trips is less than 400 vehicles per day.
2. After this facility is designated as “scenic,” improvement options will be limited in the future. There are currently no plans for improvements of which we are aware.

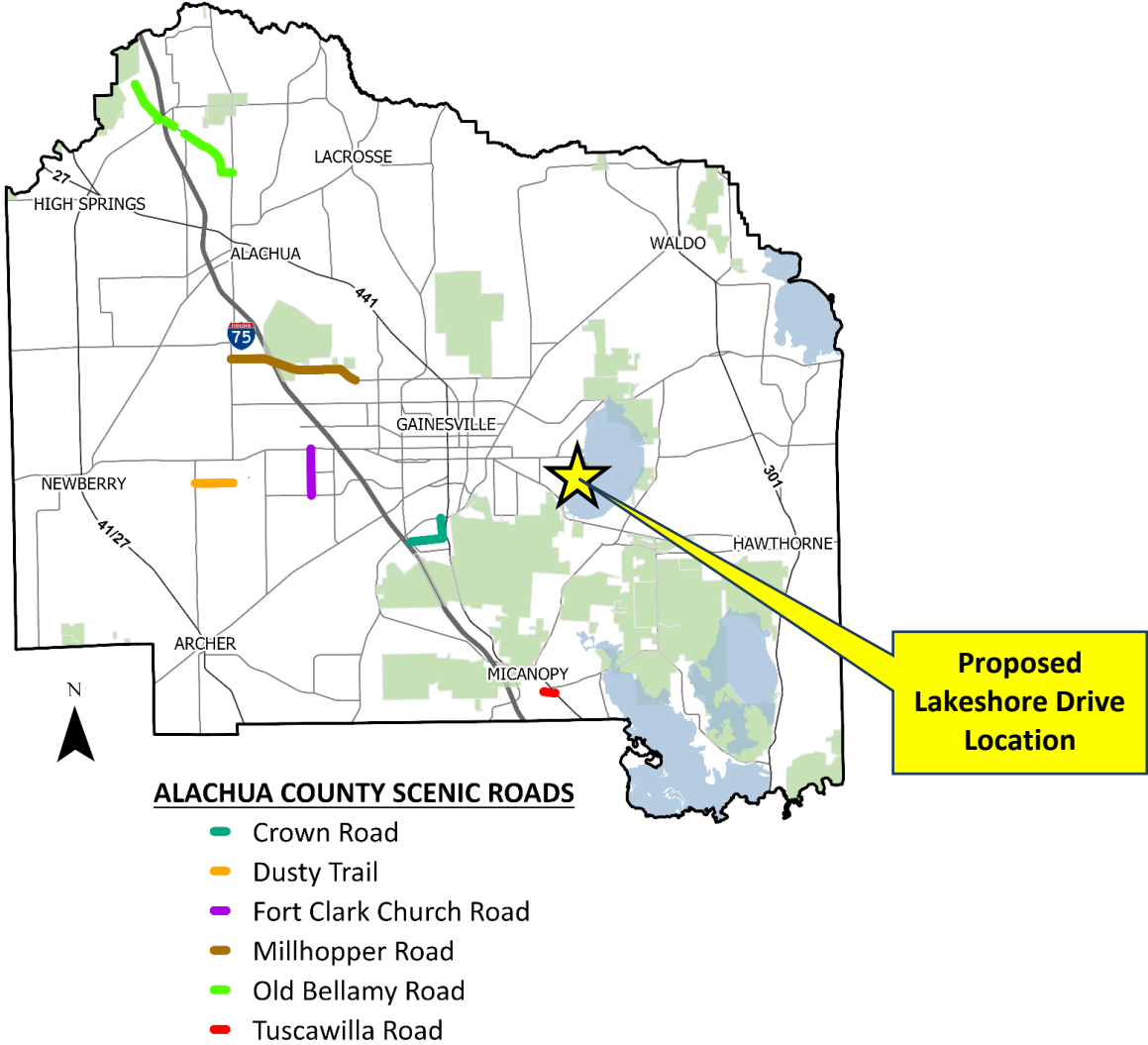
### **Scenic Road Ordinance Objectives**

The County Scenic Road Ordinance, originally adopted in 1980 and updated in 2005, includes the following objectives as listed in ULDC Section 405.34:

- (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.

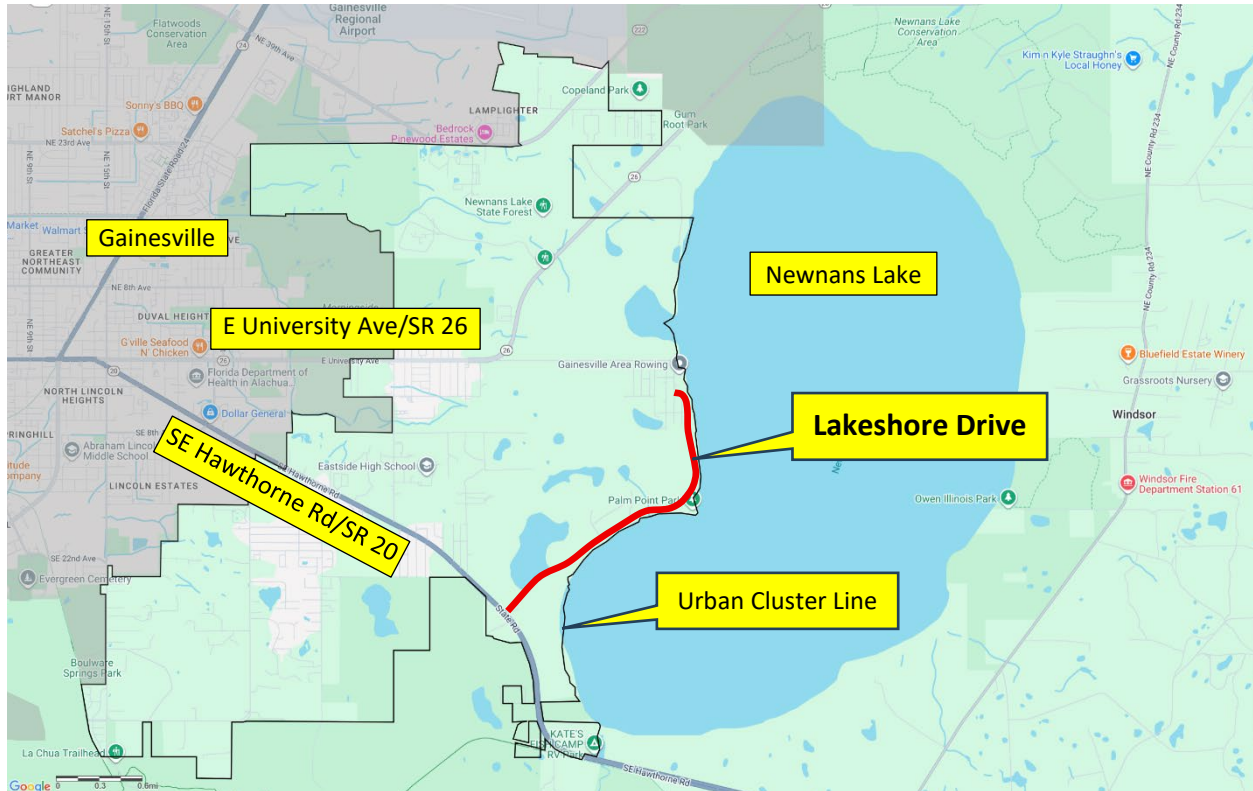
- (c) To protect the public investment in scenic road corridors from activities, land uses, signs, etc., which impair both the integrity of the corridor, its capacity for traffic, and its visual qualities.
- (d) To provide safe facilities for leisure driving, hiking, and biking.
- (e) To provide access 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.

There are currently six roads in Alachua County with County Scenic Road designation, which were approved from 1980 to 2021. The following map shows the location of the six existing County Scenic Roads, and the proposed Lakeshore Drive location.



## **Description**

Lakeshore Drive is a two-lane County minor collector road, approximately 2-1/3 miles in length, between SE Hawthorne Road/State Road 20 on the south and SE 74<sup>th</sup> Street on the north (it is a portion of County Road 329B, which continues north and west to State Road 26). Aptly named, most of Lakeshore Drive generally follows the western shoreline of Newnans Lake. Lakeshore Drive lies entirely within the unincorporated County's Urban Cluster, which in this area extends from the eastern city limits of Gainesville to the lake.



### **Lakeshore Drive location**

## **Staff Analysis of Lakeshore Drive per County Scenic Road Ordinance**

### **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;*

The quality of the Lakeshore Drive corridor's scenic, historic, and cultural resources is unique in Alachua County and merits recognition. Following the western shoreline of Newnans Lake for almost 2 miles, the narrow, two-lane road offers iconic Old Florida scenic views of a lake framed by bald cypress and palms, with native wildlife such as herons wading in the shadows and alligators floating silently in the water. Originally

known as Lake Pithlachocco, a Seminole name meaning “long boat” or “lake where boats were made”, Newnans Lake is an archeological site of the largest collection of prehistoric canoes in North America.



**Typical scenic view along Lakeshore Drive**

***(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;***

Visual experiences provided include views through natural cypress forest to the lake and beyond to the wooded eastern shore in the distance. The terrain changes are minimal and emphasize the nearness of the lake, with the shoreline just a few feet below the roadway elevation in some areas. A diversity of vegetation is present with Cypress swamp forest along the shore of Newnans Lake that transitions to mesic forest, including sweetgum, sugarberry, water hickory, laurel oak, red maple, black tupelo, and live oak. Intermittent portions of the road are under moss-draped tree canopy. A variety of wildlife is easily observable from the corridor.



**Tree canopy over Lakeshore Drive**

***(c) Access between or to recreation areas or points of scenic, cultural, historical, or scientific interest occur as part of the system;***

Due to its abundant and diverse fish and wildlife, Newnans Lake is a designated Fish Management Area by the Florida Game and Freshwater Fish Commission. The entire lake is also an archeological site listed on the National Register of Historic Places. Lakeshore Drive provides access to Palm Point Nature Park, a 17-acre peninsula extending into the lake. Amenities include a small unpaved parking area, walking trails, picnic tables, grills, bank fishing, and wildlife and bird watching. Lakeshore Drive also provides informal roadside access points to Newnans Lake on publicly owned land.

***(d) The immediate roadside or corridor is relatively free of commercial or other development restrictive of scenic quality;***

Almost the entire length of Lakeshore Drive is free of commercial development. The exception is a commercial forestry service near the intersection with SE Hawthorne Road. With approximately 663 feet of frontage along the southeast side of Lakeshore Drive, a warehouse and other miscellaneous structures and equipment are visible from the roadway. Typical operations involve large trucks and equipment that produce visual

impacts and noise that could be inharmonious with a scenic road designation. ULDC Section 405.38. *Restrictions along scenic road corridors* states that the Board has the power to impose restrictions along the corridor including prohibiting any commercial activity within the protected area. Due to this commercial use, staff recommend that the portion of Lakeshore Drive within approximately 710 feet of SE Hawthorne Road be excluded from consideration for a scenic road designation. This distance is the length of the commercial property frontage on Lakeshore Drive with an additional  $\pm$  47 feet of County-owned (Alachua County Forever) property frontage to the southwest (between the commercial property and SE Hawthorne Road).



**Commercial forestry service on Lakeshore Drive near SE Hawthorne Road intersection**

Directly across the road to the northwest is an 82-acre property that received approvals on August 12, 2025, for land use and zoning changes, including changing the land use from commercial frontage along Lakeshore Drive to low density residential (a proposed residential subdivision development plan is currently under review).

Other development along the southern portion of Lakeshore Drive consists of large lot residential, including Magnolia Estates subdivision with 41 lots of roughly 1 to 3 acres. (Sixteen of those lots along Lakeshore Drive extend across the road into the lake,

substantially increasing their size; several of these have private docks on the lake). Magnolia Estates lot frontage occupies approximately 1/3 of the length of Lakeshore Drive.



**Magnolia Estates residential subdivision near central portion of Lakeshore Drive**



**Magnolia Estates residential subdivision near central portion of Lakeshore Drive**

Roughly the northern third of the land along both sides of Lakeshore Drive is publicly owned by the City of Gainesville, including Palm Point Nature Park on the east side of the road. At its northern terminus, approximately 300 linear feet of Lakeshore Drive lies within Lakeshore Homesites, a subdivision of approximately 200 lots ranging from 1/5 to 3/4 acres.



**Palm Point Nature Park**



**Lakeshore Homesites residential subdivision at northern terminus of Lakeshore Drive**

***(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.***

The Lakeshore Drive corridor's scenic resources are not damaged beyond their recognition. Approximately 70% of Lakeshore Drive is undeveloped (of that, about 30% is privately owned and 70% is land owned by the City of Gainesville). The lake frontage retains its scenic character; there is no development other than approximately a half dozen small private docks. There is no commercial development on Lakeshore Drive other than the forestry service near the intersection with SE Hawthorne Road, which occupies approximately 663 feet of road frontage. The remainder of development is residential, mostly within Magnolia Estates and Lakeshore Homesites subdivisions.

According to the St Johns River Water Management District, Newnans Lake is a hypereutrophic lake due to its high total phosphorus and nitrogen concentrations. It is currently undergoing watershed restoration to address water quality issues and reduce nutrient pollution. These efforts aim to restore Newnans Lake to a healthy state, ensuring its long-term sustainability for both ecological and recreational purposes.

## **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***

With unobstructed, naturalistic views of Newnans Lake, its shore just feet away from the roadway, Lakeshore Drive offers a significant scenic resource in Alachua County.

#### ***(1) Interesting geomorphic formations.***

Approximately four miles long and two miles wide, with a surface area of approximately 6,000 acres and an average depth of 5 feet, Newnans Lake is the most significant geomorphic formation in the east central area of Alachua County.

#### ***(2) Type of natural vegetation.***

A narrow rim of Cypress swamp forest rings the shore of Newnans Lake before transitioning to mesic forest, including sweetgum, sugarberry, water hickory, laurel oak, red maple, and black tupelo.

Lakeshore Drive is directly adjacent to and travels through the Eastside Greenway Strategic Ecosystem, one of the ecosystems identified in the Comprehensive Plan for special protection and management of ecological integrity. The Eastside Greenway Strategic Ecosystem was ranked “above average” in the Alachua County Ecological Inventory Project, a 1996 study prepared by KBN Engineering and Applied Sciences, Inc., to “identify, inventory, map, describe, and evaluate the most significant natural biological communities that remain in private ownership in Alachua County and make recommendations for protecting these natural resources”.

#### ***(3) Presence or nearness of water bodies (by type).***

While Lakeshore Drive is near Newnans Lake, the defining feature of the corridor, it varies in actual distance from the shore. At its furthest, to the south near SE Hawthorne Road, Lakeshore Drive is approximately 1/3 mile from the lake. At that point the lake is not visible, though low-lying swampy areas begin to appear after about 1/3 mile. The corridor then begins to veer towards the lake with open water coming into view about a half mile from SE Hawthorne Road. The corridor continues closely along the shoreline for about a mile, with views of the lake interrupted only by Palm Point Nature Park. Continuing north, the lake views resume for another half mile until Lakeshore Drive abruptly turns west away from the lake towards SE 74<sup>th</sup> Street.

#### ***(4) Overall landscape composition.***

The Lakeshore Drive corridor is made up of natural areas, including Newnans Lake, the surrounding forest, and Palm Point Nature Park; residential development; and limited

commercial development. Overall, most of the corridor presents a tranquil and inviting lakefront landscape.

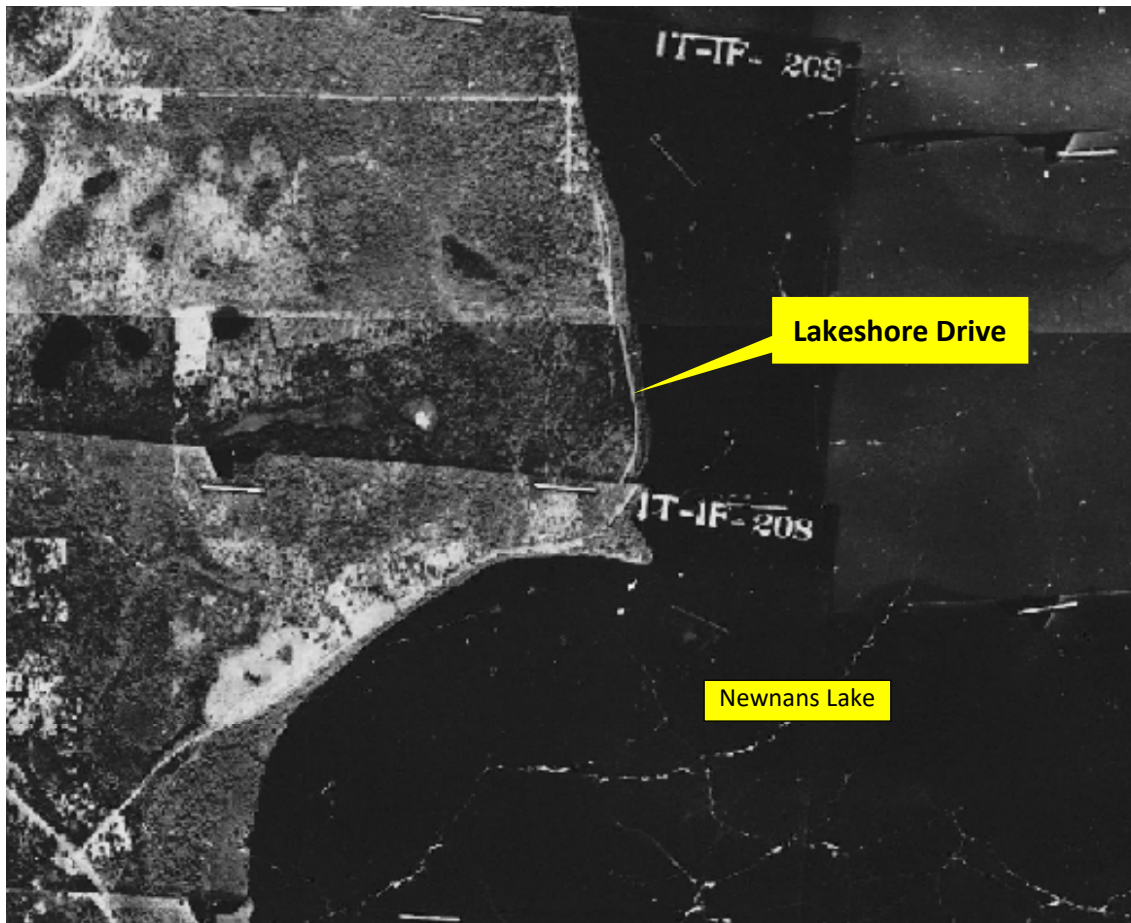
***(b) Archaeological resource significance.***

Before it was renamed Newnan’s Lake in the 19th century, the lake was originally known as “Pithlachocco,” or “place of the long boats.” The name’s legacy was borne out in the spring of 2000 when, after drought exposed much of the lakebed, over 100 ancient dugout canoes were discovered, ranging from 15 to 31 feet in length. Built by Native Americans between 500 and 5,000 years ago, it is the single largest accumulation of prehistoric watercraft ever discovered. The Lake Pithlachocco Canoe Site, which includes the entire lake, is listed on the National Register of Historic Places.

***(c) Historical resource significance.***

***(1) Road developed prior to era of interstate development.***

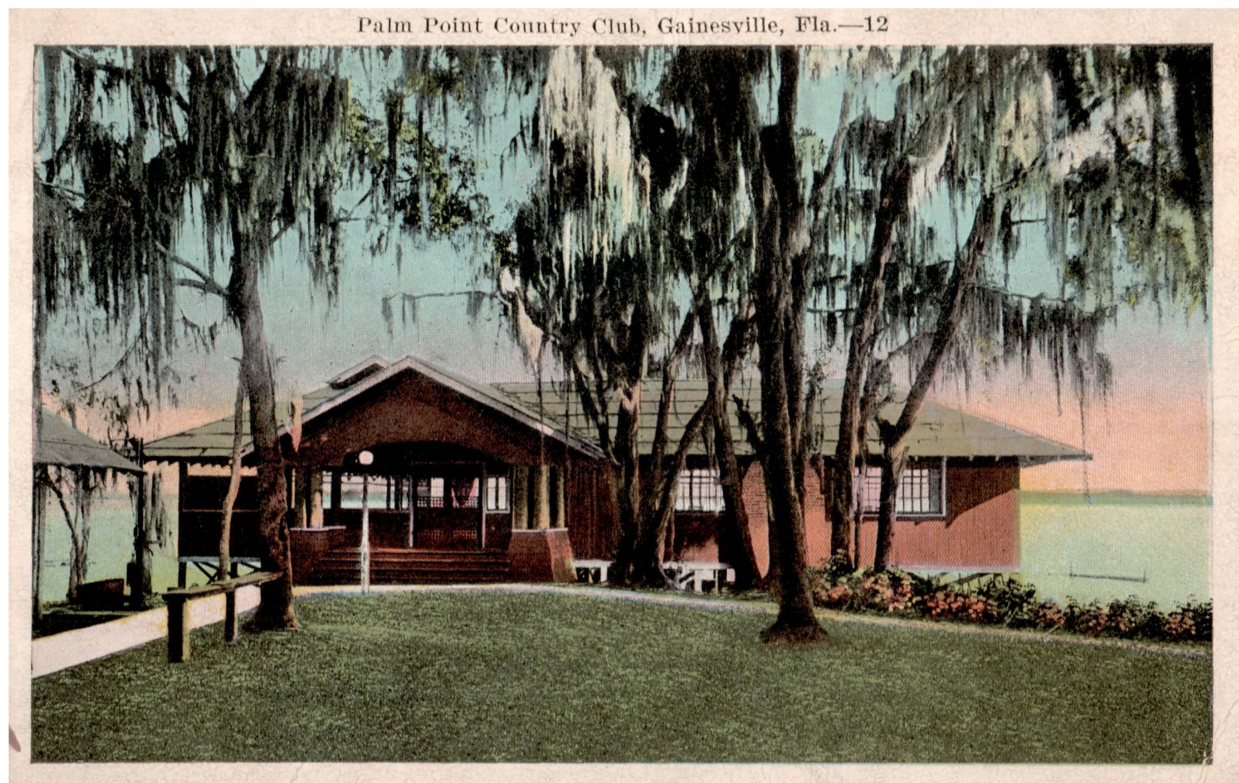
Historical aerials reveal that Lakeshore Drive has existed since at least 1949 thereby predating interstate development, which began after passage of the Federal Aid Highway Act of 1956. Construction of Interstate 75 through Alachua County was completed in 1964.



**1949 historical aerial showing Lakeshore Drive along the western shore of Newnans Lake**

Lake Pithlachocco was renamed in the 1800s after Daniel Newnan, an American military commander in Spanish Florida. In 1812, Newnan led a militia that fought a battle near the lake against Alachua Seminoles led by King Payne (namesake of nearby Paynes Prairie), who was fatally wounded.

In the early 20<sup>th</sup> century, Palm Point Country Club was located at the current site of Palm Point Nature Park.



**Palm Point Country Club, 1918 - 1921**

***(d) Cultural resource significance.***

***(1) Unspoiled character of resource (no adverse land uses and structures).***

Approximately 70% of Lakeshore Drive is undeveloped (of that, about 30% is privately owned and 70% is land owned by the City of Gainesville). The lake frontage retains its scenic character; there is no development other than approximately a half dozen small private docks and Palm Point Nature Park. There is no commercial development on Lakeshore Drive other than the forestry service near the intersection with SE Hawthorne Road, which occupies approximately 663 feet of road frontage. The remainder of development is residential, mostly within Magnolia Estates and Lakeshore Homesites subdivisions.

***(2) Amenability for multiple recreational uses for pedestrian, equestrian, or bicycle paths, and passive recreation.***

The Lakeshore Drive right-of-way is 66 feet wide, with a 2-lane paved roadway width of approximately 17 feet. The current posted speed limit is 35 mph (30 mph in the vicinity of SE 75th Street). While there are no current facilities for pedestrian, equestrian, or bicycle use, or passive recreation, within the right-of-way, uses such as bicycling and roadside bank fishing currently occur. The addition of a dedicated bicycle/pedestrian facility, like a Multi-Use Path, may better support recreational users of all ages and abilities. There is nature-based recreation in the adjacent Palm Point Nature Park, including walking trails, picnic tables, grills, bank fishing, and wildlife and bird watching.



**Bank fishing on Newnans Lake adjacent to Lakeshore Drive**

***(e) Priority of criteria.***

***(1) Scenic quality.***

As discussed above, the quality of the Lakeshore Drive corridor's scenic resources is unique in Alachua County, offering unobstructed scenic views of Newnans Lake framed by native cypress forest. Intermittent portions of the road are under moss-draped tree canopy. A variety of wildlife is easily observable from the corridor.

***(2) Variety of recreation experience.***

Newnans Lake is a popular fishing, bird- and wildlife-watching, and bicycling destination. Birds, mammals, and reptiles, including bald eagles, ospreys, herons, white-tailed deer, otters, alligators, turtles, and snakes are easily viewed both along the corridor and in the adjacent Palm Point Nature Park.

The corridor is currently used recreationally for bicycling and roadside bank fishing. There is nature-based recreation in Palm Point Nature Park, including walking trails, picnic tables, grills, bank fishing, and wildlife and bird watching.

***(3) Compatibility with other corridor users.***

Scenic Road designation would be compatible with most other corridor users including residents, bicyclists, recreational fishers, tourists, and visitors to Palm Point Nature Park. However, a commercial forestry service located on Lakeshore Drive near the intersection of SE Hawthorne Road could present issues of incompatibility with such as designation.

***(4) Harmony with other land use.***

County Scenic Road designation would be in harmony with most other land uses along the corridor, such as developed and undeveloped residential land, and land publicly owned by the City of Gainesville, including Palm Point Nature Park. The exceptions are the following two uses located on opposite sides of Lakeshore Drive near the intersection of SE Hawthorne Road.

A commercial forestry service on 3 ½ acres has approximately 663 feet of frontage along the southeast side of Lakeshore Drive. In addition to approximately 200 feet of opaque wood and metal fencing along the corridor, the frontage includes views of a warehouse and other miscellaneous structures and equipment. Typical operations involve large trucks and equipment that produce visual impacts and noise. In addition, ULDC Section 405.38. *Restrictions along scenic road corridors* states that the Board has the power to impose restrictions within the protected area of a scenic road corridor including prohibiting any commercial activity. In light of these aspects, a scenic road designation could be inharmonious with this land use.

An 82-acre site directly across Lakeshore Drive to the northwest, where the County Commission recently approved comprehensive plan and zoning amendments in anticipation of future residential development, has approximately 800 feet of frontage along the northwest side of Lakeshore Drive. Prior to the amendments, the site was designated on the County's Future Land Use Map for the potential development of 131 residential units and an estimated 124,000 sq. ft. of commercial area along the frontage of Lakeshore Drive. The approved amendments allow an additional 18 residential units; however, the commercial area of the property is completely removed. In addition, the easternmost 200 feet of the property (with frontage along Lakeshore Drive) is restricted to green space, stormwater management, tree preservation, and necessary utility

infrastructure, with no roadways or residential lots, and no fencing in order to contribute to an adjacent greenway/wildlife corridor. With that combination of changes and restrictions to the allowed use of the property in place, a scenic road designation could be inharmonious with the residential use of the remaining Lakeshore Drive frontage.

Due to these two potentially inharmonious land uses near the southern terminus of Lakeshore Drive, staff recommend that the portion of Lakeshore Drive within approximately 710 feet of SE Hawthorne Road be excluded from consideration for a scenic road designation. This distance is the length of the commercial property frontage on Lakeshore Drive with an additional  $\pm$  47 feet of County-owned (Alachua County Forever) property frontage to the southwest (between the commercial property and SE Hawthorne Road).

***(5) Access to parks and other recreation.***

Lakeshore Drive provides access to Palm Point Nature Park, a 17-acre peninsula extending into the lake. Amenities include a small unpaved parking area, walking trails, picnic tables, grills, bank fishing, and wildlife and bird watching. Lakeshore Drive also provides informal roadside access points to Newnans Lake on publicly owned land.

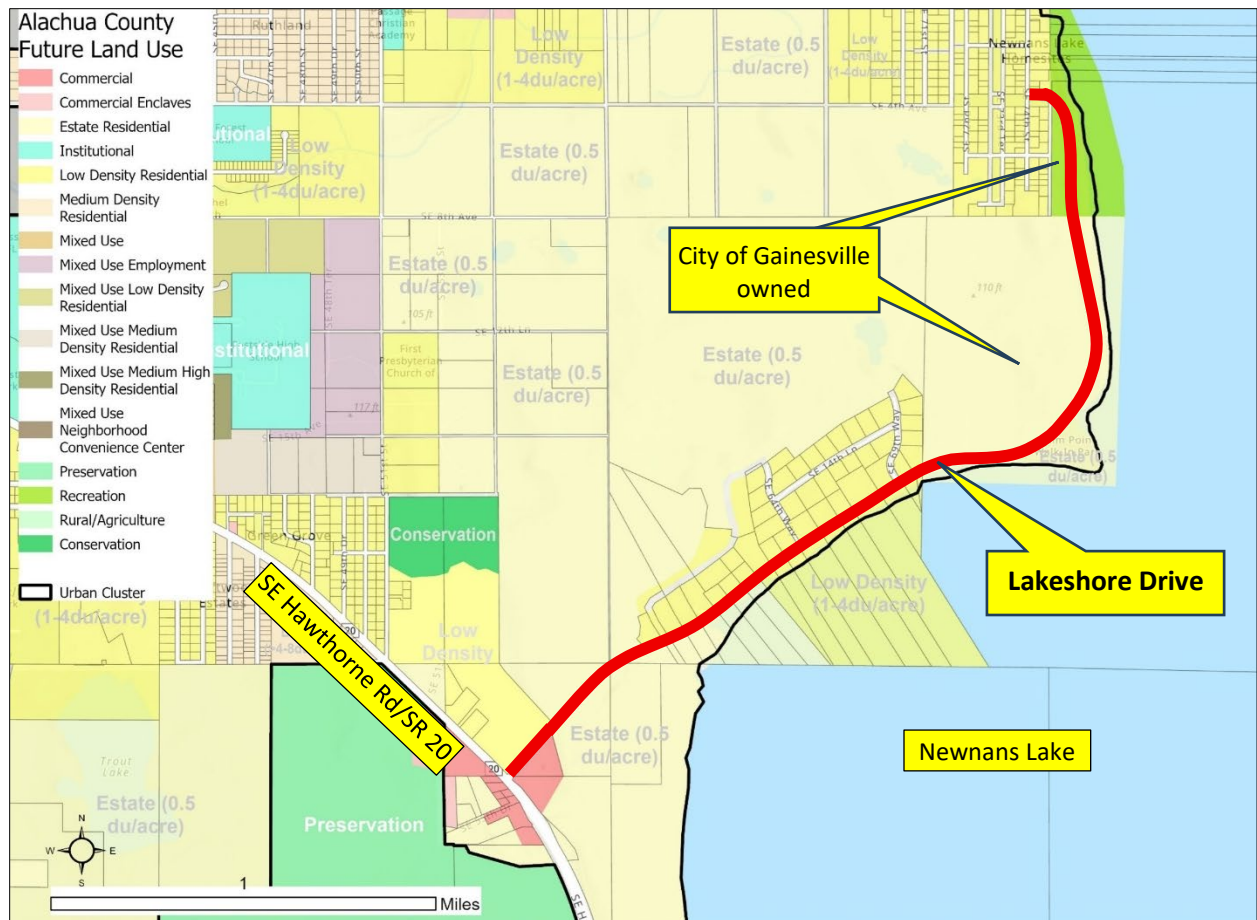
***(6) Popular demand.***

To date, 31 letters from the public, who live near Lakeshore Drive and across the County, have been received in support of Lakeshore Drive scenic road designation. No letters have been received in opposition.

***(7) Degree of urgency if the corridor is to be protected.***

The land use and zoning changes noted above highlight the potential for development along the Lakeshore Drive corridor. The remainder of developable land along the corridor is designated for Estate Residential (0.5 units/acre) or Low Density Residential (1-4 units/acre) development (see Future Land Use Map, Appendix A.)

Approximately 70% of Lakeshore Drive is undeveloped (of that, about 30% is privately owned and 70% is land owned by the City of Gainesville).



**Future Land Use Map and Lakeshore Drive**

***(8) Protection of ecology.***

Designation of Lakeshore Drive as a County scenic road would result in a 100-foot protected area along each side of the right-of-way, including prohibitions on tree removal.

As noted above, Lakeshore Drive is directly adjacent to and travels through the Eastside Greenway Strategic Ecosystem, one of the ecosystems identified in the Comprehensive Plan for special protection and management of ecological integrity. The Eastside Greenway Strategic Ecosystem was ranked “above average” with a “high diversity of habitats” in the Alachua County Ecological Inventory Project. It provides ecological connections from Newnans Lake and Palm Point Park to Paynes Prairie State Preserve, Morningside Nature Center, and Gum Root Swamp.

***(9) Suitability for use by other transportation modes (bus, pedestrian, equestrian, bicycles).***

While the Lakeshore Drive corridor is intrinsically suitable for pedestrian and bicycle use, providing a Multi-Use Path facility would better support the safety and accessibility of these uses.

**(10) Type of developmental possibilities.**

Approximately 70% of the linear distance along Lakeshore Drive is undeveloped (of that, about 30% is privately owned and 70% is land owned by the City of Gainesville). The remainder of developable land along the corridor is designated for Estate Residential (0.5 units/acre) or Low Density Residential (1-4 units/acre). While that amount of land could allow several hundred residential units, restrictions related to environmental features present such as floodplains and wetlands would limit the amount of development that could occur.

In addition, Lakeshore Drive is directly adjacent to and travels through the Eastside Greenway Strategic Ecosystem, one of the ecosystems identified in the Comprehensive Plan for special protection and management of ecological integrity. Approximately 850 feet of frontage along one side of the southern portion of Lakeshore Drive, and approximately a mile of frontage on both sides near Palm Point Park, are within the area mapped as Strategic Ecosystems in the Comprehensive Plan. Any development proposed in these areas would require specific planning and protection strategies outlined in the Conservation and Open Space Element of the Comprehensive Plan to ensure the ecological integrity of the ecosystem.

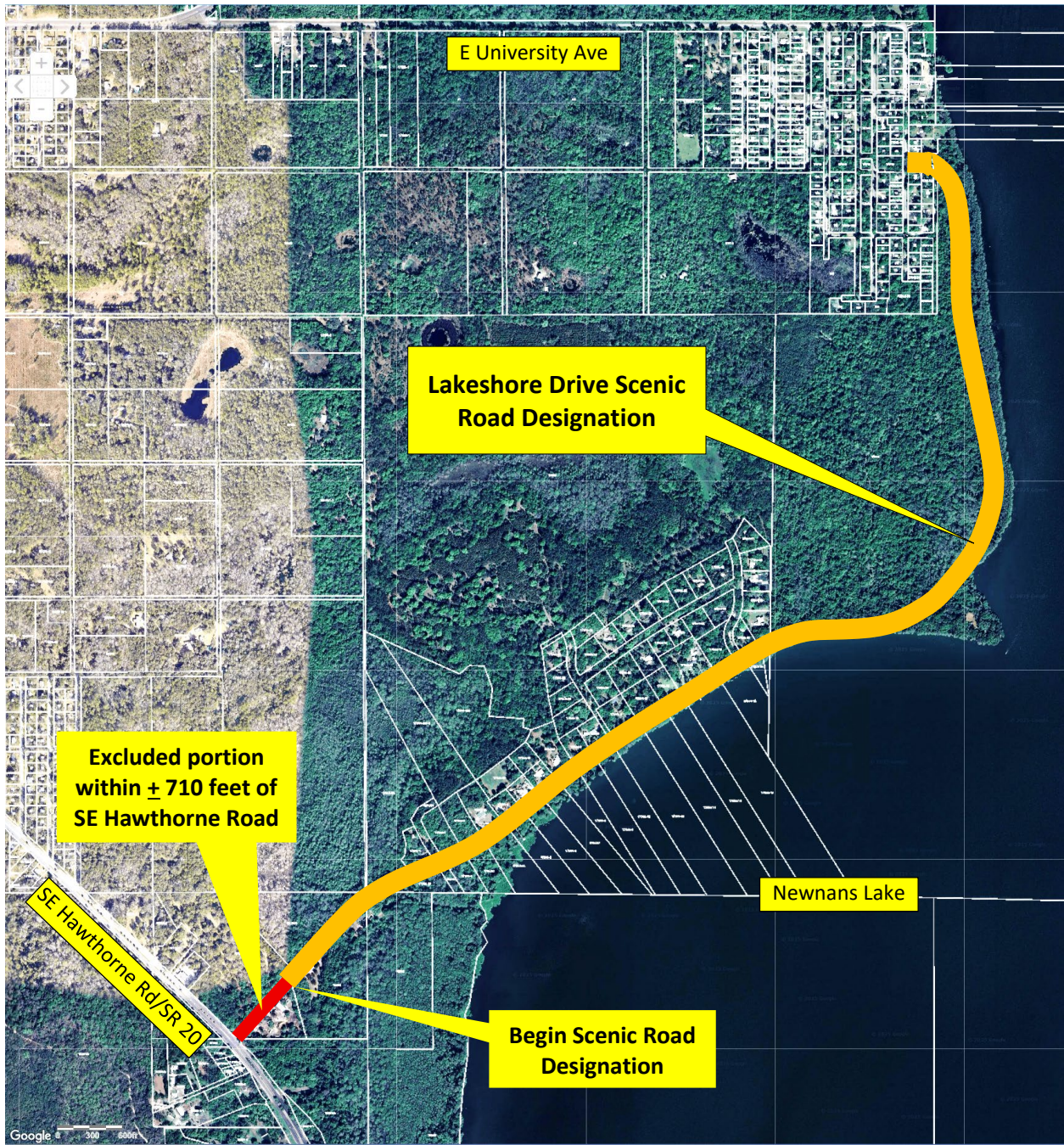


**Eastside Greenway Strategic Ecosystem and Lakeshore Drive**

***(11) Resource vulnerability to incompatible land use.***

Most of the remaining developable land along Lakeshore Drive is designated as Estate Residential (0.5 units/acre). The scenic and environmental resources of the corridor area would be vulnerable to potential development of this land. However, any future development along the corridor would be subject to consistency with the Comprehensive Plan and land development regulations, including stringent policies and regulations on protection of conservation resources such as wetlands, floodplains, and strategic ecosystems.

# APPENDIX A.



**Staff Recommendation for Location of Lakeshore Drive Scenic Road Designation**

### Staff Recommendation

-  Lakeshore Drive Scenic Road Designation
-  Excluded Portion of Lakeshore Drive within  $\pm$  710 feet of SE Hawthorne Road

## **APPENDIX B.**

### **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.

#### **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.

### **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.

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

The area within one hundred (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.

**Sec. 405.38. Restrictions along scenic road corridors.**

The BOCC may designate by resolution or ordinance scenic road corridors for purposes of preservation. In preserving a scenic road corridor, the BOCC 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 (seven and one-half (7.5) 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 III 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 (8) inches or more at a point four and one-half (4.5) 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 Subsection 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 fifty (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) Streetlights shall be permitted within twenty-five (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 (6) feet in height except for columns and posts, which may not exceed eight (8) feet in height. Structures may be allowed to extend to eight (8) feet in height and columns and posts to ten (10) feet in height at pedestrian and bicycle access points;
  - c. The width of the entryway structure is not to exceed fifty (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 twenty-five thousand (25,000) volts or more may be exempted from this restriction by the BOCC 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 twenty-five thousand (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.

### **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 Subsection 405.41(c)(3); provided, however, that one (1) 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 BOCC.
- (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.

### **Sec. 405.40. Variances.**

The BOCC 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 BOCC 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.

**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 BOCC.
- (2) Should staff's report be favorable, the BOCC shall give public notice of a hearing to consider designation as a scenic road corridor, in accordance with the requirements of Article IV, 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 BOCC 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 (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 BOCC.
    2. Mailed notice shall be provided to all property owners located along the proposed corridor no later than fifteen (15) days prior to the public hearing.
    3. At the hearing, the BOCC 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 BOCC 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 BOCC in the Office of the Clerk of the Circuit Court and duly recorded in the public records of the County.