

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

- **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 filtering 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.
- **Sculpted watercourse.** A channeling technique that
- **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.

Amend Section 2.01 as follows:

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.

Commented [AY1]: Added since May meeting in order to establish the Town Center Boundary on the Zoning Map

All existing zoning within the Town Center as of the date of the adoption of this amendment to the Walden Zoning Ordinance may remain in effect until application is made to rezoning 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.

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2.01-02 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 ~~known as:~~

(a) Zones applicable outside the Town Center:

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

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(b) Zones applicable within the Town Center Boundary

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

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TCO – Town Center Overlay

Commented [AYG2]: Is this still needed?

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Under Article 3. General Provisions and Exceptions. Add Section 3.10.

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 for the Town of Walden.
- (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

Commented [AY3]: This is a new section since June. Provisions for entire Town Center Boundary area are moved to Article 3 General Provisions and Conditions.

Commented [AYG4]: Decided to remove "through streets and blocks" at April meeting.

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 ~~design standards established in 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 approval under the TC 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 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 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 sub-district request with dimensions shown
 - Adjacent parcels with measurements for reference if only a portion of a property is to be designated TC-1
 - Approximate location, size, and dimensions of the existing or proposed building(s)
 - Property lines

Commented [AY5]: The following is based on discussion at June meeting. More detailed documentation required at Design Review stage.

- Landscaped buffers when required by the Zoning Ordinance
 - Proposed streets and sidewalks
 - Proposed open space areas
 - Approximate location of any proposed public amenities such as parks, squares or greenways
 - Approximate parking area
 - 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

In Article 4. Zone Regulations, R-1 Residential Zone, under 4.03 Residential Zone (R-1), revise as follows:

- (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) Mixed housing types on parcels that border Taft Highway in the Taft Highway Focus area;
 - (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.

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

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 design standards established in~~ 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) Audio recording shops;
- (3) Bakeries;
- (4) Commercial banks and savings banks;
- (5) Beauty shops and barber shops;
- (6) Book stores;
- (7) Restaurants and cafes;
- (8) Churches;
- (9) Clothing shops;

Commented [AY6]: As recommended, all uses from C-1 are now listed here instead of referencing other section. Removed from C-1: Auto service stations, gas filling stations, single-family detached residences, convenience stores, and horticultural nurseries/greenhouses

- (10) Craft shops;
- (11) Decorator shops;
- (12) Dry cleaning shops;
- (13) Fabric stores;
- (14) Florist shops;
- (15) Gift shops;
- (16) Hardware stores;
- (17) Home occupations;
- (18) Jewelry stores;
- (19) Lawn and garden shops;
- (20) Municipal buildings, structures and parks;
- (21) Musical instrument shops;
- (22) Office/school supply and stationary shops;
- (23) Offices;
- (24) Paint and wallpaper shops;
- (25) Parks;
- (26) Pharmacies;
- (27) Photocopying, postage, packaging, and telecopy services;
- (28) Printing;
- (29) Schools;
- (30) Shoe stores;
- (31) Theaters;
- (32) Toy stores;
- (33) Travel agencies
- (34) Assisted Living Facilities;
- (35) Churches;

- (36) Home occupations;
- (37) Liquor sales;
- (38) Live/Work townhouses;
- (39) Grocery Stores
- (40) Multi-family dwellings on upper floors of non-residential or mixed- use buildings; and
- (41) Single-family attached Townhouses.

Commented [AYG7]: At April meeting, decided to remove grocery stores from C-1 zone, and added to TC-1

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

- (1) Hotel/Motel
- (2) Public utilities;
- (3) Short-term vacation rentals;
- (4) In general, all stores, shops, or services similar in character, type and effect to the uses permitted as listed in 4.05.(f)(1)(a), but not listed as permitted by right, unless otherwise controlled or provided by law; and
- (5) 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 sq. ft.~~

Commented [AY8]: Two Planning Commissioners indicated opposition to removing the cap on square footage.

- (3) **Uses Prohibited**

- (a) Auto repair;
- (b) Auto sales;
- (c) Commercial radio, television, telephone, microwave towers; and

(d) Gasoline service stations

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(d)(e) 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 district 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 district 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 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.

~~(f) Usable open space is important to provide outdoor areas for passive and active uses that meet the needs of residents, tenants, employees, customers, and visitors. Usable open space is essentially land on a developed site that is set aside, dedicated, designated, or reserved for active or passive recreation, for the use and enjoyment of owners or occupants.~~

~~(a) Preservation of Sensitive Natural Features~~

~~(1) To the maximum extent practicable, sensitive environmental features of a site shall be protected. Steep slopes shall follow the provisions of Article 6.~~

~~(2) The developer and property owner shall be responsible for the erection and~~

~~maintenance of barriers necessary to protect any existing or installed vegetation from damage both during and after construction.~~

~~(b) — Required Open Space~~

~~(1) — A minimum of fifty percent (50%) of the gross land area shall be set aside for natural open space in developments greater than five (5) acres.~~

~~(2) — A minimum of five percent (5%) of the gross land area shall be set aside for formal or informal usable open space in all developments.~~

~~(c) — Location. Where location is not dictated by site geography, open space shall be allocated in a location that is readily accessible and useable by residents and users of the development. Where possible, a portion of the open space should provide focal points for the development. These open spaces should be designed to serve as central gathering points for residents within the development.~~

~~(d) — Ownership and Maintenance. Open spaces shall be owned and maintained as permanent open space by a homeowner's association, property owners' association, private ownership with conservation easement, or public ownership when dedicated to and accepted by the Town of Walden or another appropriate public agency.~~

~~(e) — Open Space Types. Standards for the types of open spaces permitted are established in the Town of Walden Design Review Standards.~~

Commented [AYG9]: PC decided to have a 30% minimum open space requirement for developments more than 5 acres, and 15% for developments under 5 acres at the April meeting. However, staff had missed the 50% open space recommendation in the Walden Plan. See attached excerpt from the plan. The Planning Commission should re-open this discussion to ensure the Zoning Ordinance is in compliance with the plan.

(j) **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 (TC) 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.

Commented [AYG10]: Setback requirements are based on building type, so all dimensional requirements were moved to the Design Review Standards.

(k) **PARKING REQUIREMENTS**

(1) **Number of Spaces Required**

i. **Residential uses: one and one half (1.5) spaces per dwelling unit**

ii. Non-residential uses: four (4) spaces per 1,000 square feet of gross floor area

Commented [AYG11]: As discussed in April, increased parking requirement. 4 per 1000 sf is the current requirement in the Walden Zoning Ord.

- (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 that 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 justify a reduction in the parking requirements. Planning staff shall review all proposed parking reductions and submit recommendations thereon to the Design Review Board.**
- (5) See the Walden Design Review Standards for parking lot design requirements.

Commented [AY12]: Language added based on discussion at June meeting

4.06 Town Center Residential (TC-R)

- (4) **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.
- (5) **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.
- (6) **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.
- (7) **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

(g) CONFLICTING PROVISIONS

- (3) **Conflict with State or Federal Regulations.** If the provisions of the TC district 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.
- (4) **Conflict with other Town Regulations.** If the provisions of the TC district 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 will control.

- (h) **Open Space.** Open space is required for all development within the Town Center Boundary. See the Walden Design Review Standards for Open Space requirements. ~~Usable open space is important to provide outdoor areas for passive and active uses that meet the needs of residents, tenants, employees, customers, and visitors. Usable open space is essentially land on a developed site that is set aside, dedicated, designated, or reserved for active or passive recreation, for the use and enjoyment of owners or occupants.~~

(a) **Preservation of Sensitive Natural Features**

- (1) To the maximum extent practicable, sensitive environmental features of a site shall be protected. Steep slopes shall follow the provisions of Article 6.
- (2) The developer and property owner shall be responsible for the erection and maintenance of barriers necessary to protect any existing or installed vegetation from damage both during and after construction.

(b) **Required Open Space**

- (1) A minimum of fifty percent (50%) of the gross land area shall be set aside for natural open space in developments greater than five (5) acres.
- (2) A minimum of five percent (5%) of the gross land area shall be set aside for formal or informal usable

open space in all developments.

- (c) **Location.** Where location is not dictated by site geography, open space shall be allocated in a location that is readily accessible and useable by residents and users of the development. Where possible, a portion of the open space should provide focal points for the development. These open spaces should be designed to serve as central gathering points for residents within the development.
- (d) **Ownership and Maintenance.** Open spaces shall be owned and maintained as permanent open space by a homeowner's association, property owners' association, private ownership with conservation easement, or public ownership when dedicated to and accepted by the Town of Walden or another appropriate public agency.
- (e) **Open Space Types.** Standards for the types of open spaces permitted are established in the Town of Walden Design Review Standards.

Commented [AYG13]: PC decided to have a 30% minimum open space requirement for developments more than 5 acres, and 15% for developments under 5 acres at the April meeting. However, staff had missed the 50% open space recommendation in the Walden Plan. See attached excerpt from the plan. The Planning Commission should re-open this discussion to ensure the Zoning Ordinance is in compliance with the plan.

(l) **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 (TC) Zone are required to meet the dimensional requirements of Article III of the Walden Design Review Standards. Compliance with these regulations can be

Commented [AYG14]: Setback requirements are based on building type, so all dimensional requirements were moved to the Design Review Standards.

assessed by staff review.

(m) **PARKING REQUIREMENTS**

(1) **Number of Spaces Required**

i. **Residential uses: one and one half (1.5) spaces per dwelling unit**

ii. Non-residential uses: four (4) spaces per 1,000 square feet of gross floor area

Commented [AYG15]: As discussed in April, increased parking requirement. 4 per 1000 sf is the current requirement in the Walden Zoning Ord.

(6) Required parking, except for required accessible spaces, may be located off-site, if located within six hundred (600) feet of the primary pedestrian entrance.

(7) 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.

(8) **Parking Requirement Reduction – The Design Review Board may approve a site plan with fewer off-street parking spaces that 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 justify a reduction in the parking requirements. Planning staff shall review all proposed parking reductions and submit recommendations thereon to the Design Review Board.**

Commented [AY16]: Language added based on discussion at June meeting

- (9) See the Walden Design Review Standards for parking lot design requirements.

Under Article 6. Steep Slopes and Escarpment, revise as follows:

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)