



City of White House, Tennessee

Planning and Codes Department

105 College Street • White House, TN 37188

www.cityofwhitehouse.com/yourgovernment/planning-and-codes

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: 10/7/2020

Re: Cover Page for the Planning Commission Staff Notes; meeting scheduled 10/13/2020

There are four items on the agenda:

- **Frey Branch Cottages/Ragan-Smith Associates, Inc.:** Wilkinson Lane Rezoning and Preliminary Plan Approval
- **Willow Grove:** Tyree Springs, Final Master Development Plan Approval
- **Staff:** Recommendation to BOMA for zoning ordinance change regarding Short Term Rentals and Bed and Breakfast
- **Staff Discussion:** Requests Recommendation to the Board of Mayor and Alderman to amend the Zoning Ordinance Article V, Regarding Outdoor Storage and Screening.

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 Frey Branch Cottages/Ragan-Smith Associates, Inc.:

Applicant or Representative-
Overview: **Ragan-Smith
Associates, Inc.**

Tax Parcel and ID
**Robertson County Tax Map
95, Part of Parcel 67.00**

Current Zoning
R-20

Comprehensive Plan:
Medium Density Residential

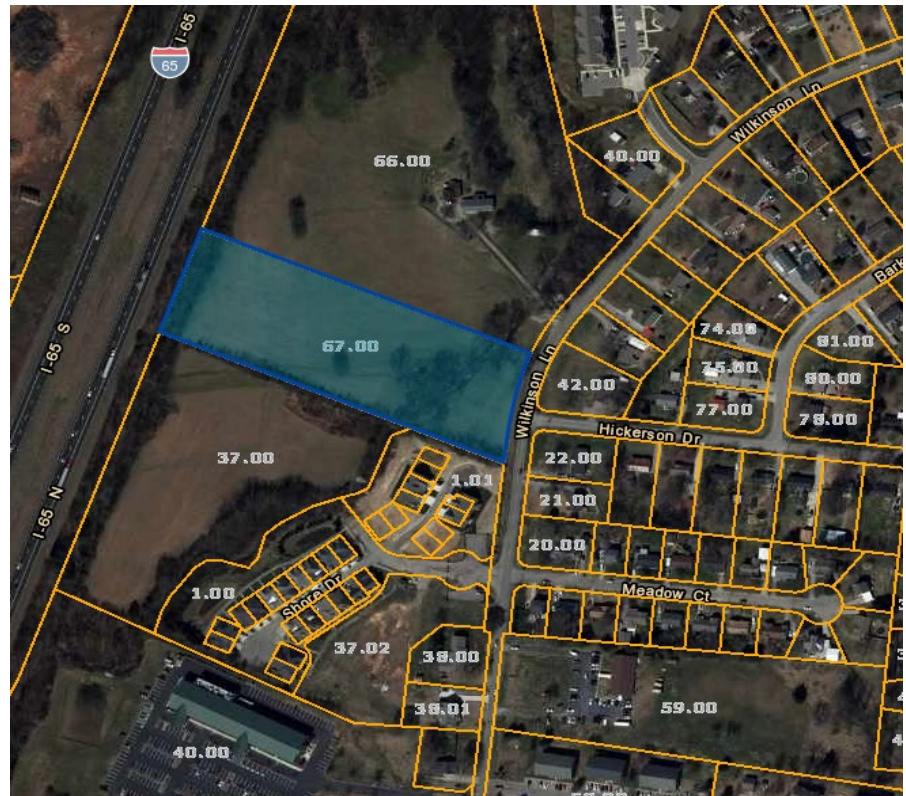
Planning Commission By-Law:
Rezoning Requests Review
Criteria:

- A. Comprehensive Plan area designation
- B. Existing and adjacent property uses
- C. Future uses of area
- D. Permitted uses in the proposed zoning district.
- E. 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

Staff Recommendation:
**Approval, this property is
similar to the existing and
adjacent use of the
surrounding property.**

Staff Overview

This is a proposed 4.83-acre development, requesting preliminary site plan approval and rezoning from R-20, Low Density Residential to NCRPUD, Neighborhood Center Residential Planned Unit Development. This will be a duplex development similar to the Brookside development adjacent to this site. There will be 30 units on 4,500 square foot lots, meeting the required setbacks and open space.



Staff has reviewed the preliminary site plan and found no issues.



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Item # 2 Willow Grove/Ragan Smith Engineering (Lennar Homes):

Applicant or Representative- Overview: Ragan Smith Engineering

Tax Parcel and ID
**Sumner County Tax Map 096,
Parcel 011.01 and Tax Map
096, Parcel 053.00.**

Zoning and Property
Description Location Overview
**Property is located on South
Palmer's Chapel Rd, east of
the Tyree Springs
Intersection.**

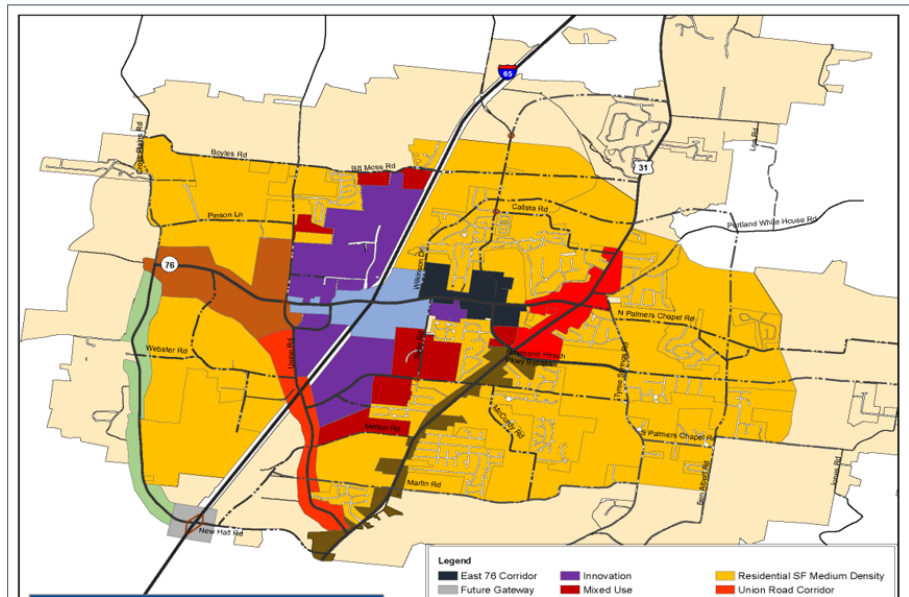
Comprehensive Plan District:
Residential SF Medium Density

Staff Recommendation:

Approval, based on the City's Comprehensive Land Use plan classification of the property as Medium Density Residential and the development proposal includes single family uses.

Staff Overview

The Planning Commission recommended approved the preliminary plan for the proposed subdivision in May 2020 for the 89-unit development.



Staff Comments: The site plan meets all staff requirements including lot size (setbacks) and amenities. The open space is sufficient and the buffer yards of surrounding property is sufficient.



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Item # 2 Willow Grove/Ragan Smith Engineering (Lennar Homes):

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
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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.*

Comprehensive Plan Designation: Single Family Medium Density Residential

The Single Family Medium Density Residential Character Area is characterized by low density single family detached residential development and neighborhoods with smaller lot sizes and more density, with limited, intermixed and compatible governmental and/or civic uses, as permitted as special exceptions. The general development pattern is defined by a single use activity on individual lots. Street networks are typically defined by a grid of streets or curvilinear streets, depending on topography and site conditions, and includes moderate distances between intersections. Buildings have moderate setbacks and use the building structure or landscaping to frame the street



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Item # 3 Staff Amend the Zoning Ordinance

Applicant or Representative-
Overview: Staff

Staff Recommendation:

Approval-This request follows the comprehensive plan for development in this area and would be zoned similarly to surrounding parcels.

Staff Overview

Short Term Rentals Draft Amendment Revision

The Planning Commission last year (2018) reviewed a draft zoning ordinance amendment to include provisions for short term rentals in the zoning ordinance. The purpose of the amendments is to include defined regulations for short term rentals and only permitting the uses through the Board of Zoning Appeals special exception review process. **The proposed amendment includes expanding upon the existing bed and breakfast zoning section to include short term rentals. The intention with the proposed ordinance is in the residential zoning districts that the short-term rentals would be limited to owner occupied uses only. In the C-1, Central Business, C-6 Town Center, and C1-R, Central Business Gateway Residential zoning district currently be reviewed by the Board of Mayor and Aldermen, the short-term rentals would be permitted to be either owner occupied or non-owner occupied. The non-owner-occupied uses would be similar to the hotel/motel uses permitted in the C-1, C-6, and proposed C-1R zoning districts.** The revised draft includes a Municipal Code amendment that would define the operational permit approval process and permit limitations including a process to rescind the permit approval as defined per state law.



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Proposed Zoning Ordinance Amendments:

(Definitions)

"Short-term rental unit" or "unit" means a residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and either defined as an owner occupied or primary short-term rental. Short-term-owner occupied includes a single-family dwelling occupied by a property owner or owners that reside in the residential dwelling unit on a permanent basis in addition to the rented rooms. Short-term rental primary includes a residential dwelling unit that is rented wholly without owner or owners occupying the residential dwelling unit.

4.100 Special Conditions for Review Pertaining to Bed and Breakfast Home Residences and Short-Term Rentals

- A. Bed and Breakfast Home Residences: In addition to the requirements for the applicable district, the following special conditions shall be met prior to issuing a conditional use permit:
1. Bed and breakfast residences shall be established only within preexisting single family dwellings.
 2. Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.
 3. Bed and breakfast residences shall be solely operated by members of the family residing in the residence.
 4. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
 5. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
 6. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.
 7. Bed and breakfast residences shall be limited to a single on-premises sign which shall be no greater than eight (8) square feet in size, and shall be located no closer to the street, right-of-way line than fifteen (15) feet.
 8. One (1) off-street parking space shall be provided for each rentable room in addition to the required two (2) spaces required for the single-family residence. All such spaces shall



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be screened from view from adjoining property and shall not be located within any required front yard.

9. If food is prepared or cooked, a menu made available, and a price is charged therefor, a food server's license must be obtained from the Tennessee Department of Health.
10. A smoke detector shall be installed in each sleeping room, and a fire extinguisher (ABC) ten (10) pounds in size or larger shall be installed and made easily accessible on the floor or story.
11. An evacuation plan must be approved by the city's building/fire official prior to the issuance of a use and occupancy permit for a bed and breakfast residence.
12. Modifications of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
13. ***The Board shall review the existing neighborhood character including property sizes and street conditions and layout to determine if the use would be compatible in the neighborhood.***

Prior to the issuance of a certificate of occupancy for the establishment of any bed and breakfast residence not connected to the city's public sewerage system, certification shall be provided by the county health department approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied

B. Short Term Rentals-Owner Occupied: In addition to the requirements for the applicable district, the following special conditions shall be met prior to issuing a conditional use permit:

1. ***A property owner must reside permanently in the single-family dwelling in order for a single-family dwelling to include no more than two (2) rooms available for rental.***
2. ***Property owner to continuously maintain current licenses and permits as required by local and state agencies. A building and fire safety inspection shall be required with the city licensing process.***
3. ***No food preparation or cooking for guests shall be conducted within any room made available for rent. The room for rent shall not be an independent dwelling unit including a kitchen.***
4. ***Rooms used for sleeping shall be part of the primary residential structure and not located in a detached or accessory building.***
5. ***One (1) off-street parking space shall be provided for each rentable room in addition to the required two (2) spaces required for the single-family dwelling.***



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6. ***Modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.***
7. ***Conditional use application to include plans to show rental room locations and set-up and parking area.***
8. ***The Board shall review the existing neighborhood character including property sizes and street conditions and layout to determine if the use would be compatible in the neighborhood.***

C. Short Term Rentals-Primary: In addition to the requirements for the applicable district, the following special conditions shall be met prior to issuing a conditional use permit

1. ***No more than four (4) bedroom or sleeping rooms in the residential dwelling unit is permitted***
2. ***Dwelling to be rented wholly and shall not include partial or individual room rentals.***
3. ***Property owner to continuously maintain current licenses and permits as required by local and state agencies. A building and fire safety inspection shall be required with the city licensing process.***
4. ***No food preparation or cooking for guests shall be conducted within any sleeping room made available for rent. Only one shared kitchen facility is permitted.***
5. ***One (1) off-street parking space shall be provided for each rentable sleeping room.***
6. ***Conditional use application to include plans to show building floor plans and parking area. If application approved, the City's site plan process of the Zoning Ordinance and Commercial Designs Standards is required for all building and parking lot alterations and expansions.***

5.052.1

C. (7)

R-40, Large Lot Residential District

Uses Permitted as Special Exceptions

Bed and Breakfast Home Residences and Short-Term Rental Owner Occupied. (See Article IV, Section 4.100, Special Conditions for Review Pertaining to Bed and Breakfast Home Residences).

5.052.2

C. (8)

R-20, Low Density Residential Districts

Uses Permitted as Special Exceptions

Bed and Breakfast Home Residences and Short-Term Rental-Owner Occupied. (See Article IV, Section 4.100, Special Conditions for Review Pertaining to Bed and Breakfast Home Residences).



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5.052.3 R-15, Medium Density Residential District

C. (8)

Uses Permitted as *Special Exceptions*

Bed and Breakfast Home Residences and Short-Term Rentals- Owner Occupied (See Article IV, Section 4.100, Special Conditions for Review Pertaining to Bed and Breakfast Home Residences).

5.052.4 R-10, High Density Residential District

C. (8)

Uses Permitted as *Special Exceptions*

Bed and Breakfast Home Residences and Short-Term Rentals-Owner Occupied . (See Article IV, Section 4.100, Special Conditions for Review Pertaining to Bed and Breakfast Home Residences).

5.056.5 Residential Planned Developments

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

Short-Rentals- Owner Occupied (4.100)

SE

SE

5.053.1 C-1, Central Business Service District

C. (8)

Uses Permitted as *Special Exceptions*

Short Term Rentals (4.100)

5.053.1.1 C-1R Central Business Service District- Gateway Infill Residential

C. (3)

Uses Permitted as *Special Exceptions*

Short Term Rentals

5.053.6 C-6, Town Center Commercial District

C.

Uses Permitted as *Special Exceptions*:

Short-Term Rentals (4.100)



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Proposed Municipal Code Amendment:

Title 9 BUSINESS, PEDDLERS, SOLICITORS, ETC.

Chapter 6 Short Term Rental Operational Permit:

The operational permit conditions are based on Tennessee Code Annotated Sections 13-7-601 through 13-7-606

The Planning and Codes Director shall review a use permit application for short term rental uses defined per the City of White House Zoning Ordinance only after the Board of Zoning Appeals has reviewed and approved a special exception and applicable building and fire inspections are completed and approved and the owner has submitted a city business license for applicable hotel and motel taxes. The permit shall be valid for one-year and renewals shall not require additional review and approval by the Board of Zoning Appeals unless determined by the Board of Zoning Appeals as defined and included in the original approval motion. The permits are not permitted to be transferred to subsequent property owners and the permit approval does run with the property. The Director shall issue the permit within two (2) weeks of the permit application submittal once the conditions of the approval process listed above are completed. Appeals of the Director's decision shall be submitted and reviewed by the City's Board of Mayor and Aldermen. The written appeal shall be submitted to the City Recorder's Office.

All complaints with the short-term rentals uses and applicable property shall be reviewed, and administered through the City's Municipal compliant process including initial written submittal to the City's Police Department. Per Tennessee Code Annotated sections referenced above, the Planning and Codes Director shall submit all requests to rescind permit approval to the Board of Mayor and Aldermen when the property has three (3) or more separate violations of generally applicable local laws or if the applicant is not meeting the original permit conditions including any specific requirements defined by the Board of Zoning Appeals in the special exception approval motion. The Board of Mayor and Aldermen may act to rescind the permit approval. Appeals of the Board of Mayor and Aldermen decision are defined in the above referenced Tennessee Code Annotated sections.