

**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.

<b>Table TC1</b> <b>Land Uses Permitted in the Tourist Commercial Zone</b>		
<p><b>1. Institutional:</b> 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><b>2. Commercial:</b></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><b>3. Light Manufacture</b></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><b>4. Residential (CUP)</b></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.

**Landscaping 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;