

## **Part II           Special Overlay District - Highway Corridor**

### **Section 1.       Purpose**

1.     The purpose of establishing this overlay district is to protect and/or enhance the aesthetic and visual character of the Town of Elkton and to provide for and promote orderly growth of the same. The overlay district regulations are intended to supplement the regulations of the underlying zoning districts and to provide for the harmony and compatibility of development along the highway corridors. All development proposed within this District shall be subject to the procedures, standards, and guidelines specified in the following sections, in addition to those standards pertaining to the particular base zoning district in which the development occurs. In particular, the purpose of the Special Overlay District is as follows:
  - a.     To encourage and better articulate positive visual experiences along the Town's major existing and proposed highways.
  - b.     To provide for the continued safe and efficient use of these roadways.
  - c.     To maintain natural beauty and scenic, cultural, and historic character of the corridor, particularly distinctive views, vistas, and visual continuity.
  - d.     Minimize intersection and site access points.

These purposes will be accomplished through evaluation of proposed developments within this zoning district by the Planning Commission which shall review the location, character and appearance of new development in accordance with these regulations. It is the purpose of such review to determine, in a cooperative fashion with the applicant, whether a proposed plan meets the guidelines and other standards of this zoning district.

2.     The Highway Corridor Overlay Zoning District shall include all lands within 500 feet of each side of the center line of the following rights-of-way: U.S. 40, I-95, MD 213 and MD 279. Where a property along the above-mentioned roadways is annexed into the town, the Highway Corridor Overlay Zoning District shall be automatically extended across said property. The approximate boundary of the overlay district shall be shown on the Official Zoning Map and shall be shown as a surveyed line by the applicant on each property subject to review.

### **Section 2.       Affected Development**

1.     All development plan applications for development located in the Highway Corridor Overlay District shall be reviewed by the Planning Commission. All changes subject to approval by the Commission shall receive such approval before proceeding. If a portion of the corridor will not be visible from the road once the project is completed, the Commission may waive review of that portion.
2.     Development Activity Permitted Within The District.
  - a.     There shall be no alteration of the existing condition of the lands, uses or structures within the Special Overlay District from the date of enactment of this section henceforth except as provided for by this section or by other sections of this Article.
  - b.     The overlay district regulations are supplementary to the permitted uses and requirements for the appropriate underlying zoning district as contained in Article IX of this ordinance.

3. Development activity prohibited within the district. Uses prohibited in the underlying zoning district are also prohibited in the overlay district.

**Section 3. Reserved**

**Section 4. Retention of and/or Creation of a Minimum Visual Buffer along Highway Corridor Right-of-Ways**

1. Each approved application for development shall provide a minimum visual buffer between the right-of-way line of the subject roadway and all proposed structures and parking areas. The purpose of the minimum visual buffer is to soften the appearance of structures and parking lots from the road, to screen vehicular headlight glare on and off site, and to lessen spill-over light from on-site lighting. The buffer shall be continuous, except as set forth in 2. below, and be no less than the requirements for Bufferyard B contained in Article XVIII and Appendix C depth across the existing right-of-way line or from the new right-of-way line should the application under consideration be required to or voluntarily provide a dedication of or easement for proposed roadway purposes. The minimum Bufferyard depth shall not occur at the high activity areas of a project. These areas include, but are not limited to, building entrances, drop-offs, and drive-thrus.

To determine the average depth of the minimum visual buffer, measurements shall be taken at intervals not greater than ten (10) feet perpendicular to the property line. Side buffer areas required by other sections of this ordinance and deep, narrow land areas shall not be used when calculating the minimum visual buffer. Where lagoons and drainage swales occur in the minimum visual buffer because of natural land forms or drainage patterns, additional buffer depth and vegetation shall be required to augment the screening effect.

2. The intent of the minimum visual buffer is to leave the naturally occurring buffer vegetation intact for its softening effect. This buffer may be enhanced or created, where such vegetation is insufficient or non-existent, with trees and shrubs of a variety of species appropriate to Town character. If the minimum visual buffer already has trees of protected size and species as noted in Article XVIII, their preservation is required. Where masses of native shrubs are present, their preservation with minimum disturbance is strongly encouraged. While complete screening of a project is not required, sufficient plant material shall be installed to accomplish the softening effect required in 1. above. In order to maintain the screening effect, existing vegetation shall not be limbed-up from the ground more than five (5) feet to the lowest branches. However, if understory planting is planned, existing vegetation may, with the approval of the Zoning Administrator, be limbed-up to a height that will provide adequate sunlight to those plants. Minimum height and caliper of new trees shall be consistent with provisions of the tree protection requirements in Section 3 of this Part. Minimum height of new shrubs used to create the minimum visual buffer shall be three (3) feet.

**Section 5. Exemptions From Buffer Requirements**

Exemptions, whether partial or total, from the bufferyard provisions may be granted if it can be sufficiently demonstrated that such bufferyard will have a deleterious visual effect upon an existing situation or that through the preservation of existing tree stand or other unique natural vegetative resource, particular effort on the part of a developer in protecting the existing natural environment warrants the relaxation of bufferyard requirements. The following outlines those anticipated situations where the bufferyard requirement may be relaxed or removed.

1. Protection of existing visual environment. In the following cases where the characteristics of the existing visual environment would be detracted from by the provision of a required bufferyard:
  - a. Views and Vistas of existing buildings which exhibit a high degree of aesthetic value serving to heighten the visual experience, serve as important points of spatial identification, contain value as important historical resources.
  - b. Views and Vistas of existing natural landscape/topographical features of a particular locale which correspond to certain high points affording panoramic views, views to settlement clusters, views of water, valleys, and other elements of the physical landscape.
  - c. Views and Vistas to existing recreational/open space areas, whether natural or man-made, which serve to contribute to the overall visual environment. Uses such as golf-courses, local parks, cemeteries.
  - d. Views and Vistas to which give the observer an awareness of a locations inherent character related to views of farmland, pastures, water activities, such as docks or other maritime activities specific to the area.
  
2. Protection of proposed visual environment. In the following cases, where a proposed development intended to further enhance or protect the existing visual environment would be visually affected by the required bufferyard:
  - a. A proposed development which by virtue of the characteristics of its structures indicates innovation of design, a unique relationship with the site, represents a focal point, establishes a particular identifying element for the locale.
  - b. A proposed development which exhibits innovative or unique uses of site landscaping, or which combines in the use of the site open recreational areas such as described above.
  
3. Retention of existing natural attributes of the site. In this case, significant steps must be taken by a developer to preserve significant tree stands, topographic characteristics, even in the event that such elements are in locations where they are not wholly visible. The intent is to provide incentives to retain the features of the existing natural environment rather than encourage its destruction, and then to remedy the situation with new plantings.
  
4. Management of existing and proposed resources. In order to encourage management programs for visual natural resources, so that the continuation of such resource is assured, bufferyard requirements may be reduced or waived.

**Section 6. Permitted Activity in Minimum Visual Buffer Before and After Development**

1. No existing vegetation of any type, size, or origin shall be altered or removed unless it satisfies the tree protection requirements of Section 3 of this Part.
2. Within the minimum visual buffer there shall be no development, clearing, grading, or construction activity, except for the following:
  - a. Roadway and/or driveway access to the portion of the site not in the minimum visual buffer provided that it is approximately perpendicular to right-of-way.

- b. Provision for water, sanitary sewer, storm drainage, electrical, telephone, natural gas, cable, etc. service lines provided they are approximately perpendicular to the right-of-way. In the event that utilities must be installed approximately parallel to the road right-of-way, an equal amount of buffer may be required to substitute for the area of vegetation removal. Permission for easement and right-of-way disturbance and clearing for such services shall be more favorably considered when such activity is consolidated with vehicular access routes.
- c. Pedestrian and bicycle paths designed to provide continuous connection along the road corridor, provided that they can be constructed without materially reducing the screening and visual softening capacity of the vegetation buffer.
- d. Lighting fixtures only for approved signs or if, for safety reasons, they cannot be placed outside the buffer and then only when electric utility lines serving these fixtures and necessary easements can be established and constructed without reducing the screening and visual softening capacity of the vegetation buffer.
- e. Signs in accordance with the sign regulations in Article XVI reasonable effort should be made to locate all signage outside of the buffer.
- f. Clear sight distances at the permitted entrances and exits to any development as needed to provide for reasonable traffic safety, in accordance with accepted traffic engineering practices.
- g. The addition of plantings, earth forms, or other visual buffers that, in the opinion of the Commission, would better achieve the purpose set out in Appendices B and C than would otherwise be the case.

**Section 7. Architectural Review**

- 1. Guidelines. The compatible relationship of architecture along highway corridors is of public concern. The intent of the architectural review is not to stifle innovative architectural design but to assure respect for, and reduce incompatible and adverse impacts on, the visual experience from the roadway. To accomplish this, the Planning Commission shall use the following guidelines in reviewing proposed structures, site improvements, signs, and streetscape improvements within the Highway Corridor Overlay Zone:
  - a. Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing of property, and removal of trees and vegetation that could cause disruption of natural water courses or disfigure natural land forms.
  - b. Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the parcel and surrounding parcels. Structures shall impede, as little as reasonably practical, scenic views from the main road or from existing structures and the natural environment. Structures shall not dominate, by excessive or inappropriate height or mass, any general development, adjacent building, or natural landscape in an incompatible manner.
  - c. The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history, and cultural heritage of the Town, with

natural land forms and existing vegetation and with other development plans approved by the Town. Specific consideration shall be given to compatibility with adjacent properties where such projects demonstrate the Town's character.

- (1) Large work area doors or open bays shall not open toward or face the highway.
  - (2) Heating, ventilating, and air conditioning equipment, duct work, air compressors, other fixed operating machinery shall be either screened from view or located so that such items are not visible from the highway. Large trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes, antennas, etc., shall be similarly treated, as practicably as possible.
  - (3) Mobile homes and office-type mobile units shall be screened from view from the highway and equipped with skirting on all sides.
  - (4) All development, including those in which the principal facade is oriented to the interior of the lot, shall be designed so that all facades visible from the roadway or from adjacent sites shall be completed in an aesthetically pleasing manner.
  - (5) No temporary structures are permitted except those used in conjunction with and during construction projects.
  - (6) Fencing along the highway right-of-way is discouraged, but, if used, such fencing shall be of quality materials (brick, stone, wood) and shall be landscaped to minimize visibility from the highway.
  - (7) Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form such as blank walls or by unbroken extension of line shall be avoided.
  - (8) Materials with similar texture and appearance as appropriate to the Town's character.
  - (9) Generally, no more than three colors per building should be used. Semi-transparent stains are recommended for application on natural wood finishes.
  - (10) The location and dimensions of wall signs shall be indicated and shall maintain compatibility with architectural features of the building.
  - (11) Architectural lighting shall be recessed under roof overhangs or generated from concealed source, low level light fixtures.
  - (12) Building massing should reflect proportion and scale appropriate to the existing Town design.
- d. It is assumed that proposed building development that is consistent with the requirements of Section XX of this Ordinance regarding the Town Center (TC) District is consistent with the architectural design requirements of this Section.
- e. The landscape plans for the proposed development shall provide visually harmonious and compatible setting for structures on the same lot and on adjoining or nearby lots and shall

blend with the surrounding landscape. Natural appearing landscape forms are strongly encouraged; formal plans and the appearance of straight hedges are discouraged. Landscaping shall be required between buildings and sidewalks, parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building.

- f. Site lighting shall be of low-intensity from a concealed source, shall be of a clear white light that does not distort colors, and shall not spill over into adjoining properties, buffers, roadways, or in any way interfere with the vision of on-coming motorists.
- g. To the extent that they relate to aesthetic considerations, the design and construction techniques of the proposed development shall respond to energy consumption and environmental quality considerations such as heat loss, heat gain, air emission, and runoff water quality.
- h. Streetscape Improvements and External Changes.
  - (1) Streetscape improvements include those architectural or functional facilities or structures that occur on site but are not part of the building and that encourage and facilitate human interaction with the environment. Examples include, but are not limited to the following: decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structure, trash receptacles and enclosures, vendor areas, bollards, and fences. These improvements shall be designed to be consistent with all guidelines listed above, and shall be reviewed for aesthetic functionality and compatibility with the Town's character.
  - (2) Decorative, low-level intensity, non-concealed source lighting that defines vehicular and/or pedestrian ways may be acceptable if part of a lighting master plan. It is strongly discouraged as general lighting for a development. The master plan must show the relationship of the fixtures and the light patterns to each other, to the project site, to unit development, and to the highway corridors.
  - (3) External changes to streetscape improvements and existing structures and sites subject to review by the Commission shall be consistent with all guidelines and standards in this section. External changes of a minor nature include external color and structural material changes, parking lot additions and alterations, relocation of accessory structures, and similar minor changes as determined by the Zoning Administrator. Some minor external changes may also require development plan approval (see Article IV).
- i. Signs, permanent.
  - (1) Applicants for new or replacement signs in the Special Overlay District shall apply to the Planning Commission for review at the time of full development review or as a separate application.
  - (2) The Planning Commission is hereby authorized to approve or disapprove the appearance of features of such proposed signs and the Administrator's approval shall be given only after the Commission's approval is granted.
  - (3) All signs shall meet all requirements of Article XVI.

- (4) The amount of information on signs shall be no more than is necessary to provide reasonable identification of the name of the business to the passerby. While corporate logos that are part of a business name or business identification are authorized within Article XVI, color and size are reviewed under subsection (1).
  - (5) An integrated sign system design shall be required for all new Planned Developments (PDs), commercial and residential subdivisions, office complexes, and shopping centers within the Highway Corridor District. The establishment of integrated sign systems for existing developments is strongly encouraged. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility with architecture, and establishment of unity of design for the development. Individual signs shall be reviewed for conformance with such sign systems, whether newly established or existing.
  - (6) Materials, colors, and shapes of proposed signs shall be compatible with the related building(s). Size and proportions shall not be a dominant feature of the site and shall be judged by sizes and proportions of signs on adjacent and nearby properties that are compatible with the Town's character.
  - (7) Spot-lighting of signs shall be restricted to not more than one 150-watt light per side for sign faces up to 40 square feet and nor more than two 150-watt lights per sign faces over 40 square feet. The sign base and/or proposed landscaping shall be designed to shield the light from on-coming motorists and to conceal the light fixture.
- i. Signs, temporary.
    - (1) Temporary signs within the Special Overlay District shall comply with the design guidelines set forth in this section for colors and materials and with Article XVI and shall be reviewed for such compliance by the Zoning Administrator.
    - (2) In the case of multiple principals (for example, owner, developer, architect, engineer, contractor, or real estate or leasing agent), all information shall be contained on a single sign not to exceed the maximum size and height allowed in Article XVI.
    - (3) Temporary signs within the corridor shall not be lighted.
  2. Following project completion, all design features required by the Town or shown on approved plans shall be maintained in good condition by all subsequent owners of the property. Changes proposed shall require approval by the Commission.

## **Section 8. Waivers of Corridor Requirements**

The Planning Commission may waive one or more of the specific requirements of the Special Overlay District upon a showing by the applicant that these corridor regulations impose an undue hardship due to the peculiar configuration, topography, or location of the tract, or that the proposed project demonstrates the use of highly innovative architectural, site planning, or land use techniques. The Commission may approve any waiver to the minimum extent necessary to allow the project to be constructed. The applicant for any such waiver shall have the burden of showing that the proposed project, with such waiver granted,

will be as good or better than a project developed in compliance with the District regulations in terms of environmental protection, aesthetic enhancement, land use compatibility, and traffic considerations.

**Section 9. Planning Commission Review**

Applicability. All development proposed in the Special Overlay District and other applicable projects shall submit an application to the Zoning Administrator for review by the Planning Commission. Such application shall be reviewed for consistency with the guidelines and standards found in this Article and according to the submission and review requirements in this article and or the Town Subdivision Regulations.