

DRAFT

ORDINANCE 2024-364

AN ORDINANCE AMENDING THE EXISTING WALDEN ZONING ORDINANCE FOR THE PURPOSE OF AMENDING THE SPECIAL USES PERMITTED IN THE C-1 COMMERCIAL AND TC-MU TOWN CENTER MIXED USE ZONES, ESTABLISHING ADMINISTRATIVE PROCEDURES FOR THE CONSIDERATION OF SPECIAL PERMITS FOR STRUCTURES WITH A GROSS FLOOR AREA EXCEEDING 5,000 SQUARE FEET IN THE C-1 COMMERCIAL AND TC-MU TOWN CENTER MIXED USE ZONES, UPDATING REFERENCES TO OUTDATED DOCUMENTS, AND UPDATING REFERENCES TO THE PLANNING COMMISSION TO REFLECT THE ESTABLISHMENT OF THE WALDEN MUNICIPAL PLANNING COMMISSION

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the Town of Walden Plan, adopted by the Town of Walden Board of Mayor and Aldermen as Ordinance 2022-342, and updated outdated references to the Chattanooga-Hamilton County Regional Planning Commission; and

WHEREAS the Walden Municipal Planning Commission reviewed and recommended the amendments to the Walden Zoning Ordinance contained herein at their regularly scheduled meeting held on March 28, 2024; 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: Section 1.01 General Purpose shall be replaced with the following:

1.01 General Purpose. For the public health, safety, morals, convenience, order, prosperity, and general welfare of the citizens of the Town of Walden, and in order to secure the public interest in the orderly development of the Town of Walden by promoting sustainable, long-term economic development, adequate light and air,

improved traffic safety, reduced traffic congestion, environmental protection; as well as adequate water drainage, water supply, sanitation and recreational facilities through the regulation by districts and zones of the location, height, bulk, number of stories and size of buildings and other structures, the uses of buildings, structures and land for trade, industry, residences, recreation, public activities and other purposes, and in connection therewith, there is hereby adopted and established an official Development and Zoning Plan for the Town of Walden consisting of the maps and regulations described herein. In adopting this Ordinance, the Town of Walden recognizes that its natural landscapes and development patterns play an important role in defining the attractiveness, identity, livability, and therefore, the economic health of the community. Currently, the Town enjoys a rural mountain character supported by scenic overlooks, creek gorges, woodlands, and pasturelands. The character of development is predominantly residential and small in scale.

This ordinance is also designed to enhance and implement the vision established in the Town of Walden Plan (March 2022), as amended.

This ordinance is not intended to deny property owners the reasonable, practical, or economical use of their land, but to promote development that contributes to Walden's scenic assets. Therefore, in order to provide for continued prosperity, health, and identity of the community in the future, the Town of Walden sets forth the following purposes for the ordinance:

- To maintain rural character and small scale of development;
- To protect important natural resources (creek gorges, overlooks, woodlands, steep slopes, wetlands);
- To protect and enhance property values;
- To provide a variety of living arrangements;
- To encourage harmonious and integrated development patterns that are economically feasible and are in harmony with the community with the following development priorities:
 - Outdoor gathering places;
 - Compatible businesses;
 - Pedestrian facilities;
 - Mixed uses;
 - Landscaping;
- To discourage commercial strip development; and
- To promote high quality development that is needed and that takes into account the effect on adjacent property as well as the public health, safety, morals and general welfare of the citizens of Walden and promotes materials and design consistent with the maintenance of Walden's character as a rural and residential community.

Section 2: That Section 2.02 Zoning Map be replaced with the following:

2.02 The Zoning Map. The boundaries of said zones are hereby fixed and established as shown upon the map accompanying this ordinance and made a part thereof, and entitled "Zoning Map of the Town of Walden, Tennessee". The Zoning Map and all the notations,

references, and other information shown thereon are a part of this Ordinance, and as much a part as if such information set forth on the map were all fully described and set out herein. This Zoning Map, properly attested, is on file in the office of the Town Administrator or their designee.

Section 3: Section 4.04 C-1 Commercial, Part (c) Special Uses Permitted shall be amended so that the final bullet point reads as follows:

- Any individual building or structure, regardless of use, with a gross floor area of all floors combined greater than 5,000 square feet

Section 4: Section 4.05 Town Center Mixed Use (TC-MU), Part (b) Special Uses Permitted shall be amended so that item six (6) reads as follows:

(6) Any building with uses permitted in the TC-MU zone or uses permitted by Special Use Permit with a gross floor area of all floors combined greater than 5,000 sq. ft. but not to exceed 15,000 square feet.

Section 5: That Section 4.07 Open Space Overlay Zone, Parts (c), (d) and (e) be replaced with the following:

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

d) **Step Four.** Review of Concept Plan by the Walden Planning Commission. This Plan is a preliminary engineered plan drawn to illustrate the proposed layout for greenway lands, building sites, and street alignments. This is the stage in which drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. The Concept Plan shall contain all of the elements of the Draft Concept Plan and will be the basis for the Site Plan.

e) **Step Five.** Submission of a Site Plan for review by the Walden Planning Commission and the Board of Mayor and Aldermen. Once the Concept Plan has been completed, and preliminarily certified by an engineer, and referred by the Walden Planning Commission to the Board of Mayor and Aldermen the applicant shall complete a final engineered plat of the proposed subdivision and file this plat with Walden Town staff which shall review and forward the final plat to the Board of Mayor and Aldermen for final review within thirty (30) days of receiving the plat, assuming the applicant has provided the required information in a timely matter. All

site plan approvals will be subject to the approval of the open space conservation plan and the dedication of required conservation easements.

Section 6: That the first paragraph of Section 8.01 Applications for a Special Permit, be replaced with the following:

8.01 Applications for a Special Permit:

Persons desiring consideration for a Special Permit shall apply to the Walden Planning Commission through the Town of Walden staff and shall supply information for such permit. Upon recommendation by the Walden Planning Commission, the Special Permit request shall be heard by the Board of Mayor and Aldermen. The Board shall determine that the proposed use will not be in conflict with the adopted plans of the Town of Walden and shall generally consider (i) the effect the proposed use will have on adjacent property; (ii) the public health, safety, morals and general welfare; and (iii) the need for such development. In addition to the criteria set forth above, the Board shall also consider the following with regard to the specific use.

Section 7: Section 8.01 Special Permits, Part (n) shall be replaced with the following:

- (n) Buildings or Structures with a gross floor area of all floors combined greater than 5,000 square feet in the C-1 General Commercial Zone or TC-MU Town Center Mixed Use Zone. Structures in the TC-MU Zone may not exceed 15,000 square feet of gross floor area of all floors combined.

The Board of Mayor and Aldermen may grant a Special Permit provided that the applicant furnishes satisfactory proof of convenience, necessity, absence of harmful effect on surrounding property, and consistency with the adopted Town of Walden Plan. It is a requirement that the applicant for a Special Permit furnish the following with their application for a Special Permit:

- 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; location of adjacent utilities; 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:
 - Location, size, and dimensions of all existing and proposed building(s), including total

- square footage of each structure (all floors)
- 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 or wastewater infrastructure
- 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
 - Geotechnical impact
- Supporting documentation for the narrative impact statement

The Board of Mayor and Aldermen, upon recommendation by the Planning Commission, may grant a Special Permit for a structure exceeding the maximum gross floor area of 5,000 square feet, and not exceeding the maximum gross floor area of all floors combined of 15,000 square feet within the TC-MU zone, based on one or more of the following criteria:

- (1) The applicant presents an alternative that complies with the stated intent, goals, and general standards of the zone as defined in the Walden Zoning Ordinance and/or the Town of Walden Plan.
- (2) The proposed gross floor area is consistent with the adopted plans and principles for the area.
- (3) The proposed gross floor area is compatible with the character of the area where it is proposed and with the size and location of the buildings in the vicinity.

The Board of Mayor and Aldermen may condition approval of the Special Permit as allowed in this section on one or more requirements reasonably necessary to achieve the intent, goals, and general standards of the Zoning Ordinance and Town of Walden Plan. If issued, the special permit shall be issued to the applicant and is non-transferrable until rights are vested under Tennessee state law. The permit shall allow only the specific plans presented to the Board of Mayor and Aldermen. Once rights are vested, significant alterations to the plans or a change in ownership shall require a new special permit to be applied for. A significant alteration to the plans shall include:

- (a) More than 5% change in land area being added or removed from the Site and Building Plan;
- (b) Change to the number of dwelling units;
- (c) Change in occupancy classification
- (d) An increase of more than 5% in the building area of any single nonresidential building, or an increase of more than 10% in the total building area of all non-residential buildings in the development

Section 8: Section 8.01 Special Permits, Part (n) shall be replaced with the following

Section 9: Section 10.02 Fees for Administrative Costs shall be replaced with the following:

10.05 Fees for Administrative Costs. The Board of Mayor and Aldermen is authorized to charge the petitioner an amount that is commensurate with the cost of processing the application.

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.

5/14/24 First Reading and Public Hearing

6/11/24 Final Reading

Yea:

Yea:

Nay:

Nay:

Mayor Lee Davis

Town Recorder Stacy Stewart