DRAFT

Town of Walden

Design Review

Standards Draft –

1/23/2

ARTICLE 1: GENERAL PROVISIONS

I. Definitions

As used in this document, the following terms shall mean:

- Accessory Building- A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.
- Addition - An extension or increase in floor area or height of a building or structure
- Adjacent or Abutting – To physically touch or border upon, or to share a common property line or border. “Adjacent” or “abutting” shall include properties or uses that are separated by a drive, street, or other public dedicated right-of-way.
- Alteration. Any construction or renovation to an existing structure other than repair or addition.
- Arcade – A series of arches supported on piers or columns.
- Berm – An earthen mound designed to provide visual interest, screen undesirable views, decrease noise, and/or control or manage surface drainage.
- Block Face – The properties abutting one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse or city boundary.
- Buffer – Open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
- Building Form – The shape and structure of a building as distinguished from its substance or material.
- Building Mass – The three dimensional bulk of a building height, width, and depth.
- Building Scale – The size and proportion of a building relative to surrounding buildings and environs, adjacent streets, and pedestrians.
- Caliper – The diameter of the trunk of a tree at a height of 4.5’.

- Change of Occupancy. A change in the use of the building or a portion of a building. A change of occupancy shall include any change of occupancy classification, any change from one group to another group within an occupancy classification or any change in use within a group for a specific occupancy classification.
- Exterior Lighting Plan – Plan that details all outdoor lighting fixtures including their placement, type of lighting, intensity, and mounting height.
- Facade – Front or principal face of a building, and any side of a building that faces a street or other open space.
- Fence – An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
- Floor Area Ratio – The relationship of the total gross floor area of a building to the land area of its site, as defined in a ratio in which the numerator is the gross floor area and the denominator is the site area.
- IDA-IES Model Lighting Ordinance – A document published by the International Dark Sky Association and the Illuminating Engineering Society that provides detailed standards for lighting within multiple lighting zones. The Model Ordinance can be found online at www.darksky.org. A copy is also available at Town Hall.
- Maximum Extent Feasible – No feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account, but shall not be the overriding factor in determining "maximum extent feasible."
- Maximum Extent Practicable – Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance clearly outweigh the potential benefits to be public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the noncompliance.
- Mixed-Use Development – A single building containing more than one principal permitted land use, or a single development of more than one building containing more than one principal permitted land use in the

TC-MU district. Such land uses may include office, retail, residential, or service uses such as hotels and motels. In a mixed –use development, the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of vehicular and pedestrian access and parking areas.

- Multi-Family Residential Development – A single building, a portion thereof or a single development of more than one building designed for occupancy by ~~three~~ two or more families living independently in which they may or may not share common entrances or other spaces. Individual dwelling units may be detached buildings used as dwelling units located on a lot that is in single ownership having yards, courts, or facilities in common.
- This shall include dormitories, apartments, triplexes, quadraplexes, etc., but it shall not be construed to include townhouses which have individual units on individually owned lots.
- Natural Features—"Natural features" include but are not limited to flood plains and surface drainage channels, stream corridors and other bodies of water, steep slopes, prominent ridges, bluffs, or valleys, and existing trees and vegetation.
- Orient – To bring in relation to, or adjust to, the surroundings, situation, or environment; to place with the most important parts facing in certain directions; to set or arrange in a determinate position: as in 'to orient a building.'
- Pad Site – Typically used in the context of retail shopping center development, a building or building site that is physically separate from the principal or primary building and reserved for free-standing commercial uses, each such use containing no more than 15,000 square feet of restaurants, banks, and auto services.
- Primary Abutting or Access Street – The street abutting a development that carries the most traffic volume. If a development abuts two streets that have traffic volumes within twenty percent (20%) of each other, the applicant shall designate which street is the "primary abutting or access street."

- Primary Building Wall – Primary building walls shall be the exterior building walls visible from a primary abutting, or access street and/or containing the primary customer entrance into a structure.
- Riparian – The interface between land and a stream (a "creek bank."). Occurs in many forms, such as, grassland, woodland, wetland, etc.
- Repair. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.
- Secondary Building Wall – A wall not containing the primary customer entrance into a building and/or one from with less visibility primary abutting or access streets. Secondary building walls shall be designed in a manner consistent and/or compatible with its primary building facades.
- Setback line – A line, parallel to the respective lot line and internal to the lot, which defines the required building setback.
- Specimen Tree – Tree that is an impressive or noteworthy example of a particular species due to its size, shape, or age or any other trait that epitomizes the character of the species.
- Standards – Shall mean mandatory regulations. Standards are indicated by use of the terms "shall" and "must."
- Steep Slopes – Any portion of a development site where the natural grade of the land has a slope of twenty-five percent (25%) or greater.
- Thoroughfare Street – "Thoroughfare street" shall mean streets designated by the city's Master Plan as thoroughfares (arterials, collectors, highways, and state roads).
- Transitions – Generally, an array of tools and techniques designed to ensure compatibility between adjoining land uses that may differ by type and in intensity, including the following techniques:
    - Architectural Transitions – Designing adapting the form of a building to take into consideration neighboring buildings and land uses.
    - Landscape Buffer and Screening Transitions – The use of landscaping, berms, fences, walls, or any combination of these, to buffer and screen a more intense land use from an adjacent, less intense land use.

II. Statutory Authority

The Legislature of the State of Tennessee has in Sections 6-19-201 and 6-54-133 of Tennessee Code Annotated enabled a municipality to create a design review commission and develop general guidelines for the exterior appearance of nonresidential property, multiple family residential properties, and any entrance to a nonresidential development within the municipality.

III. Intent

It is the intent of the Walden Design Review Standards to ensure development that conforms to the adopted Town of Walden Plan and Zoning Ordinance. The Standards enable development that:

- allows for an interconnected pattern of development through streets and non-vehicular connections in the Town Center;
- allows for a complementary and interconnecting mixture of uses in the Town Center;
- allows for a mixture of housing types that meet a variety of needs for all walks of life;
- promotes the inclusion of usable formal and informal open space;
- creates a comfortable and safe environment for pedestrians and bicyclists through appropriate building placement and sidewalk and street design; and
- is sensitive to the unique environmental features of Walden.
- is sensitive to adjacent properties and land uses through appropriate placement and scale of development

IV. Applicability

A. Location

Except for the exemptions specifically listed in this section, the Design Review Standards shall apply to all commercial, mixed-use,

and multi-family development with the Town Center Boundary as ~~identified on the Walden Zoning Map.~~defined in the Walden Zoning Ordinance.

B. New Construction
Unless specifically exempt in Part C below, all new construction shall be required to meet the intent of Town of Walden Design Review Standards.

C. Existing Buildings
The Design Review Standards shall apply to modifications to existing buildings as follows:

i. Repair shall be defined as the reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage. Repairs are exempt from Design Review.

ii. Change of Occupancy shall be defined as a change in the use of the building or a portion of a building. A change of occupancy shall include any change of occupancy classification, any change from one group to another group within an occupancy classification or any change in use within a group for a specific occupancy classification. **A change of occupancy alone shall not require Design Review.** When a change of occupancy results in alterations, Design Review shall apply as detailed in elsewhere in this section. Signage related to a change in occupancy shall meet the requirements of Article 14 of the Town of Walden Zoning ordinance.

iii. Additions shall be defined as an extension or increase in floor area or height of a building or structure. The following additions shall be exempt from Design Review:
(a) Additions under 1,000 square feet that are not visible from the public right-of-way
(b) Additions under 10% of the buildings' total footprint that are not visible from the public right-of-way

iv. Alterations shall be defined as any construction or renovation to an existing structure other than repair or addition. Design Review shall apply to alterations as follows:

(a) Alterations include the removal and replacement or the covering of existing exterior materials, elements, equipment, or fixtures using new materials, elements, equipment, or fixtures that serve the same purpose. Alterations include the addition or elimination of any exterior door or window visible from the public right of way. Alterations shall be subject to Design Review EXCEPT when the alterations are fully within the interior of the building. Any alterations to the exterior walls oriented towards the public right-of-way shall be subject to Design Review. Otherwise, alterations shall be exempt.

D. Exemptions

The following are exempt from the Design Review Standards:

i. A development or project under construction or previously approved before the adoption of this Ordinance
ii. Signage relating to an existing use. Only signage related to any change of occupancy within an existing building or structure must comply with the signage provisions of the Design Review Standards.
i. Public Utilities
ii. Single-family attached or detached residential structures are exempt from the design review process.
iii. Maintenance or repairs on existing structures, except as indicated in section IV. Part C, “Existing Buildings.”
iv. Interior remodeling
v. Routine maintenance including painting, gutter repair, or replacing roof shingles or lighting to match the existing that will not change the building’s appearance

E. Single Family Homes

Single family attached or detached residential structures are exempt from the design review process. However, single family attached and detached structures within the Town Center Boundary are required to meet the dimensional requirements of Article III of the Walden Design Review Standards.

Compliance with the architectural requirements for single-family attached and detached homes are encouraged but not required.

V. Review Process

A. General

The Commercial, Multi-Family Residential and Mixed-Use Design Standards shall be applied, as applicable, in the normal review processes for rezoning, special permits, subdivision plats, site plans, and development plans or the normal review process for all commercial development, multi-family development, mixed-use development and special use permits.

B. Review Criteria

In addition to the review criteria specified, each rezoning, site plan, subdivision, or development plan application for commercial, multi-family residential and/or mixed-use development, unless exempt under Section D (Exemptions) above, shall submit evidence in compliance with these Commercial, Multi-Family Residential and Mixed Use Design Standards.

C. Review Steps

STEP 1: Is the Land Use Permitted? Verify that the proposed use of the property is permitted in the zoning district (see Walden Zoning Ordinance) and whether a Special Use Permit is required.

STEP 2: **Is a Design Review Required?**

i. Is the project a single-family home?
ii. Does the project consist of interior remodeling only?
iii. Does the project consist of routine maintenance?

Routine maintenance includes such activities as painting, gutter repair, or replacing roof shingles or lighting to match the existing that will not change the building's appearance.

If you answered "Yes" to ~~either~~ any of the questions above, the project is exempt from review by these guidelines. However, you will need to obtain a building permit if your project cost ~~is over $1,500.~~exceeds the amount specified in the Zoning Ordinance.

If you answered "No" to the questions above, or are uncertain whether the project requires review, proceed to next step. A detailed list of exemptions is available under Section D above.

Step 3: Pre-application meeting

Applicants must meet with Town of Walden Staff or their designee to discuss conception plans for the proposed project. Contact Town Hall to schedule a pre-submittal meeting: (423) 886-4362. Applicants are encouraged to bring the following to the pre-submittal meeting:

- Sketch map or aerial photograph of the site illustrating known constraints and conditions, including existing landmarks, utilities, easements, historic features, archeological features, and topographic conditions;
- Description or sketches of the proposed development or use;
- Information or reports regarding topographic, geotechnical, and other known environmental constraints on the site;
- Information or concepts for stormwater management and wastewater treatment; and

- Any other supporting materials the applicant wishes to share about the development.

Step 4: Application Submittal

Submit an official design review application with the required supporting documents and fees to Town Hall. Fees will be set by the Town of Walden Board of Mayor and Alderman. Projects will not be reviewed by Staff until all required documents have been submitted. Staff accept applications on a rolling basis. Submissions received less than 30 days before the next Design Review Board meeting will be rolled over to next month's meeting.

The following documents are required with the submission (All site plans, building elevations, and site and building sections must be drawn to scale):

(a) Survey of existing conditions on the property showing the following: 5-foot elevation contours; natural drainage areas, streams, and wetlands; existing structures; existing rights-of-way and easements of record; existing paved areas or roads; live specimen trees exceeding 12 inches in diameter at breast height; any features of the land that may impact development.

(b) A Vicinity Plan showing the project in relation to the surrounding area within 1,000 feet of the site. The plan should include building footprints, streets, access points, and parking areas.

(c) A Site Plan that shows access, parking (including the number of spaces), service areas and trash collection facilities, conceptual landscaping, property lines, building footprints, topography lines at a minimum 2-foot contour interval for finished grade, and areas of cut and fill.

(d) Applicable calculations that indicate compliance with the provisions of the zoning designation shall be included on the site plan in tabular format. Calculations shall include required parking; amount of natural open space provided; building height; building setbacks; building transparency calculations; impervious

surface area; specifications as required by the Tree Ordinance;and all other calculations as applicable;

(e) Exterior Lighting Plan showing fixture locations, specifications, and lighting levels at all property lines measured in foot candles (FC), and documenting consistency with Lighting Zone 1 of the the IDA-IES Model Lighting Ordinance. Areas within preserved natural open space areas shall comply with Lighting Zone 0 of the IDA-IES Model Lighting Ordinance. A copy of the IDA-IES Model Lighting Ordinance may be found at www.darksky.org and is available at Town Hall.

(f) If requested by the Design Review Board, a geotechnical survey for the entire site;

(g) A conceptual landscape narrative, in accordance with the Tree Ordinance, to include species of all plantings and the location and design of all fences and walls indicated on the submitted site plan above;

(h) Site and Building Section Drawings illustrating how the proposed building or addition and the site would appear in cross-section, including elevations of all building facades showing dimensions and materials;

(i) Physical samples of proposed exterior materials;

(j) Photographs of the project site;

(k) For projects exceeding 5 acres, an environmental assessment detailing the impact of the development on air quality, endangered species, geology, topography, topsoil, historic preservation, wildlife, wildlife habitat, solid waste management, and water resources.

~~(l) For commercial buildings exceeding 5,000 square feet, a market study showing the impact of the proposed commercial use on existing area businesses;~~

(l) For all proposals that are accessed via Taft Highway, involve commercial development over 5,000 square feet, or include more than 50 residential units, a Traffic Impact Study shall be provided.

Commented [AG1]: Complete list to be created once the remainder of the document is finalized. Checklist and application to be included.

(m) When applicable, documentation from TDOT showing compliance with their highway access permit requirements for any access points along Taft Highway.

(n) Floor Plans, Perspectives, and Axonometric views are encouraged, but not required.

(o) Additional information as required by the Town of Walden or Hamilton County to show requirements for engineering, wastewater, and stormwater management.

Step 5: Staff Review.

Staff will contact the applicant within seven (7) working days to confirm whether the application is considered complete. Staff will contact the applicant at least fifteen (15) working days prior to the Design Review Board meeting with a review of the submission and recommended corrections. The applicant will have the opportunity to submit corrections prior to the Design Review Board meeting.

Step 6: Design Review Board Review

The Design Review Board will review submitted requests at a regularly scheduled meeting. Town of Walden staff will notify adjacent property owners within 300 feet of the property line at least seven (7) working days ahead of the scheduled Design Review Board meeting.

The Design Review Board will meet and hear the applicant's presentation, the staff recommendation, and take public comment per the by-laws of the Design Review Board. The Design Review Board will review the application for compliance with the Design Review Standards, Town of Walden Plan, Zoning Ordinance and Subdivision Regulations.

Step 7: Appeal

If the project is denied by the Design Review Board, the applicant may appeal to the Mayor and Board of Alderman. Appeals must be made in

writing at least fifteen (15) working days prior to the scheduled meeting of the Board of Mayor and Alderman. Town of Walden staff will notify adjacent property owners within 300 feet of the property line at least seven (7) working days ahead of the Board of Mayor and Alderman meeting.

Step 8: Building Permits

If approved, staff will provide written notice of the approval and the applicant may proceed with obtaining the appropriate building permits.

D. Changes to Approved Plans

Requests to revise or modify an approved Site and Building Plan in whole or in part shall be filed with and considered by Town staff or their designee. Town staff or their designee, at their discretion and at any time, may submit the request to revise an approved Site and Building Plan to the Design Review Board for approval. In instances where any of the area within an adopted Site and Building Plan is developed, the following types of changes shall require approval from Design Review Board including a public hearing:

(b) More than 5% change in land area being added or removed from the Site and Building Plan;
(c) Change to the number of dwelling units;
(d) An increase of more than 5% in the building area of any single nonresidential building, or an increase of more than 10% in the total building area of all non-residential buildings in the development

VI. VARIANCES AND MODIFICATIONS ALLOWED

A. Variances

The Design Review Board may grant variances to the Design Review Standards when the Board finds:

(a) That unusual physical or other conditions exist which would cause practical difficulty or

(b) unnecessary hardship if these regulations are strictly adhered to; and

(c) That the granting of a variance will not be detrimental to the public interest; and

(d) That the variance will not be in conflict with the intent and purpose of these regulations.

Any variance that is granted, and the justification for granting the variance, shall be in writing and entered in the minutes of the Design Review Board. In the event that a variance is denied, the reason(s) for denial shall be stated in writing and entered in the minutes of the Design Review Board meeting.

B. **Additions to Existing Structures**

Occasionally, building proposals will include a major external addition to an existing structure. Such instances require design review under this ordinance. However, staff and the Walden Design Review Board shall have the ability to deviate from other provisions contained herein to assure that such additions are compatible in form and architectural design to the existing structure (i.e. historic structures). No requirement of this ordinance is intended to cause architectural incompatibility when enlarging an existing structure. ~~However, use of building facade materials prohibited by this ordinance to match an existing structure is not allowed.~~ In cases such as these, alternative means of compliance will be determined.

C. Conditions of Approval

In granting a variance, deviation, or modification, the Design Review Board may require conditions substantially securing the objectives of the modified standard that will serve to mitigate any potential adverse impact on the environment or on adjacent properties. Such conditions may include, but are not limited to, modification of building colors, building materials, or architectural detailing. Modifications such as alterations to parking lot configuration, landscaping, or buffering may also be required.

VII. Conflicting Provisions

A. **Conflict with State or Federal Regulations**. If the provisions of the Walden Design Review Standards are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes more stringent controls.

B. **Conflict with other Town Regulations.** If the provisions of the Walden Design Review Standards are inconsistent with one another, or if they conflict with applicable provisions found in other adopted ordinances or regulations of the Town the provisions of the Design Review Standards will control.

C. **Graphics.** The graphics in this section are for illustrative purposes only. Where there is a conflict between a graphic and the text, the text controls.