

## 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 **Town of Walden Plan (March 2022)**, as amended.

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;
  - **Compatible businesses;**
  - 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 Administrator or their designee.

#### 4.07 Open Space Overlay Zone (OS-1)

c) **Step Three.** A meeting with the **Town of Walden staff or designated planning agency** to review the Draft Concept Plan. Review shall include an onsite tour. Town staff and/or planning agency staff shall schedule a mutually convenient date to walk the property with the applicant, their site designer, and the appropriate staff of Hamilton County (for unsewered developments). The purpose of this visit is to familiarize **Town staff and/or the designated planning agency staff** with the property features, and to provide the 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 **Walden Planning Commission**. The Draft Concept Plan should then be revised to reflect any agreed changes for presentation as a Concept Plan to the **Walden Planning Commission**.

d) **Step Four.** Review of Concept Plan by the **Walden 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 **Walden Planning Commission** and the Board of Mayor and Aldermen. Once the Concept Plan has been completed, and preliminarily certified by an engineer, and referred by the Walden 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 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 **Walden Planning Commission** through the **Town of Walden staff** and shall supply information for such permit. Upon recommendation by the **Walden 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 **have** 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 **Walden 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 **Board of Mayor and Aldermen** is authorized to charge the petitioner an amount that is commensurate with the cost of processing the application.