

DRAFT

ORDINANCE 2023-359

AN ORDINANCE AMENDING THE EXISTING WALDEN ZONING ORDINANCE FOR THE PURPOSE OF DEFINING ADDITIONAL TERMS, AMENDING THE SPECIAL USES PERMITTED IN THE R-1 RESIDENTIAL ZONE, AMENDING THE USES PERMITTED AND ADMINISTRATIVE PROCEDURES FOR THE C-1 COMMERCIAL ZONE, ESTABLISHING THE TOWN CENTER BOUNDARY, AND ESTABLISHING REGULATIONS FOR THE NEW TOWN CENTER-RESIDENTIAL (TC-R) AND TOWN CENTER-MIXED USE (TC-MU) ZONES

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 Alderman 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 Alderman 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 meetings held on June 22, 2023 and August 24, 2023; and

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

THEREFORE, BE IT ORDAINED by the Board Of Mayor And Alderman 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 definitions as depicted Exhibit 1 in the appropriate alphabetical order.

Section 2: That Section 2.01 Divisions into Zones be amended as depicted in the attached Exhibit 2, and that the remainder of the sections in Article 2 be re-numbered accordingly.

- Section 3: That Section 3.10 General Provisions applicable to the Town Center be added to the end of Article 3. General Provisions as depicted in the attached Exhibit 3.
- Section 4: That Section 4.03d relating to Special Uses Permitted in the R-1 zone be amended as depicted in the attached Exhibit 4, with the strikethrough text being removed, and all remaining parts re-numbered appropriately.
- Section 4: That Section 4.04 relating to the C-1 Commercial zone be replaced with the attached Exhibit 5.
- Section 5: That Section 4.05 relating to the old Village Center Zone be replaced with the new Town Center – Mixed Use (TC-MU) and Town Center – Residential (TC-R) as depicted in the attached Exhibit 6 and Sections 4.06 and 4.07 be re-numbered accordingly.
- Section 7: That Sections 6.01 and 6.02 relating to Steep Slopes and Escarpment be amended as depicted in the attached Exhibit 7.
- Section 8: That Section 8.01 Part (j) relating to Special Permits for Townhouses in R-1 be repealed in its entirety and replaced with the following:
- j. RESERVED
- Section 9: Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

NOW, BE FURTHER ORDAINED, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Alderman, the public welfare requiring it.

Public Hearing: 10/17/23

First Reading:

Final Reading:

YEA:

YEA:

NAY:

NAY:

Mayor Lee Davis

Town Recorder Stacy Stewart

EXHIBIT 1

In Article 1. General Provisions, Rules and Definitions, add the following terms and definitions in the appropriate location alphabetically:

- **Mixed housing types.** Any combination or required mix of townhouses (also called rowhouses and attached homes), two-family dwellings, single-family zero lot-line dwellings (also called patio homes), single-family attached or detached dwellings surrounding a small court, and/or other moderate density multi-family dwellings in a manner which provides for efficient use of land, housing choice, and is compatible with surrounding development.
- **Bio-retention swale.** A shallow, vegetated, landscaped depression typically along roadways and other impervious areas and designed to capture, treat, and filtrate stormwater runoff.
- **Constructed wetland.** A treatment system that uses natural processes involving wetland vegetation, soils, and their associated microbial assemblages to improve water quality.
- **Façade, primary.** The facade of a building fronting a street or formal open space.
- **Façade, secondary.** The side facade of a building. Side facades that face a street or formal open space shall be considered a primary façade.
- **Flowing park.** A linear tract of land that serves as a collection point for stormwater but can also be used as a park as long as there are no structures in the park that would impede water flow. Flowing parks should be designed with the natural topography to preserve natural drainage patterns.
- **French drain.** A shallow, sub-surface drainage system consisting of a pipe within a trench filled with loose stones.
- **Green finger.** An extension of a naturally occurring landscape, such as creek bed or tree line, into an urbanized area. A green finger may include a combination of natural vegetation and surface landscape.
- **Green roof.** Building rooftops planted with 6 to 12 inches of soil to support a variety of plants that reduce the sheet flow of rainwater at ground level.
- **Paver blocks.** Solid blocks made of a variety of materials that individually set with space between them. When joints are filled with sand or pea gravel, the blocks allow some filtration reducing stormwater sheet flow.
- **Pervious asphalt/concrete.** A porous paved surface that reduces stormwater runoff by filtrating water through the paving material.
- **Planting strip trench.** A gently sloped vegetated area within a street right-of-way that channels and filtrates stormwater runoff. A planting strip

trench is typically grassed but may also include native grasses and street trees.

- **Rain garden.** A depressed planted area in the landscape that collects rainwater from a roof or driveway and filtrates it into the ground.
- **Retention hollow.** A series of small, interconnected depressions with a natural aesthetic that collect stormwater and slowly release measured amounts through the system.
- **Single-family dwellings, zero lot-line (syn. patio homes).** A detached residential building with one dwelling unit and one wall placed on the property boundary line.
- **Two-family dwellings.** A residential building with two dwelling units separated vertically or horizontally with fire-rated construction per applicable building codes.
- **Vegetative/stone swale.** A slight depression with a three-to-six inch base of small stones and planted with grasses to channel stormwater to retention areas while allowing it to filtrate stormwater into the ground as it is channeled.

EXHIBIT 1

Replace Sections 2.01 with the new Sections 2.01 and 2.02 as follows and re-number the remaining sections in Article 2.

2.01 Designation of the Town Center Boundary. The Town Center is designated on the Zoning Map in accordance with the Town of Walden Plan, the adopted General Plan for the Town of Walden. Within this Plan, the Town Center is identified as the Taft Highway Focus area.

All existing zoning within the Town Center as of the date of the adoption of this amendment to the Walden Zoning Ordinance shall remain in effect until application is made to rezone the property. All future zoning decisions shall be in compliance with the Town of Walden Plan, and only zones designated to be in compliance with this plan shall be approved by the Town of Walden Board of Mayor and Alderman upon recommendation by the Planning Commission. The specific zones that shall be permitted are designated under “Divisions into Zones – Zones applicable within the Town Center” below.

2.02 Divisions into Zones. In order to regulate, restrict, and segregate the use of land, buildings, and structures, and to regulate and restrict the height and bulk of buildings and the area of yards and other open spaces about buildings and to regulate and restrict the density of population, the incorporated territory of the Town of Walden, Tennessee is hereby divided into the following zones:

(a) Zones applicable outside the Town Center:

- A-1 Agriculture Zone
- E-1 Estate Zone
- R-1 Residential Zone
- C-1 Commercial Zone
- LM-1 Light Manufacturing Zone
- OS-1 Open Space Overlay Zone

(b) Zones applicable within the Town Center Boundary

- TC-MU Town Center Mixed Use
- TC-R Town Center Residential

EXHIBIT 3

Under Article 3. General Provisions and Exceptions, add Section 3.10 as follows:

3.10. General Provisions applicable to the Town Center.

- (a) **PURPOSE.** The purpose of this section is to implement the portions of Town of Walden Plan that promote the development of a mixed-use, pedestrian-friendly Town Center.
- (b) **INTENT.** It is the intent of this section to enable the development of Walden’s Town Center in a manner that:
- allows for an interconnected pattern of development
 - allows for a mixture of uses that promote a vibrant heart for the community;
 - 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 environment for pedestrians and bicyclists through appropriate building placement and sidewalk and street design; and
 - is sensitive to the unique environmental features of Walden.
- (c) **TERRITORIAL APPLICABILITY.** The Town Center is established with the Town of Walden Plan, where it is referred to as the “Taft Highway Focus Area.” The Town Center is shown on the Town of Walden Zoning Map. Amendments to the boundaries of the Town Center may only be made through an amendment to the Town of Walden Plan or adoption of a new General Plan by the Board of Mayor and Alderman upon recommendation by the Planning Commission.
- (d) **FUTURE ZONING DESIGNATIONS.** All future rezonings within the Town Center shall be in compliance with the Town of Walden Plan. The following zoning designations may be applied for in the Town Center:
- **TC-MU** Town Center Mixed Use

- **TC-R Town Center Residential**

(e) **DESIGN REVIEW STANDARDS.** All development must follow the Town of Walden Design Review Standards, unless specifically listed as an exemption in the Design Review Standards.

(f) **Rezoning Application Procedures within the Town Center Boundary.**

(1) **Applicable Zones.** Property owners and/or developers may apply for either the Town Center-Mixed Use or Town Center-Residential zones within the Town Center Boundary. The developer must illustrate how the proposed TC-MU or TC-R development will comply with the Town of Walden Plan.

(2) **Pre-Application Conference.** A pre-application conference with the Town of Walden Staff, or their designee(s), is required prior to any application for rezoning within the Town Center Boundary. The purpose of the pre-application conference is to provide an overview of the materials necessary to submit an application and a description of the process; answer questions related to development under the TC district; and determine and clarify issues that may arise. Applicants are encouraged to prepare and bring the following to the pre-application conference:

- Sketch map of the site illustrating known constraints;
- 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.

- (1) **Application.** The application for the TC-MU or TC-R shall include the following:
- 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:
 - Area for proposed rezoning dimensions shown
 - Adjacent parcels with measurements for reference if only a portion of a property is to be designated TC-MU or TC-R
 - Approximate location, size, and dimensions of the existing or proposed building(s)
 - 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

EXHIBIT 4

In Article 4. Zone Regulations, R-1 Residential Zone, under 4.03 Residential Zone (R-1), remove the strikethrough text and re-number the remaining text:

- (d) Special Uses Permitted. Subject to the issuance of a Special Use Permit by the Board of Mayor and Aldermen:
- (1) Public utilities;
 - (2) Day care centers;
 - ~~(3) Townhouses;~~
 - (4) Assisted living facilities provided that the facility shall contain no more than eight (8) residents. Such facility may include two (2) additional persons (plus their dependents) acting as houseparents or guardians, who need not be related to the persons residing in the house.;
 - (5) Cemeteries; and
 - (6) Bed and Breakfasts.

EXHIBIT 5

Replace Section 4.04 C-1 General Commercial Zone with the following:

4.04 General Commercial Zone (C-1)

- (a) **Purpose of General Commercial Zone (C-1).** This district is established to provide guidelines for existing or future commercial properties and service uses, which may be orientated to the automobile or pedestrian trade. This district is designed to accommodate such commercial uses as permitted in a manner that will minimize interference with through traffic movements.
- (b) Principle Uses Permitted.
- Art galleries and studios;
 - Audio recording shops;
 - Bakeries;
 - Commercial banks and savings banks;
 - Beauty shops and barber shops;
 - Book stores;
 - Restaurants and cafes;
 - Churches;
 - Clothing shops;
 - Craft shops;
 - Decorator shops;
 - Dry cleaning shops (pick-up and drop-off only);
 - Fabric stores;
 - Florist shops;
 - Convenience stores;
 - Gift shops;
 - Hardware stores;
 - Home occupations;
 - Horticultural nurseries and greenhouses;
 - Inns
 - Jewelry stores;
 - Lawn and garden shops;
 - Municipal buildings, structures and parks;
 - Musical instrument shops;
 - Office/school supply and stationary shops;
 - Offices;
 - Paint and wallpaper shops;

- Parks;
- Pharmacies;
- Photocopying, postage, packaging, and telecopy services;
- Printing;
- Schools;
- Shoe stores;
- Single-family Dwellings; (Ord. #2009-280, 5/12/09)
- Theaters;
- Toy stores;
- Travel agencies;
- Furniture shops;
- Produce stands;
- Bed and Breakfasts;
- Day care centers; and

(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)

(d) **Administrative Procedures Specific to the C-1 District**

- **Pre-Application Conference.** A pre-application conference with the Board of Alderman or their designee(s) is required prior to any application for approval of new development under the C-1 district. Additionally, a pre-application conference with Town of Walden staff is encouraged prior to any application for approval of new development under the C-1 district. The purpose of the pre-

application conference is to provide an overview of the materials necessary to submit an application and a description of the process; answer questions related to development under the C-1 district; and determine and clarify issues that may arise. Applicants are encouraged to prepare and bring the following to the pre-application conference:

- Sketch map of the site illustrating known constraints;
- 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.

- **Site and Building Plan Review.** Site and Building Plan review by the Walden Design Review Board is required for new non-residential construction and additions to existing buildings that increase the gross building area by twenty-five percent (25%) or greater. Applicants shall submit a Site and Building Plan application to the Town of Walden for consideration by the Design Review Board. Submission requirements and design standards can be found in the Town of Walden Design Review Standards.

(e) Area Regulations.

- Height. No building or structure shall exceed two (2) stories or thirty (30) feet in height.
- Minimum Yard Requirements.
 - (a) Front Yard: Twenty (20) feet minimum and ninety (90) feet maximum.
 - (b) Side Yard: Twenty-five (25) feet unless it abuts an A-1 Zone, R-1 Zone or E-1 Zone in which case it shall be forty (40) feet.
 - (c) Rear Yard. Twenty-five (25) feet unless it abuts an A-1 Zone, R-1 Zone or E-1 Zone in which case it shall be forty (40) feet.
- Building Size. No building or structure constructed within the C-1 General Commercial one shall have a footprint of greater than 5,000 square feet. For buildings or structure footprints with a proposed footprint greater than 5,000 square feet see Special

Uses Permitted. (Ord.2017-318, 7/11/17).

- Curb-Cuts. No lot access shall be permitted to Taft Highway (U.S. 127) if public access to such lot exists by another improved street or right-of-way. Such unopened access shall be paved to Town of Walden standards and dedicated to the Town of Walden. The use of shared points of ingress and egress is encouraged. (Ord. 2005-248, 8/9/05)

- (f) **Sanitary Wastewater Requirements.** All buildings or other structures, the use of which may generate wastewater that may contain human or animal wastes, shall comply with applicable requirements of Article 5.

EXHIBIT 6

Under Article 4. Zone Regulations, replace 4.05 Village Center Zone (VC-1) with the TC-MU and TC-R districts as follows, and re-number the remaining sections in Article 4.

4.05 TOWN CENTER MIXED USE (TC-MU)

- (a) **PURPOSE.** The purpose of the Town Center-Mixed Use zone is to implement the portions of Town of Walden Plan that promote the development of a mixed-use, pedestrian-friendly Town Center for the Town of Walden.
- (b) **INTENT.** It is the intent of the TC-MU zone is to allow for a allows for a mixture of uses that promote a vibrant heart for the community within the Town Center; to allow an interconnected pattern of development; to promote usable formal and informal open space; creates a comfortable environment for pedestrians and bicyclists through appropriate building placement and sidewalk and street design; and is sensitive to the unique environmental features of Walden.
- (c) **DESIGN REVIEW STANDARDS.** All development must follow the Town of Walden Design Review Standards, unless specifically listed as an exemption in the Design Review Standards.
- (d) **LAND USE**
 - a) **Permitted Land Uses**
 - (1) Art galleries and studios;
 - (2) Bakeries;
 - (3) Commercial banks and savings banks;
 - (4) Beauty shops and barber shops;
 - (5) Book stores;
 - (6) Restaurants and cafes;
 - (7) Churches;
 - (8) Clothing shops;
 - (9) Craft shops;
 - (10) Decorator shops;

- (11) Dry cleaning shops;
- (12) Fabric stores;
- (13) Florist shops;
- (14) Gift shops;
- (15) Grocery stores;
- (16) Hardware stores;
- (17) Home occupations;
- (18) Health, wellness and fitness centers;
- (19) Jewelry stores;
- (20) Lawn and garden shops;
- (21) Liquor sales;
- (22) Live/Work townhouses;
- (23) Municipal buildings, structures and parks;
- (24) Musical instrument shops;
- (25) Nail Salon;
- (26) Office/school supply and stationary shops;
- (27) Offices;
- (28) Paint and wallpaper shops;
- (29) Parks;
- (30) Pharmacies;
- (31) Photocopying, postage, packaging, and telecopy services;
- (32) Printing;
- (33) Schools;
- (34) Shoe stores;
- (35) Theaters;
- (36) Toy stores;
- (37) Travel agencies
- (38) Assisted Living Facilities;
- (39) Multi-family dwellings on upper floors

of non-residential or mixed- use buildings; and

(40) Single-family attached Townhouses.

b) **Special Uses Permitted.** Subject to the issuance of a Special Use Permit by the Board of Mayor and Alderman:

- (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.

c) **Uses Prohibited**

- (1) Auto repair;
- (2) Auto sales;
- (3) Commercial radio, television, telephone, microwave towers; and
- (4) Gasoline service stations
- (5) All other uses not listed under “Permitted” or “Special Uses Permitted” in the TC-MU zone

(e) **CONFLICTING PROVISIONS**

(1) **Conflict with State or Federal Regulations.** If

the provisions of the TC-MU zone 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.

- (2) **Conflict with other Town Regulations.** If the provisions of the TC-MU zone 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 TC-MU will control.
- (f) **Open Space.** Open space is required for all development within the Town Center Boundary. See the Walden Design Review Standards for Open Space requirements.
- (g) **DIMENSIONAL REQUIREMENTS**
All dimensional requirements, including setbacks and building height shall be governed by the Walden Design Review Standards. Single family attached or detached residential structures are exempt from the design review process. However, single family attached structures in the Town Center Mixed Use (TC-MU) are required to meet the dimensional requirements of Article III of the Walden Design Review Standards. Compliance with these regulations can be assessed by staff review.
- (h) **PARKING REQUIREMENTS**
- (1) Number of Spaces Required
 - a) Residential uses: one and one half (1.5) spaces per dwelling unit
 - b) Non-residential uses: four (4) spaces per 1,000 square feet of gross floor area
 - (2) Required parking, except for required accessible spaces, may be located off-site, if located within six hundred (600) feet of the primary pedestrian entrance.

- (3) On-street parking may be allowed to meet off-street parking requirements. An applicant may be credited with one or more legally permitted on-street parking spaces located on a public right-of-way or private street immediately adjacent to the subject lot's street frontage toward the required minimum off-street parking. The location and number of on-street parking spaces shall be identified on the submitted site plan.
- (4) Parking Requirement Reduction – The Design Review Board may approve a site plan with fewer off-street parking spaces than generally required by this section. In evaluating such requests, the Design Review Board shall determine if the proposed commercial use, projected parking demand, shared parking arrangements, or other factors to justify a reduction in the parking requirements. Planning staff shall review all proposed parking reductions and submit recommendations to the Design Review Board.
- (5) See the Walden Design Review Standards for parking lot design requirements.

4.06 Town Center Residential (TC-R)

- (a) **PURPOSE.** The purpose of the Town Center-Residential zone is to implement the portions of Town of Walden Plan that promote the development of a pedestrian-friendly Town Center neighborhood of mixed housing types for the Town of Walden.
- (b) **INTENT.** It is the intent of the TC-R zone is to allow for the development of the Town Center residential neighborhood with a mixture of housing types for all walks of life; to allow an interconnected pattern of development; to promote usable formal and informal open space; creates a comfortable environment for pedestrians and bicyclists through appropriate building placement and sidewalk and street design; and is sensitive to the unique environmental features of Walden.
- (c) **DESIGN REVIEW STANDARDS.** All development must

follow the design standards established in the Town of Walden Design Review Standards, unless specifically exempt in Article 1 Section III of the Design Review Standards.

(d) **LAND USE**

(1) **Permitted Land Uses**

- (1) Accessory dwelling units;
- (2) Churches;
- (3) Day care homes;
- (4) Home occupations;
- (5) Multi-family dwellings;
- (6) Municipal parks;
- (7) Schools;
- (8) Single-family attached Townhouses; and
- (9) Single-family detached dwellings

(2) **Special Uses Permitted.** Subject to the issuance of a Special Use Permit by the Board of Mayor and Alderman:

- (1) Public utilities;
- (2) Day care centers;
- (3) Assisted living facilities provided that the facility shall contain no more than eight (8) residents. Such facility may include two (2) additional persons (plus their dependents) acting as houseparents or guardians, who need not be related to the persons residing in the house.; and
- (4) Bed and Breakfasts.

(3) **Uses Prohibited**

- (1) Auto repair;
- (2) Auto sales;
- (3) Commercial radio, television, telephone, microwave

towers; and

- (4) Gasoline service stations
- (5) All other uses not listed under “Permitted” or “Special Uses Permitted” in the TC-R zone

(e) **CONFLICTING PROVISIONS**

- (1) **Conflict with State or Federal Regulations.** If the provisions of the TC-R zone 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.
- (2) **Conflict with other Town Regulations.** If the provisions of the TC-R zone 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 TC-R zone will control.

- (f) **Open Space.** Open space is required for all development within the Town Center Boundary. See the Walden Design Review Standards for Open Space requirements.

(g) **DIMENSIONAL REQUIREMENTS**

All dimensional requirements, including setbacks and building height shall be governed by the Walden Design Review Standards. Single family attached or detached residential structures are exempt from the design review process. However, single family attached and detached structures in the Town Center – Residential (TC-R) Zone are required to meet the dimensional requirements of Article III of the Walden Design Review Standards. Compliance with these regulations can be assessed by staff review.

(h) **PARKING REQUIREMENTS**

- (1) Number of Spaces Required
 - (a) Residential uses: one and one half (1.5) spaces per dwelling unit
 - (b) Non-residential uses: four (4) spaces per 1,000 square feet of gross floor area
- (2) Required parking, except for required accessible spaces, may be located off-site, if located within six hundred (600) feet of the primary pedestrian entrance.
- (3) On-street parking may be allowed to meet off-street parking requirements. An applicant may be credited with one or more legally permitted on-street parking spaces located on a public right-of-way or private street immediately adjacent to the subject lot's street frontage toward the required minimum off-street parking. The location and number of on-street parking spaces shall be identified on the submitted site plan.
- (4) Parking Requirement Reduction – The Design Review Board may approve a site plan with fewer off-street parking spaces than generally required by this section. In evaluating such requests, the Design Review Board shall determine if the proposed commercial use, projected parking demand, shared parking arrangements, or other factors to justify a reduction in the parking requirements. Planning staff shall review all proposed parking reductions and submit recommendations to the Design Review Board.
- (5) See the Walden Design Review Standards for parking lot design requirements.

EXHIBIT 7

Under Article 6. Steep Slopes and Escarpment, replace with the following:

6.01 Steep Slopes. Steep slope areas are classified into one of the following categories:

- (a) **Moderately Steep Slope Areas.** Moderately steep slope areas are areas with slopes from 15 to 25 percent.
 - (1) Where moderately steep slopes are located within a building envelope, an engineered site plan shall be required.
 - (2) All roads and driveways located within moderately steep slope areas shall follow natural contour lines to the maximum extent practicable.

- (b) **Very Steep Slope Areas.** Very steep slope areas are areas of five thousand (5,000) square feet or greater with slopes in excess of 25 percent.
 - (1) No building or structure shall be constructed on any slope of greater than twentyfive percent (25%), as shown on slope maps in the office of the Hamilton County Department of Building and Zoning.
 - (2) Very steep slope areas shall be preserved as open space when required as part of a development.

- (c) **General Prohibition on Land Disturbance**
 - (1) Land disturbing activities, including but not limited to clearing, excavation, grading, construction, reconstruction, and investigative land disturbing activities such as test wells, are prohibited on any very steep slope area, except for the following activities:
 - a) Passive recreation uses, including trails for non-motorized use only; and
 - b) Utilities, driveways, or streets intended to improve connectivity as established in the Town of Walden Plan provided:
 - 1. No utilities, driveways, or street shall cross very steep slopes greater than 50 percent;
 - 2. Where utilities, driveways, or streets cross very steep slopes between 25 and 50 percent, the applicant must submit a geotechnical study demonstrating that such facility will not have significant adverse visual, environmental or safety impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and

3. No alternative location for access or minor utilities is feasible or available.

6.02 **Escarpment.** No building or structure shall be constructed within 100' of the easternmost city limit line of the Town of Walden, as of November 11, 2002, from, and including, Tax Map #081O-A-018 running southwesterly to, and including, Tax Map 108C-A-009.05. (Ord. #2005-248, 8/9/05)