



## City of White House, Tennessee

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### Planning and Codes Department

105 College Street • White House, TN 37188

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Phone (615) 672-4350 ext. 2121 • Fax (615) 616-1050

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# Memo

To: City of White House Planning Commissioners

From: Ceagus Clark, Director of Planning & Code

Date: 6/10/2021

Re: Cover Page for the Planning Commission meeting scheduled 6/14/2021

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- Item # 1** **Summerlin-Phase 6:** \$ 233,192 Current Amount.
- Item # 2** **Fields at Oakwood-Phase 3 and 4.1/Dewey Engineering:**
- Item # 3** **Fields at Oakwood-Phase 4.2/Dewey Engineering:**
- Item # 4** **The Parks-Revised FMDP/Ragan-Smith & Assoc.:**
- Item # 5** **Pinson Pointe Townhomes/Lose Design:**
- Item # 6** **Donald and Glynda Steele-Section 2/Steven E. Artz and Associates:**
- Item # 7** **Staff:** Requests Recommendation to the Board of Mayor and Aldermen to amend the Zoning Ordinance regarding Temporary Use of mobile vendors in the City Parks.
- Item # 8** **Staff:** Requests Recommendation to the Board of Mayor and Aldermen regarding change from a Regional Planning Commission to a Municipal Planning Commission.
- Item # 9** **Staff:** Voting of Chairman of PC for upcoming 21/22 Fiscal Year

The comprehensive Plan district Single Family Medium Density summary will be at the end of this report as all items presented reference this district

Don't hesitate to give me a call.

615-672-4350 Ext 2119

Ceagus Clark  
Director, Planning and Codes



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### Item # 1 Staff Notes- Summerlin Phase 6

Applicant or Representative- Overview:	Staff Overview
<b>One Year Bond Extension \$233,192</b>	This is a request for a one-year subdivision improvement. Staff did an inspection on this phase in January 2020. To date, there have been no corrections to staff comments.
<u>Tax Parcel and ID</u> NA	
<u>Zoning</u> SRPUD	
<u>Ordinance Reference and Notes:</u> 3-101.2	
<u>Project Area Description</u> <b>Phase 6 infrastructure within the Summerlin Subdivision. This includes the curve, sidewalks, streetlights, detention pond and storm grates.</b>	<b>3-101.2 Surety Instrument</b> Moreover, whenever such bond or letter of credit is extended according to these regulations, the price of completing all bondable improvements must be reanalyzed and established by the City Planning Commission in order that the surety instrument be adequate to cover the cost of all improvements.
<u>Staff Recommendation:</u> <b>Approval of One Year Extension to: \$247,184</b>	There are still improvements to be made in this phase.



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## Item # 2 Fields at Oakwood-Phase 3 and 4.1

### Applicant or Representative-

Overview: **Dewey Engineering**

### Tax Parcel and ID

**Robertson County Tax Map 96,  
Portion of Parcel 5.00**

### Zoning and Property Description

#### Location Overview

**SRPUD Zoning -4.63 acres and 19  
single family lots. Located off  
Calista near Wilkinson Ln.**

### Ordinance Reference and Notes

**Zoning Article 5, 5.056**

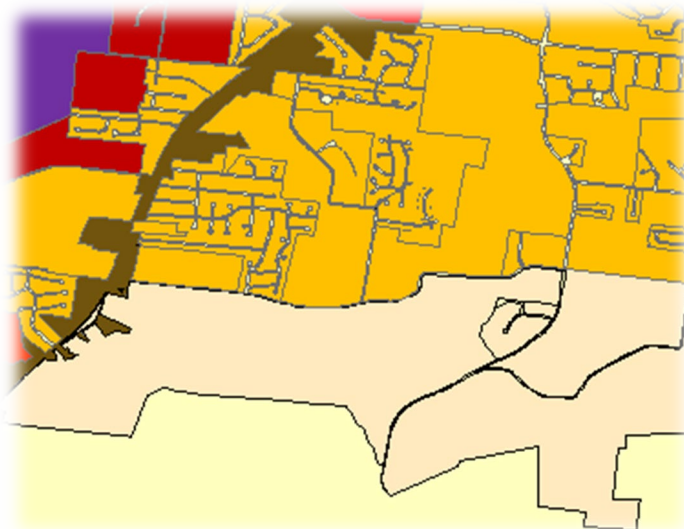
### Comprehensive Plan District:

**Residential Single-Family Medium  
Density.**

Recommendation: The submitted  
site plan for final plat approval  
shows no changes from the  
approved Final Master  
Development Plan, therefore staff  
review findings recommend  
*Approval.*

### Staff Overview

This request is for final plat approval for 19 lots in the subdivision known as Fields at Oakwood in phases 3 and 4.1. As an overview, the Final Master Development Plan (FMDP) was approved in March of 2018. This plat is in sync with the FMDP.





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### Item # 3 **Fields at Oakwood-Phase 4.2/Dewey Engineering:**

Applicant or Representative-  
Overview: **Dewey Engineering**

Tax Parcel and ID  
**Robertson County Tax Map 96,  
Portion of Parcel 5.00**

Zoning and Property Description

Location Overview

**SRPUD Zoning-16.59 acres and 50  
single family lots. Located off  
Calista near Wilkinson Ln.**

Ordinance Reference and Notes

**Zoning Article 5, 5.056**

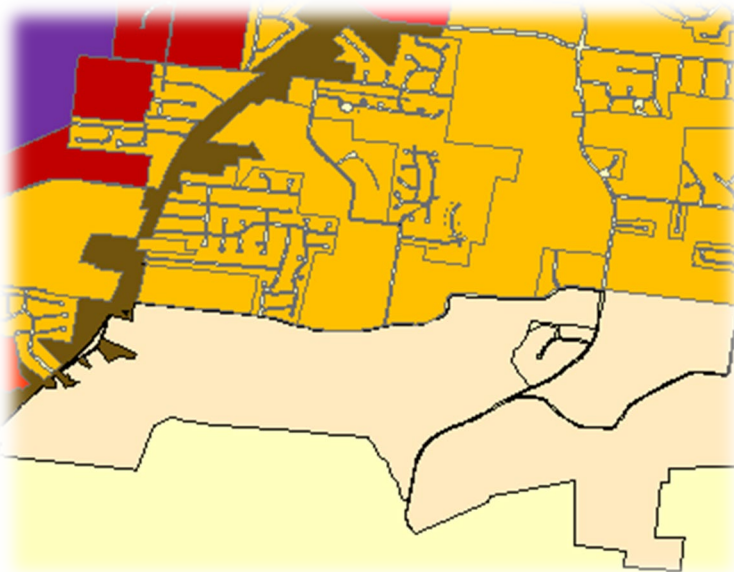
Comprehensive Plan District:

**Residential Single-Family Medium  
Density.**

Staff Recommendation: **The  
submitted site plan for final plat  
approval shows no changes from  
the approved Final Master  
Development Plan, therefore staff  
review findings recommend  
*Approval.***

### Staff Overview

This request is for final plat approval for 50 lots in the subdivision known as Fields at Oakwood in phases 3 and 4.1. As an overview, the Final Master Development Plan (FMDP) was approved in March of 2018. This plat is in sync with the FMDP.







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## **Reference Item #2 and #3 Fields at Oakwood (Zoning and Comprehensive Plan)**

### **SECTIONS**

#### **5.056**

#### **PLANNED DEVELOPMENT DISTRICTS**

##### **5.056.1 DISTRICT DESCRIPTION**

To provide maximum flexibility in the application and implementation of design standards within areas specifically designated by an adopted Community Master Plan. This district is created with the intent of achieving a scale and form of development that emphasizes sensitivity to pedestrian movement, minimizes intrusion of the automobile into new streets and roads, and provides for the sensitive placement of open spaces in relation to building masses, street design and accessories, and landscaping features in a manner otherwise not insured by the application of conventional developments and standards. The village concept combines a mixture of compatible uses including single-family, semi-detached, townhouse and neighborhood commercial and office areas. This shall be blended in a compact, walkable layout with landscaped streets, a network of sidewalks, open space that preserves the natural features of the land and provides the necessary public and community facilities.

This district shall create a traditional type of development that nurtures diversity in social and economic backgrounds while enhancing aesthetics and maintaining a small town character.

##### **5.056.5 Residential Planned Developments**

**The Planning Commission may vary this design where creative site and building design are proposed.**

###### **A. Type of Developments**

There are hereby created two (2) types of residential PUDs as follows:

Suburban Residential Planned Development SRPUD  
Neighborhood Center Residential Planned Development NCRPUD

###### **B. Purpose**

The purpose of a SRPUD is to permit development of land, which by reason of topography or floodable land contains some areas unsuitable for development, and to permit the cluster of lots in order to leave the unsuitable land as permanent open space.

The purpose of a NCRPUD is to permit a variety of housing types within a totally planned environment.



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### **Reference Item #2 and #3 Fields at Oakwood (Zoning and Comprehensive Plan)**

#### **C. Minimum Size**

The minimum size of either residential PUD shall be five (5) acres. The planning commission and board of mayor and aldermen may, within their discretion, approve developments considered as an infill on less acreage.

#### **D. Permitted Activities in a Residential PUD**

The activities listed in Table I listed as "may be considered a permitted use" in a RPUD only when deemed appropriate by the Planning Commission and the Board of Mayor and Aldermen as approved with the preliminary master plan. Other activities listed as prohibited in Table 1 or not listed in Table 1 below are prohibited.

Residential accessory residential dwelling units shall require review by the Board of Zoning Appeals for a special exception under Section 4.190 of this ordinance. If a residential planned unit development is being designed to include accessory dwelling units for the entire development, then such units will need to be included on the preliminary master plan to be approved by Planning Commission and Board of Mayor and Aldermen. **(Added by Ordinance 06-31, August 17, 2006)**

#### **E. Limitation on Commercial Activities**

The commercial activities permitted in Table I, shall be limited to no more than four (4) percent of the total floor area within such development and provided further that the maximum floor area for any establishment shall be five thousand (5,000) square feet. Such commercial activities shall be designed to serve primarily the residents within the PUD and shall not be constructed until at least one-half (1/2) the residential units are complete. Home occupations shall be considered separate from convenience commercial and shall be regulated under article 4.180. **(Amended by Ordinance 06-16, May 18, 2006)**



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### Reference Item #2 and #3 Fields at Oakwood (Zoning and Comprehensive Plan)

**Table I**

#### **Permitted Uses and Structures**

#### **Residential Planned Development**

##### Residential Activities

##### Districts

##### Permanent Residential

##### SRPUD

##### NCRPUD

Dwelling Attached

N

P

Dwelling One-Family Detached

P

P

Dwelling Two-Family Detached

P

N

Dwelling Semi-Detached

P

P

Dwelling Mobile Home

N

N

Dwelling Multi-Family

N

P

Residential Accessory Dwelling Unit (section 4.190)

SE

SE

Semi-Permanent Residential

N

N

##### Community Facilities Activities

Administrative Services

P

P

Community Assembly

P

P

Community Education

P

P

Cultural & Recreation Services

P

P

Essential Services

P

P

Personal & Group Care Facilities

N

P

Religious Facilities

P

P

##### Commercial Activities

Consumer Repair Services

P

P

Convenience Commercial

P

P\*

Home Occupations (Section 4.180)

P

P

Entertainment & Amusement Services

P\*

P

Financial, Consultative & Administrative

P

P

Food & Beverage Services

P\*

P

General Business Services

P\*

P

General Personal Services

P\*

P

Medical and Professional Services

P

P

##### Key to Interpreting Uses

P - May be considered as a permitted use.

N - Not permitted in the district.

SE- May be considered by Board of Zoning Appeals as Special Exception

\* May be considered only when the PUD contains 200 units or more.



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#### Item # 4

#### **The Parks-Revised FMDP Ragan-Smith & Assoc.**

Applicant or Representative-  
Overview: **Ragan-Smith &  
Assoc.**

Tax Parcel and ID  
**Robertson County Tax Map 095,  
Parcel 139.02**

Zoning and Property Description  
Location Overview  
**NCRPUD, Neighborhood Center  
Residential Planned Unit  
Development and is located at  
Pinson Lane.**

Ordinance Reference and Notes  
**Zoning Article 5, 5.056**

Comprehensive Plan District:  
**Residential Single-Family Medium  
Density. The NCRPUD was  
approved prior to the adoption of  
the current comprehensive plan**

Staff Recommendation: **The fact  
that this is already zoned  
NCRPUD provides reasoning for  
an approval recommendation.**

#### **Staff Overview**

The developer is requesting to amend the 2018 approved Final Master Development Plan. The approved plan contained 706 units at 2.92 units per acre. This request is to amend the plan from 83 units, to 250 townhome units. Staff has reviewed the plan and found that it adheres to zoning and subdivision regulations. Staff construction plan review will be pending the approval of the FMDP. The initial plan submitted back in 2017/18 contained 748 (538 single family/210 townhouses). There was an additional request for the plan to be amended to 706 single family units now on individual lots. For your review, there are three images on the following pages that contain the past versions of the FMDP and the proposed request. There is a portion of land on the eastern side of the development that will be dedicated to the city to use for a future fire station.





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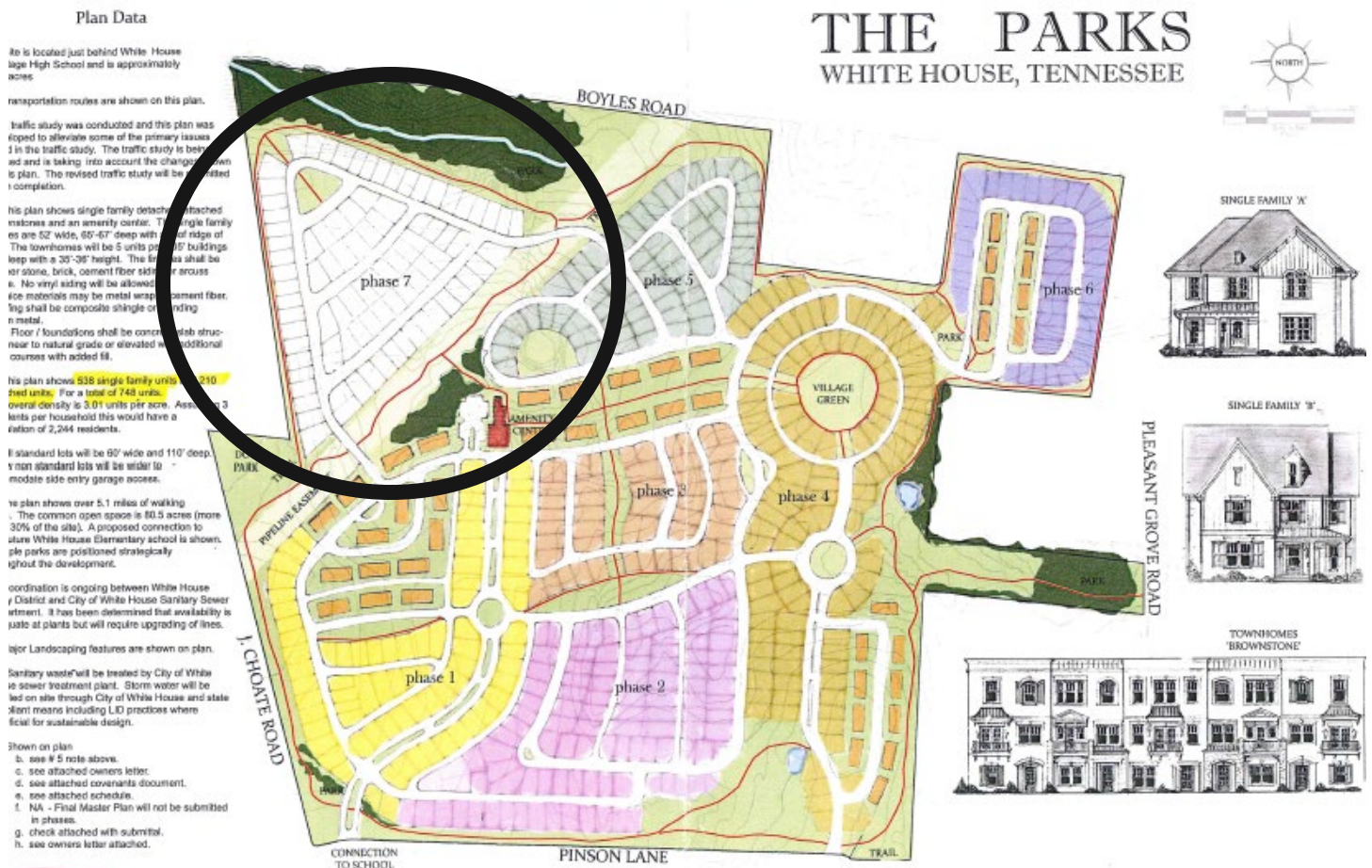
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### Item # 4

**The Parks-Revised FMDP Ragan-Smith & Assoc**

Original FDMP- The outline references the phase the requested changes will be in.



The City of White House is working towards the daily pursuit of excellence in management and delivery of services; while balancing the preservation of our small town atmosphere by nurturing orderly, proactive growth.



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### Item # 4 **The Parks-Revised FMDP Ragan-Smith & Assoc**

**Current Approved FDMP-** The outline references the phase the requested changes will be in.







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### **Item # 4    The Parks-Revised FMDP Ragan-Smith & Assoc**

**Requested Plan Change-** The outline references the phase the requested changes will be in



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## **Item # 4    The Parks-Revised FMDP Ragan-Smith & Assoc**

### **G.    Neighborhood Center Residential Planned Development**

#### **1.    Density, Bulk and Open Space Regulations for One Family Detached Dwellings**

##### **a.    Density and Open Space Regulations**

Maximum Density	6.0 Units/Acre
Minimum Lot Size	4,500 sq. ft. *

<u>Maximum Density</u>	<u>Minimum Open Space %</u>
2.5 to 3.0 Units/Acre	20 %
3.0 to 4.0 Units/Acre	25 %
4.0 to 6.0 Units/Acre	30 %

A minimum 100-foot setback where a residential collector intersects a major collector shall be observed. This requirement may be waived for innovative/alternative designs.

The remaining area shall be left as common open space and used for designated purposes as approved by the Planning Commission. A minimum of five (5) percent of the site shall be improved recreational open space.

#### **2.    Yards**

Minimum Front Yard	35 ft.
Minimum Side Yard	6.5* ft. or zero lot line
Minimum Rear Yard	6.5*ft.

*\*Five-feet side (5) minimum side setback permitted where fire protection meets City's Fire Department requirements for reduced building separation.*

A twenty-five (25) foot building setback consisting of dedicated open space is required around the outside boundary of the development.

#### **3    Density, Bulk and Open Space Regulations for Multi-Family Dwellings**

##### **a.    Density, Bulk and Open Space Regulations**

The following requirements shall apply to multi-family dwellings within a high-density residential planned development:

Maximum Area per Dwelling Unit	3,000 Sq. Ft.
Minimum Required Open Space	30 percent
Minimum Developed Open Space	10 percent
Maximum Building Height	53 Feet



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#### **Item # 4     The Parks-Revised FMDP Ragan-Smith & Assoc**

- b. The maximum overall densities shall be in terms of the number of dwelling units per gross acre of all the area within said development.
- c. The maximum floor area shall be in terms of a ratio of total floor area per total area within said development, as provided herein.
- d. Yard requirements are waived and the above minimum controls shall be applied with the following exception a twenty-five (25) foot building setback consisting of dedicated open space is required around the outside boundary of the development.
- e. The minimum total outdoor area (including all uncovered outdoor areas, such as streets, parking, lawn, landscaped areas, patios, recreation, as well as usable roofs and uncovered balconies) shall be provided at no less than a minimum ratio of outdoor area per total floor area, as provided herein.
- f. The minimum total living space (that part of the total outdoor area which includes lawn, landscaping, and recreation areas and excluding streets and parking) shall be provided at no less than a minimum ratio of living space area per total floor area, as provided

#### **H.     Limitation on Density**

**The planning commission and board of mayor and aldermen may, within their discretion, limit the density to a figure lower than the maximum permitted above. This type of limitation shall be exercised only if the character of the adjoining neighborhood is inappropriate for the proposed development or if the development would place an excessive burden on the existing street and utility system.**





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### **Item #6- Donald and Glynda Steele-Section 2/Steven E. Artz and Associates**

#### Applicant or Representative- Overview **Steven E. Artz and Associates:**

Tax Parcel and ID  
**Robertson County Tax Map 95,  
Parcels 118, 119, 119.01, and Part  
of Parcel 117.01**

Zoning and Property Description  
Location Overview

**Current Zoning is R-20**

Ordinance Reference and Notes  
**Zoning Article 5, 5.056**

Comprehensive Plan District:  
**Residential Single-Family  
Medium Density.**

Staff Recommendation: **The zoning  
and comprehensive plan both  
align with a rezoning  
recommendation be made to the  
Board of Mayor and Alderman  
for the rezoning and  
resubdivision request of R-15 for  
the three lots on Pleasant Grove  
Rd.**

#### **Staff Overview**

I have swapped item 5 and 6 for more clarity. This is one complete project in the beginning, as this request is to reconfigure lots 118, 119, 119.01, and Part of Parcel 117.01. Lots 1-3 shown on the plat is requesting a R-15 Rezoning to place three houses on Pleasant Grove Rd.



#### **Rezoning Requests Review Criteria:**

After the advertised public hearing, the Commission shall review the following items and any additional items:

- Comprehensive Plan area designation
- Existing and adjacent property uses
- Future uses of area
- Permitted uses in the proposed zoning district.
- Major changes in the area created by public building projects, economic development, roadway and utility improvements, or other changes that are determined to necessitate a zoning change recommendation or denial.



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### **Item #5- Pinson Pointe Townhomes/Lose Design:**

#### Applicant or Representative-Overview

##### **Lose Design**

#### Tax Parcel and ID

**Robertson County Tax Map 95,  
Parcels 118, 119, 119.01, and Part of  
Parcel 117.01**

#### Zoning and Property Description

##### Location Overview

**Current Zoning is R-20**

#### Ordinance Reference and Notes

**Zoning Article 5, 5.056**

#### Comprehensive Plan District:

**Residential Single-Family Medium  
Density.**

**Staff Recommendation:** The property adjacent to the proposed site was rezoned prior to the adoption of the comprehensive plan, but does provide a basis of approval based on adjacent rezoning. There is also property zoned R-10 across the street on Pleasant Grove Rd, also rezoned prior to the adoption of the current comprehensive plan. Staff recommendation to the developer was to find a site closer to the center of town for this townhome development, based on the fact that the comprehensive plan shows this type of development should be closer to the center of town vs the outer edges of the city limits.

#### **Staff Overview**

This is a request for lot four of this package as referenced in item six for forty five (45) townhouses to be located along Pinson Lane. The site plan has been reviewed by staff (see comments on following page).



#### **Rezoning Requests Review Criteria:**

After the advertised public hearing, the Commission shall review the following items and any additional items:

- Comprehensive Plan area designation
- Existing and adjacent property uses
- Future uses of area
- Permitted uses in the proposed zoning district.
- Major changes in the area created by public building projects, economic development, roadway and utility improvements, or other changes that are determined to necessitate a zoning change recommendation or denial.



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### **Item #5- Pinson Pointe Townhomes/Lose Design:**

WGP PWS L156

- Is this a gated community? **If not**, relocate the parking away from the intersections. **If so**, show intended gates.  
**The community is now proposed to be gated. See sheet C1.00.**
- Relocate parking in the S shape curvature to more appropriate location (other white space on sheet)  
**Parking in the S shape curvature has been removed. A parking lot in the southwest portion of the site is now proposed. See sheet C1.00.**
- Revise unit driveways to remove any intersection of driveways prior to roadway tie in.  
**Unit driveways at the northwest corner of the site no longer intersect. See sheet C1.00.**
- Curves should be corrected to meet city/AASHTO design standards (minimum 25 mph design) or revise the layout to utilize intersections instead of this tight radius curvature.  
**After a phone conversation with Jason Reynolds, we are proposing the site roadway to be a private drive within a gated community, so we can proceed with the current roadway layout.**
- Take a look at the drainage to ensure the water can make it to the current layout of ponds (one building on north side of road may need to relocate if a pond is needed in this low point area)  
**The drainage has been adjusted and now proposes some curb cuts, sidewalk drain grates, and drainage swales on the eastern portion of the site. Additionally, the two ponds on the eastern portion of the site are proposed to be bioretention ponds now. See sheet C2.00.**
- Developers should be aware that the lots 1-2 on perimeter are tied to the overall development and stormwater, sewer etc. must be considered prior to moving forward with those as **they are not** separate in the development process  
**Acknowledged. Stormwater, sanitary sewer, electricity, water, and gas for lots 1 & 2 will be accounted for in our calculations in the construction documents. Water, Sanitary Sewer, and Gas extension and stub outs for the possible future development of lots 1&2 are now shown. See sheet C5.00.**
- A twenty-five (25) foot building setback consisting of dedicated open space is required around the outside boundary of the development.  
**A 25' building setback (MBSL) is now shown on the plans**

WGP PWS L156

- Every PUD shall be attractively landscaped. The site perimeter and parking lot (if applicable), landscaping requirements of Article III shall apply and be included in the dedicated open space. All transitional buffers within single-family developments shall be in dedicated open space or within a Buffer Easement that will be maintained by the homeowners Association. All developments are required to have street trees along the right-of-way in the area reserved for them.  
**Acknowledged. A detailed landscape plan, exceeding the city requirements, will be provided when we submit Site Plans and Construction Documents to the City.**





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## **Item #5- Pinson Pointe Townhomes/Lose Design:**

### **G. Neighborhood Center Residential Planned Development**

#### **2. Density, Bulk and Open Space Regulations for One Family Detached Dwellings**

##### **a. Density and Open Space Regulations**

Maximum Density	6.0 Units/Acre
Minimum Lot Size	4,500 sq. ft. *

<u>Maximum Density</u>	<u>Minimum Open Space %</u>
2.5 to 3.0 Units/Acre	20 %
3.0 to 4.0 Units/Acre	25 %
4.0 to 6.0 Units/Acre	30 %

A minimum 100-foot setback where a residential collector intersects a major collector shall be observed. This requirement may be waived for innovative/alternative designs.

The remaining area shall be left as common open space and used for designated purposes as approved by the Planning Commission. A minimum of five (5) percent of the site shall be improved recreational open space.

#### **2. Yards**

Minimum Front Yard	35 ft.
Minimum Side Yard	6.5* ft. or zero lot line
Minimum Rear Yard	6.5*ft.

*\*Five-feet side (5) minimum side setback permitted where fire protection meets City's Fire Department requirements for reduced building separation.*

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#### **4 Density, Bulk and Open Space Regulations for Multi-Family Dwellings**

##### **a. Density, Bulk and Open Space Regulations**

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Maximum Building Height	53 Feet



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### **Item #5- Pinson Pointe Townhomes/Lose Design:**

- b. The maximum overall densities shall be in terms of the number of dwelling units per gross acre of all the area within said development.
- c. The maximum floor area shall be in terms of a ratio of total floor area per total area within said development, as provided herein.
- d. Yard requirements are waived and the above minimum controls shall be applied with the following exception a twenty-five (25) foot building setback consisting of dedicated open space is required around the outside boundary of the development.
- e. The minimum total outdoor area (including all uncovered outdoor areas, such as streets, parking, lawn, landscaped areas, patios, recreation, as well as usable roofs and uncovered balconies) shall be provided at no less than a minimum ratio of outdoor area per total floor area, as provided herein.
- f. The minimum total living space (that part of the total outdoor area which includes lawn, landscaping, and recreation areas and excluding streets and parking) shall be provided at no less than a minimum ratio of living space area per total floor area, as provided

### **H. Limitation on Density**

**The planning commission and board of mayor and aldermen may, within their discretion, limit the density to a figure lower than the maximum permitted above. This type of limitation shall be exercised only if the character of the adjoining neighborhood is inappropriate for the proposed development or if the development would place an excessive burden on the existing street and utility system.**





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**Existing Zoning:** Zoning is the process of dividing land in a municipality into zones or districts in which certain land uses are permitted or prohibited. Zoning regulations are a land use regulatory tool for local governments meant to protect the general welfare of a community by establishing minimum development standards. The City of White House has eighteen different zones classified within its City limits per Article V of the Zoning Ordinance; however, not all of these districts are mapped on the City's Zoning Map. As the Zoning Map shows, below, most of the zones within the City are residential. These range from a Large Lot District (R-40) to a High-Density District (R10). Commercial Districts, established by the Zoning Ordinance, include a range of commercial intensities from a Central Business District to a neighbor service district, to a general commercial district. These commercial districts are concentrated along the Interstate 65/SR 76 Interchange and the main thoroughfares throughout the City. Commercial districts are meant to be located in appropriate proximity to established residential areas and near major transportation connections, such as Interstate 65, offering local and regional retail and service trades to residents and the traveling public. The City's Zoning Ordinance incorporates both residential and commercial Planned Unit Development (PUD) districts, as well.

### Single Family Medium Density Residential

#### Character Area Policy

#### Single Family Medium Density Residential

**Character:**

The Single Family Character Area consists of residential development that include quality neighborhoods and housing choices for community at medium density per acre.

**Appropriate Zoning Category and Uses**

R-15 Medium-Density Residential, SR-PUD Suburban  
Planned Unit Development

**Infrastructure:**

Extensions to transportation, water, sewer, and other services should be expected. New service or extensive redevelopment of existing services should be vetted and reviewed by Planning Commission and Board of Mayor and Aldermen as a primary element of approval.

**Design and Context Principles:**

New dwellings and structures should aid in establishing the residential character of the area and provide housing choices for the community. New developments or redevelopments should include a mix of architectural styles, while also blending with existing, adjacent development patterns. Open space preservation is encouraged through the use of SPUD or clustering/alternative lot layout and design through convention zoning. Interconnected open space preservation is encouraged.



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## Item # 7 Staff Request zoning text amendment

### Applicant or Representative- Overview

Staff Request to amend section 4.030 of the zoning ordinance

Staff Recommendation: City staff is in the process of implementing policy governing mobile vendors, food trucks and canteen type vendors. Amending this text will align the upcoming policies so that there will be no contradiction or overlapping of ordinances. The changes to be made to section 4.030 will provide clarity of city owned property.

### **Staff Overview**

This is a request to amend the temporary use **4.030**

### **Temporary Use Regulations**

#### **4.030 Temporary Use Regulations**

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the White House Utilities District, White House Sewer Department, Sumner County Health Department or Robertson County Health Department when applicable, approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months. The temporary structure shall be treated as an accessory building. **All temporary uses on city property and in city parks shall be approved by the Parks and Recreations director or the Mayor of the City of White House.**



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#### 4.030 Temporary Use Regulations

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

- A. Carnival or Circus. May obtain a Temporary Use Permit in any zoning district; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. Temporary Sales. In any district, with special limitations in Residential districts, a temporary use permit shall be valid for no more than fifteen (15) days per individual use or per property twice per year, whichever is more restrictive. Retailers are allowed one day before the sales period in order to set-up, and allowed one day after the sales period for clean-up. Temporary sales are restricted to the hours of 8:00 am until 9:00 pm each day. Temporary Uses in residential districts must be on properties located and with adequate access from a major roadway and not be within a defined residential subdivision. In all districts, property must contain adequate roadway access and area for off-street parking. The use of vacant commercial or industrial parking is prohibited for this use. The requirements of this section shall not apply to permanent sites with temporary sales as shown on approved development site plan approved by Planning Commission. This section does not include accessory uses that are located within close proximity of building entrance (s) or under building canopies. **(Amended by Ordinance 07-31, October 18, 2007)**. Residential garage/yard sales including the sale of miscellaneous items commonly associated with a residential use shall be limited to four (4) sale events per calendar year not exceeding three (3) days per sale event. Residential yard sales shall not create parking and traffic issues. **(Amended by Ord. 12-14, October 18, 2012)**.
- C. Temporary Buildings. In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Religious Tent Meetings. In any district, a Temporary Use Permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- E. Temporary Dwelling Unit in Cases of Special Hardship. In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such temporary placement shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to



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prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community.

- F. Storage Containers. In all non-industrial zoning districts, a temporary use permit may be issued for storage containers. Such permit shall be valid for no more than sixty (60) days per year. No more than two (2) storage containers will be permitted. The containers shall not be located in the front yard of any zoning lot or within any required parking spaces.

Storage containers incidental to a construction project are regulated under the provisions of the Temporary Use Regulation, Item C, Temporary Buildings **(Amended by Ordinance No. 06-03, February 16, 2006)**

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the White House Utilities District, White House Sewer Department, Sumner County Health Department or Robertson County Health Department when applicable, approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months. The temporary structure shall be treated as an accessory building. **All temporary uses on city property and in city parks shall be approved by the Parks and Recreations director or the Mayor of the City of White House.**



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**Item # 8      Staff: Requests Recommendation to the Board of Mayor and Aldermen regarding change from a Regional Planning Commission to a Municipal Planning Commission.**

Because the city did not extend the urban growth boundaries and because the counties have more broad powers with control of zoning in the county, city staff is recommending the city of White House transform from a regional planning commission to municipal planning commission. The resolutions have been provided in the packets. **Staff Recommends theses resolutions receive recommendation of approval to the Board of Mayor and Alderman.**

### **Powers of a Municipal Planning Commission**

1) Prepare and adopt an official General Plan. Tennessee Code Annotated § 13-4-201 states that it shall be the function and duty of the commission to make and adopt an official General Plan for the physical development of the municipality including any area outside its boundaries that bears a relationship to the planning of the municipality. The legislation further stipulates what may be included in such a plan and is very broad in nature. The plan, as described in the legislation, is to show the planning commission's recommendations for the physical development of the area. The plan "...may include, among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterways, waterfronts, playgrounds, airports and other public ways, grounds, places and spaces, the general location of public buildings and other public property, the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication, and other purposes; ...". The legislation continues a general listing of other items that may be included, as well. In short, it may be said that the General Plan may cover any service that the municipality might provide, as well as direction for many private activities. Under current law, the plan is not a legal instrument but is advisory only. A recent amendment to the law provided that the legislative body could adopt the plan upon the planning commission's recommendation. If the legislative body adopts the plan, then it becomes a legal instrument, and all land use decisions made by the community must be consistent with the plan. Without this action of the legislative body, the plan remains advisory.

2) Make advisory reports and recommendations to all public officials and agencies regarding the plan and development of the area. 8 Tennessee Code Annotated § 13-4-103 gives the local planning commission the power to make advisory reports and recommendations that relate to the plan, to any public official or agency, whether local or not, utility companies, civic, educational, or professional organization. In addition, all such public officials are required to furnish the commission with any information that may be needed for its work. There is also a statement that the commission shall have such powers as may be necessary to enable it to perform its purposes and promote municipal planning. These powers are advisory only. However, it does mean that the commission may advise any body, public or private, whether a project or activity is in agreement with the General Plan and use the power of moral persuasion or information dissemination to affect the course of action. The





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commission may also request and obtain information from such agencies as a school board, power board, industrial development board, housing authority, etc., to determine whether their activities are in compliance with the plan.

3) Have advance notification of the location and extent of the construction or authorization of any public street, building, park, open space, or utility, whether publicly or privately owned, for the purpose of commission review and approval. This broad power to review and comment on any public project is sometimes referred to as mandatory referral. Tennessee Code Annotated § 13-4-104 states unequivocally that the planning commission shall be consulted prior to the construction or authorization of any project, and this includes private utilities. The law provides that all state, county, and local agencies and officials having jurisdiction over such projects must comply with the referral requirement. The purpose of such referral is to assure that public projects and their locations are in compliance with the General Plan and further, to assure coordination between various agencies of different levels of government. Compliance with the planning commission's recommendations is not mandatory since the legislative or other responsible authority (e.g. a school board) can override the commission. However, it does guarantee that the commission has the opportunity to comment. Failure to comply with this provision, could, in case of a court challenge, delay a project or even jeopardize some all together.

4) Regulate the development of land through subdivision regulations and site plan review. The subdivision of land is the first step in the continuing process of shaping the future land use pattern and adding to the housing stock of a growing community. Prior to the regulation of new subdivisions through planning commission authority, many new subdivisions turned out to be liabilities for the community as a whole and for the individual homebuyer. Subdivisions were created without adequate water and sewer, in areas subject to frequent flooding, and without streets. Many times land would be subdivided and homes built and sold, and then, the city or county would have to add all improvements. New lots and streets can alter or intensify traffic on existing streets; they can increase the storm water drainage; they can create more demands for water supply or sewage treatment capacity; and they will enlarge the need for the whole spectrum of public services. Tennessee law gives local government the necessary authority to adopt and enforce subdivision regulations. The law defines what constitutes a subdivision, provides that no plat may be recorded until it is approved by the planning commission, prohibits a county register from recording a plat until it is duly approved, provides a procedure for the adoption of regulations and on the submission of plats, and provides penalties for the transfer or sale of lots in unapproved subdivisions. Tennessee Code Annotated § 13-4-303 provides that in exercising its powers the planning commission shall adopt regulations and those regulations may provide for the harmonious development of the municipality and environs, for the coordination of streets with existing or planned streets or with the plan of the area, for adequate open spaces, for traffic, recreation, light, and air, and "...for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity." Additionally, the regulations may 10 "...identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined the services are necessary in order for development to occur." This enables the community to require that necessary infrastructure be available prior to development occurring, although a comprehensive or land use plan would be needed to identify



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those areas. Tennessee Code Annotated § 13-4-307 deals with the acceptance of unapproved streets and re-enforces the mandatory referral provisions mentioned earlier. This section generally states that no municipality or public official shall accept, layout, open, improve, pave, or light any street without planning commission review. No water or sewer mains may be laid in any street that is not public or shown on an approved subdivision plat without planning commission approval. It is further provided that the chief legislative body may open, accept, or pave streets but such matter shall first be submitted to the planning commission. If disapproved by the commission, the legislative body may override the commission by a majority vote of the entire membership. Here again, the planning commission's recommendations may be overridden, however, the law does give the commission the opportunity for prior review. Tennessee Code Annotated § 13-4-310 gives a planning commission the power to recommend amendments to the zoning ordinance for the establishment of review and approval powers for site plan review. Site plan review is a planning commission power only through the enforcement of a zoning ordinance. Once the zoning ordinance or amendment is adopted, the planning commission may be given the prerogative to review and approve or disapprove a site plan of any proposed use on any lot prior to the issuance of a building permit. Such approval or disapproval must be based on the requirements for development as spelled out in the zoning ordinance, e.g. setbacks, landscaping, driveways, etc. The enforcement of these provisions can result in the improved location, layout, and design of buildings on individual lots.

5) Prepare and recommend to the chief legislative body a zoning ordinance and map. 11 The preparation of a zoning ordinance and map, as well as subsequent amendments thereto, are but two of the powers of a planning commission. However, zoning is at once the most visible and controversial aspect of any planning commission's business. This is because it deals with how an individual may use private property. Questions of private property rights always are involved. However, it should be emphasized that how one uses their property affects the use, enjoyment, and value of other neighboring or nearby property. Citizens and governments decided long ago that zoning, adopted by locally elected officials, was and is a fitting and proper way to balance the rights of all. The subject of zoning in general is rather complex and requires much more explanation than is the purpose of this paper. There are many multi-volume legal treatises available, and case law as a result of the many lawsuits in zoning abounds. Therefore, this paper will simply summarize the role of the planning commission in the zoning process. Tennessee Code Annotated § 13-7-201 empowers the chief legislative body of a municipality to adopt a zoning ordinance and also specifies the broad areas that may be regulated by zoning. However, Section 13-7-202 specifies that before the legislative body may exercise these powers, the planning commission must make and certify to the legislative body a zoning plan which includes the full text of a zoning ordinance and zoning maps. After a public hearing that has had proper public notice, the chief legislative body may enact the zoning ordinance. The public notice need not include publication of the entire ordinance. The ordinance caption and a summary are sufficient. Section 13-7-203 provides that no change in or departure from the text or maps as certified by the planning commission shall be made unless such change is first submitted to the commission for comment. Here again, the legislative body may override the planning commission, but the commission gets its opportunity. Some ordinances have been successfully challenged in court for failure to comply with this section. 12 After



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the ordinance is adopted, the planning commission has a limited role in its administration. This is the responsibility of the staff of the municipality. The role of the planning commission in administration comes through review and approval of site plans, master plans, or overlay plans.

6) Review and make recommendations for any amendment to the zoning ordinance or map. The zoning ordinance and map may from time to time be amended as the need may arise. Since such action would change a city ordinance, it must be passed by the chief legislative body, and a public hearing held thereon. Tennessee Code Annotated § 13-7-204 provides that the planning commission shall first review the amendment. It is this one aspect of the planning commission's power that consumes so much of the commission's time. In many communities, the commission may spend 80-90% of the meeting discussing zoning amendments. As noted, however, this is only one function of the commission, and while it is an important aspect of the zoning process, it should not be allowed to dominate all meetings. This can mean that other important planning commission functions get ignored. One way to simplify the procedure and speed up discussion of amendments is to correlate all amendments with an adopted general plan and to follow a specific procedure. A proposed amendment should be able to meet several tests before the planning commission approves it: • Is the proposed change in agreement with the general plan? • Does the change violate the legal purposes of zoning? • Has it been determined that there will be no adverse impact upon adjoining property or that any adverse impact can be justified by the overwhelming public good or welfare? • Has it been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public? 13 • Has it been determined that public services and facilities will not be adversely affected? If most of these tests are met but the proposed change fails to agree with the general plan, then the commission should examine conditions and changes in the area since the original plan and zoning map were adopted. The commission may find that many changes in physical condition, infrastructure, or policy have occurred that indicate the plan may need altering. In this event, the general plan can be amended and subsequently, the zoning map. The result of following such a procedure for zoning amendments is that all the necessary questions get asked and the proper kind of information is generated so that the planning commission can make an informed and rational recommendation. This is the purpose of planning commission review of amendments, and the commission should not get involved in just the personal interests of the applicant or how the neighbors feel about it. Such a procedure is also much more able to withstand any legal challenge.

**Powers of a Regional Planning Commission** Regional planning commissions have powers which are similar to municipal planning commissions but with certain differences which are related to the regional nature of the commission.

In Tennessee, a regional planning commission is a county planning commission or a municipal planning commission that has been designated as regional for a specified planning region outside of, but contiguous to, the corporate boundaries. Within the planning region, regional planning powers apply as opposed to municipal planning powers. A planning region may also consist of one county, two or more contiguous counties, or parts of counties.



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1) Promote the mutual cooperation of municipal planning commissions within the region, coordinate the plans of the municipalities with the regional plan, and confer with and advise municipal and county legislative bodies and officials to promote the coordinated and adjusted development of the region. 14 Tennessee Code Annotated § 13-3-104 seems to contemplate that a regional planning commission will be a county planning commission and gives the commission the power to promote cooperation among city governments as well as county officials. It would not seem to serve the public interest if two or more municipalities had plans that were in conflict with each other's and with the county plans. For example, suppose both communities had plans that called for a new high school, but enrollment figures could only support one such school. Or perhaps, each community had plans for new roads but there was no way to blend them into a total county system. The regional planning commission is thus a logical and necessary body for resolving such issues based on a regional approach and for providing coordination and consistency between municipal and county plans.

2) Advise county and municipal legislative bodies in the formulation of public improvement programs and the financing thereof. The above-cited section also provides that a regional planning commission may advise both the county and any municipal legislative body with respect to the formulation of public improvement programs and the means of financing such programs. This gives the planning commission the authority to have input to capital improvements made by either type of government regarding whether the project is feasible, is in agreement with long-range plans, or perhaps duplicates other services. Here again such reports are advisory not mandatory.

3) Prepare and adopt a general regional plan for the physical development of the region. Tennessee Code Annotated § 13-3-301 gives regional planning commissions the power to plan much as the earlier citation for municipal planning commissions does. However, this section goes even farther and authorizes the planning commission to include in the plan the "general character, location and extent of ... town sites or housing developments; the location and extent of forests, agricultural areas, and open development areas...; a land classification and utilization program...". 15 Additionally, the plan may include a zoning plan that among other considerations may cover "the distribution of population." The purpose of the general plan is further amplified by Section 13-3-302. In addition to the usual health, safety, and welfare purposes of the police power, this section covers efficiency and economy in the process of development and the reduction of waste of financial and human resources that result from excessive congestion or excessive scattering of the population. Apparently, the planning commission may plan and therefore regulate and time the development of such things as utilities and housing areas. The commission may prevent urban sprawl and help preserve agricultural and open space areas, and it may plan for schools and roads. In short, there may be more power than many counties are willing to exercise. In summary, it can be said that a regional planning commission has broad powers to plan for the total region.

4) Regulate the development of land through subdivision regulations and site plan review. The discussion presented earlier under municipal planning powers applies as well to regional planning





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powers. The grant of power from the Tennessee Code is under a different section but it is very similar to the municipal section. There is one important difference. Tennessee Code Annotated § 13-3-403, in addition to basic similarities with the municipal section, states that subdivision regulations may provide for "the avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services...". This section clearly gives a regional planning commission the power to develop growth management strategies that would time the development of land to the availability to public services and facilities. For example, "leap-frog" development and urban sprawl into rural areas could be prevented if public facilities were lacking. A planning commission may not exercise this power in an arbitrary manner. Such decisions must be founded upon definite plans, policies, and programs to substantiate them and ultimately provide the necessary services. However, it does give a regional planning commission adequate authority to regulate the time and the location of land development. Site plan review powers are the same as described in the section of this report regarding municipal powers and are conveyed through the power to zone.

5) Review and approve the design, opening, grading, paving, or lighting of any road or any utilities to be authorized or placed in any such road prior to any public official's or agency's action. This power granted by Tennessee Code Annotate § 13-3-406 is the regional planning commission's claim to mandatory referral as covered under the municipal section. Here the review power of the commission covers only county roads and highways and utilities in county roads, and therefore, is not as broad as the municipal power. Here again, however, the planning commission must be given advance notification of any road project and must review it prior to a road becoming a public road. The chief legislative body of the county may accept, layout, or locate a road but not before the proposal is submitted to the planning commission for a recommendation.

6) Prepare and certify to the chief of legislative body a zoning ordinance and map. The chief legislative body of the county is empowered by Tennessee Code Annotated § 13-7-101 to adopt and enforce county zoning. As in municipalities, the planning commission must first prepare and certify the zoning plan, including text and maps, to the legislative body. Such legislative body can make no change in the zoning plan without first submitting the change to the planning commission for a recommendation. 17

7) Review and make recommendations for any amendment to the zoning ordinance or map. The chief legislative body is authorized to amend the text or map by Section 13-7-105, and the planning commission must first review the amendment and make a recommendation thereon. Before the amendment can be adopted, a complete summary of it must be published in a newspaper of general circulation and shall include a statement that a complete copy is available and where such copy can be obtained. If the amendment is a rezoning of property, a description of the property must also be included in the statement. All of the comments made under the previous municipal section apply as well to this section. An additional comment may be justified regarding publication in a newspaper. In 1954, a lawsuit was adjudicated the result of which was that an amendment need not





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be published in full if the official public notice of the hearing sets out substantially the time and place of the hearing, a description of the property to be rezoned, and the petitioner for rezoning. *Clapp v. Knox County* (1954) 197 Tennessee 422, 273 S. W. 2nd. 694.