

TOWN OF WALDEN
PLANNING COMMISSION AGENDA

Walden Town Hall
1836 Taft Highway

Thursday, October 26, 2023
5:30 PM

- I. Call to Order
- II. Roll Call
 - Tom Bartoo
 - Angela Cassidy
 - Tim Hancock
 - Joe Robbins
 - Werner Slabber
 - Bill Trohanis
 - Lou Ziebold
- III. Adoption of Agenda
- IV. Consideration of the Minutes
September 28, 2023
- V. Town Administrator Report
- VI. Communication from Chair and Commissioners
- VII. Hearing of persons having business with the Commission
- VIII. Unfinished Business
 - a. Short-Term Vacation Rental Ordinance
- IX. New Business
 - a. Ordinance 2023-359 - As Amended by the Board of Mayor and Aldermen to Place a Maximum Building Footprint of 15,000 square feet on Commercial Structures in the Town Center - Mixed Use Zone
- X. Adjournment

Town of Walden
 Walden Planning Commission
 Regular Monthly Meeting
 September 28, 2023

1. Call to Order

Chairman Tim Hancock called the meeting to order at 5:30pm.

2. Roll Call

Commissioners:

- ✓Tom Bartoo
- ✓Angela Cassidy
- ✓Tim Hancock
- ✓Joe Robbins Jr.
- ~~Werner Slabber~~
- ✓Bill Trohanis
- ✓Lou Ziebold

Staff:

- ✓Ashley Gates, SETD
- ✓Mariah Prescott, Town of Walden
- ✓Ellen Young, Town of Walden
- ✓Sally Cole, Town of Walden
- ✓Sam Elliott, Town of Walden

3. Adoption of the Agenda

Changes to the agenda:			
No changes to the agenda			
Motion:			
Motion made to adopt the agenda as written.			
M	Tom Bartoo		Werner Slabber
2nd	Angela Cassidy	✓	Bill Trohanis
✓	Tim Hancock	✓	Lou Ziebold
✓	Joe Robbins		

4. Consideration of the Minutes

Changes to the minutes of August 24, 2023:
No changes to the minutes.
Motion:
Motion was made to approve August 24, 2023 minutes.

2nd	Tom Bartoo		Werner Slabber
✓	Angela Cassidy	M	Bill Trohanis
✓	Tim Hancock	✓	Lou Ziebold
✓	Joe Robbins		

5. Town Administrator Report

Mariah Prescott reported that there will be a SETD workshop for the Mayor and Board to review the recommended zoning amendments on October 17, 2023 at 5:30pm before the Town Hall meeting.

Following that, there will be a Public Hearing at 6:30pm.

Recommendation for the WPC to serve as the DRB has not been voted on and will be reassessed after the Mayor and Board vote the zoning amendments through calling for the need for a DRB.

Mayor and Board requested WPC to start working on Design Review Standards with SETD.

6. Communication from Chair and Commissioners

Tim Hancock thanked Bill Trohanis for acting as the Chair for the August 2023 meeting.

7. Hearing of persons having business with the Commission

8. Unfinished Business

- a. Side-yard setbacks for nonconforming lots

Discussion:			
Discussion to allow side-yard setbacks of 10 feet for non-conforming in lots in R-1 Residential, A-1 Agriculture, and E-1 Estate for accessory structures if all conditions are met.			
Discussion on adding height cap of 25 feet and no use for residential purposes to list of conditions.			
Motion (if any):			
To allow side-yard setbacks of 10 feet for non-conforming in lots in R-1 Residential, A-1 Agriculture, and E-1 Estate for accessory structures not used for residential purposes and not higher than 25 feet if all conditions are met.			
M	Tom Bartoo		Werner Slabber
✓	Angela Cassidy	2nd	Bill Trohanis
✓	Tim Hancock	✓	Lou Ziebold
✓	Joe Robbins		

b. Short-term Vacation Rental Ordinance

Discussion:			
Discussion on expanding owner-occupied short-term vacation rentals from C-1 to, A-1 and E-1 in accordance with list of conditions, and both owner-occupied and non-owner occupied in C-1, TC-R, and TC-MU.			
Short-term Vacation Rentals discussion moved to October 26, 2023 meeting.			
Motion (if any):			
No motion was made.			
	Tom Bartoo		Werner Slabber
	Angela Cassidy		Bill Trohanis
	Tim Hancock		Lou Ziebold
	Joe Robbins		

9. New Business

a. 2902 Taft Hwy rezoning application

Discussion:			
Jack Davison, owner of 2902 Taft Hwy applied to have the property rezoned from R-1 to C-1. Mr. Davidson stated that the property had already gone through this process in 1997 and it has always been used for commercial. Staff could not find where the property had officially gone through all the steps to have it rezoned to Commercial. It was found to be conditionally rezoned. The applicant stated he was not presented with a copy of the conditions to sign in 1997.			
Land Use Plan has the property designated as Taft Hwy Residential. Discussion on how to amend the Land Use Plan if needed in the future.			
Gary Smith, Walden’s Water Quality Board and Walden’s Environmental Committee, stated that water run-off from the property needed to be taken into consideration first.			
Motion (if any):			
Motion was made to move the rezoning application to the October 26, 2023 meeting with the applicant to provide an Engineered plan to address drainage at 2902 Taft Hwy.			
M	Tom Bartoo		Werner Slabber
2nd	Angela Cassidy	✓	Bill Trohanis

✓	Tim Hancock	✓	Lou Ziebold
✓	Joe Robbins		

b. Special Use Permit for Water Pumping Station 505 Miles

Discussion:			
Discussion on WRUD being able to obtain a special use permit to build interconnection pumpstation on 2 acre parcel and subdivide the rest of the property.			
Joe Davis recommended that ¼ of the lot be used for the pump station and remaining portion be sold.			
WRUD representative Melissa Reed explained the pump station is intended for emergency purposes if Walden or Signal Mountain loses water.			
Motion (if any):			
To approve special use permit and allow the amendment of subdivision of less than 2 acres.			
M	Tom Bartoo		Werner Slabber
2nd	Angela Cassidy	✓	Bill Trohanis
✓	Tim Hancock	✓	Lou Ziebold
✓	Joe Robbins		

c. Proposed septic easement on Laurel Ave (Parcel number 098C A 004)

Discussion:			
Discussion on septic easement on Laurel Ave behind 2000 Taft Hwy ACE. They need to upgrade their septic system to current TDEC standards and Hamilton County needs Walden’s approval before allowing them to use part of the property.			
Motion (if any):			
To approve ACE’s use of septic easement on Laurel Ave.			
2nd	Tom Bartoo		Werner Slabber
✓	Angela Cassidy	M	Bill Trohanis
✓	Tim Hancock	✓	Lou Ziebold
✓	Joe Robbins		

d. Adjournment

Discussion:			
Motion (if any): Motion to adjourn.			
✓	Tom Bartoo		Werner Slabber
M	Angela Cassidy	2nd	Bill Trohanis
✓	Tim Hancock	✓	Lou Ziebold
✓	Joe Robbins		

Adjournment

The meeting was adjourned at 7:35 PM by motion.

Walden Planning Commission Chair

Walden Planning Commission Secretary



MEMORANDUM

To: Members of the Walden Municipal Planning Commission
Cc: Mariah Prescott, Town Administrator
From: Ashley Gates, Senior Planner
Date: October 19, 2023
Subject: Short Term Vacation Rental Ordinance

Summary

Staff proposes that all STVRs require a Special Use Permit and follow the regulations as proposed in the attached draft ordinance for Article 9 of the Municipal Code.

Staff has drafted amendments to allow STVRs as special uses permitted as listed below, and as discussed at the September 2023 WPC meeting. Attached, also find the permitting process to be adopted as part of the Municipal Code.

Zone	Conditions	Staff Notes
R-1 Residential	Not permitted	Bed and Breakfast permitted as Special Use
A-1 Agricultural	Owner-occupied on lots more than five (5) acres	Acreage may be adjusted
E-1 Estate	Owner-occupied on lots more than five (5) acres	Acreage may be adjusted
C-1 Commercial Zone	Maximum of 1 per structure	C-1 Commercial Zone will be phased out with implementation of Land Use Plan
TC-R Town Center Residential	Only permitted in non-single family detached structures with a maximum of 1 per structure	
TC-MU Town Center Mixed Use	Only permitted in non-single family detached structures with a maximum of 1 per structure	
LM-1 Light Manufacturing	Not permitted	
OS-1 Open Space Overlay	Not permitted	

Proposed Amendment

Definitions to be added to the Zoning Ordinance:

"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.

To Section 4.01 Agricultural Zone, Part (d) Special Uses Permitted add:

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

To Section 4.01 Estate Zone, Part (d) Special Uses Permitted, add:

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

To Section 4.04 C-1 Commercial Zone, Part (c) Special Uses Permitted add:

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

To Section 4.06 Town Center-Mixed Use Zone, Part (d) (2) Special Uses Permitted add:

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

To Section 4.07 Town Center-Mixed Use Zone, Part (d) (2) Special Uses Permitted add:

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

To Article 8.01 Applications for a Special Permit add:

(o) Short Term Vacation Rentals

The Board of Mayor and Aldermen may grant a Special Use Permit for a short-term vacation rental provided they find it meets the following conditions:

- (1) In the A-1 or E-1 zones, the proposed Short Term Vacation Rental shall be an Owner-Occupied Short Term Vacation Rental as defined by Walden Zoning Ordinance and the parcel shall be a minimum of five (5) acres in size
- (2) The applicant shall furnish evidence that the Short-Term Vacation Rental shall meet all standards as required by the Short-Term Vacation Rental Standards in the Walden Municipal Code
- (3) The applicant furnish a site plan with the application that depicts the proposed use of the property to include but not limited to site access, building configuration, building setback, proposed landscaping and drainage and a parking plan together with other information as determined by the Board of Mayor and Aldermen.

The Special Use Permit shall not be required for renewal of the annual short term vacation rental permit renewal unless there is a change to the property site plan.

The Special Use Permit shall expire should the short-term vacation rental permit expire or be suspended. The Special Use Permit for a short-term vacation rental is non-transferrable to another property or owner.

DRAFT

ORDINANCE NO. 2022-

351

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.
 - (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:

Yay:

Nay:

Final reading:

Yay:

Nay:

Mayor

Attest: _____ City Recorder

MEMORANDUM

To: Members of the Walden Municipal Planning Commission

Cc: Mariah Prescott, Town Administrator

From: Ashley Gates, Senior Planner

Date: March 23, 2023 / Updated October 19, 2023

Subject: Research on Commercial Building Footprint

Background

It has been brought to staff's attention that there have been two versions of the Zoning Ordinance Amendments, one recommended by the Board of Mayor and Alderman, and one subsequently reviewed by the Land Use Committee. The key difference in these versions is the limit on building footprint within the Town Center zone. The limits are as follows:

- Version 1 from Board of Mayor and Alderman permits the following:
Any building with uses permitted as listed in 4.05.(f)(1)(a) or uses permitted by Special Use Permit that has a building footprint of greater than 5,000 sq. ft. up to a maximum of 15,000 sq. ft.
- Version 2 from the Land Use Committee permits the following:
Any building with uses permitted as listed in 4.05.(f)(1)(a) or uses permitted by Special Use Permit that has a building footprint of greater than 5,000 square feet.

As shown above, Version 2 removes the 15,000 square foot maximum on building footprints.

Update, October 19, 2023:

The Board of Mayor and Aldermen voted to return the version with a 15,000 square foot limit on building footprints back to the Planning Commission review.

Building Size Examples

Below are some common commercial uses, and the typical building size that accompanies these uses. Note that these are the full building size. Having additional floors may reduce the building footprint; however, with the exception of a department store, these uses are typically a single story. These are all just typical business sizes intended to help in visualizing various scenarios and are not intended to be adopted as part of the Zoning Ordinance.

Retail

Use	Typical Building Size
Specialty Store	Wide Range, can be as small as 2,000 s.f.
Convenience Store	2,500 to 4,000 s.f.
Discount Store	Average 10,000 s.f.
Drug Stores with Pharmacy	10,000 to 15,000 s.f.
Small Format Grocery Store	12,000 - 20,000 s.f.
Off-Price Retailer	30,000+
Full Size Grocery Store	30,000 - 50,000 s.f.
Big Box / Superstore	90,000 - 200,000 s.f.
Department Store	150,000 to 250,000 s.f.

Source: SPC Retail, RSMeans

Restaurants

Type	Typical building size
Fast Food	2,000 to 4,500 s.f.
Fast Casual / Counter Service	3,200 to 5,500 s.f.
Full-Service Casual	4,000 to 6,000 s.f.
Fine Dining	Varies

RSMeans, Net Lease Advisor

Other Commercial

Type	Typical building size
Walk-in Clinic	2,500 to 5,000 s.f.
Dentist Office	Depends significantly on market. A small clinic with six chairs is typically 1,800 to 2,400 s.f.,

Market Street Retail Advisors

Comparison of Other Municipalities

Municipality	Zone	Building Size Restrictions
Berry Hill	District A – Franklin (retail/entertainment district)	Maximum Footprint: 8,000 s.f., except along the main highway
Farragut	Neighborhood/Convenience Commercial District	<p>Multiuse/Shopping Center Building: 50,000 s.f. maximum footprint, with no use exceeding 50% of total footprint of the entire building</p> <p>Single-use freestanding building: 25,000 maximum footprint</p> <p>Any building on property abutting single-family residential zone and within 75 feet of said zone: Maximum of 5,000 square feet</p> <p>Across the street from single-family residential, 5,000 square feet (except major roads)</p>
Williamson County	Village District	Maximum building size of 10,000 square feet for non-residential structures

Land Use Plan

The 15,000 square foot limit was proposed based on community feedback that was obtained through Walden’s land use planning effort. The Town Center description of the Lane Use plan includes the following:

- “Town Centers feature a mixture of uses horizontally (along a street) or vertically (in the same building.”
- “Buildings, which are often right next to each other, have a small to medium footprint **or are otherwise designed to minimize their mass or bulk visually**” [Emphasis added by staff, 10/19/23]
- “Parking is usually accessed via an alley or rear lane.”

Land Use Plan Consultant Recommendation

Staff has consulted with the land use planning consultant from Common Ground. He has indicated that he did not offer an opinion on the square footage cap, but rather provided the square footage analysis as requested by the Town. He indicated that the 15,000 square foot number came from this analysis, but that he did not have a strong recommendation regarding whether a square footage cap is needed.

RPA Recommendation

The RPA recommendation of a 20,000 square footage cap from 2019 utilized the land use plan from 1996, a document that was replaced with the Town of Walden Plan in 2022. See the “Land Use Plan” section above for important language that differs from the 1996 plan. The RPA recommendation also cited compatibility with the “surrounding development form” as a reason for recommending a limited footprint. The 2022 Town of Walden Plan, however, specifically seeks to move away from the existing development form on Taft Highway. Under the description of the Town Center Place Type, the plan states, “Concerning existing development in the area, this plan recognizes that it will most likely remain; however, there is an opportunity to create a more cohesive character if those properties redevelop in the future.” In other words, the plan proposes a new development form within the town center, and decisions regarding the town center should not be guided by the existing commercial development along Taft Highway, but by the town of Walden plan.

Staff Analysis

In reviewing the Land Use Plan, it is clear that the Town of Walden desires the Town Center area to have walkable shops that are at street level and are of appropriate scale. The Town also desires for parking to be minimally visible from the main roads within the Town Center and for pedestrian connections to be emphasized.

Because the Land Use Plan calls for small to medium footprint buildings, requiring a special permit for large buildings is appropriate. The special permit, as well as the design review process, can ensure that larger buildings “minimize their mass and bulk visually,” which is the standard established in the Walden Plan. The Walden Plan does not prescribe a specific building size limitation for the Town of Walden. The terms “small” and “medium” are quite subjective and relative to surrounding structures. Staff would consider a 10,000 sq. ft. building to be a small commercial building, while 15,000 sq. ft. building would be considered medium sized, though it is not a clear cut off point. Staff would also consider a 20,000 square foot building to be a medium size. Large “big box” stores commonly exceed 100,000 square feet in size, sometimes over 200,000 square feet. So, the size where a building is deemed “large” is difficult to determine and often relative to the existing uses or site-specific attributes.

In addition to the aesthetic concerns of large buildings, large commercial uses often require large parking lots. Any large building proposals should strictly comply with the drainage and parking landscaping requirements as proposed in the Walden Design Review Standards.

Large structures may limit the mixture of uses both horizontally and vertically. When a site is developed with a single-tenant large building, plus a large parking lot, there is no mixture of uses. Any permits for large buildings should take this into consideration. If the mixture of uses is a concern, this would be better addressed through the Special Use Permit and Design Standards process to ensure that no single use takes up the majority of the Town Center. Staff recommends careful review of such a requirement by the Town Attorney.

Staff Recommendation, 10/19/23

The Walden Plan makes clear that the town wishes to see a vibrant and successful town center. Retail success often hinges on whether there is an adequate number of visitors to the site. People can be drawn in from a smaller area to shop for staple products at a retail location such as a grocery store, drug store, or discount store. Alternatively, people could be drawn from a wider area to a more specialized, destination shopping experience. A cap on the square footage will limit the type of anchor that will be viable in the Walden Town Center and should be a consideration of the Planning Commission. As shown in the building size assessment above, 15,000 square feet would accommodate a convenience store, discount store, or drug store with pharmacy. While specialty stores would also be accommodated, these types of stores do not commonly serve as an anchor except when part of a destination retail center. Ultimately, the mixture of commercial uses is up to the property owner and will reflect current market conditions.

The Town of Walden Plan also shows a clear direction for the design of the Town Center, with groups of structures adjacent to each other instead of the typical suburban style development of a single structure behind a large parking lot. The plan further says that structures other than small to medium structures should be designed to “minimize their mass or bulk visually.” The inclusion of this statement points towards the importance of strict design standards. And in fact, the land use consultant spent significant time developing these standards to ensure a structure of any size would have a quality design that is aesthetically appealing and appropriate for the Walden Town Center. A larger store can have a similar look while having the same environmental impact as a row of adjacent commercial structures.

Based on the above reasoning, staff recommends approval of the proposed Zoning Ordinance amendments without a 15,000 square foot cap on building footprint.

Should the Planning Commission or Board of Mayor and Aldermen wish to have a square footage cap, staff recommends consulting with the Town Attorney regarding an adjustment to the following, which is included in the land use plan:

- Under “Town Center” (Place Type)
“Buildings, which are often right next to each other, have a small to medium footprint **or are otherwise designed to minimize their mass or bulk visually**”
- Under “Key Concepts – The Vibrant Center of a Small Community / Building Placement, Height and Mass”
“Buildings should also have smaller footprints or **resemble buildings with smaller footprints to minimize their mass.**”

The land use plan was adopted by ordinance, and a change may be necessary for a cap of 15,000 square feet to be considered consistent with the Town of Walden Plan. Consistency with this plan is an important legal consideration in adopting amendments to the Zoning Ordinance.

ORDINANCE NO 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 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 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 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 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 Aldermen, the public welfare requiring it.

Date Advertised in the Newspaper: _____

Date of Public Hearing: _____

FIRST READING: _____

FINAL READING: _____

Mayor Lee Davis

Town of Walden, TN

ATTEST: _____

City Recorder

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 2

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 Aldermen 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 Aldermen 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.

- (3) **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)

Staff recommended amendment to ensure consistency with Design Review Standards in C-1.

(d) **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.

~~Administrative Procedures Specific to the C-1 District~~

- ~~**Pre-Application Conference.** A pre-application conference with~~

~~the Board of Aldermen 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.

Within the Town Center, structures and lots shall meet the dimensional requirements of the Walden Design Review Standards. Outside of the Town Center, the following dimensional requirements apply:

- 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**
 - (1) **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.

(2) **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 of 15,000 square feet

Board of Mayor and Aldermen recommended amendment, 10/17/23

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 Aldermen:

- (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 twenty five 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)