

# Memo

To: City of White House Planning Commissioners

From: Ceagus Clark, Director of Planning & Code

Date: 3/10/2022

Re: Cover Page for the Planning Commission Staff Notes; meeting scheduled 3/14/2022

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There are four items on the agenda:

- Summerlin Phase 1, Bond Extension
- Jackson Farms/Dewey Engineering, Final Master Development Plan approval
- White House Sports Bar/L.I. Smith & Associates:
- Raymond Hirsch Parkway Townhome Development/Kimley Horn
- Staff Request, Text Amendment for Development Standards for Campgrounds
- Staff Request, Text Amendment for Development Design for Planned Unit Developments
- Staff Request, Text Amendment to Subdivision Regulations regarding surety inflation percentage

I'd like to welcome our two new members, Mrs. Dolly Peay and Mr. Tim Murphy. I met with both of them on Tuesday to give them material and an overview of their duties. Mrs. Peay is on our BZA and is familiar with the process and Mr. Murphy is also familiar with his new role.

You will notice following each item, I have copied the zoning and other relevant material to give you information about each project. If there are multiple items with the same zoning request, I will copy the appropriate zoning ordinance at the end of my staff report. The format for staff amendments does not contain the boxed format you will see for the first four items. After item #4, I copied the Planned Unit Development ordinance for your reference of Jackson Farms and the Raymond Hirsch project. I'm making this note because you will see Planned Unit Development language for Item #6 which references the text amendment. Let me know if you guys would like this formatted in a particular way.

Don't hesitate to give me a call.

615-672-4350 Ext 2119

Ceagus Clark  
Director, Planning and Cod

**Item #1 Summerlin:** Bond Extension

<p><u>Applicant or Representative- Overview:</u> <b>Current Bond Amount - \$196,100</b></p> <p><u>Tax Parcel and ID</u> <b>NA</b></p> <p><u>Zoning</u> <b>SRPUD</b></p> <p><u>Ordinance Reference and Notes:</u> <b>3-101.2</b></p> <p><u>Staff Recommendation:</u> <b>Approval of One Year Extension to: \$207,866</b></p>	<p><b>Staff Overview</b></p> <p>Expiration March 21, 2022 Subdivision Plat Recorded May 17, 2017 Subdivision Completion Status 39/39 Lots -100% Completed <b>Remaining Improvements:</b> Sidewalk and curb sections, finish grading, street lightings, and final layer of asphalt <b>Completed Improvements-</b>Sections of Curbing has been replaced; however, the developer has not yet requested an inspection to reduce the bond amount.</p> <p><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.</p>
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## Item # 2 Jackson Farms/Dewey Engineering:

Applicant or Representative-  
Overview:

**Dewey Engineering**

Tax Parcel and ID

**Robertson County Tax Map  
95, Parcel 63, and Tax Map 96,  
Parcel 29**

Current Zoning  
**NA**

Comprehensive Plan District:

**Residential Single-Family  
Medium Density. This request  
meets comprehensive plan  
requirements**

Ordinance Reference and Notes:  
**5.040/ SRPUD**

### **Staff Recommendation:**

This site was deferred from the January meeting regarding a Board of Mayor and Alderman request to review any grievances related to this project. Staff has reviewed each one of the grievances and also provided a copy to the developer.

**Approval.** The Final Master Development Plan. This plan meets the requirements of section 5.056 of the City of White House Zoning Ordinance.

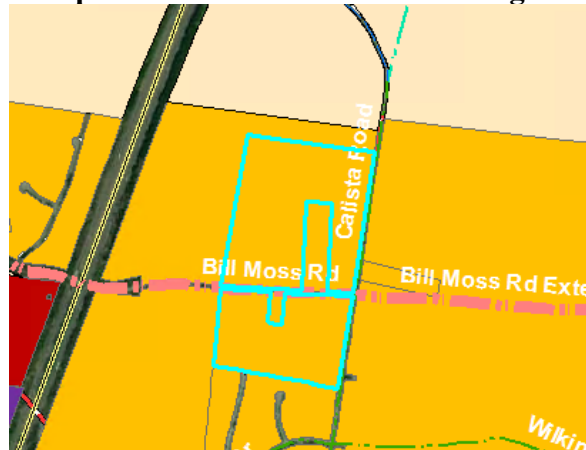
### **Staff Overview-**

The PDMP was approved May 2021. The subdivision is on 138.3 acres, with 428 units at Bill Moss and Calista Rd, known as Jackson Farms. Because this is at the edge of the city, with no existing sidewalks at Bill Moss, staff has discussed not requiring sidewalks on the perimeter, but instead, run sidewalks along Volunteer Dr toward Calista (the same length it would be on the perimeter of the development along Bill Moss). Staff/Developer Comments are below, which have been addressed. Additionally, the developer has added a thicker buffer around the perimeter of the property. The B1 transitional protective yard, which is the zoning requirement between the SRPUD and R-20. The FDMP is showing a thicker B2 transitional yard. I have enclosed the table below to illustrate the differences.

Amenities have also been added to show a pool and club house and sitting areas shown on the plan.



### **Comprehensive Plan-Residential Single-Family Medium Density**



### ***PDMP Staff/Developer Comments from May2021***

- Review minimum distance from intersection for two roadways parallel to Bill Moss. The city would prefer to extend distance by potentially have two lot depths from Bill Moss to the road intersections.
  - Roads B and G have been adjusted to provide additional distance between Bill Moss and the first internal intersections.
- Revise roadway curvature in short section at end of Volunteer Dr. The reverse curve needs help and may layout better if the road connection is shifted to one road north within the proposed subdivision toward lot 361. Shifting road into lot 16 and 120 as well. Attempt 90 degree at first intersection. Perhaps that will lay out better.
  - Layout has been revised to improve distances between curves and provide 90-degree intersections. Multiple configurations were analyzed and considered, and the revised layout was selected to provide a more efficient layout on both sides of Bill Moss Rd.
- Ensure stormwater areas are large enough (overall space looks okay but some space is not as good for stormwater if not at lower subdivision elevations for treatment prior to release offsite)
  - Layout has been revised to provide additional areas for stormwater at the low points of the site.
- Show improvements of new roadway up to Calista at a minimum The traffic study may affect the amount of Calista that also needs improvements for limits of lanes/storage required north and south directions.
  - Traffic study has been ordered and will be provided as soon as possible. A note has been added to sheet C1.0 to specify that “A Traffic Study Shall be Performed Prior to the Final Master Plan Approval to Specify Any and All Improvements to Bill Moss Road.”
- Bill Moss will need similar attention for improvements for the limits of this project.
  - Traffic Study has been ordered and will be provided as soon as possible.
- Ensure TIS includes the end currently not shown for Volunteer, the next intersection.
  - Understood. Comment has been relayed to traffic engineer.
- Submit Traffic Study in a timely manner for staff to review prior to the Planning Commission meeting, preferably in the resubmittal package. Be prepared for further comments regarding offsite pedestrian improvements.
  - Traffic Study has been ordered and will be provided as soon as possible.

### ***Jackson Farms***

- Add the sidewalk improvements along the bill moss and volunteer drive sections per PMDP coordination
- Show the general layout of the roadway and laneage improvements associated with the traffic impact study

## **January Minutes**

- **Item # 2     Jackson Farms/Dewey Engineering:** Requests Final Master Development Plan Approval for 428 single family lots and open space. Property is referenced as Robertson County Tax Map 95, Parcel 63 and Map 96, Parcel 29. Property is zoned SRPUD, Suburban Residential Planned Unit Development and is located at Bill Moss Road and Calista Road.
  - 
  - 
  - Owner: Moss Farm, LLC.
  - 
  - Staff stated that the PMDP was approved in May 2021. Staff stated that he included staff/developer comments in Commission's packets. Staff stated some of the comments were addressed with the PMDP and some comments for the FMDP. Staff stated all staff comments have been addressed by engineer. Staff stated that he recommends approval. Chairman McCormick discussed that an email had been sent to Commissioners from a citizen who had a question regarding previous grievances from surrounding neighbors. Staff stated that an alderman at the Board of Mayor and Aldermen Meeting asked that the Commission review the list. Staff stated that there were no stipulations stated at the Board of Mayor and Aldermen Meeting. Staff stated that the item was approved for rezoning and that the developer has a by-right to proceed with the development. Chairman McCormick stated that a couple of the requests by the neighboring owners to limit the roadway connection to Volunteer Drive and additional buffer along the houses could be reviewed by the Commission. Staff and Commission discussed if the connection at Volunteer Drive could have a limited connection. Gerald Herman, City Administrator, stated that it could either be left as a cul de sac with no connection or connect to the development. Mr. Herman stated that the Commission could make that decision whether to connect or not. Jason Reynolds, city engineer discussed that a traffic study analysis would be a significant change, and would increase traffic at Volunteer Drive/Calista Rd. Mr. Reynolds stated if the Volunteer Drive access was not allowed, the traffic study would need to be re-analyzed due increased traffic at Calista Road intersection. Staff stated that he reached out to the developer regarding adding buffer along Volunteer Drive/Stoval Drive instead of property that backs up to I-65. Commission and Staff had discussion that there were not any stipulations stated at the Board of Mayor and Aldermen meeting regarding the rezoning and PMDP and that the ordinance passed as written. Commission discussed deferring this item until next month since there are a couple of items that need to be addressed.
- 
- **Motion was made to defer by Clif Hutson, seconded by Bob Dorris.**
- 
- **Motion passed unanimously.**
-

## Item # 2 Jackson Farms/Dewey Engineering:

**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

##### **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.

Single Family  
Medium Density Residential

## **Item # 2     Jackson Farms/Dewey Engineering-Zoning**

### **3.126.4     Determination of Transitional Protective Yard Requirements**

Generally, a Transitional Protective Yard shall be located at the perimeter of the building site along zoning district boundaries, or otherwise coincident with the edge of a specified facility that is to be screened, and shall not be located within any portion of the public right-of-way. The following procedure shall be followed to determine the standard of Transitional Protective Yard required along a zoning district boundary:

- Step A**            Determine the zone district for the proposed development site, as well as that of for the abutting site(s).
- Step B**            Determine the Transitional Protective Yard standard required for each building site boundary (or portion thereof) by referring to Table 3.126.4. Read down the column beneath the zone district of the proposed site development and across the row, which lists the zone district of the abutting site. The letter in the grid square where the column and the row intersect is the required standard for the Transitional Protective Yard.
- Step C**            Select one width/screening option from the appropriate group among those listed in Figures 3.126.4A through 3.126.4D. Any of the listed screening variations shown on the appropriate figure shall satisfy the requirement between the abutting zone districts. (Ex: A-1, A-2, or A-3, may be used to meet the requirements for an A Standard-Transitional Protective Yard.
- Step D**            When calculating required numbers of plant materials, round all fractions to the next whole number.

(Ex. Calculation of required plants for a C-3, Transitional Protective Yard for 275-foot frontage:

<u>Required Canopy Trees</u>	$275/100 \times 6 = 2.75 \times 6 = 16.5$ , Round up to 17 canopy trees
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<u>Required Understory Trees</u>	$275/100 \times 3 = 2.75 \times 3 = 8.25$ , Round up to 9 understory trees
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<u>Required Shrubs</u>	$275/100 \times 24 = 66$ shrubs
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TABLE 3.126.4

## TABLE OF TRANSITIONAL PROTECTIVE YARD REQUIREMENTS

## ZONE DISTRICT OF PROPOSED SITE DEVELOPMENTS

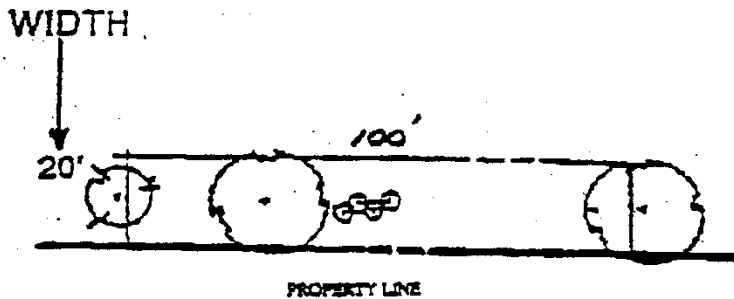
	A	R-40	R-20	R-15	R-10	C-1	C-2	C-3	I-1	I-2	I-3	PUD-LDRPUD	PUD-HDRPUD	CPUD	CPUDL	GOPUD	ROPUD
A	-	A	A	B	B	D	D	C	D	D	D	C	C	D	D	D	D
R-40	A	-	A	B	B	D	D	C	D	D	D	C	C	D	D	D	D
R-20	A	A	-	A	B	D	D	C	D	D	D	B	B	D	D	D	D
R-15	A	B	A	-	B	D	D	C	D	D	D	A	B	D	D	D	D
R-10	A	B	B	B	-	D	D	C	D	D	D	C	B	D	D	D	D
C-1	D	D	D	D	D	-	A	B	B	C	D	D	D	C	C	B	C
C-2	D	D	D	D	D	A	-	A	B	C	D	D	D	B	C	B	C
C-3	C	C	C	C	C	B	A	-	C	C	D	C	C	A	B	A	B
I-1	D	D	D	D	D	D	D	D	-	B	C	D	D	B	C	B	C
I-2	D	D	D	D	D	D	D	D	B	-	B	D	D	C	C	C	C
I-3	D	D	D	D	D	D	D	D	C	B	-	D	D	D	D	D	D
PUD-LDRPUD	C	C	B	A	C	D	D	C	D	D	D	-	C	D	D	D	D
PUD-HDRPUD	C	C	B	B	B	D	D	C	D	D	D	C	-	C	C	B	C
CPUD	D	D	D	D	D	C	B	A	B	C	D	D	D	-	B	B	C
CPUDL	D	D	D	D	D	C	C	B	C	C	D	D	C	A	-	B	A
GOPUD	D	D	D	D	D	B	B	A	B	C	D	D	D	B	B	-	A
ROPUD	D	D	D	D	D	C	C	B	C	C	D	D	C	C	A	A	-



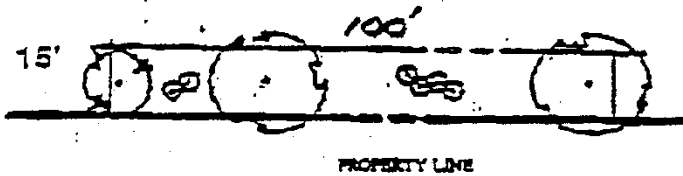
### **FIGURES 3.126.4A - STANDARD A-TRANSITIONAL PROTECTIVE YARDS**

If Table 3.126.4A, indicates a requirement for an "A" Transitional Protective Yard, select one of the following combinations of width and commensurate number of plants per 100' of yard length.

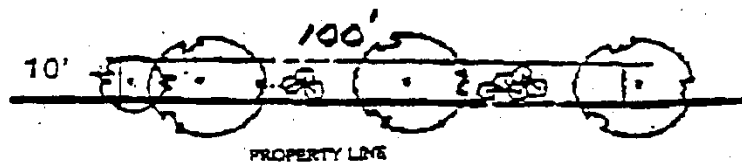
**A-1**  
1.2 CANOPY  
.4 UNDERSTORY  
4 SHRUBS



**A-2**  
1.8 CANOPY  
.6 UNDERSTORY  
6 SHRUBS



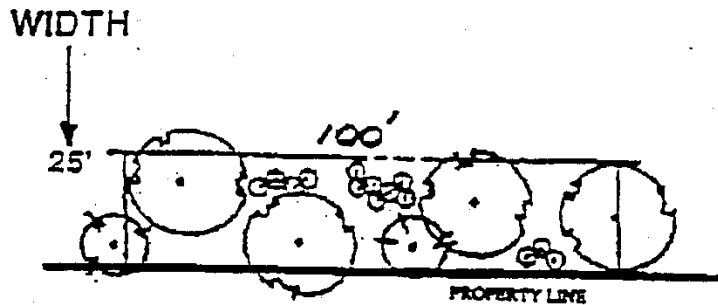
**A-3**  
2.4 CANOPY  
.8 UNDERSTORY  
8 SHRUBS



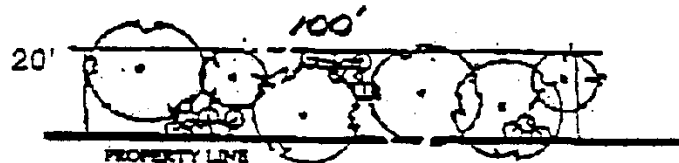
### FIGURE 3.126.4B - STANDARD B-TRANSITIONAL PROTECTIVE YARDS

If Table 3.126.4B, indicates a requirement for a "B" Transitional Protective Yard, select one of the following combinations of widths, and commensurate number of plants per 100' of yard length.

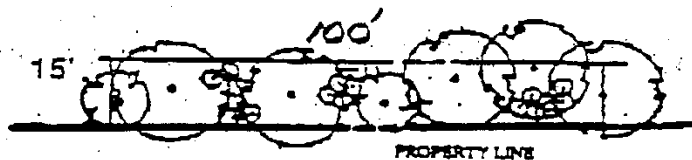
B-1  
3.5 CANOPY  
1.4 UNDERSTORY  
14 SHRUBS



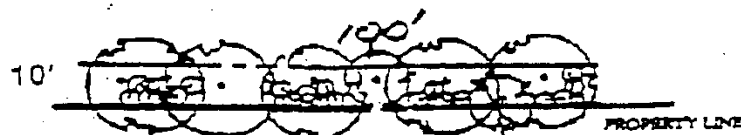
B-2  
4 CANOPY  
1.6 UNDERSTORY  
16 SHRUBS



B-3  
4.5 CANOPY  
1.8 UNDERSTORY  
18 SHRUBS

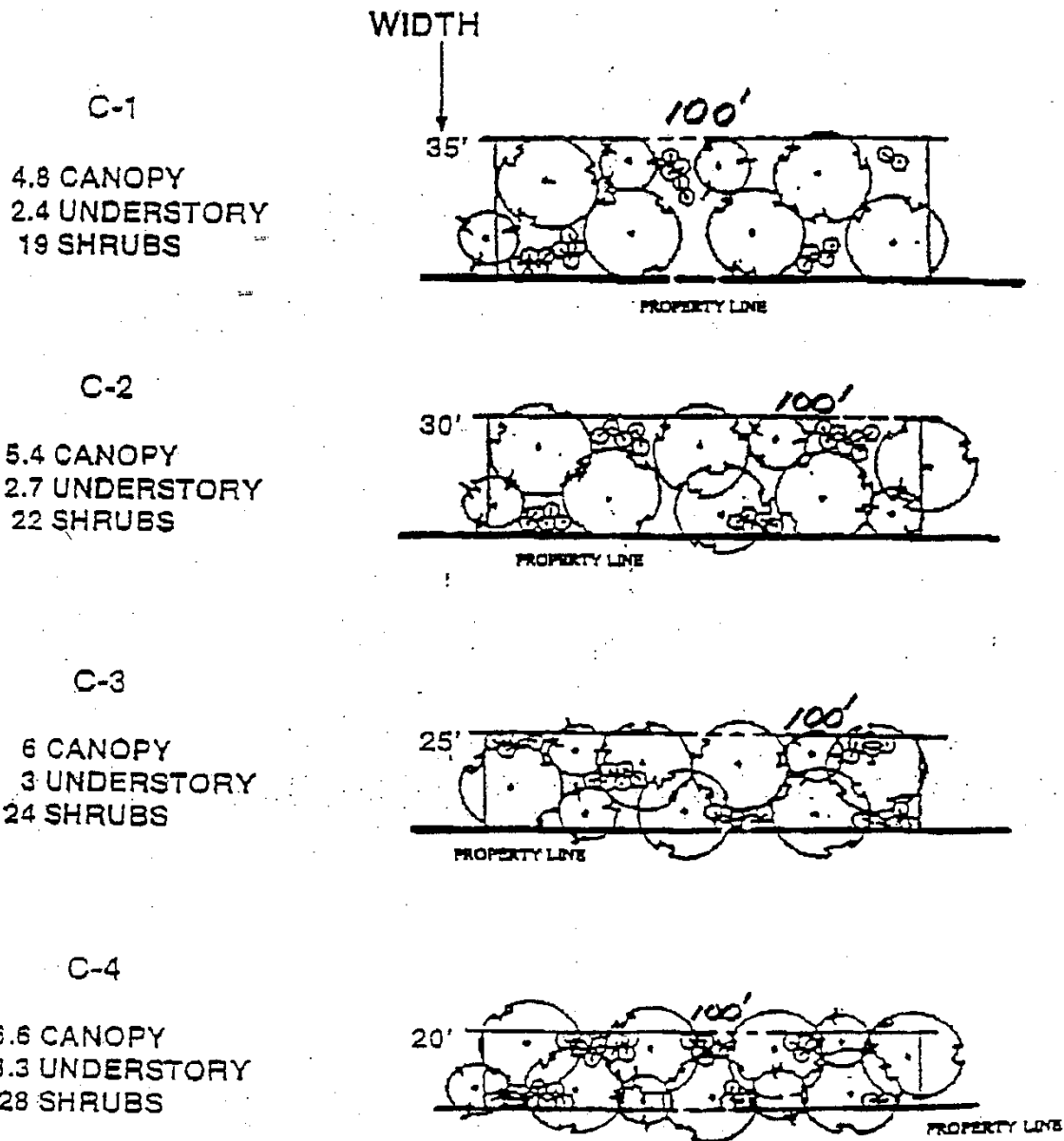


B-4  
5 CANOPY  
2 UNDERSTORY  
20 SHRUBS



### FIGURE 3.126.4C - STANDARD C-TRANSITIONAL PROTECTIVE YARDS

If Table 3.126.4C, indicates a requirement for a "C" Transitional Protective Yard, select one of the following combinations of width and commensurate number of plants per 100' of yard length.





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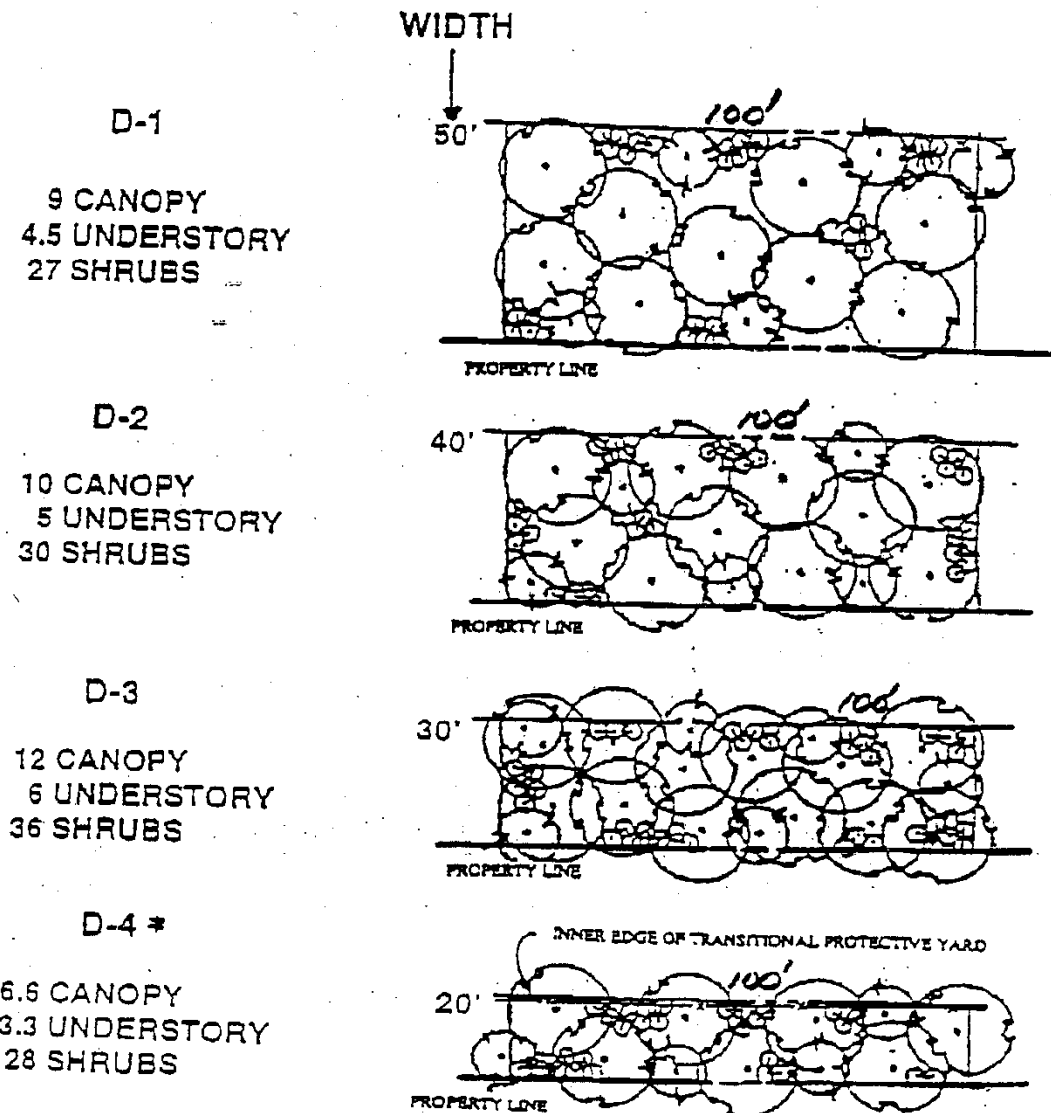
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### FIGURE 3.126.4D - STANDARD D-TRANSITIONAL PROTECTIVE YARDS

If Table 3.126.4D, indicates a requirement for a "D" Transitional Protective Yard, select one of the following combinations of width and commensurate number of plants per 100' of yard length.



\*Plus minimum six (6) foot height wall or fence placed at the inner edge of the Transitional Protective Yard.

For all Standard D Transitional Protective Yards, a solid masonry wall may be required in any instance where residences are closer than two hundred (200) feet from the boundary of the property installing the Transitional Protective Yard.



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### Item # 3 White House Sports Bar/L.I. Smith & Associates:

#### Applicant or Representative- Overview:

#### Tax Parcel and ID

Robertson County Tax Map 106,  
Parcel 103.01

#### Zoning

C-2

#### Ordinance Reference and

#### Notes:

Zoning Ordinance 5.053.2

#### Comprehensive Plan:

C-2 General Commercial

#### Staff Recommendation:

**Approval**, this proposed project is a permitted use. Staff has reviewed the site plan. The site plan adheres to all city ordinance, including landscaping, parking, and commercial design standards.

#### Staff Overview

The proposed site is located just south of Maiden Ln adjacent to the commercial development containing Deja Moos, on the west side of Sage Rd. The site will have ingress/egress from Sage Road.





## **City of White House, Tennessee**

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### **.053.2**

#### **C-2, General Commercial**

##### **A. District Description**

This district is designed to provide for certain types of commercial establishments which have a minimum of objectionable characteristics and do not involve storage, transfer or processing of goods or chattels.

##### **B. Uses Permitted**

1. Medical offices and clinics.
2. Office buildings for finance, insurance, real estate, legal, engineering, architectural and similar personnel.
3. Hotels and motels.
4. Churches and other places of assembly.
5. Mortuaries and undertaking services.
6. Government buildings and community centers.
7. General retail trade.
8. Entertainment and amusement.
9. Consumer repair.
10. Utility facilities (without storage yards) necessary for the provision of public services.
11. Communication business services.
12. Day Care Centers.
13. Business colleges and other similar educational services (excluding auto-diesel schools).
14. Convenience retail.
15. Apparel and accessories retail.
16. Food service.
17. Auto service stations.
18. Animal care and veterinary.



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19. Essential municipal services.
20. Interstate Sign District (C-2) (Zoning Atlas, Dated: **(July 10, 1995)**)
21. Accessory Firework Sales.
22. Automobile sales provided buffer screen is provided and banner and flag streamers are not placed on the property.
23. Retail Package Stores
24. Motor Vehicle Service and Repair, Minor
25. Motor Vehicle Service and Repair, Major

**\*See Article 4, 4.080 Development Standards for Automobile Wrecking, Junk and Salvage Yards and Motor Vehicle Service And Repair, Major and Minor.**

#### C. Uses Permitted as Special Exceptions

In the C-2, General Commercial District, the following uses and their accessory uses may be permitted as a special exception after review and approval by the Board of Zoning Appeals.

1. Warehousing provided that no manufacturing is involved, screening is provided, and the building does not exceed thirty-five (35) feet in height.
2. Twenty (24) Hour Medical/Veterinarian Clinic Accessory Residential Quarter meeting requirements of 4.160. **(Added By Ordinance 05-09, May 19, 2005)**

#### D. Uses Prohibited

1. Industrial uses, automobile wrecking, and/or recycling uses, junk or salvage yards, van or truck storage uses and uses not specifically permitted as a special exception. **(No body shops per Ordinance 92-12). (Amended by Ordinance No. 99-17, July 15, 1999)**

#### E. Dimensional Regulations

All uses permitted in the C-2, General Commercial District, shall comply with the following requirements except as provided in Article VI.

##### 1. Minimum Lot Size Requirements

No minimum lot size shall be required.



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#### 2. Minimum Yard Requirements

Front Yard	20 feet
Two-thirds (2/3) of the front yards must be dedicated to landscaping).	
Side Yard	10 feet
Rear Yard	20 feet
Building Setback	35 feet

#### 3. Maximum Lot Coverage

Provided landscaping and parking requirements are met there is no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-2 District.

#### 4. Height Requirements

No building shall exceed fifty-three (53) feet in height (**Amended by Ordinance 15-09, May 21, 2015.**), except as provided in Article VII, Section 7.060.

#### F. Landscape Requirements

1. As regulated in Article III, Section 3.130, (c).

#### G. Outdoor Storage

1. All outdoor storage shall be prohibited in the front yard which shall be interpreted as that portion of the property abutting the right-of-way.
2. Outdoor storage shall take place in the rear yard and shall be screened by solid, non-transparent fencing or landscaping.





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## Item # 4 Raymond Hirsch Parkway/Kimley Horn

### Applicant or Representative-

**Overview:** Patricia and Austin Jones

### Tax Parcel and ID

Robertson County Tax Map 107I, Parcel 77

### Zoning

**R-20 to NCRPUD**

### Ordinance Reference and Notes:

### Project Area Description

17.9 acres, 125 townhome units located on the north side of Raymond Hirsch

### Staff Recommendation:

This PDMP meets the criteria for approving the rezoning to NCRPUD. It is within the Town Center, where direction has been given to allow for the higher density projects. This is located in the White House Crossroads district in the comprehensive plan. The site plan specifics meet city standards.

### Staff Overview

This is a proposed townhome development on Raymond Hirsch, just west of Hwy 31W, with 125 townhomes. The developer presented this project at a study session in September, and was denied at the December Planning commission. This site plan decreases the unit count by 17 and adds more greens space to the edge of the property. Details of this PDMP will have connections to the greenway, amenities featuring a dog park, pocket parks a swimming pool and a club house (labeled an amenity building). There will be a south bound left turn lane into the development. The roads are designed to city specification and are intended to be dedicated public roadways. This development shows a connection to a potential development adjacent to its site. The developer will be prepared to discuss changes to the elevations shown in the packet. Staff made additional comments to the developer regarding sidewalks at the perimeter of the property along Raymond Hirsch.

The resubmittal shows the B and D buffer transitional protective yard. Where the buffer screening uses the D canopy and shrubs, there will have to be a six-foot wall/fence (using design standards).





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### **5.056.5 Residential Planned Developments**

#### **The Planning Commission may vary this design where creative site and building design is 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.

##### **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



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from convenience commercial and shall be regulated under article 4.180.  
**(Amended by Ordinance 06-16, May 18, 2006)**



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### **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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### **A. Suburban Residential Planned Development**

The maximum overall density shall be 3.0 dwelling units per acre. The minimum lot size shall be established by the preliminary master plan based on the purposed and characteristics of the PUD and the area in which it is proposed to be located. The minimum yard and open space requirements shall be as follows:

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

Maximum Density	3.0 Units/Acre
-----------------	----------------

The remaining area shall be left as common open space and used for designated purposes as approved by the Planning Commission. The minimum required ratio of dedicated common open space shall be in terms of the maximum density of the planned development. The percentage of the total acreage dedicated to open space shall be as follows:

<u>Maximum Density</u>	<u>Minimum Open Space %</u>
3.0 Units/Acre	15%

#### **2. Yards**

Minimum Front Yard	35 ft.
Minimum Side Yard	10 ft.*
Minimum Rear Yard	15 ft.*

### **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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Provided further that permanent open, landscaped areas meeting the requirements of Article III, Section 3.120, shall be maintained. No buildings or parking areas shall be permitted in any required permanent open space.

#### **G. Off-street Parking, Loading, and Vehicular Access**

1. Off-street parking and loading space shall be provided in accordance with the provisions for off-street parking contained in Article IV. Parking lot landscaping shall be provided in accordance with the landscaping provisions of Chapter IV, Section 4.010 and 4.020.

#### **2. Vehicular Access Locations**

Vehicular access locations shall be provided so that vehicles entering or departing a commercial planned unit development site shall do so only at such locations. Elsewhere along the property lines of said commercial planned unit developments site a physical separation between the said site and public rights-of-way shall be provided. A vehicular access location shall consist of such entrance and exit driveway openings so designed and located so as to minimize hazardous vehicular turning movements and traffic congestion. Such design and location shall be subject to the approval of the City Engineer working in conjunction with the Planning Commission.

- a. No vehicular access location serving a commercial planned unit development site shall be:

- (1) Within twenty-five (25) feet of the intersection of street right-of-way lines, bounding, in part, the same commercial planned unit development site, and
- (2) Within one hundred (150) feet of any interchange ramp. Such distance shall be measured from a point where the center line of the ramp intersects with the edge of the pavement of the travel way of the intersecting street.

#### **H. Permitted Signs**

Signs may be permitted in accordance with the provisions of the White House Zoning Ordinance. Sign locations and character shall be approved as a part of the final master plan.





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#### **I. Other Regulations**

1. If an area is reclassified to any Commercial PUD and such area contains existing houses, then such house may not be converted into use as an office or commercial building, the intent being to encourage new construction and the aggregation of small parcels into a larger tracts.

### **5.056.7 Design and Development Standards**

#### **A. Development Standards**

##### **1. Perimeter Requirements**

Along the perimeter of the Planned Development, buildings shall be designed to harmonize in scale, setbacks, and mass with existing adjacent areas. A minimum setback of twenty-five (25) feet shall be required around the perimeter of all residential planned developments. Perimeter landscaping shall also be required. Type and density of trees and landscaping to be determined by Planning Commission with emphasis on maintaining existing trees when possible.

##### **2. Landscaping Requirements**

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.

##### **3. Parking and Storage**

On-street parking is a permitted design feature, except along arterial streets unless a section of an arterial street is within a commercial town center development. All parking lots and storage areas shall be enclosed or concealed by berms, buffers or through building design

##### **4. Signs**

The sign provisions contained in Article IV, Section 4.080 shall apply. Entry sign locations and designs shall be shown on or as a separate element of the final master plan and be consistent with the character of the development. Any sign located within a dedicated public right-of-way shall be perpetually maintained by the Homeowners

##### **5. Building Design**



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- a. Architectural design shall be regulated, governed and enforced as architectural design standards by an association of property owners in order to ensure compatibility of building types and to relate new buildings to the building designs of the region. These standards shall be contained in private covenants, declarations, or restrictions, of the property owners' association and shall be approved in concept by the Planning Commission at the time of approval of the Master Plan. Changes in architectural design standards may occur from time to time thereafter if approved by the planning commission and the property owner's association.
- b. Architectural design standards shall specify the Materials and configurations permitted for walls, roofs, openings, street furniture and other elements. Architectural standards should encourage the following: architectural compatibility among structures in the development, human scale design.
- c. All walls including front, side, and rear walls for one and two-family dwellings shall be one hundred (100%) brick, stone, and hardiboard type material. Multi-family buildings and commercial buildings shall meet requirements of Commercial Design Standards.

#### 6. Street Design

- a. A street hierarchy should be established on the Master Plan shall specify standards for minimum pavement width, required right-of-way, presence of curbs, on-street parking, street trees, street furniture and sidewalks. Residential collector street shall have limited access or have alternative/innovative methods of access incorporated into the plan. No individual driveway will be permitted within 100 feet of an entrance to the development.
- b. The network of streets, alleys and pedestrian ways shall be designed to connect with other streets in the development and to existing or proposed thoroughfares outside the development. Cul-de-sacs are not permitted except where natural features such topography or water bodies prohibit connection. Where it is likely that a street may be extended in the future a stub street may be required.
- c. Streets shall be designed for pedestrian safety by having the street width, pattern and pattern to reduce speed and encourage pedestrian safety. To accomplish this street may vary from the Subdivision Regulations or provisions of this ordinance to control traffic and add aesthetics to the development.
  - i. Reserved.
- c. Sidewalks or pedestrian paths installed per the City's Subdivision Regulation's shall be provided on both sides of the all streets.





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- d. Streets shall be designed and sealed by a Tennessee Registered Engineer. **(Added by Ord. 17-21, 06-29-17)**

### 7. Street Improvements

Within any residential PUD, streets may be public or private provided that streets in a low-density PUD shall be public. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations shall apply. Streets may be privately constructed and maintained either by the landowner/developer or deeded to the homeowner's association and subject to the following standards.

- a. All streets shall be designed to comply with the construction standards established in the White House Subdivision Regulations.

### 8. Utilities

The development shall be serviced with public sanitary sewerage systems. The water systems shall be capable of providing needed fire flows for the development as well as domestic water supply. All buildings will provide water flows capable of sprinkling all buildings within the development.

All Planned Developments are required to have all electric power; telephone service and cable televisions located underground.

All Planned Development utilities shall be designed and sealed by a Tennessee Registered Engineer. **(Added by Ord. 17-21, 06-29-17)**

### 9. Waste Disposal

If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

- e. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and the screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

- f. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.



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Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.

- g. Access and circulation shall adequately provide for fire fighting equipment, service deliveries, and furniture moving vans and refuse collection.
- h. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Parking shall comply with Article IV, Section 4.010(b). Screening of parking and service areas shall be in accordance with the landscape requirements of Article III, Section 3.120. Within each development a minimum of one visitor parking space shall be provided for each five (5) dwelling units. Visitor parking can be provided by designated areas or with on street parking.

#### 11. Development Standards for Attached Dwellings

- a. The minimum lot required for any individual attached dwelling shall be as required to meet other provisions of these regulations. Individual attached dwellings may exceed the maximum lot coverage provisions established for the area in which such site is located. However, in no instance shall the aggregate site coverage of all dwellings, attached or otherwise, exceed the coverage provisions established for the PUD district in which such site is located.
- b. Minimum width for the portion of the lot on which the town house is to be constructed shall be twenty-two (22) feet.
- c. Not more than six (8) contiguous town houses shall be built in a row with the same or approximately the same front line, and not more than twelve (12) town houses shall be contiguous.
- d. The spacing of buildings containing attached dwellings shall be as required by Article IV, Section 4.070, and standards in zoning ordinance.
- e. Yards



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- (1) For units located along the periphery of a site containing attached dwellings. The yard provisions established for the district within which the attached dwelling is located shall apply along the periphery of any site on which attached dwellings may be located.
  - (2) For units located entirely within a site. No side or rear yard as such is required in connection with any attached dwelling located entirely within a site containing attached dwellings but each such unit shall on its own lot have one yard containing not less than seven hundred fifty (750) square feet. This yard shall be reasonably secluded from view from streets or from neighboring property and shall not be used for off-street parking or for any accessory building.
  - (3) The minimum front yard shall in all cases be no less than twenty-five (25) feet.
- f. No attached dwelling shall exceed two (2) stories in height.
  - g. No development shall be approved which contains less than ten (10) dwelling units.
  - h. Parking shall be provided as required in Article IV, Section 4.020. However, attached dwellings may be constructed with parking space required in bays either adjacent to the streets or in the interior accessed by alleys. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges, and screening walls. Within each development a minimum of one visitor parking space shall be provided for each five (5) dwelling units. Visitor parking can be provided by designated areas or with on street parking.
  - i. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
  - j. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.

## 12. Quality Use and Improvement of Common Open Space



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Common open space must be for amenity or recreational purposes. No open area may be accepted as common open space under the provisions of this section unless the location, shape, size and character of the common open space is appropriate to the scale and character of the development considering its size, density, expected population, topography, and the number and type of dwellings to be provided. Open space can consist of either improved or unimproved land.

Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation, steep slopes, or floodplains may be left unimproved. In this regard, the planning commission may permit only fifty (50) percent of stream areas, bodies of water and slopes in excess of twenty (20) percent to be counted as required open space. Any buildings, structures, and improvements, which are permitted in the common open space, must be appropriate to the uses, which are authorized for the common open space having regard to its topography and unimproved condition.

No common open space may be put to any use not specified in the approved site master plan, unless such plan has been amended and approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

If the master plan provides for buildings, structures, and improvements a recreation plan must be prepared, if the common open space improvements have a value in excess of ten thousand dollars (\$10,000), the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The planning commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan. Any development aimed at a certain demographic shall supply this information when developing the plan.

The minimum open space for an entire development shall total not less than one (1) acre. No open space area, other than area reserved for a trail system, shall have dimensions less than fifty (50) feet; areas reserved for trail systems shall have a width of twenty-five (25) feet.

### 13. Customary Accessory Buildings

Customary accessory buildings, including private garages and non-commercial workshops meeting the requirements of Section 3.100 Accessory Use Regulations.



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### **B. Design Standards**

All Final Master Plans shall include a Design Plan containing the following:

1. Statement of Intent and Use
2. Street Design and Streetscapes
3. Pedestrian way layout
4. Siting of Buildings
5. Massing, Facades and Roofs and examples of buildings
6. Parking Orientation and Layout
7. Open Spaces, Landscaping and Buffering
8. Lighting and Utilities
9. Building Materials and percentages

### **5.056.8 Design Variance**

Design variances from the provisions established within this Planned Unit Development Ordinance may be granted by the White House Board of Mayor and Aldermen with review by White House Planning Commission. The design variance shall be included on the master plan reviewed by the Planning Commission and the Board of Mayor and Aldermen. Request for design variances is subject to the following procedures, conditions, and stipulations:

1. No design variance may be granted from any provisions unless the applicant presents specific and detailed information as to the nature of the relief being requested and the alternative means proposed whereby the original intent of the particular provision will be accomplished.
2. Any design variance from any provision of these regulations shall be noted in the minutes of the meeting and shown on the master development plan where such action is taken along with detailed findings that such variance:
  - a. Is necessitated by conditions unique to the site in question.
  - b. Provides equal or greater protection of the public interest that the original requirement or standard from which variance is requested.

Meets or exceeds the intent of the original provisions contained within these regulations.

**Item # 5 Staff:** Requests Recommendation to the Board of Mayor and Aldermen to amend the Zoning Ordinance Article IV, Section 4.201, Development Standards for Campgrounds.



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**Staff Comments:** The below development standards were recently approved to coincide with an already permitted use in the cities zoning ordinance. We recently held a study session with a potential applicant looking to bring a campground to the City of White House. The location he would be looking to do a campground is zoned I-1, which allows this use. Staff looked at the potential applicant's concerns regarding the cities adopted standards and compared with several cities across the country. Changes were made based on these standards. Changes made are underlined below. There was concern of the bathhouses being located 300' from each campsite being too close. The language below gives greater guidance that if a unit is not supplied with sewer connections, mainly tent and trailer sites. Our ordinance also gave a minimum square footage of a camp site being 3,200 square feet. The average camp site measure 55x20 for a minimum of 1,650. There is also greater guidance provided for length of stay. The average I found was 180 days in a calendar year. Finally, I added additional language that governs surface conditions of the campground. This language is consistent with city regulations.

### **4.201 Development Standards for Campgrounds**

When an application for a group assembly permit includes a private campground, the following standards shall be met:

- (A) Such campground shall have on-site management;
- (B) The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed, and intended to serve exclusively the patrons staying in the campground; and such establishments and their parking areas shall not occupy more than ten percent (10%) of the area of the park or one (1) acre whichever is smaller;
- (C) Such campground shall meet the following standards:
  - (1) Minimum size - ten (10) acres
  - (2) Maximum density – ~~ten (10)~~ **fifteen (15)** campsites per gross acre
  - (3) ~~Sanitary facilities, including flush toilets and showers – within three hundred feet (300') walking distance of each campsite~~ **A bathhouse-restroom facility shall be located within three hundred (300) feet of all camping units which are either not supplied with sewer connections or not capable of utilizing such connections (e.g., tents, camper trailers).**
  - (4) Portable water supply - one (1) spigot for each four (4) campsites
  - (5) Trash receptacle - one (1) for each two (2) campsites
  - (6) Parking - one (1) space per campsite (7) Picnic table - one (1) per campsite
  - (8) Fireplace or grill - one (1) per campsite





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(9) Administration or safety building – open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

D) Such campground shall meet the following design requirements:

(1) A vegetation screen or ornamental fence which will substantially screen the campsites from view of public rights-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.

(2) Each campground shall reserve at least twenty-five percent (25%) of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration buildings, commercial areas or similar activities.

(3) Each campsite shall have a minimum setback of twenty-five feet (25') from any exterior boundary line.

(4) Each campsite and all other buildings shall have a minimum setback from any public road of fifty feet (50').

(5) Each separate campsite shall contain a minimum of ~~three thousand two hundred (3,200)~~ **one thousand six hundred and fifty (1,650)** square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the road-way providing access.)

(6) Each campsite shall be directly accessible by an interior road.

(7) All interior roads shall be a minimum of ten feet (10') wide for one way traffic and eighteen feet (18') wide for two-way traffic.

(8) All interior roads shall meet the following curve requirements:

Minimum radius for 90 degrees turn - 40 feet Minimum radius for 60 degrees turn - 50 feet Minimum radius for 45 degrees turn - 68 feet

(9) No Permanent Residences- Campgrounds shall not be used as permanent residences except for one owner or manager and up to three permanent maintenance personnel.

(10) No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days. **No owner or operator of any recreational vehicle park in the City of White House shall allow or permit any guest sites in such recreational vehicle park to be rented to nor occupied by any person or recreational vehicle for any period of time that would permit or allow such person or recreational vehicle to remain at such recreational vehicle park for more than one hundred eighty (180) days in any twelve (12) consecutive month period.**

(11) No campsite shall have a permanent fixture or mounting for trailers, recreational vehicles or

(12) Each campground shall provide a trailer dump station for the disposal of holding tanks

(13) ~~All parking and driving surface will be required to be paved to City of White House parking lot and roadway design specifications (See City of White House Subdivision Regulations).~~ **Access roads entering a recreational vehicle park shall match the surface of the public road providing access to the park. If the public road is paved, the access road of a recreational vehicle park shall be paved for a distance of one hundred (100) feet into the park from all entrances and exits, and shall be at least twenty-four (24) feet in width. Recreational vehicle park roads which are not paved shall be hard surfaced, well-drained and all weather stabilized (e.g., shell, marl, etc.).**



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**Staff Recommendation: Approval**, these standards provide guidance for the permitted use of a campground and meet city regulations.

**Item # 6** **Staff:** Requests Recommendation to the Board of Mayor and Aldermen to amend the Zoning Ordinance Article V, Section 5.056.5, Residential Planned Developments regarding Planned Unit Development design.

**Staff Notes:** Alderman and Planning Commission members wanted to assure the city was getting quality designed neighborhoods and asked that staff look at adding language that was removed in 2008. I have also added more clarity to what is referred to as 'brick to grade'. The zoning ordinance did not show clarity regarding the foundation of one- and two-family dwellings.

### **5.056.7** **Design and Development Standards**

#### A. Development Standards

#### 3. Parking and Storage

On-street parking is a permitted design feature, except along arterial streets unless a section of an arterial street is within a commercial town center development. All parking lots and storage areas shall be enclosed or concealed by berms, buffers or through building design

**Garages shall be designed to meet one or a combination of the following design features:**

- 1. Rear loaded garages.**
- 2. Side loaded garages, including courtyard garages.**
- 3. Recessed front loaded garages located at rear of property or structure a minimum (25ft) twenty-five feet behind front of structure. A maximum of 25% of total structures are permitted to include recessed front-loaded garages, this percentage is in addition to the maximum percentage listed in item #4. The location of recessed front-loaded garages shall be designated on the final master plan. Recessed front loaded garages shall include decorative garage design features.**
- 4. To promote flexibility in design, a maximum of 25% of total structures are permitted to include front loaded garages this**





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### Planning and Codes Department

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**percentage is in addition to maximum percentage listed in item #3. Front loaded garages shall be intermixed throughout entire development. The location of front-loaded garages shall be designated on the final master plan. Front loaded garages shall include decorative garage design features.**

5. **Alley loaded garages at rear. Garages shall be either five (5ft) from the edge of the alleyway with a twenty (20 ft length) parking area beside garage or twenty (20 ft length) parking area between garage and edge alleyway. The widths of the parking areas shall be determined by the Off-Street Parking Requirements of this ordinance.**
6. **Alternative design features as determined by Planning Commission to meet intention of ordinance.**

#### 4. Signs

The sign provisions contained in Article IV; Section 4.080 shall apply. Entry sign locations and designs shall be shown on or as a separate element of the final master plan and be consistent with the character of the development. Any sign located within a dedicated public right-of-way shall be perpetually maintained by the Homeowners

#### 7. Building Design

- a. Architectural design shall be regulated, governed and enforced as architectural design standards by an association of property owners in order to ensure compatibility of building types and to relate new buildings to the building designs of the region. These standards shall be contained in private covenants, declarations, or restrictions, of the property owners' association and shall be approved in concept by the Planning Commission at the time of approval of the Master Plan. Changes in architectural design standards may occur from time to time thereafter if approved by the planning commission and the property owner's association.
- b. Architectural design standards shall specify the Materials and configurations permitted for walls, roofs, openings, street furniture and other elements. Architectural standards should encourage the following: architectural compatibility among structures in the development, human scale design. **Residential Design Requirements. The intent of this section is to encourage guide the development of residential neighborhoods that are compatible throughout the development and that complement existing development and the natural environment. Architectural elevations are required**



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### **as a part of a Planned Unit Development master plan and the alternative density cluster design.**

- c. All **building foundations, including** front, side and rear walls are restricted to brick or stone and all wall façades for one and two-family dwellings shall be one hundred (100%) brick, stone, and hardiboard type material. Multi-family buildings and commercial buildings shall meet requirements of Commercial Design Standards.

#### 8. Street Design

- a. A street hierarchy should be established on the Master Plan shall specify standards for minimum pavement width, required right-of-way, presence of curbs, on-street parking, street trees, street furniture and sidewalks. Residential collector street shall have limited access or have alternative/innovative methods of access incorporated into the plan. No individual driveway will be permitted within 100 feet of an entrance to the development.
- b. The network of streets, alleys and pedestrian ways shall be designed to connect with other streets in the development and to existing or proposed thoroughfares outside the development. Cul-de-sacs are not permitted except where natural features such topography or water bodies prohibit connection. Where it is likely that a street may be extended in the future a stub street may be required.
- c. Streets shall be designed for pedestrian safety by having the street width, pattern and pattern to reduce speed and encourage pedestrian safety. To accomplish this street may vary from the Subdivision Regulations or provisions of this ordinance to control traffic and add aesthetics to the development.
  - i. Reserved.
- e. Sidewalks or pedestrian paths installed per the City's Subdivision Regulation's shall be provided on both sides of the all streets.
- f. Streets shall be designed and sealed by a Tennessee Registered Engineer. **(Added by Ord. 17-21, 06-29-17)**

## Section 5.056 PLANNED DEVELOPMENT DISTRICTS

### Sub-Section 5.056.7 Design and Development Standards

#### Item# B. Design Standards

#### B. Design Standards

All Final Master Plans shall include a Design Plan containing the following:

- 1. Statement of Intent and Use



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2. Street Design and Streetscapes
3. Pedestrian way layout
4. Siting of Buildings
5. Massing, Facades and Roofs and examples of buildings
6. Parking Orientation and Layout **including the sitting of garages**
7. Open Spaces, Landscaping and Buffering
8. Lighting and Utilities
9. Building Materials and percentages

**Staff Recommendation- Approval.** Staff has reviewed surround cities in the metro area and found the above text to be consistent and addresses the Planning Commission and Alderman request.



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**Item # 7    Staff:** Request to amend the Subdivision Regulations, Article III, Section 3-101.2, Surety Instrument.

**Staff Notes:** The Planning Commission asked that staff research whether our set amounts are able to keep up with inflation. Currently we have a six (6) percent annual increase for bound amounts.

### **3-101.2                    Surety Instrument**

The Planning Commission in its' discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plat and may provide that, as an alternative, the applicant may post a bond or letter of credit at the time of application for final subdivision plat approval in an amount estimated by the Planning Commission as sufficient to secure to the government the satisfactory construction, installation, and dedication of the incomplete portion of required improvements. Said estimate shall include an additional ~~six (6) thirteen~~ **(13) percent** over and above the cost of securing all necessary improvements to cover the rate of inflation over the bondable period. The performance bond or letter of credit shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.

Such performance bond shall comply with all statutory requirements and shall be satisfactory to the city attorney, as appropriate, as to form, sufficiency, and manner of execution as set forth in these regulations. Accordingly, such performance bond must be officially filed and approved on Form Number 1, as illustrated in Appendix C, of these regulations. Moreover, only corporate insurance companies authorized to do business in the State of Tennessee shall file such bonds with the City.

When a letter of credit is utilized, it shall also be satisfactory to the city attorney as to form, sufficiency, and manner of execution as set forth in these regulations. Accordingly, such letter of credit must be officially filed and approved on Form Number 2, within Appendix C, of these regulations. Moreover, only commercial banks and federally chartered savings and loan associations located in Robertson, Sumner or Davidson County, Tennessee shall be acceptable institutions for the issuance of documentary letters of credit as required for the purposes of these regulations.

It shall be the responsibility of the city engineer to establish the total amount of all performance bonds or letters of credit. All such surety instruments shall segregated into cost estimates for each specific type of improvements, i.e., streets, drainage, lot improvements, utilities, etc. (See required Surety Instrument Form, in Appendix C).

The period within which required improvements must be completed as assured through the use of a performance bond or letter of credit shall be specified by the Planning Commission in the resolution approving the final subdivision plat and shall be incorporated in the bond or letter of credit. This period shall be for one (1) year and shall not in any event exceed two (2) years from date of final approval. 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. Again, an additional ~~six (6) thirteen~~ **(13) percent** of the cost of securing all necessary improvements shall be added to this cost figure in order to ensure that these improvements be properly installed in relation to the rate of inflation for the period of



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extension. Such bond or letter of credit shall be approved by the City Commission or a designated representative as to amount, surety and conditions. The Planning Commission may recommend to the appropriate local legislative body, upon proof of difficulty, extension of the completion date set forth in such bond or letter of credit (normally a one (1) year period) for a maximum period of one (1) additional year. The legislative body may accept, at any time during the period of such bond or letter of credit, a substitution of principal or sureties on the bond or letter of credit upon the recommendation of the Planning Commission.

Staff Recommendation- **Approval**, the average inflation across the nation has been seven (7) percent. This formula was used to determine this proposed increase from six (6) percent to **thirteen (13) percent.**