

TOWN OF WALDEN
PLANNING COMMISSION AGENDA

Walden Town Hall
1836 Taft Highway

Thursday, January 25, 2024
5:30 PM

- I. Call to Order
- II. Roll Call
 - Tom Bartoo
 - Angela Cassidy
 - Tim Hancock
 - Joe Robbins
 - Werner Slabber
 - Bill Trohanis
 - VACANT
- III. Adoption of Agenda
- IV. Consideration of the Minutes
November 23, 2023
- V. Town Administrator Report
- VI. Communication from Chair and Commissioners
- VII. Hearing of persons having business with the Commission
- VIII. Unfinished Business
 - a. Zoning Ordinance Text Amendment: Section 8.01(n) Special Permit for Buildings or Structures with a footprint greater than 5,000 square feet in the C-1 General Commercial and TC-MU zone
 - b. Zoning Ordinance Text Amendments
 - i. Section 4.04 – Clarification of Square Footage Definition
 - ii. Section 4.05 – Clarification of Square Footage Definition
 - iii. Section 1.01 – General Purpose – Update to reflect correct planning document
 - iv. Update references to Regional Planning Agency and Regional Planning Commission throughout document
 - v. Section 10.05 – Fees and Administrative Costs
 - c. Short-Term Vacation Rental Ordinance
 - i. Reconsideration of 5-acre lot size minimum

- d. Public Notice Requirements for Rezoning Cases
- IX. New Business
 - a. 2024 Election of Officers - Chair, Vice Chair and Secretary
- X. Adjournment

Included to assist with discussion of agenda item VIII.a. Section 8.01(n) Special Permit for Buildings or Structures with a footprint greater than 5,000 square feet in the C-1 General Commercial and TC-MU zone

Town of Walden
Town Center Development Process
DRAFT FOR DISCUSSION PURPOSES ONLY, 11/22/23

**1. Rezone to
TC-MU**

1. Pre-Application meeting with staff
 2. Application submitted and reviewed by staff - includes concept plan and other requirements
 3. Reviewed by Planning Commission
 4. Reviewed by Board of Mayor and Alderman
- May approve, approve with conditions, or deny. All decisions must be consistent with the adopted Land Use Plan. Ordinance requires two readings and public hearing. Zoning and conditions remains in place even if ownership changes.

**2. Special
Permit**

1. Application submitted and reviewed by staff - includes concept plan
 2. Reviewed by Planning Commission
 3. Reviewed by Board of Mayor and Alderman
- May approve, approve with conditions, or deny. Resolution requires one reading and public hearing. Ordinance should be clear that new owner must re-apply.
- Only required for uses that require special permit.**

**3. Design
Review**

1. Pre-Application meeting with staff
 2. Application submitted and reviewed by staff
 3. Reviewed by Design Review Board
- May approve, approve with conditions, or deny. Design Review Standards set standards for any variances, which are approved/reviewed by DRB. **All conditions for approval from Board of Mayor and Alderman should be in placed with the rezoning and special permit process.**

**All decisions must be consistent with the adopted
Town of Walden Plan.**

Town of Walden

Town Center Development Process

DRAFT FOR DISCUSSION PURPOSES ONLY, 11/22/23

4. Preliminary Plat

1. Plat submitted and reviewed by planning staff and Hamilton County staff
2. Reviewed by Planning Commission
If plat meets requirements of Subdivision Regulations, Zoning Ordinance and (if/when applicable) Design Review Standards, plat should be approved.

Approval of Preliminary Plat grants developer vested property rights for 3 years per Tennessee state law.

5. Final Plat

1. Developer completes improvements as indicated on the Preliminary Plat or submits a performance guarantee (bond or letter of credit) for 150% of the cost of improvements
2. Final plat is submitted to planning and Hamilton County staff
3. Inspections of all improvements that have so far been installed and signatures from all departments
4. Planning Commission reviews, may approve, approve with conditions,

6. Building and Environmental Permits

1. Required permits vary based on project, include groundwater/septic, stream/wetland alteration, land disturbance, water quality, and building permits
2. Must follow adopted building codes and state/federal requirements
3. Zoning Ordinance and approved designs will be enforced by building official (Hamilton County)
4. Some permits will be issued prior to approval of Final Plat for construction of roads/utilities

In Article 8. Special Permits, under 8.01 Applications for a Special Permit, revise as follows:

- (n) Buildings or Structures with a footprint greater than 5,000 square feet in the C-1 General Commercial Zone, ~~TC Town Center Zone, or the TCO Town Center Overlay Zone~~ or TC-MU Town Center Mixed Use Zone. Structures in the TC-MU Zone may not exceed 15,000 square feet in total (all floors).

The Board of Mayor and Aldermen may grant a Special Permit provided that the applicant furnishes satisfactory proof of convenience, necessity, and absence of harmful effect on surrounding property, and consistency with the adopted Town of Walden Plan. It is a requirement that the applicant for a Special Permit furnish the following with their application for a Special Permit:

- 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.
- Conceptual site plan showing the following:
 - Location, size, and dimensions of all existing and proposed building(s), including total square footage of each structure (all floors)
 - Property lines and building setback lines
 - Landscaped buffers when required by the Zoning Ordinance and/or Design Review Standards
 - Proposed streets, sidewalks, and right-of-

ways

- Proposed open space areas
- Approximate location of any proposed public amenities such as parks, squares or greenways
- Approximate parking area and calculations
- Vehicular and pedestrian points of ingress and egress
- Proposed septic field line area
- Conceptual stormwater plan
- A narrative impact statement of the project providing details on the following:
 - Traffic impact
 - Environmental impact
 - Economic viability of proposed commercial uses
- Supporting documentation for the narrative impact statement

~~-a site plan with the application that depicts the proposed use of the property to include, but not limited to, site access, building configuration, maximum footprint size, building setback, proposed landscaping, drainage, wastewater treatment, and parking plan, as well as other pertinent information as determined by the Board of Mayor and Aldermen.~~

The Board of Mayor and Aldermen, upon recommendation by the Planning Commission, may grant a Special Permit ~~from the maximum footprint size based on one or more of the following criteria:~~for a structure exceeding the maximum footprint size of 5,000 square feet, and not exceeding the

maximum square footage (all floors) of 15,000 square feet within the TC-MU zone, based on one or more of the following criteria:

- (1) The applicant presents an alternative that complies with the stated intent, goals, and general standards of the zone as defined in the Zoning Ordinance or the Town of Walden Plan.
- (2) The proposed ~~maximum footprint~~ building footprint and square footage is consistent with the adopted plans and principles for the area.
- (3) The proposed ~~maximum footprint~~ building footprint and square footage is compatible with the character of the area where it is proposed and with the size and location of the buildings in the vicinity.
- (4) Physical conditions of the property, such as steep slopes, drainage or sewer easements, or small or irregular lot shape make compliance of the maximum footprint and square footage requirement impossible.

The Board of Mayor and Aldermen may condition approval of the Special Permit as allowed in this section on one or more requirements reasonably necessary to achieve the intent, goals, and general standards of the Zoning Ordinance and Town of Walden Plan. If issued, the special permit shall be issued to the applicant and is non-transferrable. The permit shall allow only the specific plans presented to the Board of Mayor and Aldermen. Significant alterations to the plans or a change in ownership shall require a new special permit to be applied for. A significant alteration to the plans shall include:

- (a) More than 5% change in land area being added or removed from the Site and Building Plan;
- (b) Change to the number of dwelling units;
- (c) Change in use of the structure
- (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

From Section 4.04 C-1 Commercial

(c) Special Uses Permitted. Subject to the issuance of a Special Use Permit by the Board of Mayor and Aldermen:

- Plumbing and electrical shops, radio and TV shops, appliance repair shops, and similar workshop type uses provided that not more than three (3) repair persons are employed within;
- Cemeteries;
- Public utilities;
- Assisted living facilities;
- Commercial radio, television, telephone, and microwave towers; and
- Liquor Stores (Ord. 2004-241 1/11/05)
- In general, all stores, shops, or services similar in character, type and effect to the above, but not listed as permitted by right, unless otherwise controlled or provided by law. (Ord. 2005-248, 8/9/05)
- Hotel/Motel; and (Ord. 2009-280, 5/12/09)
- Short-term Vacation Rentals. (Ord. 2009-280, 5/12/09)
- Any individual building or structure, regardless of use, with a footprint greater than 5,000 square feet (Ord. 2017- 318, 7/11/17) up to a maximum total square footage of 15,000 square feet. For the purposes of this section, total square footage shall be the total area of enclosed space measured to the exterior walls of the building on all floors.

From Section 4.05 Town Center Mixed Use

- (1) **Special Uses Permitted.** Subject to the issuance of a Special Use Permit by the Board of Mayor and Aldermen:
 - (1) Hotel/Motel;
 - (2) Indoor event venues;
 - (3) Public utilities;
 - (4) Short-term vacation rentals;
 - (5) In general, all stores, shops, or services similar in character, type and effect to the uses permitted as listed in 4.05.(d)(1), but not listed as permitted by right, unless otherwise controlled or provided by law; and
 - (6) Any building with uses permitted in the TC-MU zone or uses permitted by Special Use Permit that has a building footprint of greater than 5,000 sq. ft. up to a maximum total square footage of 15,000 square feet. For the purposes of this section, total square footage shall be the total area of enclosed space measured to the exterior walls of the building on all floors.

Article 1. General Provisions, Rules and Definitions

1.01 General Purpose. For the public health, safety, morals, convenience, order, prosperity, and general welfare of the citizens of the Town of Walden, and in order to secure the public interest in the orderly development of the Town of Walden by promoting sustainable, long-term economic development, adequate light and air, improved traffic safety, reduced traffic congestion, environmental protection; as well as adequate water drainage, water supply, sanitation and recreational facilities through the regulation by districts and zones of the location, height, bulk, number of stories and size of buildings and other structures, the uses of buildings, structures and land for trade, industry, residences, recreation, public activities and other purposes, and in connection therewith, there is hereby adopted and established an official Development and Zoning Plan for the Town of Walden consisting of the maps and regulations described herein. In adopting this Ordinance, the Town of Walden recognizes that its natural landscapes and development patterns play an important role in defining the attractiveness, identity, livability, and therefore, the economic health of the community. Currently, the Town enjoys a rural mountain character supported by scenic overlooks, creek gorges, woodlands, and pasturelands. The character of development is predominantly residential and small in scale.

This ordinance is also designed to enhance and implement the vision established in the ~~Walden's Ridge Plateau Area Plan (April, 1997)~~ Town of Walden Plan (March 2022), as amended.∴

~~To be a community that attracts families, who can live here through the phases of life, provides for an orderly and cohesive development pattern that maintains a small town atmosphere with rural character and green spaces, and preserves pristine natural areas for the enjoyment of its residents.~~

This ordinance is not intended to deny property owners the reasonable, practical, or economical use of their land, but to promote development that contributes to Walden's scenic assets. Therefore, in order to provide for continued prosperity, health, and identity of the community in the future, the Town of Walden sets forth the following purposes for the ordinance:

- To maintain rural character and small scale of development;
- To protect important natural resources (creek gorges, overlooks, woodlands, steep slopes, wetlands);
- To protect and enhance property values;
- To provide a variety of living arrangements;
- To encourage harmonious and integrated development patterns that are economically feasible and are in harmony with the community with the following development priorities:
 - Outdoor gathering places;
 - Pedestrian facilities;
 - Mixed uses;
 - Landscaping;
- To discourage commercial strip development; and
- To promote high quality development that is needed and that takes into account the effect on adjacent property as well as the public health, safety, morals and general welfare of the citizens of Walden and promotes materials and design consistent with the maintenance of Walden's character as a rural and residential community.

2.02 The Zoning Map. The boundaries of said zones are hereby fixed and established as shown upon the map accompanying this ordinance and made a part thereof, and entitled “Zoning Map of the Town of Walden, Tennessee”. The Zoning Map and all the notations, references, and other information shown thereon are a part of this Ordinance, and as much a part as if such information set forth on the map were all fully described and set out herein. This Zoning Map, properly attested, is on file in the office of the Town Manager or his/her designee.

~~zoning map, consisting of a series of maps drawn to a scale of 1” = 400’ which are identified by sheet numbers in the lower right hand margin and approved by the Board of Mayor and Aldermen and authenticated by the signature of the Walden Mayor and the Secretary of the Chattanooga-Hamilton County Regional Planning Commission. Each of these maps, supplemental sheets, and index map are hereby adopted and made a part of this Ordinance, and said maps and all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said maps were fully described therein.~~

4.07 Open Space Overlay Zone (OS-1)

c) **Step Three.** A meeting with the Regional Planning Agency Town of Walden staff or designated planning agency to review the Draft Concept Plan. Review shall include an onsite tour. ~~The Regional Planning Agency Town staff and/or planning agency staff~~ shall schedule a mutually convenient date to walk the property with the applicant, his/her site designer, and the appropriate staff of the Hamilton County Public Health Department (for unsewered developments). The purpose of this visit is to familiarize the Regional Planning Agency Town staff and/or the designated planning agency staff with the property features, and to provide the Agency staff an opportunity to offer guidance to the applicant regarding the location of conservation areas and potential structure locations and street alignments before review by the Planning Commission. The Draft Concept Plan should then be revised to reflect any agreed changes for presentation as a Concept Plan to the Planning Commission.

d) **Step Four.** Review of Concept Plan by the Planning Commission. This Plan is a preliminary engineered plan drawn to illustrate the proposed layout for greenway lands, building sites, and street alignments. This is the stage in which drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. The Concept Plan shall contain all of the elements of the Draft Concept Plan and will be the basis for the Site Plan.

e) **Step Five.** Submission of a Site Plan for review by the Planning Commission and the Board of Mayor and Aldermen. Once the Concept Plan has been completed, and preliminary certified by an engineer, and referred by the Planning Commission to the Board of Mayor and Aldermen the applicant shall complete a final engineered plat of the proposed subdivision and file this plat with Walden Town staff ~~the Regional Planning Agency~~ which shall review and forward the final plat to the Board of Mayor and Aldermen for final review within thirty (30) days of receiving the plat, assuming the applicant has provided the required information in a timely matter. All site plan approvals will be subject to the approval of the open space conservation plan and the dedication of required conservation easements.

8.01 Applications for a Special Permit:

Persons desiring consideration for a Special Permit shall apply to the ~~Regional Planning Commission~~Walden Planning Commission through the ~~Regional Planning Agency~~Town of Walden staff and shall supply information for such permit. Upon recommendation by the Planning Commission, the Special Permit request shall be heard by the Board of Mayor and Aldermen. The Board shall determine that the proposed use will not be in conflict with the adopted plans of the Town of Walden and shall generally consider (i) the effect the proposed use will have on adjacent property; (ii) the public health, safety, morals and general welfare; and (iii) the need for such development. In addition to the criteria set forth above, the Board shall also consider the following with regard to the specific use. A notice of the public hearings held by the Board shall be sent by regular mail to each of the property owners within a minimum of 300 feet of each property in question before the Board. Said notice will be mailed at least seven (7) days prior the public hearing by the Board. The most updated tax rolls for Hamilton County will be the source of ownership information for Board purposes. A notice of the public hearings held by the Board shall be published in a daily paper at least fifteen (15) days before the hearing.

8.02 Granting Permits. In granting the Special Permit, the Board of Mayor and Aldermen may, in addition to granting uses detailed in this Ordinance, allow exceptions in minimum site area (lot) requirements, and off-street parking requirements.

No building permits shall be issued until the Board of Mayor and Aldermen has approved the Special Use Permit.

No Special Permit shall be approved by the Board of Mayor and Aldermen unless it is first submitted to and approved by the ~~Chattanooga-Hamilton County Regional~~ Planning Commission or, if disapproved, shall receive a favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen.

A Special Permit may be issued on condition that the location and method of operation be approved by the Board of Mayor and Aldermen, however, in all instances, the proposed facility must conform with all applicable State and Federal requirements or regulations.

10.05 Fees for Administrative Costs. The ~~Regional Planning Agency~~ Board of Mayor and Aldermen is authorized to charge the petitioner an amount that is commensurate with the cost of processing the application.

ORDINANCE NO.

AN ORDINANCE AMENDING THE EXISTING WALDEN ZONING ORDINANCE FOR THE PURPOSE OF DEFINING THE TERM “SHORT TERM VACATION RENTALS” AND PERMITTING THIS USE IN THE R-1 RESIDENTIAL, A-1 AGRICULTURAL, E-1 ESTATE, C-1 COMMERCIAL, TC-MU TOWN CENTER RESIDENTIAL AND TC-R TOWN CENTER RESIDENTIAL ZONES WITH A SPECIAL USE PERMIT PURSUANT CERTAIN CONDITIONS

WHEREAS, Tennessee Code Annotated (TCA) § 13-7-201, allows for the zoning of territory within a municipality; and

WHEREAS, the Walden Municipal Planning Commission has certified a zoning ordinance as provided for in TCA § 13-7-202, adopted by the Town of Walden Board of Mayor and Aldermen as Ordinance 2002-230 and readopted as Ordinance 2023-354 and amended from time to time; and

WHEREAS, TCA §13-7-204 authorizes amendments to a zoning ordinance; and

WHEREAS, the Walden Municipal Planning Commission has reviewed the existing Walden Zoning Ordinance and recommended certain changes in order to implement the Town of Walden Plan, adopted by the Town of Walden Board of Mayor and Aldermen as Ordinance 2022-342; and

WHEREAS the Walden Municipal Planning Commission reviewed and recommended the amendments to the Walden Zoning Ordinance contained herein at their regularly scheduled meeting held on September 28, 2023; and

WHEREAS, in accordance with TCA § 13-7-203, subsection (a), a public hearing was held prior to final reading of this ordinance;

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town Of Walden, Tennessee that Ordinance 2023-354, also known as the Walden Zoning Ordinance, be amended as follows:

Section 1: That Section 1.07 Specific Definitions be amended by adding the following definition in the appropriate alphabetical order.

"Short-Term Vacation Rental" (STVR) shall mean any house or structure advertised or held out to the public as a place where guest rooms are supplied for compensation and such accommodations are provided on a weekly or daily basis for no more than thirty (30) days. This definition does not include bed and breakfast establishments, hotels, motels, or any dwelling units rented or leased for more than 30 days.

Owner-Occupied Short-Term Vacation Rental: An STVR where the proprietor/operator of any house or structure used as a short-term vacation

rental is a full-time resident of the short-term vacation rental property and continue to reside on the property throughout all guest stays.

Non-Owner-Occupied Short-Term Vacation Rental: All STVRs that do not meet the criteria of an Owner-Occupied STVR.

Section 2: That Section 4.01 Agricultural Zone, Part (d) Special Uses Permitted be amended by adding:

(12) Owner-Occupied Short Term Vacation Rentals on parcels with an area greater than five (5) acres limited to one per lot

Section 3: That Section 4.02 Estate Zone, Part (d) Special Uses Permitted be amended by adding:

(8) Owner-Occupied Short Term Vacation Rentals on parcels with an area greater than five (5) acres limited to one per lot

Section 4: That 4.03 Residential Zone, Part (d) Special Uses Permitted be amended by adding:

(7) Owner-Occupied Short Term Vacation Rentals on parcels with an area greater than five (5) acres limited to one per lot

Section 5: That Section 4.04 C-1 Commercial Zone, Part (c) Special Uses Permitted be amended by adding:

(11) Short-Term Vacation Rentals, both Owner-Occupied and Non-Owner Occupied, limited to one (1) per structure

Section 6: That Section 4.05 Town Center-Mixed Use Zone, Part (d)(2) Special Uses Permitted be amended by adding:

(7) Short-Term Vacation Rentals, both Owner-Occupied and Non-Owner Occupied, limited to one (1) per structure

Section 7: That Section 4.06 Town Center-Residential, Part (d)(2) Special Uses Permitted be amended by adding:

(5) Short-Term Vacation Rentals, both Owner-Occupied and Non-Owner Occupied, limited to one (1) per structure, provided that the structure is not a single-family detached structure

SECTION 2: Effective Date. The ordinances and amendment described above shall take effect upon their adoption and publication, the public welfare requiring it.

Approved this the _____ day of _____, 2023, the public welfare requiring it.

First reading and public hearing:

Yay:

Nay:

Final reading:

Yay:

Nay:

Mayor

Attest: _____
City Recorder

ORDINANCE NO.

AN ORDINANCE TO AMEND TITLE 9 OF THE WALDEN MUNICIPAL CODE BY ENACTING A CHAPTER 5 THEREOF TO ADDRESS THE REGULATION OF SHORT- TERM VACATION RENTALS WITHIN THE TOWN OF WALDEN

WHEREAS, the Board of Mayor and Alderman recognizes the need to provide for and regulate short-term vacation rentals operating within the Town of Walden; and,

WHEREAS, the Walden Municipal Planning Commission has reviewed the amendment and recommended approval; and,

WHEREAS, a public hearing was held prior to final reading of this ordinance;

WHEREAS, the Board of Mayor and Alderman has considered and accepted the recommendation of its Planning Commission:

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE TOWN OF WALDEN, TENNESSEE as follows:

SECTION 1: That the Town of Walden Municipal Code, Title 9 Businesses, Peddlers, Solicitors, Etc. is hereby amended with the addition of a Chapter 5. This Chapter shall be entitled, "Short- Term Vacation Rentals," and shall read as follows:

CHAPTER 3 SHORT-TERM VACATION RENTALS

SECTION

9-501. Definitions.

9-502. Minimum Standards for Short-Term Vacation

Rentals. 9-503. Permit Application Process.

9-504. Permit Renewal.

9-505. Permit Revocation.

9-506. Failure to Obtain Permit.

9.507. Short-Term Vacation Rentals and Private Agreements.

9-501. Definitions. The following term, wherever used or referred to in this chapter, shall have the following meaning:

"Short-Term Vacation Rental" shall mean any house or structure advertised or held out to the public as a place where guest rooms are supplied for compensation and such accommodations are provided on a weekly or daily basis for no more than thirty (30) days. This definition does not include bed and breakfast establishments, hotels, motels, or any dwelling units rented or leased for more than 30 days.

“Owner-Occupied Short-Term Vacation Rental” shall mean a short-term vacation rental where the proprietor/operator of any house or structure used as a short-term vacation rental is a full-time resident of the short-term vacation rental property and continue to reside on the property throughout all guest stays.

“Non-Owner-Occupied Short-Term Vacation Rental” shall mean all short-term vacation rentals that do not meet the criteria of an owner-occupied short-term vacation Rental.

9-502. Minimum Standards for Short-Term Vacation Rentals. The following shall be considered the minimum standards for any dwelling used as a short-term vacation rental.

- (1) The proprietor/operator of any house or structure used as an owner-occupied short-term vacation rental must be a full-time resident of the short-term vacation rental property and continue to reside on the property throughout all guest stays.
- (2) No on or off-site signage shall be permitted at any short-term vacation rental.
- (3) No more than eight (8) guests may utilize a short-term vacation rental at any given time. This count does not include the short-term vacation rental proprietor or any other permanent residents on the property being used as short-term vacation rental.
- (4) No short-term vacation rental shall be permitted to be rented for a period of less than twenty-four (24) hours.
- (5) No short-term vacation rental shall be permitted to be rented for a period of greater than thirty (30) days.
- (6) Adequate on-site parking shall be provided, as determined by Town staff after considering proposed number of guests, frequency of operations, and availability of on-street parking. As a general rule, parking shall not be allowed on any vegetated area of the premises on which the short-term vacation rental is located.
- (7) The proprietor of a short-term vacation rental shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state and local law.
- (8) All short-term vacation rental proprietors and guests must abide by all noise restrictions and other applicable local laws of the Town of Walden.
- (9) A short-term vacation rental may include a primary dwelling unit and/or a secondary dwelling unit, but shall not include uninhabitable structures such as garages, barns or sheds.

- (10) All dwelling units shall have functioning smoke detectors as determined by the Fire Marshal and other life safety equipment as required by local, state, and federal law.
- (11) All dwelling units shall meet all applicable laws related to zoning, building, health or life safety.

9-503. Permit Application Process. No individual or entity shall operate a short-term vacation rental in the Town of Walden without first obtaining a short-term vacation rental permit. Applications for such permits will be made available at Town Hall during normal operating hours.

- (1) **Business License Required.** Prior to submitting a short-term vacation rental permit application, the short-term vacation rental operator must obtain a business license from the Town of Walden.
- (2) **Application Requirements.** The following must be included in the application for a short-term vacation rental permit:
 - (a) The name, address, telephone number, and email address of the short-term vacation rental and operator.
 - (b) The business license number.
 - (c) Documentation that the applicant is the owner of the property proposed to be used as a short-term vacation rental.
 - (d) A short narrative describing the area and number of rooms to be rented, the maximum number of allowed guests, guest parking location, and the proposed days of operation (all year, only weekends, etc.).
 - (e) Proof of insurance on the house or structure to be used as a short-term vacation rental and proof of a suitable endorsement.
 - (f) Proof the short-term vacation rental proprietor is up to date on all applicable tax payments. If the permit is being renewed, such proof shall include proof of payment of state occupancy taxes.
 - (g) Proof of written notice of the short-term vacation rental permit application via certified mail to all property owners within a one hundred (100) foot radius of the subject property boundary line.
 - (h) Proof of owner residency at the subject property for owner-occupied short-term vacation rental properties.
 - (i) Proof of non-conforming status per TCA 13-7-602 for existing short-term vacation rental properties operating before the effective date of this ordinance.
- (3) **Application Review.** Upon receiving an application for a short-term vacation rental permit, town staff shall review the application and provide comment. If deemed necessary, town staff is permitted to inspect the premises to ensure compliance with

state and local laws.

If the application and site meet all the requirements set out in this Chapter and the Town of Walden Zoning Ordinance, town staff may issue a short-term vacation rental permit.

9-504. Permit Renewal. All short-term vacation rental permits must be renewed annually. An application for a permit renewal shall contain the same items outlined in Section 9-303 with the exception of items (d) , (g) and (i). The short-term vacation rental permit is non-transferable to another property or owner.

9-505. Permit Revocation and Suspension. The Town Administrator or a designee reserves the right to revoke any short-term vacation rental permit at any time when there is a risk from existing conditions to public health and safety or if there is any violation or failure to comply with the provisions of this Chapter after a permit has been properly issued.

The Town Administrator or a designee reserves the right to temporarily suspend any short-term vacation rental permit in the case of any local code violations that pose an immediate threat to public health and safety.

Notice that a short-term rental unit permit has been revoked shall be submitted to the short-term vacation rental operator in writing and shall include the right of the operator to appeal the revocation to Board of Mayor and Alderman within sixty (60) days of the permit's revocation.

A short-term vacation rental permit that has been revoked shall prevent the permit holder and the specific property from applying for a new short-term vacation rental permit for a period of one year from the date of revocation. This provision shall not apply if the permit revocation is successfully appealed to the Board of Mayor and Alderman.

9-506. Failure to Obtain Permit or Operating Under Suspended Permit. Use of any property as a short-term vacation rental prior to obtaining a short-term vacation rental permit or during a period of permit suspension shall be punishable by a fine of up to \$50.00 per violation. Each day the violation continues shall be considered a separate offense. This section does not apply to short-term vacation rentals operating in accordance with Tennessee Code Annotated Section 13- 7-601 through 13-7-606.

9-507. Short-Term Vacation Rentals and Private Agreements. Nothing in this Chapter prohibits a homeowner's association, condominium, or similar entity from prohibiting or restricting property owners from using their property as a short-term vacation rental.

In addition, nothing in this Chapter prohibits any property owner from placing a restrictive covenant or easement on their property prohibiting or restricting its use as a short-term vacation

rental.

SECTION 2: Effective Date. The ordinances and amendment described above shall take effect upon their adoption and publication, the public welfare requiring it.

Approved this the _____ day of _____, 2023, the public welfare requiring it.

First reading and public hearing:

Final reading:

Yay:

Yay:

Nay:

Nay:

Mayor

Attest: _____
City Recorder

Article 10. Interpretation and Amendments

Article 10. **Interpretation and Amendments**

10.01 Interpretation. In interpreting and applying the provisions of this Ordinance, the Board of Mayor and Aldermen shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, property, or general welfare.

10.02 Initiation of Amendments. The Board of Mayor and Aldermen may from time to time, after report thereon by the Planning Commission and after public hearings as required by law, amend, supplement, or change the number, shape, or boundaries of Zones, or any regulations or provisions of this Ordinance. An amendment, supplement, or change may be initiated by the Board of Mayor and Aldermen or recommended by the Planning Commission.

10.03 Public Hearing on Amendments. Upon receipt of an application or proposal for change, the Planning Commission shall prepare a report on the proposed change, approving or disapproving the proposal or petition, or may specify conditions of approval or a recommended modification of the proposed change, with reason therefore; and submit it to the Board of Mayor and Aldermen. The Town shall there upon give notice of a public hearing to be held not less than fifteen (15) days from the date of the publication of the notice or such longer period of time, if any, as may be prescribed by the Tennessee Code Annotated. Such notice shall be by publication in a daily newspaper of general circulation throughout the Town of Walden. (Added 3/10/2020, Ord. 2020-0333)

10.04 Action of the Board of Mayor and Aldermen. After the official hearing by the Board of Mayor and Aldermen as described above, the Board of Mayor and Aldermen shall, by majority vote approve or disapprove the proposed amendment, or approve the amendment with modification. (Added 3/10/2020, Ord. 2020-0333)

10.05 Fees for Administrative Costs. The Regional Planning Agency is authorized to charge the petitioner an amount that is commensurate with the cost of processing the application.

10.06 Procedures. A petition, once heard and denied, shall not be accepted and heard again for the same area, or any part or combination including the same area, and the same or similar change of zoning, use or other change, for a period of twelve (12) months following the denial of this petition by the Board of Mayor and Aldermen.

10.07 Incorporation of Amendment in the Language of this Ordinance. The phrase used in this Ordinance "at the time of passage of this Ordinance" shall in its application to land, and buildings, properties, and uses affected by an amendment to this Ordinance be read to mean "at the time of passage of this amendment."

Rezoning is considered an amendment to the Zoning Ordinance. Current regulations require a public hearing with 15-day public notice at the Board of Mayor and Aldermen meeting, following the requirements of state law. The Planning Commission may recommend amending this portion of the Zoning Ordinance to require additional notification for Planning Commission meetings when rezoning cases are heard. Common requirements include: posting a sign at the property, and mailing a notice to property owners within 200 feet of the subject property.