



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

March 29, 2006



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Morrow County Plan Amendment
DLCD File Number 006-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 11, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Steven Santos, DLCD Economic Development Planning Specialist
Carla McLane, Morrow County

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D L C D NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

MAR 23 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: MORROW COUNTY Local File No.: NONE (If no number, use none)

Date of Adoption: 3/15/2006 Date Mailed: 3/21/2006 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 10/20/2005

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment Land Use Regulation Amendment Zoning Map Amendment X New Land Use Regulation Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Adopted two new use zones - Rural Light Industrial (RLI) and Tourist Commercial (TC)

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Our original request included three components - 1) adopt new use zones; 2) apply the new use zones (zone change); and 3) amend maps and text. At this time we have only adopted new use zones and amended the Zoning Ordinance to include them. Other actions will follow.

Plan Map Changed from: N/A to

Zone Map Changed from: N/A to

Location: NONE Acres Involved: NONE

Specify Density: Previous: 0 New: 0

Applicable Statewide Planning Goals: 1

Was an Exception Adopted? Yes: No: X

DLCD File No.: 006-05 (14756)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: City of Boardman, Port of Morrow, ODOT, Morrow County, DEQ, OWRD, DLCD

Local Contact: Carla McLane Area Code + Phone Number: 541 922 4624

Address: PO Box 40

City: Irrigon Zip Code+4: 97844

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.



PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

NOTICE OF DECISION

March 21, 2006

Morrow County Zoning Ordinance Amendment
Addition of two new use zones

- Rural Light Industrial
- Tourist Commercial

DEPT OF

MAR 23 2006

LAND CONSERVATION
AND DEVELOPMENT

This notice is to inform you that on March 15, 2006, the Morrow County Court adopted Ordinance Number MC-02-06 amending the Morrow County Zoning Ordinance. Specifically two new use zones were approved - Rural Light Industrial and Tourist Commercial.

The requirements for filing an appeal of the decision to the Land Use Board of Appeals (LUBA) are set forth in ORS 197.830 to 197.845. State law and associated administrative rules promulgated by LUBA describe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that a notice of intent to appeal plan or land use regulation amendments adopted pursuant to ORS 197.610 to 197.625 "shall be filed not later than 21 days after notice of the decision sought to be reviewed is mailed or otherwise submitted to parties entitled to notice under ORS 197.615." Notice of this decision was mailed on March 21, 2006. The deadline to appeal is April 11, 2006.

Cordially,

A handwritten signature in cursive script, appearing to read "Carla McLane".

Carla McLane
Planning Director

I certify that on March 21, 2006, I mailed a copy of this Notice of Decision by first class mail to all persons entitled to notice of this decision.

Signature

Date

A handwritten signature in cursive script, appearing to read "Kristina Shantz".

March 21, 2006

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE ADOPTING TWO NEW
USE ZONES - RURAL LIGHT
INDUSTRIAL AND TOURIST
COMMERCIAL - TO BE INCLUDED IN
THE MORROW COUNTY ZONING
ORDINANCE.

COUNTY ORDINANCE
NO. MC-02-06

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within Morrow County over matters of County concern; and

WHEREAS, Morrow County's Comprehensive Land Use Plan was acknowledged on January 30, 1986; and

WHEREAS, a request was filed by the City of Boardman to adopt two new use zones - Rural Light Industrial and Tourist Commercial; and

WHEREAS, the Morrow County Planning Commission held two hearings to review the request on December 6, 2005, at the Morrow County School District Building in Lexington, Oregon and on January 31, 2006, at the North Morrow County Annex Building CSEPP Safe Room in Irrigon, Oregon; and

WHEREAS, the Morrow County Planning Commission unanimously recommended to the County Court approval of the request and adoption of the new use zone language; and

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on March 1, 2006, at the Morrow County Courthouse in Heppner, Oregon;

NOW THEREFORE THE COUNTY COURT OF MORROW COUNTY ORDAINS
AS FOLLOWS:

Section 1 Title of Ordinance

This Ordinance shall be known, and may be cited, as "The 2006 Morrow County Zoning Ordinance Amendment - Rural Light Industrial and Tourist Commercial."

Section 2 Morrow County Zoning Ordinance - Amendment

The Morrow County Zoning Ordinance shall be amended to include the two new use zones - Rural Light Industrial and Tourist Commercial. These new sections, with their appropriate section numbers, are attached to this adopting ordinance and incorporated as Exhibits 1 and 2.

- Exhibit 1: Section 3.075 Rural Light Industrial Zone, RLI - a total of three pages
- Exhibit 2: Section 3.061 Tourist Commercial, TC - a total of seven pages

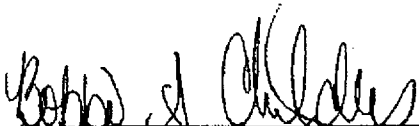
Section 3 Effective Date

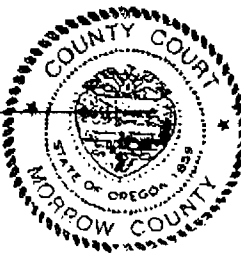
Given that it is the policy of the State of Oregon that time is of the essence in deciding Land Use matters and based upon the request of the City of Boardman for quick action, an emergency is declared to exist, and this ordinance shall be effective immediately upon execution.


DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 15th DAY OF MARCH, 2006.


ATTEST:

MORROW COUNTY COURT:


Bobbi Childers, County Clerk




Terry K. Tallman, Judge


John E. Wenholz, Commissioner

APPROVED AS TO FORM:


David Allen, County Counsel


Ray Grace, Commissioner

SECTION 3.075 RURAL LIGHT INDUSTRIAL ZONE, RLI

A. PURPOSE

The Rural Light Industrial (RLI) Zone is designed to provide suitable areas for the development of small scale industry that does not require full urban services. The intent is to provide industrial uses of a local nature, unlike the uses that would normally be sited in the Port or General Industrial Zones. This zone can accommodate incubator facilities and allows storefront businesses. This zone is to be applied in areas where transportation opportunities are already in place and available.

B. USES: PERMITTED AND CONDITIONAL

The following uses, with accessory uses, will be permitted utilizing the Site Plan Review criteria found in Article 4 Section 4.165, unless criteria-based Site Development Review is required as outlined in Article 4 Section 4.170. Uses shall also meet the applicable development standards listed in other parts of Article 4.

Uses permitted conditionally will be required to meet the applicable criteria in Article 6 Sections 6.020, 6.030 and Article 4. Additional criteria may be found in Section 6.050. All Conditional Use Permits are subject to Planning Commission review and approval.

1. Light Industrial – Institutional

These uses are: public use; operated by a government entity; special district; or non-profit organization.

- a. Airport and related aviation uses, including hangar and maintenance facilities
- b. Animal shelter
- c. Freight, train, bus or taxi terminals
- d. Public and semi-public building, such as police or fire station, ambulance service, emergency medical facility, or museum.
- e. Utility structure
- f. **Conditional Use:** Utility yard, recycling center, resource recovery facility, sewage disposal plant, pumping or treatment facility, water storage reservoir, sewage transfer site, or waste transfer site. Some of these uses may also be subject to the Morrow County Solid Waste Management Plan and Ordinance.

2. Light Industrial – Sale and/or Service

- a. Automobile, truck and heavy equipment sales, parts and accessory stores, service stations, paint and body shop, tire sales and repair, and trucking facilities
- b. Heavy equipment and farm implement sales, service, rental or repair
- c. Photographic film processing, photo engraving, photocopying, printing, lithographing, blueprinting or publishing and distribution facilities or establishments
- d. Building maintenance service
- e. Plumbing and sheet metal shops
- f. Saw shops, including sales and repair
- g. Taxidermy
- h. Upholstery, automobile and furniture
- i. Veterinary clinic and hospital
- j. Food catering preparation with no onsite retail sales
- k. **Conditional Use:** Lockers, ice houses and meat or game processing facilities to serve the personal scale market
- l. **Conditional Use:** General or scientific laboratories, research or experimental facilities

3. Light Industrial – Repair, Assembly and Manufacturing
 - a. **Conditional Use:** Compounding, processing, packaging or treatment of products
 - b. **Conditional Use:** Temporary cement and asphalt batching, rock processing and crushing
 - c. **Conditional Use:** Metal works including foundry, metal reduction, milling, refining, fabrication, welding and repair
 - d. **Conditional Use:** Manufacture, assembly or repair of textiles, cloth, fiber or wood products, including secondary and tertiary processing
 - e. **Conditional Use:** Processing or packaging of food or drink products

4. Light Industrial -- Storage and Distribution
 - a. Agricultural cooperative
 - b. Towing services and impound yard, overnight truck or trailer parking
 - c. Rental equipment facilities and storage yards
 - d. Commercial parking lot
 - e. Mini-storage units with office
 - f. Contractor's or building materials business, and other construction related businesses including plumbing, electrical, roofing, siding, etc., provided such is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight obscuring fencing.
 - g. **Conditional Use:** Warehousing, receiving and shipping, wholesale sales or distribution of equipment or products including food, which may also include retail sales
 - h. **Conditional Use:** Local fuel distribution facility

5. Light Industrial – Support Services

These uses tend to provide support to other uses within the zone or adjoining zones.

 - a. **Conditional Use:** Caretaker or night watchman (quarters or manufactured dwelling).
The unit must be related to the business. The manufactured dwelling must be removed when the business ceases to operate. The resident must be an employee of the business and employee status must be documented
 - b. **Conditional Use:** Restaurant, lounge, tavern, food stand, coffee kiosk, mobile food vendors

C. DEVELOPMENT STANDARDS

All uses authorized by this Article and Section may be subject to certain additional permit, process and property development standards that are contained elsewhere in the Morrow County Zoning Ordinance, the Morrow County Transportation System Plan, other applicable County Ordinances, or identified below.

1. Site Plan Review.
Article 4 Section 4.165 is a ministerial review required of all development less than 100 acres in this zone.

2. Site Development Review.
Article 4 Section 4.170 is a Planning Commission review required of all development more than 100 acres, or it can be required by the Planning Commission for Conditional Use approvals of less than 100 acres.

3. Transportation Impact Analysis.
In addition to the other standards and conditions set forth in this section or in Article 4, a Traffic Impact Analysis will be required for all projects generating more than 400 new daily trips. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 daily trips. The Morrow County Transportation System Plan, specifically Appendix D Traffic

Impact Analysis Guidelines, provides the necessary information for a Transportation Impact Analysis to be completed.

4. Access and Parking

Article 4 provides information concerning access and parking requirements.

5. Exceptions.

Exceptions to this Section can only be considered using the criteria found in Article 5 of this Zoning Ordinance.

6. Variances.

Variances to this Section can only be considered using the criteria found in Article 7 of this Zoning Ordinance.

7. Airport Approach and Hazard Overlay Zones.

If the proposed use is located near an airport in Morrow County with an approved Airport Master Plan, provisions of the Airport Approach or Hazard Overlay Zone may apply.

8. Landscaping and Screening.

Properties bordering Tourist Commercial or Residential Zones need to have in place a site obscuring fence or landscaping of such design that the visual impact is reduced or eliminated. No other specific landscaping or screening is required in this zone.

9 Minimum lot size and frontage.

A minimum lot size has not been determined for this zone, however it is anticipated that most, if not all, uses will be sited on lots of at least two acres. The determination of lot size will be driven by the carrying capacity of the land given the proposed use. Minimum lot frontage shall be 300 feet on an arterial or collector; 200 feet on a local street. Shared accesses will be encouraged.

10. Setbacks.

No specific side or rear yard setbacks are identified within this zone, but may be dictated by provisions of the Building Code or other siting requirements. The minimum setback between a structure and the right-of-way of an arterial shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from all lower class streets the minimum setback shall be 20 feet.

11. Signs.

Signs installed in this zone will need to meet the requirements of Article 4 Section 4.070 Sign Limitations and Regulations.

12. Building height.

The height of the building needs to be less than 45 feet or three stories, unless the applicant can provide proof from the providing fire district that services can be provided in the event of an emergency.

SECTION 3.061 TOURIST COMMERCIAL (TC)

A. PURPOSE

The primary purpose of the Tourist Commercial (TC) Zone is to create standards that allow for a variety of commercial ventures within Morrow County. This zone is to provide services on adjacent highway transportation routes in an aesthetically pleasing way. This chapter provides standards for the orderly creation and expansion of the TC zone by adherence to the following principles:

- Effective and efficient use of land and services;
- Direct commercial and retail development to a localized area;
- Provide a mix of uses which provides a destination and encourages walking while meeting the needs of the major vehicle route driving public (e.g. Interstate 84) and local public;
- Provide for additional service employment opportunities.

B. USES: PERMITTED AND CONDITIONAL

The following outright and accessory uses will be permitted utilizing the Site Plan Review criteria found in Article 4 Section 4.165, unless criteria-based Site Development Review is required as outlined in Article 4 Section 4.170. Uses shall also meet the applicable development standards of the Section and other parts of Article 4.

Conditional uses will be required to meet the applicable criteria in Article 4 and Article 6 Sections 6.020, 6.030 and 6.050. All Conditional Use Permits are subject to Planning Commission Review and approval.

Table TC1 Land Uses Permitted in the Tourist Commercial Zone		
<p>1. Institutional: These uses are: public use; operated by a government entity; special district; or non-profit organization.</p> <p>a. Government offices and facilities (administration, public safety, utilities, and similar uses)</p> <p>b. Libraries, museums and similar uses ancillary to a primary use</p> <p>c. Public parking lots and garages</p> <p>d. Parks and recreational facilities</p> <p>e. Transportation facilities and improvements.</p> <p>2. Commercial:</p> <p>a. Auto-dependent and auto-oriented uses and facilities (e.g. fueling stations, drive in restaurants, and similar uses)</p> <p>b. Gift shops, retail and wholesale outlets (enclosed within a building or buildings)</p>	<p>c. Entertainment (theaters, clubs, dance halls, amusement uses, golf courses and driving ranges, gaming establishments and other similar uses)</p> <p>d. Hotels/motels</p> <p>e. Food Services (restaurants, taverns, lounges or other similar establishments)</p> <p>f. Retail personal and professional services (catering/food services, barber shops and salons, banks and similar uses)</p> <p>g. Daycare facilities ancillary to a primary use (CUP)</p> <p>h. Vehicle and related repair services (enclosed within a building or buildings) (CUP)</p> <p>i. Recreational vehicle park (CUP)</p> <p>j. Medical and dental offices, clinics and laboratories (CUP)</p> <p>k. Telecommunications equipment (including wireless) (CUP)</p>	<p>3. Light Manufacture</p> <p>a. Manufacturing of value added or novelty dairy products (ice cream, cheese or similar products.)</p> <p>b. Manufacturing of novelty wood products or items including; hand crafted wood items, sculptures, furniture or similar items</p> <p>c. Foundry operations producing novelty bronze, brass, or other cast metallurgic sculptures or art related products.</p> <p>d. Manufacture of confections, candies, jellies, jams or other novelty food items.</p> <p>e. Manufacture of novelty or craft gift items.</p> <p>4. Residential (CUP)</p> <p>a. Facility caretaker residence</p>

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C. DEVELOPMENT STANDARDS

BUILDING SETBACKS

In the TC zone, buildings are placed to provide efficient movement of the traveling public and to encourage pedestrian traffic. These standards are to encourage public spaces between sidewalks and buildings and to encourage a walkable commercial area.

Building setbacks are measured from the respective property line to the nearest vertical wall or foundation line, whichever is closer, of any building or structure. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards apply to primary and accessory structures. The standards may be modified only by approval of a Variance, in accordance with Article 7 of this Ordinance.

Front Yard Setbacks.

1. Minimum Setback. There is no minimum front yard setback required except to provide for vision clearance standards set in the Morrow County Transportation System Plan (TSP).
2. Maximum Setback. There is no maximum setback. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also Pedestrian Amenities and Design Standards later in this Section for related building entrance standards.)

Rear Yard Setbacks.

1. Minimum Setback. The minimum rear yard setback for all structures shall be zero feet for street access lots, and eight (8) feet for alley-access lots (distance from nearest vertical wall or foundation line of any building to rear property line or alley easement) in order to provide space for emergency vehicles, unless to provide for vision clearance standards set in the Morrow County TSP.
2. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks above will apply except to provide for vision clearance standards set in the Morrow County TSP.

Side Yard Setbacks.

1. The minimum side yard setback required is 10 feet, except that buildings shall conform to the vision clearance standards in the Morrow County TSP and the applicable fire and building codes for attached structures, fire walls and related requirements.

LOT SIZE AND FRONTAGE

A minimum lot size has not been determined for this zone, however it is anticipated that most, if not all, uses will be sited on lots of at least two acres. The determination of lot size will be driven by the carrying capacity of the land given the proposed use. Minimum lot frontage shall be 300 feet on an arterial or collector; 200 feet on a local street. Shared accesses will be encouraged.

LOT COVERAGE

Lot coverage in the TC zone is limited to 70 percent of impervious surface.

BUILDING HEIGHT

All buildings in the TC zone shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings.

Maximum Height. Buildings shall be no more than four (4) stories or fifty (50) feet in height, whichever is greater.

Method of Measurement. Building height is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be one of the following, whichever yields a greater building height:

- The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade;
- An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in subsection A is more than ten (10) feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag-poles, and similar features which are not for human occupancy. These features will be no more than 25 feet measured from the highest point of the building.

DESIGN STANDARDS

Purpose and Applicability. The TC zone design standards are intended to provide similar and human scale design, while affording flexibility to use a variety of building styles. This section applies to all of the following types of buildings:

1. Commercial buildings intended for use as professional, retail or other similar uses and services; and
2. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public; and
3. Light manufacture buildings.

Guidelines and Standards. The purpose of these standards is to provide that all buildings contribute to the appeal of the TC zone.

Design of Buildings and Developments. The following standards shall apply to buildings and developments, and shall be appealing and compatible with balance of the TC zone.

- 1) Buildings under 20,000 square feet (enclosed ground floor area) shall incorporate at least five(5) of the architectural features as follows:
 - a) Decorative cornice or facade (for a flat roof) or provision of eaves or other similar decorative feature for pitched roofs;
 - b) Decorative display windows on ground floor;
 - c) Entrance canopy, breezeway or kiosk;
 - d) Changes in building color or texture;
 - e) Building articulation on street frontages;
 - f) Decorative wall or security lighting;
 - g) Regularly spaced and similarly shaped windows;
 - h) Decorative window hoods or trim;
 - i) Changes in building height along street frontages; or
 - j) Decorative screening of roof mounted equipment;
- 2) Buildings with greater than 20,000 square feet of enclosed ground floor space are considered "large scale buildings".
 - a) Measurement for these buildings shall be as follows:
 - i. Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
 - ii. Multiple building developments with a combined ground floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public and institutional campuses, overnight accommodations and similar developments).
 - b) Building and Site design for large scale buildings shall include at least four (4) of the following to provide human scale design:
 - i. Incorporating changes in building direction (e.g., articulation);
 - ii. Dividing large masses into varying heights and sizes;
 - iii. Include building offsets projections;

- iv. Changes in elevation or horizontal direction;
- v. Sheltering roofs or terraces;
- vi. Providing a distinct pattern of divisions in surface materials; or
- vii. Use of windows, screening trees, small scale lighting (e.g., wall mounted lighting, or up-lighting).

LANDSCAPING REQUIREMENTS

Applicability. This Section shall apply to all developments. Landscaping shall provide an aesthetically pleasing commercial environment for the public.

Landscape Plan Required. A landscape plan is required. A landscape plan, to scale not to exceed 1" = 100', shall be submitted with application for building permit or zoning approval.

Landscape Area Standards. The minimum percentage of required landscaping equals 30 percent of the site.

Landscape Materials. Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:

1. Natural vegetation shall be preserved or planted where practicable.
2. A combination of trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.
3. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 30 percent of the required landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
4. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped. "Coverage" is measured based on the size of plants at maturity or after 2 years of growth, whichever comes sooner.
5. Hardscape features and non-plant ground covers, in combination, shall not exceed 40% of the overall minimum allowed landscaped area.
6. Trees shall have a minimum caliper size of 2 inches or greater when planted.
7. The selection of trees shall provide for a canopy which shall cover a minimum of 25% of the overall landscape area upon maturity of the selected trees.
8. Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 75 percent of the underlying soil within 5 years.
9. Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants. Street Tree varieties shall also be utilized in areas of stormwater management facilities and shall be selected based on aesthetics, ability for nutrient removal and tolerance of the local environmental conditions. These areas will also be irrigated to assure proper plant health and growth

Landscape Design Standards. All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of this Section. Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:

1. **Yard Setback Landscaping.** Landscaping shall satisfy the following criteria:
 - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
 - b. Use shrubs and trees as wind breaks, as appropriate;
 - c. Define pedestrian pathways and open space areas with landscape materials;
 - d. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;
 - e. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;
 - f. Use a combination of plants for year-long color and interest;

- g. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.
2. **Parking areas.** A minimum of ten (10) percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy to cover, at maturity, 35% of the parking area. At a minimum, one tree per 8 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. Automobile parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. Large vehicle parking areas shall include landscape islands with appropriate varieties of trees to not interfere with the large vehicles and break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of six feet by six feet to ensure adequate soil, water, and space for healthy plant growth when used as a modified swale in accordance with detention standards.
3. **Buffering and Screening Required** - Buffering and screening are required under the following conditions:
 - a. **Parking/Maneuvering Area Adjacent to Streets and Drives.** Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. The design of the wall or screening shall also allow for visual surveillance of the site for security. Hedges used to comply with this standard shall be a maximum of 36 inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition, or otherwise replaced by the owner.
 - b. **Parking/Maneuvering Area Adjacent to Building.** Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than 3 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles.
 - c. **Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses.** All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and highways. Screening shall be provided by one or more the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, sight-obscuring fence, or a similar feature that provides a sight-obscuring barrier. Walls, fences, and hedges shall comply with vision clearance requirements and provide for pedestrian circulation, in accordance with the Morrow County TSP.

Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this Section shall be maintained in good condition, or otherwise replaced by the owner in perpetuity.

PEDESTRIAN AMENITIES

Purpose and Applicability. This section is intended to provide comfortable, inviting pedestrian spaces within the TC zone and may also provide a wind barrier. Pedestrian amenities serve as informal gathering places for socializing and resting and contribute to the enjoyment of the area. This section applies to all uses allowed in the zone, except those that do not receive the public (e.g., buildings used solely to house mechanical equipment and similar uses).

Guidelines and Standards. Every use listed above shall provide at least one of the following amenities listed below and meet appropriate Americans with Disabilities Act standards. Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 6 feet);
2. A sitting space, dining area, benches or ledges between the building entrance and sidewalk at a minimum of 16 inches height and 30 inches width;
3. Building canopy, awning, pergola or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space);
4. Public art which incorporates seating (e.g., fountain, sculpture, etc.) or wall decoration.

SPECIAL STANDARDS FOR CERTAIN USES

This section supplements the uses and standards contained in this zone. It is to provide standards for the following land uses in order to control the scale and compatibility of those uses within the TC zone:

- Accessory Uses and Structures
- Light Manufacturing Uses
- Auto Orientated Uses and Development

Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the TC zone include small workshops, greenhouses, studios, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the TC zone, as identified in Table TC1. Accessory structures shall comply with the following standards:

1. An accessory structure shall not be allowed before or without a primary use, as identified in Table TC1.
2. Accessory structures shall comply with the setback standards in this Section.
3. Accessory structures shall comply with the TC zone design guidelines, as provided in this Section, and shall contribute to the visual relatedness of the district.
4. A structure shall not be placed over or under an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
5. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
6. Buildings 120 square feet or larger are required to obtain both a Zoning and Building Permit.

Light Manufacture. Light manufacturing uses shall conform to the following standards, which are intended to protect the character of the TC zone.

1. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use and does not exceed 60% of the gross floor area.
2. The light manufacture use shall be enclosed within a building, or shall be located within a rear yard not adjacent to a street and screened from public view.
3. Any allowed light manufacture shall be conducted to minimize impacts to surrounding business and services. These shall include the conditions set as follows:
 - a. Deliveries shall not interfere with normal transportation circulation (vehicular, pedestrian, etc.);
 - b. Operations shall not produce solid waste volumes in excess of 200% of the average of surrounding business' and services;
 - c. Operations shall not create conditions which would qualify as a nuisance or otherwise not be in compliance under other Morrow County Ordinances; and
 - d. Shall be compatible with other TC zone activities and operations.

Automobile Dependent and Auto-Oriented Uses and Facilities.

1. "Automobile-dependent use" means that the use serves automobiles and/or other motor vehicles and the use cannot function without them. These uses are allowed outright in the TC zone but when unrestricted, they detract from the pedestrian-friendly character of the zone and can consume large amounts of land compared to other permitted uses. Examples would be a car wash or gas station.

2. “Automobile-orientated Uses” means that automobiles and/or other motor vehicles are a part of the use. Examples are McDonald’s or a drive-up at a bank.
3. Standards: Automobile-dependent and -oriented uses shall comply with the following standards:
 - a. Parking, Garages, and Driveways. All off-street parking, including surface lots and garages, shall be accessed from alleys or common driveways, placed in structures above the ground floor, or in parking areas designed to efficiently and safely move vehicular traffic while reducing pedestrian conflicts. All structured parking garage entrances facing a street shall be recessed behind the front elevation by a minimum of six (6) feet and have minimum queuing areas of thirty (30) feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from a main street) when vehicle access can not be provided from an alley or a common driveway.
 - b. Drive-up, drive-in, and drive-through facilities. Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, and similar uses) are permitted and shall conform to all of the standards listed below:
 - i The facility receives access from an alley or common driveway, and not a street;
 - ii None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, teller machines, service windows, drop boxes and similar facilities) are located within twenty (20) feet of a street and shall not be oriented to a street corner;