

TOWN OF WALDEN
PLANNING COMMISSION AGENDA

Walden Town Hall
1836 Taft Highway

Thursday, August 24, 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
 - May 25, 2023
 - June 22, 2023
- V. Town Administrator Report
- VI. Communication from Chair and Commissioners
- VII. Hearing of persons having business with the Commission
- VIII. Unfinished Business
 - a. Zoning Ordinance Text Amendments
 - i. 8.01(j) Mixed Housing Types in R-1 Residential Zone
 - ii. 4.03 R-1 Residential (d) Special Uses Permitted
 - b. Design Review Standards - Appointment of Planning Commission Liason
- IX. New Business
 - a. Zoning Ordinance Amendment - Side Yard Setbacks for Nonconforming Lots in R-1 Residential Zone - Staff Update
 - b. Short-Term Vacation Rental Ordinance - Staff Presentation and Discussion
- X. Adjournment

Town of Walden
 Walden Planning Commission
 Regular Monthly Meeting
 May 25, 2023

Call To Order

The meeting was called to order at 17h32 PM by Tim Hancock.

Roll Call

Mariah Prescott, Town of Walden called the roll.

Commissioners:

- | | |
|------------------|-----------------------------------|
| ✓ Tom Bartoo | ✓ Werner Slabber |
| ✓ Angela Cassidy | ✓ Bill Trohanis |
| ✓ Tim Hancock | X Lou Ziebold Excused on vacation |
| ✓ Joe Robbins | |

Staff:

- ✓ Ashley Gates, SETDD
- ✓ Chad Reese, SETDD
- ✓ Mariah Prescott, Town of Walden
- ✓ Sam Elliott, Town of Walden

Adoption of the Agenda

Changes to the agenda: None

Previous Meeting Minutes

April 27, 2023 Previous minutes correction C 2.01 Joe Robbins Yes and Tim Hancock Nay			
Motion: To approve 4/27/23 minutes with corrections			
M	Tom Bartoo	✓	Werner Slabber
2nd	Angela Cassidy	✓	Bill Trohanis
✓	Tim Hancock	-	Lou Ziebold
✓	Joe Robbins		

Communication from Chair and Commissioners

- a. Review of Sunshine Law application to WPC – Communication go through Town Administrator
 - i. Tim emphasized that all communication to Mariah for distribution
 - ii. Private and Public communications

- b. Limiting of future agendas – staff or body drive / to what we can reasonably cover – max around 2 hours
 - i. Tim discussed new Agenda flow and format that will have to be voted on

Hearing of Persons having business with the Commission (limited to matters not specifically on the agenda)

Kirby Yost Chambliss Law

Asking to have process for special permits

Discussion about deadline for submitting information

Discussion- Public comment submissions should be submitted to Walden Town Administrator 15 days in advance of next WPC meeting.

Discussion to work with intent of plan

Asking questions with regards to heightened review for permits larger than 5000sf

Micky Robbins 403 Glenway Ave

Talks about average property values of different communities

His opinion seems to be that big shopping facilities are related to lower property values

Discusses his view of the current situation in Walden and urges that careful consideration be given good land use planning

Ed O' Kelley

Asking about Rezoning Sizes

His research shows a 2600 people growth on the mountain. Not sure what time span his numbers were taken over.

His opinion is that there will be more growth with all the good schools on the mountain.

He states that businesses are not sustaining

Tony Wheeler

4.05 f.

Talks about escarpment development

Discusses sewer and stormwater issues

Tim Requests MAP with topo be made available on website.

Margha Davis 2115 Altura Drive

Discusses need for small anchors in Town Center

Discusses the delicacy and care that needs to be taken while considering development in a community with a special character and to be sensitive to not to destroy

Discusses people shopping off the mountain

Joe Davis 2115 Altura Drive

Discusses max footprint standards for developments

Discusses current Town Plan and current character of small scale and mixed uses

Cathryn Colby – Environmental Committee

Discusses meaning of open space

Gene Trohanis 6426 Forest Park Drive

Discusses traffic

States that schools draw more people and businesses are needed to serve needs of increasing population

Unfinished Business

a. 4.05 Town Center Zone

Discussion:			
Staff:			
Town Center Zone			
<ol style="list-style-type: none"> 1. Mariah- Fees voted on already. 2. Ashley-Page 7 Town of Walden plan not always following property lines. <ol style="list-style-type: none"> a. Plan could be updated b. Allow proposals from owners for review 3. Tim – States that discrepancies exist <ol style="list-style-type: none"> a. Clarified that 15,000sf does not appear in zoning code as currently in place or in the Town Plan as adopted 			
4.05 Page Turn			
<ol style="list-style-type: none"> 1. Attempt to align zoning ordinance with Land Use Plan 2. Discussion to provide Tie-Back description for <ol style="list-style-type: none"> a. TC1 – To be TCMU b. TC2 – To be known as TCR Town Center Residential 3. Cassidy and Tom in favor of Design standards 4. Cassidy and Robbins opposed to removing 15,000 square foot maximum on building footprints 			
Motion: No formal motion was made.			
	Tom Bartoo		Werner Slabber
	Angela Cassidy		Bill Trohanis
	Tim Hancock		Lou Ziebold
	Joe Robbins		

New Business

a. Amending By-Laws to Reflect the new agenda order

Discussion: Chairman Hancock stated that the By-Laws needed to be formally amended.			
Motion:			
Motion to amend the WPC bylaws to reflect the Order of the Meeting as reflected on the 5/25/23 agenda.			
✓	Tom Bartoo	✓	Werner Slabber
M	Angela Cassidy	2nd	Bill Trohanis
✓	Tim Hancock	✓	Lou Ziebold
✓	Joe Robbins		

b. Discussion and Recommendation to Board of Mayor and Alderman for adoption of amendments to the zoning ordinance (first set of amendments)

Discussion:			
<ul style="list-style-type: none"> ii. 1.07 Definitions -Forward to Mayor and Alderman iii. 2.01 Division into Zones iv. 4.04 General Commercial Zone v. 4.03 R-1 Residential (d) Special Uses Permitted vi. 6.01 and 6.02 Steep Slopes and Escarpments vii. 4.05 Town Center Zone <ul style="list-style-type: none"> 1. Town Center boundaries with designations to be sent to Mayor and Alderman 			
Motion (if any):			
Motion to defer the proposed Zoning Ordinance Text Amendments until the next meeting when staff will provide documents with all requested revisions.			
M	Tom Bartoo	✓	Werner Slabber
2 nd	Angela Cassidy	✓	Bill Trohanis
✓	Tim Hancock	-	Lou Ziebold
✓	Joe Robbins		

- c. Discussion and Recommendation to Board of Mayor and Alderman for means of implementation of zoning districts in the Town Center Area

Discussion: Topic was covered in discussion of 4.05 Town Center Zone			
Motion: No action taken			
	Tom Bartoo		Werner Slabber
	Angela Cassidy		Bill Trohanis
	Tim Hancock		Lou Ziebold
	Joe Robbins		

- d. Discussion and Recommendation to Board of Mayor and Alderman regarding submittal requirements for rezones in the Town Center Area

Discussion: <ol style="list-style-type: none"> 1. Staff presented example applications checklists 2. Staff stated that site-specific information was appropriate to request, but detailed design plans are not often completed ahead of a rezoning. 3. More detailed plans would be reviewed by Design Review Board 4. Traffic impact, environmental impact, and market studies were discussed 			
Motion (if any): No action taken			
	Tom Bartoo		Werner Slabber
	Angela Cassidy		Bill Trohanis
	Tim Hancock		Lou Ziebold
	Joe Robbins		

- e. Discussion and Recommendation to Board of Mayor and Alderman for designation of the Walden Planning Commission to serve as the Design Review Board (DRB) on an interim basis for one year

Discussion: Makes sense to have a single board at this time Additional board may be appointed later			
Motion (if any): No formal motion made			
	Tom Bartoo		Werner Slabber
	Angela Cassidy		Bill Trohanis
	Tim Hancock		Lou Ziebold
	Joe Robbins		

Discussion setting the agenda for June WPC Meeting

Discussion:			
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- i. Request to Abandon Right-of-Way – 2nd Street at McLean Ave.
- ii. Zoning Ordinance Amendments
 - 1. Design Review Standards – priority for Future
 - 2. 8.01 Applications for Special Permit, Part (j) Mixed Housing Types
 - 3. 8.01 Applications for Special Permit, Part (n)
 - 4. 4.05 Town Center Overlay
 - a. Provide Town Center Boundaries with Designations

Discussed focusing on initial batch of amendments, and starting on Design Review Standards.

Motion (if any):
No formal motion made

	Tom Bartoo		Werner Slabber
	Angela Cassidy		Bill Trohanis
	Tim Hancock		Lou Ziebold
	Joe Robbins		

Adjournment

The meeting was adjourned at 20h30 PM by motion by Bill and Werner second

Town of Walden
 Walden Planning Commission
 Regular Monthly Meeting
 June 22, 2023

Call To Order

The meeting was called to order at **17h31** PM by Tim Hancock. Other attendees are listed on the Sign-In sheet.

John Argo

Talked about small changes

Kirby Joss 4.05 D

Talked about small changes

Mickey

Q-Is commission obligated to adhere to the town plan ordinances

Talked about expanding tax base

Roll Call

Mariah Prescott called the roll.

Commissioners:

X Tom Bartoo

Angela Cassidy

Tim Hancock

Joe Robbins

Werner Slabber

Bill Trohanis

Lou Ziebold

Staff:

Ashley Gates, SETDD

X Chad Reese, SETDD

Mariah Prescott, Town of Walden

X Stacy Stewart, Town of Walden

Consideration of the Minutes

Chairman Hancock requested that the May 25, 2023 be reviewed regarding whether a motion to recommend that the Planning Commission serve as the Design Review Board for a period of one year was made. Staff agreed to review the recording.			
Motion to defer to next meeting.			
x	Tom Bartoo	<input checked="" type="checkbox"/>	Werner Slabber
<input checked="" type="checkbox"/> 2 nd	Angela Cassidy	<input checked="" type="checkbox"/> M	Bill Trohanis
<input checked="" type="checkbox"/>	Tim Hancock	<input checked="" type="checkbox"/>	Lou Ziebold
<input checked="" type="checkbox"/>	Joe Robbins		

Adoption of the Agenda

Changes to the Agenda: <ul style="list-style-type: none">• Remove Item 8 b• 2.01 item 7 a, section 3.10 (continuation) these 2 should be considered together			
Motion: To approve agenda as amended			
x	Tom Bartoo	<input checked="" type="checkbox"/> M	Werner Slabber
<input checked="" type="checkbox"/>	Angela Cassidy	<input checked="" type="checkbox"/>	Bill Trohanis
<input checked="" type="checkbox"/>	Tim Hancock	<input checked="" type="checkbox"/> 2nd	Lou Ziebold
<input checked="" type="checkbox"/>	Joe Robbins		

Communication from Chair and Commissioners

Alderwoman Angela Cassidy communicated that the Board of Mayor and Alderman would like more time to consider the Design Review Board proposal and appointment of the Planning Commission and the long-term ramifications. She stated that they had not yet voted on the resolution.

Hearing of Persons having business with the Commission (limited to matters not on the agenda)

Mickey Robbins of 403 Glenway Avenue asked if the Planning Commission was required to comply with the Land Use Plan. She asked whether the expansion of the tax base was within the purview of the Planning Commission.

Unfinished Business

- a. Discussion and Recommendation to Board of Mayor and Alderman for adoption of amendments to the Zoning Ordinance (first set of amendments)

Attorney Sam Elliott requested that Section 4.05 be discussed first because he would need to miss a portion of the meeting. Planner Ashley Gates presented Section 4.05 and 4.06 with recommended changes from prior meetings, including the separation of the Town Center zones into TC-R Town Center Residential and TC-MU, Town Center Mixed Use.

During a page turn review of Sections 4.05 and 4.06, the following amendments were made:

- Section 4.05(d) LAND USE was updated to have uses in alphabetical order and remove duplicates.
- Section 4.05(e) and 4.05(j) were updated to change “TC district” to “TC-MU”
- Section 4.06(7)(3) was modified to add under “Uses Prohibited”: All other uses not listed under “Permitted” or “Special Uses Permitted” in the TC-R zone.
- Section 4.06(g) and 4.06(l) were updated to change “TC district” to “TC-R”
- Section 4.06(h)(a)-4.06(h)(e) were removed as they are intended to be part of the Design Review Standards.
- Sections 4.05(k)(4) and 4.06(m)(8) were both updated to change “that” to “than” and the word “thereon” was removed.

Chairman Hancock opened the floor to public comments. The following attendees spoke:

- John Argo requested that nail salons, event venues, and health/fitness centers be added to “Permitted Land Uses” in the TC-MU zone. The Planning Commission decided to add nail

salons and wellness centers to “Land Uses Permitted,” and added indoor event venues to “Special Uses Permitted” in the proposed TC-MU zone.

- Kirby Yost pointed out typos that were subsequently corrected.

Alderwoman Angela Cassidy requested to discuss the 15,000 square foot cap on development. She stated that several passages in the Land Use Plan describe small- and medium-sized buildings, but not large structures. She stated that she felt that in order to be in compliance with the land use plan, a square footage cap was necessary.

Chairman Hancock stated that he did not feel that the Planning Commission would reach a full consensus on this discussion, and that he felt larger buildings could be built in a way that would be in compliance with the land use plan if designed properly. He stated that the Design Review Standards would ensure that structures are designed in a manner consistent with the land use plan.

Motion: To recommend approval of Section 4.05 as amended with the exclusion of the 15,000 square foot deletion. Motion failed.			
x	Tom Bartoo	No	Werner Slabber
<input checked="" type="checkbox"/> M	Angela Cassidy	No	Bill Trohanis
No	Tim Hancock	No	Lou Ziebold
<input checked="" type="checkbox"/> 2nd	Joe Robbins		

Motion: To recommend approval of Section 4.05 as amended.			
x	Tom Bartoo	<input checked="" type="checkbox"/>	Werner Slabber
<input checked="" type="checkbox"/>	Angela Cassidy	<input checked="" type="checkbox"/> M	Bill Trohanis
<input checked="" type="checkbox"/>	Tim Hancock	<input checked="" type="checkbox"/> 2nd	Lou Ziebold
<input checked="" type="checkbox"/>	Joe Robbins		

During a page turn review of the remainder of the Zoning Ordinance amendments the following changes were made:

- Article 1. Definitions. – “Sculpted watercourse” was removed
- Section 2.01, second paragraph, the first two sentences were re-written as follows:
“All existing zoning within the Town Center as of the date of 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 consistent with...”
- Section 3.10(a), “for the Town of Walden” was deleted.
- Section 3.10(f)(1) Application was changed as follows:
 - Under the first bullet, “existing structures” was expanded to “existing structures, rights-of-way, and easements of record.”
 - “Sub district request” was changed to “rezoning request”
 - TC-1 was changed to TC-R or TC-MU
 - “and setbacks” was added after “Property lines”
 - “Landscaped buffers when required by the Zoning Ordinance and/or Design Review Standards”
 - “Approximate parking area and calculations”

Motion: To recommend amendments to Sections 1.07, 2.01, 3.10, 4.04, 6.01 and 6.02 as amended.			
x	Tom Bartoo	<input checked="" type="checkbox"/>	Werner Slabber
<input checked="" type="checkbox"/>	Angela Cassidy	<input checked="" type="checkbox"/> M	Bill Trohanis
<input checked="" type="checkbox"/>	Tim Hancock	<input checked="" type="checkbox"/> 2nd	Lou Ziebold
<input checked="" type="checkbox"/>	Joe Robbins		

New Business

a. Final Plat Approval Request: Parson’s Lane Subdivision

Discussion: The applicant presented his request to subdivide the property, stating that allowing two new homes would reduce the burden on individual owners of road upgrades needed for the Town of Walden to accept the road as a public road. Planner Ashley Gates recommended denying the approval of the plat due to Parson’s Lane being a private road citing section 3.03 of the Subdivision Regulations which do not allow subdivision off of a private road.			
Motion to deny approval of the Final Plat for Parson’s Lane Subdivision			
x	Tom Bartoo	<input checked="" type="checkbox"/>	Werner Slabber
<input checked="" type="checkbox"/> M	Angela Cassidy	<input checked="" type="checkbox"/>	Bill Trohanis
<input checked="" type="checkbox"/>	Tim Hancock	<input checked="" type="checkbox"/> 2nd	Lou Ziebold
<input checked="" type="checkbox"/>	Joe Robbins		

b. Design review Standards
Tabled

c. Discussion of August WPC agenda

1. Design Review Standards, Application and Checklist – need to wait for Town Board
2. 8.01(j) – to be included on next agenda
3. 8.01(n) – to be included on next agenda
4. Tree ordinance – Postpone to when having draft ordinance
5. Short term vacation rentals ordinance – examples on next agenda

The meeting was adjourned at 21h30 PM by motion.

Recommended by Planning Commission in March
Suggestion below is recommended to be consistent with the proposed TC-R and TC-MU zones

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.

Section 8.01(j) as recommended by land use plan consultant.

Staff recommendation: 8.01(j) is unnecessary and staff recommends repealing this section.

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

(j) **Mixed Housing Types in R-1**

A Special Permit may be granted for a mixture of housing types in the R-1 Zone by the Board of Mayor and Aldermen for properties that are five (5) acres or less. The intent of the regulations with this Special Permit is to permit development of multiple building types in the R-1 Zone to parcels of land bordering Taft Highway in the Taft Highway Focus Area as identified in the Town of Walden Plan. It is the intent of this section to provide regulations for the development 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 residential development in a manner which provides for efficient use of land, housing choice, and is compatible with surrounding development. It is further intended that these regulations provide for standards which will foster compatibility between such development and lower density, standard single-family uses. For purposes of the Mixed Housing Types special permit, the term "exterior street" refers to any public, dedicated and accepted street existing prior to the mixed housing development, the term "interior street" refers to any street built as part of the mixed housing development, both sides of which are contained in the townhouse special permit area.

(1) **Height, Area and Building Regulations:**

- (a) Maximum density shall not exceed four (4) units per acre for attached or detached dwelling units.
- (b) Minimum lot width for zero lot line or single-family detached units shall be thirty (30) feet. Minimum lot width for townhouse units shall be fifteen (15) feet.
- (c) Building setbacks are as follows:
 - (1) Front Setback from Taft Highway: thirty (30) feet
 - (2) Side Setback: ten (10) feet
 - (3) Rear Setback: fifteen (15) feet
 - (4) Front Setback from internal street: ten (10) feet
 - (5) Front Setback from courtyard: five (5) feet
- (d) There shall be ten (10) feet minimum between buildings.
- (e) Maximum height of buildings shall be two and a half (2 ½) stories and thirty-five (35) feet.
- (f) A sidewalk shall be provided along the Taft Highway frontage. The sidewalk shall be six (6) feet minimum in width with a five (5) feet minimum planting strip between the sidewalk and edge of pavement.
- (g) Internal sidewalks with a minimum width of five (5) feet shall connect individual units to the public sidewalk network along Taft Highway.
- (h) All property lines abutting R-1 zoned property must provide a ten (10) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows (spaced a maximum of seven feet apart) of shrubs spaced a maximum of eight (8) feet on-center.
- (i) Development which fronts on exterior public streets must have front yards which are at least sixty-five percent (65%) native/woodland planting appropriate to Walden's rural setting. Driveways should be gravel, concrete, or pavers. Sidewalk should be composed of concrete or pavers. Landscaping along all property lines fronting exterior streets must be provided subject to review and approval of a site-specific landscape plan.
- (j) A Site and Building Plan (1 inch = 50 feet) shall be submitted with the special permit application and shall show the following:
 - (1) Special permit boundary.
 - (2) Site access and preliminary street layout.

- (3) Type and location of all parking.
 - (4) Preliminary lot design.
 - (5) Range of lot sizes.
 - (6) Number of lots.
 - (7) Acreage.
 - (8) Open space/recreation areas if provided.
 - (9) All buffer, landscape and screen areas including site specific landscape design.
 - (10) Elevations of all buildings.
- (2) **Off-Street Parking Regulations**
- (a) Off-street parking shall be provided on the same lot or on a lot adjacent to the structure it serves at a rate of one and a half (1 ½) spaces per dwelling unit. Developments shall provide one half (½) spaces per unit for guest parking.
- (3) **Provision for Special Access and Utility Easements.** Due to the special nature of these housing types, the Planning Commission and/or the Board of Mayor and Aldermen may insist on special access easements and other arrangements to provide for adequate servicing and maintenance of the structures even though such easements and provisions might not normally be specified in the Walden Subdivision Ordinance. These easements and special covenants are to be shown on the subdivision plat at the time of its recording. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units.
- (4) **Design**
- (a) **Applicability.**
 - (1) The provisions in this Section apply to the following:
 - New construction and
 - Additions that result in an increase in gross floor area of twenty-five percent (25%) and greater.
 - (b) **Development Layout**
 - (1) **Grading and Drainage.** Proposed development shall be designed in a manner that is sensitive to and enhances the natural features of the immediate site and its surroundings.
 - (a) Excessive clearing of existing, mature vegetation is discouraged. Specimen trees, particularly within groups of mature vegetation, should be preserved and incorporated into the design of the development.
 - (b) Mass grading of sites should be avoided. Proposed development should be designed in a manner that works with the topographic form of the site. If large expanses of significant topographic change exist, the type of proposed development in such areas should be appropriate to the landform to avoid grading that significantly alters the landscape.
 - (c) A variety of best management practices are encouraged to address stormwater drainage and runoff management. Best management practices include tools and techniques related to paving, channeling, storage, and filtration. Large detention ponds are discouraged as the sole means of stormwater management unless such ponds can be designed in a naturalistic manner that complements the development and is part of a usable public space network. Appropriate stormwater management tools will depend on the geological

characteristics of the site and local and state requirements, but the following tools shall be considered:

- (1) Paving
 - Crushed stone/gravel (driveways, alleys, parking areas)
 - Concrete/asphalt/stone paver blocks
 - Grassed cellular plastic/concrete (driveways, alleys, parking areas)
 - Pervious asphalt/concrete
- (2) Channeling
 - Vegetative/stone swale
 - Planting strip trench
- (3) Storage
 - Retention hollow
 - Flowing park
 - Filtration
 - Constructed wetland
 - Bio-retention swale
 - Purification biotope
 - Green finger/roof
 - Rain garden

- (2) **Architectural Design.** There is no mandated architectural style, however, it is the intent of this Section to encourage applicants to embrace the mountain aesthetic of Walden's historic architecture. Walden's historic architecture features a variety of materials including stone, wood siding and shingles, and brick on certain civic buildings. Windows are typically vertical or square in proportion and, in some instances, are ganged together in a horizontal. Roofs are typically gabled or hipped with rustic details such as exposed rafters.

(a) **General**

- (1) The standards in this section apply to facades that face a street (public or private) or usable open space (i.e. primary facades) and side facades (i.e. secondary facades) for a minimum depth of 20 feet, unless otherwise stated.
- (2) Buildings shall be oriented so that a primary entrance(s) faces the primary street or public open space.
- (3) Building entrances (excluding service access or emergency egress) shall be defined by a roof covering or by being recessed.
- (4) Buildings shall be generally built parallel to the street frontage. If the street frontage is not straight, facades shall be generally built tangent to the street frontage. The Design Review Board may waive this standard in situations where the side lot lines are not perpendicular to the front property line.
- (5) Buildings shall have simple massing to clearly distinguish the main body of the building from side or rear wings
- (6) Street-facing facades shall be composed so that the rhythm of ground floor attachments and

- openings harmonizes with the rhythm of attachments and openings on upper stories.
- (7) Buildings and related elements shall be arranged in a manner to indicate the pattern of base, body or shaft, and cap.
 - (8) Buildings on corner lots, shall address both streets with windows, doors, porches, or bay windows. For this standard, an alley is not a street.
- (b) **Facades**
- (1) Building material standards apply to the entire area of primary facades and secondary facades.
 - (2) Building facades shall be built of no more than two primary materials, excluding accent materials, and shall only change material along a horizontal line (with the lighter material above the heavier material), outside corners (where material wraps the corner a minimum of 2 feet), or inside corners.
 - (3) **Permitted Materials**
 - (a) **Primary Façade.** A minimum of 85% of the facade area, exclusive of openings, shall be brick, stone, cast stone, or stucco (authentic), wood siding/shingles/trim, fiber cement siding/shingles/trim, composite siding, or EIFS (upper stories only). A maximum of 15% of the facade area may be concrete block (split-faced/fluted), manufactured stone veneer siding, or architectural metal panels.
 - (b) **Secondary Façade.** A minimum of 75% of the facade area, exclusive of openings, shall be brick, stone, cast stone, or stucco (authentic), wood siding/shingles/trim, fiber cement siding/shingles/trim, composite siding, or EIFS (upper stories only). A maximum of 25% of the facade area may be concrete block (split-faced/fluted), manufactured stone veneer siding, or architectural metal panels.
 - (4) Materials, other than masonry, shall be painted, stained, or have a factory-applied finish.
- (c) **Openings**
- (1) Openings, including dormers, should be centered vertically with other openings or shall be centered with the wall between openings.
 - (2) Except for transoms and decorative windows, windows shall be square or vertically proportioned and rectangular in shape. The grouping of individual windows to form a horizontal band is permitted if individual windows are separated with a mullion of at least three (3) inches.

- (3) Window muntins, if included, shall be simulated divided lites fixed on the interior and exterior surfaces and shall create panes of square or vertical proportion (as tall as wide or taller than wide).
 - (4) Transoms may be oriented horizontally with panes that match other opening configurations. Transoms may be awning, hopper or fixed.
 - (5) Shutters shall be the same height as the window, and one half (1/2) the width of the window. Small windows may have one shutter that is the full width of the window. Shutters shall be operable or designed and installed as if they were operable including hardware.
- (d) Roofs
- (1) Principal building roofs, if sloped, shall be symmetrical.
 - (2) The ridge of the building roof should generally be oriented either parallel to or perpendicular to the street.
 - (3) All gable and hipped roofs of a building, excluding ancillary roofs, should generally have the same slope where visible from a street or open space.
 - (4) Flat roofs shall have parapet walls on facades that face or are visible from a public street, private street, or open space. The primary material used on parapets shall match the material of its associated facade.
 - (5) Dormers should light attic spaces and must be placed a minimum distance of 3 feet from side building walls.
- (e) Attachments
- (1) Balconies
 - (a) Balconies shall have a minimum clear height of nine (9) feet and a minimum clear depth of four (4) feet.
 - (b) Balconies shall not be fully enclosed.
 - (2) Bay windows shall have visible support, either by extending the bay to grade with a foundation or transferring the projection back to the wall with beams, brackets, or brick corbeling.
 - (3) Chimneys shall extend to grade.
 - (4) Decks should not be located on facades that face a street or public open space.
 - (5) Porches
 - (a) Porches shall have a minimum clear depth of six (6) feet excluding steps.
 - (b) Porches should have square or vertically proportioned openings.
 - (c) Porches may be enclosed with glass or screens; however, enclosures are not permitted on porches that face a street or public open space.
 - (d) Posts and columns shall generally include a base, shaft, and capital. The

base of posts, columns, and pedestals shall generally align with the face of the foundation wall directly below. The outside face of porch beams shall generally align with the face of the top of the column.

- (e) Railings shall have top and bottom rails.
- (f) Porches may not encroach into a public right-of-way.

(3) Parking, Access, and Loading

- (a) Parking shall be located to the rear or side of buildings.
- (b) Sidewalks internal to a lot shall be provided to connect adjacent buildings. Sidewalks shall have a minimum unobstructed pathway of five (5) feet and shall be connected to the public sidewalk system along streets.
- (c) Driveways shall be twenty-four (24) feet maximum.

(4) Landscaping and Screening

- (a) Plant materials should be native, drought-tolerant species. Invasive plant species are prohibited.
- (b) Retaining walls shall be constructed of or clad in brick, stone, or stucco.
- (c) Decorative walls and fences shall be of a material similar to the facade material of the principal building on the lot.
- (d) Parking Lot Landscaping

(1) Surface parking lots shall be designed so that no parking space is more than 80 ft. from a tree. The ends of interior parking bays with a minimum of 12 spaces shall be bordered with landscape islands. The ends of perimeter parking bays shall be bordered by landscape peninsulas. Each landscape island should contain a minimum of one (1) shade tree with a caliper of two and one half (2 ½) inches at installation.

(2) Surface parking lots shall be screened from view of all streets, other than alleys. Screening shall have a minimum height of three (3) feet and a maximum height of four (4) feet above adjacent grade. Screening shall, at a minimum, consist of a compact row of native evergreen shrubs spaced to ensure enclosure at maturity; an architecturally compatible opaque wall or fence, or a combination of both. If vegetation alone is used, the planting bed shall be five (5) feet minimum in width. Vegetation shall not extend into the sight triangle of any street or driveway intersection

- (e) All outdoor equipment, such as heating, cooling, and ventilation systems, utility meters and panels, shall be placed on the rear-facing side of the roof, in the rear or side of the building, or otherwise visually screened from the street. In no case shall mechanical equipment be allowed along street frontage(s). Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening.

- (f) Refuse storage shall be located to the rear or side of buildings and screened on at least three sides from public view by a wall of sufficient height to screen the container(s) or shrubs that provide year round.

Article 8 Special Permits

Current text of Section 8.01(j)

Staff recommends removing from Zoning Ordinance.

(i)

(j) Townhouses in R-1

A Special Permit may be granted for townhouses in the R-1 Zone by the Board of Mayor and Aldermen. The intent of the regulations with this Special Permit is to limit development of townhouses in the R-1 Zone to parcels of land bordering Taft Highway. There shall be no access provided to the townhouse development off any street other than Taft Highway. It is the intent of this section to provide regulations for the development of townhouses (also called rowhouses and attached homes), single-family zero lotline dwellings (also called patio homes), and/or mixed use moderate density residential development in a manner which provides for efficient use of land, and is compatible with surrounding development. It is further intended that these regulations provide for standards which will foster compatibility between townhouse development and lower density, standard single-family uses. It is also intended that townhouse development be sold in "fee simple" to encourage owner occupancy. For purposes of the townhouse special permit, the term "exterior street" refers to any public, dedicated and accepted street existing prior to the townhouse development, the term

(1) Height, Area and Building Regulations:

- a) Maximum density shall not exceed two (2) units per acre for attached or detached dwelling units.
- b) Minimum lot width for zero lot line or single-family detached units shall be thirty-five (35) feet. Minimum lot width for townhouse units shall be twenty-four (24) feet.
- c) All buildings except detached single-family houses must be set back at least forty (40) feet from any exterior dedicated public street. The setback may be reduced to twenty-five (25) feet if the landscaping requirement in 8.01K(2) is provided along the exterior street(s). Detached single-family houses must be set back at least 25 feet from any exterior dedicated public street.
- d) No building shall be located less than twenty-five (25) feet from any boundary of the townhouse special permit boundary.
- e) Front setback from any interior street shall be fifteen (15) feet or ten (10) feet if rear parking and loading is provided.
- f) Side yard setback for zero lot line units must be from zero (0) to one and one-half (1 1/2) feet, or a minimum of ten (10) feet from the adjacent property line if buildings are to be separated over a tenth of a foot. The eave overhang is the only permitted element of the building structure allowed in the one and one-half (1 1/2) feet setback. The opposite side yard must be at least ten (10) feet and must be kept perpetually free of permanent obstructions (such as accessory buildings).
- g) For zero lot line units, no windows, doors, or other openings are permitted on the zero lot line side of the structure.
- h) Detached single-family houses and two unit townhouses shall be separated by not less than forty (40) feet, except ten (10) feet from side to side.
- i) Three or more unit town homes shall be separated by not less than forty (40) feet except fifteen (15) feet end to end or end to the side of other permitted housing types.
- j) Maximum height of buildings shall be thirty-five (35) feet.
- k) Sidewalks, if provided, are to be built according to jurisdictional standards.
- l) All property lines abutting R-1 zoned property must provide a ten (10) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows (spaced a maximum of seven feet apart) of shrubs spaced a maximum of eight (8) feet on-center.

Article 8 Special Permits

- m) Townhouse development which fronts on exterior public streets must have front yards which are at least sixty-five (65) percentage grass/landscaping with any driveway and/or sidewalk to be composed of concrete or pavers. Landscaping along all property lines fronting exterior streets must be provided subject to review and approval of a site-specific landscape plan.
- n) A site plan (1 inch = 200 feet) shall be submitted with the special permit application and shall show the following:
 - 1) Special permit boundary.
 - 2) Site access and preliminary street layout.
 - 3) Type of off-street parking.
 - 4) Preliminary lot design.
 - 5) Range of lot sizes.
 - 6) Number of lots.
 - 7) Acreage.
 - 8) Open space/recreation areas if provided.
 - 9) All buffer, landscape and screen areas including site specific landscape design.

(2) Off-Street Parking Regulations

- a) Off-street parking shall be provided on the same lot or on a lot adjacent to the structure it serves at a rate of two (2) spaces per dwelling unit. Units with four bedrooms or more shall be required to have three (3) parking spaces.
- b) There shall be one (1) space for every three (3) seats in the main auditorium of churches and other public buildings.

(3) Provision for Special Access and Utility Easements

Due to the special nature of these housing types, the Planning Commission and/or the Board of Mayor and Aldermen may insist on special access easements and other arrangements to provide for adequate servicing and maintenance of the structures even though such easements and provisions might not normally be specified in the Walden Subdivision Ordinance. These easements and special covenants are to be shown on the subdivision plat at the time of its recording. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units.

- (k) Warehouses (mini or self-storage) in the LM-1 Light Manufacturing Zone.

It is a requirement that the applicant for a Special Permit 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



MEMORANDUM

To: Members of the Walden Municipal Planning Commission

Cc: Mariah Prescott, Town Administrator

From: Ashley Gates, Senior Planner

Date: August 17, 2023

Subject: Zoning Ordinance text amendments to reduce side yard setback for non-conforming residential lots

Background

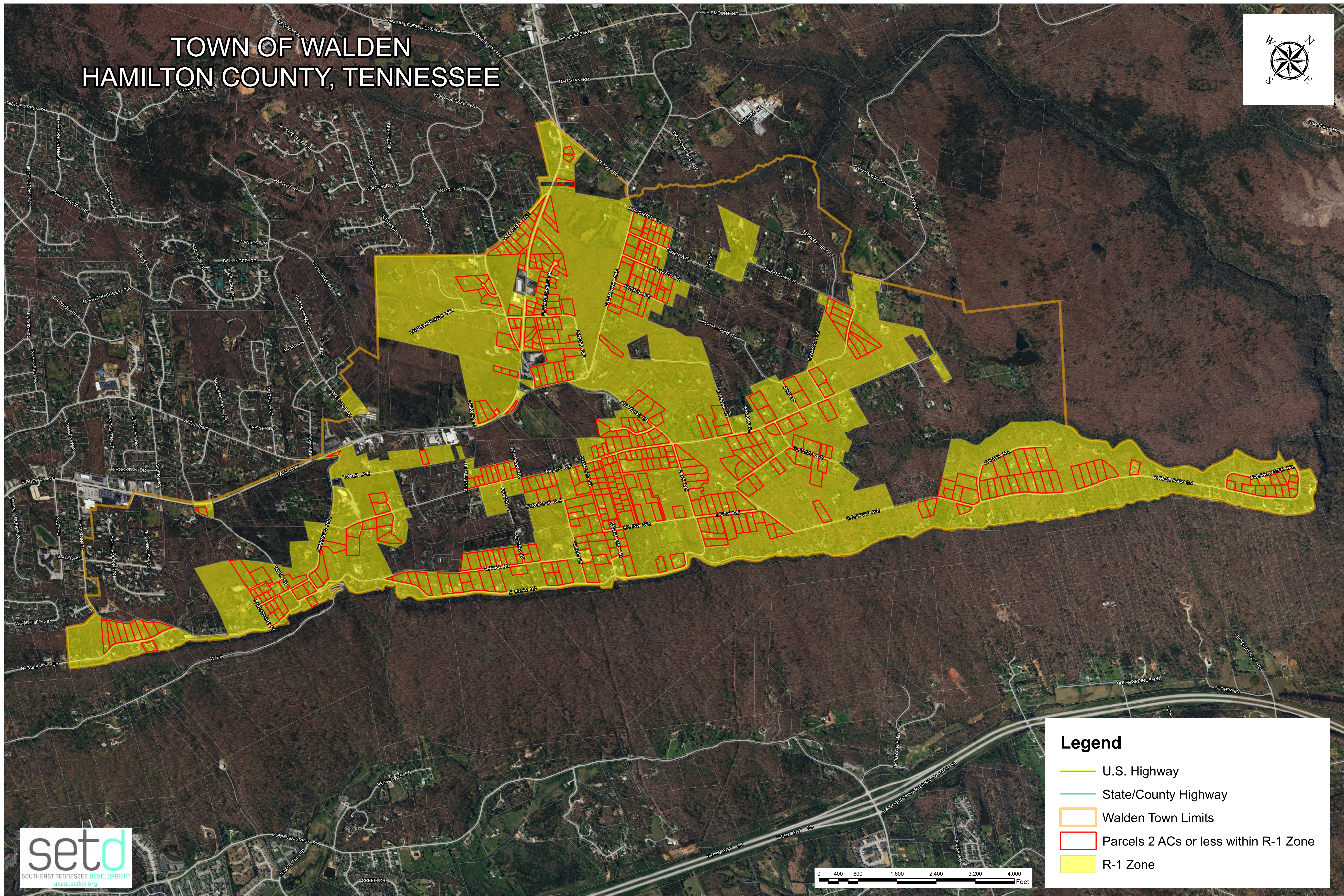
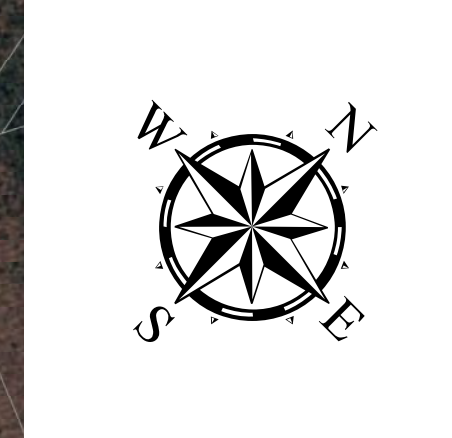
A BZA applicant requested that the Planning Commission consider reducing the side yard setback for smaller, non-conforming lots in the R-1 zone. The current requirement is 25 feet. The Planning Commission directed staff to include this item on a future agenda for consideration.

Update

A map of all non-conforming lots under 2 acres in the R-1 zone. There are a total of 450 lots that meet this criteria based on a GIS analysis, shown on the attached map.

Lot width is perhaps a more important measurement to consider for side yard setbacks. Staff will work to map lots that are under 100 feet wide.

TOWN OF WALDEN HAMILTON COUNTY, TENNESSEE



Legend

- U.S. Highway
- State/County Highway
- Walden Town Limits
- ▭ Parcels 2 ACs or less within R-1 Zone
- ▭ R-1 Zone

