

Under Article 2. Establishing Zones and Boundaries and Limiting the Uses of Property Therein, replace 2.01 Divisions into Zones with the following:

2.01 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 zones known as:

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

Under Article 4. Zone Regulations, C-1 General Commercial Zone, changes are as follows:

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
- ~~Grocery stores~~

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

- Plumbing and electrical shops, radio and TV shops, appliance repair shops, and similar workshop type uses provided that not more than three (3) repair persons are employed within;
- Cemeteries;
- Public utilities;
- Assisted living facilities;
- Commercial radio, television, telephone, and microwave towers; and
- Liquor Stores (Ord. 2004-241 1/11/05)
- In general, all stores, shops, or services similar in

character, type and effect to the above, but not listed as permitted by right, unless otherwise controlled or provided by law. (Ord. 2005-248, 8/9/05)

- Hotel/Motel; and (Ord. 2009-280, 5/12/09)
- Short-term Vacation Rentals. (Ord. 2009-280, 5/12/09)
- Any individual building or structure, regardless of use, with a footprint greater than 5,000 square feet (Ord. 2017- 318, 7/11/17)

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

- **Pre-Application Conference.** A pre-application conference with the Board of Alderman or their designee(s) is required prior to any application for approval of new development under the C-1 district. Additionally, a pre-application conference with ~~Chattanooga-Hamilton County Regional Planning Agency (CHCRPA)~~ 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. ~~Town staff or their designee shall review the Site and Building Plan application. Upon review, if all the requirements of this section and other provisions of the Zoning Ordinance have been met and no deviations from the standards are requested, the Site and Building Plan application may be approved administratively. Otherwise, the Site and Building Plan application shall be referred to the Town's Design Review Board (DRB) for approval. Town staff or their designee, at their discretion and at any time, may submit the Site and Building Plan application to the DRB for approval. If approval of the application is denied, the applicant may appeal the decision to the Town Board. Regardless of Site and Building Plan approval, proposed development is still subject to review by other agencies and departments before permits may be issued. The following documents are required to be submitted with the Site and Building Plan application.~~

- ~~Final site plan prepared by a Tennessee licensed engineer or surveyor for the development to include the site boundary, topographic information, flood and other natural feature information, location of all buildings or other structures, interior streets, parking areas, open space, utilities, and all other features and facilities to be installed or used in connection with the proposed development.~~

Commented [AYG1]: Planning Commission may consider removing administrative approval for site plans. This opens up administrative approval to any size or scope, and is not typical for site plans to be approved administratively in similarly-sized towns.

Commented [AYG2]: Site Plan requirements to be moved to the Design Review Standards.

~~Applicable calculations that indicate compliance with the provisions of the TC district shall be included on the site plan in tabular format;~~

- ~~• a geotechnical report for the entire site;~~
- ~~• a detailed landscape plan to include the location and species of all plantings and the location and design of all fences and walls;~~
- ~~• elevations of all building facades to include dimensions, materials, and applicable calculations in tabular format to indicate compliance with the provisions of the TC district; and~~
- ~~• additional information necessary to satisfy Town of Walden or Hamilton County requirements for engineering, wastewater, and stormwater management.~~
- Revisions to an Approved Site and Building Plan**

~~Requests to revise or modify an approved Site and Building Plan in whole or in part shall be filed with and considered by Town staff or their designee. Town staff or their designee, at their discretion and at any time, may submit the request to revise an approved Site and Building Plan to the DRB for approval. In instances where any of the area within an adopted Site and Building Plan is developed, the following types of changes shall require approval from the DRB including a public hearing:~~

 - ~~• More than 5% change in land area being added or removed from the Site and Building Plan;~~
 - ~~• Increases in the number of dwelling units;~~
 - ~~• An increase of more than 5% in the building area of any single non-residential building, or an increase of more than 10% in the total building area of all non-residential buildings in the development, and any increase in the building area, regardless of use, that was 5,000 square feet in the approved Site and Building Plan;~~
 - ~~• Changes that reduce the amount of open space by more than 5%; and~~
 - ~~• Changes in any approved deviations from the standards as defined in section 4.05(h)(3).~~

(e) **Area Regulations.**

- Height. No building or structure shall exceed two (2) stories or thirty (30) feet in height.
- Width to Depth Ratio. For any proposed footprint, the smaller building facade shall front the street.
- 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, either opened or unopened. 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)

Commented [AYG3]: This may not be practical for certain lot configurations and may encourage parking in the side yard rather than in front or behind the structure. Staff recommends removing requirement as building articulation and massing requirements will create the desired aesthetic.

Commented [AYG4]: Requiring the improvement of unpaved right-of-way to access an existing lot may be impractical. Recommend that this requirement be limited to existing, paved streets.

- (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.

(g) **Design**

Commented [AYG5]: Design section moved to the Design Review Standards.

Under Article 4. Zone Regulations, replace 4.05 Village Center Zone (VC-1) with a new zoning district as follows:

4.05 TOWN CENTER ZONE (TC)

- (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:
 - (1) allows for an interconnected pattern of development through streets and blocks;
 - (2) allows for a mixture of uses that promote a vibrant heart for the community;
 - (3) allows for a mixture of housing types that meet a variety of needs for all walks of life;
 - (4) promotes the inclusion of usable formal and informal open space;
 - (5) creates a comfortable environment for pedestrians and bicyclists through appropriate building placement and sidewalk and street design; and
 - (6) is sensitive to the unique environmental features of Walden.

- (c) **TERRITORIAL APPLICABILITY.** The TC district applies as indicated on the Town of Walden Zoning Map. Zoning changes to the TC Zone and Sub-Districts shall comply with the Town of Walden Plan.

- (d) **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.

- (e) **SUB-DISTRICTS.** This Section recognizes that there are two distinct areas within the Town Center as identified in the Town of Walden Plan; therefore, the following sub- districts are established:
 - (1) Town Center Mixed-use (TC-1)
 - (2) Town Center Residential (TC-2)The two Sub-districts are the only areas where the provisions of this Section may be applied. The remaining area within the TC shall be developed according to the A-1 zoning district, preserved in its natural state, or set aside as permanent open space to meet the open space requirements of this section. Property owners or developers may apply for a Sub-District classification using the procedure outlined in Part (f) of this section. Sub-District boundaries shall only be established in compliance with the Town of Walden Plan.

(f) **SUBDISTRICT APPLICATION PROCEDURES**

- (1) **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.

- (2) **Application.** The application for the TC-1 or TC-2 designation shall include the following:

- i.) **Town Center Mixed-use (TC-1)**
- 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
 - Landscaped buffers when required by the Zoning Ordinance
 - 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
 - Soil evaluation for septic system suitability
 - For sites greater than 5 acres, a geotechnical survey completed by a qualified geotechnical engineer or geologist of the entire area to be developed or disturbed
- ii.) **Town Center Residential (TC-2)**
- For developments involving five (5) or more acres or five (5) or more lots, a 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 of proposed residential lots and residential types

At the March meeting, the PC discussed requirements to accompany a rezoning application. Moving forward with the rezoning now protects the Town Center area, and these requirements will be needed to receive the sub-district designation.

Staff is working with the consultant to see if that was the intent.

Chattanooga requires site plans with rezoning applications. Soil evaluations are required for subdivision plats, regardless.

While geotechnical surveys may not be typical, the Walden Land Use plan cites the topography and geologic features as a top concern for the Town.

- Proposed streets and sidewalks
Proposed parking area, if applicable
- Property lines
Landscaped buffers when required by the Zoning Ordinance
- Approximate location of any proposed public amenities such as parks, squares or greenways
Proposed streets and sidewalks
- Legend, north arrow, graphic scale
- Area in acres to be designated TC-1
- For developments involving five (5) or less acres and four (4) lots or fewer, a site plan showing the property lines, setback lines, number and type of residential units, approximate parking area (if applicable), and any proposed public dedications such as sidewalks, roads, or open space.
- For developments of five (5) or more acres or five (5) or more lots, a geotechnical survey completed by a qualified geotechnical engineer or geologist of the entire area to be developed or disturbed
- Soil evaluation for septic system suitability

- (3) **Sub-District Application Review.** Applications must be submitted at least 30 days prior to the Planning Commission meeting at which they will be presented. The Planning Commission will make a recommendation regarding the TC-1 and/or TC-2 designations based on completion of the application, suitability of the land, and compliance with the Town of Walden Plan.

Upon recommendation by the Planning Commission, the sub-district designation request shall be heard by the Board of Mayor and Alderman. The Board shall determine that the proposed sub-district will not conflict with the adopted Town of Walden plan.

A notice of the public hearings held by the Board shall be sent by regular mail to each of the property owners within a minimum of 300 feet of each property in question before the Board. Said notice will be mailed at least seven (7) days prior to the public hearing by the Board. The most updated tax rolls for Hamilton County will be the source of ownership information for Board purposes. A notice of the public hearings held by the Board shall be published in a daily paper at least fifteen (15) days before the hearing.

- (4) **Subdivision Plats and Design Review.** If the subdivision plat (when needed) and design review materials are provided with the sub-district application, they may be reviewed concurrently with the sub-district application. All requirements and procedures of the Town of Walden Subdivision Regulations and Design Review Standards shall still apply.

(g) **LAND USE**

(1) **Permitted Land Uses**

(a) **Town Center Mixed-use (TC-1).** In addition to the land uses permitted by right in the General Commercial Zone (C-1) under Section 4.04(b), the following uses when under 5,000 sq. ft. are also permitted by right:

- (1) Assisted Living Facilities;
- (2) Churches;
- (3) Home occupations;
- (4) Liquor sales;
- (5) Live/Work townhouses;
- (6) Grocery stores
- (7) Multi-family dwellings on upper floors of non-residential or mixed- use buildings; and
- (8) Single-family attached Townhouses.

Grocery stores moved from C-1 to TC-1

(b) **Town Center Residential (TC-2)**

- (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:

(a) **Town Center Mixed-use (TC-1)**

- (1) Cemeteries;
- (2) Hotel/Motel
- (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.(g)(1)(a), but not listed as permitted by right, unless otherwise controlled or provided by law; and
- (6) Any building with uses permitted as listed in 4.05.(g)(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.

(b) **Town Center Residential (TC-2)**

- (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.;
- (4) Cemeteries; and
- (5) Bed and Breakfasts.

(3) **Uses Prohibited**

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

(h) **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.
- (3) **Graphics.** The graphics in this section are for illustrative purposes only. Where there is a conflict between a graphic and the text, the text controls.

(i) **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.

(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.

(k)

PARKING REQUIREMENTS

(1) Number of Spaces Required

- Residential uses: one and one half (1.5) spaces per dwelling unit
 - Non-residential uses: one (1) space per three thousand (3,000) 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) See the Walden Design Review Standards for parking lot design requirements.

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 street 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 items listed below. Applicants for multi-family residential projects must also submit all documents listed in the of the Walden Design Review Standards.
 - (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) Type of housing, approximate location and approximate size of housing.

(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.

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

- (n) Buildings or Structures with a footprint greater than 5,000 square feet in the C-1 General Commercial Zone, TC Town Center Zone, or the TCO Town Center Overlay Zone.

The Board of Mayor and Aldermen may grant a Special Permit provided that the applicant furnishes satisfactory proof of convenience, necessity, and absence of harmful effect on surrounding property. 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, maximum footprint size, building setback, proposed landscaping, drainage, wastewater treatment, and parking plan, as well as other pertinent information as determined by the Board of Mayor and Aldermen.

The Board of Mayor and Aldermen may grant a Special Permit from the maximum footprint size 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 Zoning Ordinance or the Town of Walden Plan.
- (2) The proposed maximum footprint is consistent with the adopted plans and principles for the area.
- (3) The proposed maximum footprint is compatible with the character of the area where it is proposed and with the size and location of the buildings in the vicinity.
- (4) Physical conditions of the property, such as steep slopes, drainage or sewer easements, or small or irregular lot shape make compliance of the maximum footprint requirement impossible.

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.