



City of White House, Tennessee

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: 9/10/2020

Re: Cover Page for the Planning Commission Staff Notes; meeting scheduled 9/14/2020

There are four items on the agenda:

- Summerlin, Phase 3 Bond Extension
- The Reserve at Palmers Crossing-Phase 2-Final Plat Approval
- David Entertainment Holding Rezoning (Union Rd)
- Discussion zoning ordinance and municipal code amendment regarding short term rentals in the

Don't hesitate to give me a call.

615-672-4350 Ext 2119

Ceagus Clark
Director, Planning and Codes



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Summerlin-Phase 3:

	Staff Overview
<p><u>Applicant or Representative- Overview:</u> One Year Bond Extension: \$134,041</p> <p><u>Tax Parcel and ID</u> NA</p> <p><u>Zoning</u> SRPUD</p> <p><u>Ordinance Reference and Notes:</u> 3-101.2</p> <p><u>Project Area Description</u> Phase 3 infrastructure within the Summerlin Subdivision. This includes the curve, sidewalks, streetlights, detention pond and storm grates.</p> <p><u>Staff Recommendation:</u> Approval of One Year Extension to: \$142,083.46</p>	<p>This is a request for a one-year subdivision improvement. Staff did an inspection on this phase in January. To date, there have been no corrections to staff comments.</p> <p>3-101.2 Surety Instrument 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 The Reserve at Palmers Crossing-Phase 2/Ragan Smith Engineering

Applicant or Representative-
Overview: **Ragan Smith
Engineering**

Tax Parcel and ID
**Sumner County Tax Map 077,
Parcel 68**

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

Comprehensive Plan District:
Residential SF Medium Density

Staff Recommendation:
**Approval with the stipulation
the property lines are drawn
correctly prior to recording
the plat.**

Staff Overview



The Reserve at Palmers Crossing Final Master Development Plan was approved in May 2018. Phase 1 approval by the Planning Commission was in June 2019.



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Item # 3 David Entertainment Holdings, LLC.

Applicant or Representative-
Overview: Tennessee
Construction Associates, LLC

Tax Parcel and ID
**Robertson County Tax Map
106, Parcel 120**

Zoning and Property
Description Location Overview
Site is located on the east side
of Union Road, 3 lots south of
Hwy 76
Ordinance Reference and Notes
Zoning Article 5, 5.056

Comprehensive Plan District:
Innovation

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

Staff Overview



Innovation

Appropriate Zoning Category and Uses:
I-1 Light Industrial, I-2 Heavy Industrial, C-4 Office/Professional
I-3 Special Industrial uses are appropriate only in circumstances where the uses proposed for the site would benefit the community as a whole and a suitable area may be available.

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.

This site was rezoned from I-1 Light Industrial to C-2 General Commercial at the request of the property owner in December of 2019. The property owner is now requesting to go back to the original designation of I-1 Light Industrial.



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5.054.1

Item # 3 David Entertainment Holdings, LLC., continued **I-1, Light Industrial District**

A. District Description

This district is designed for a wide range of industrial and related uses which conform to a high level of performance standards. Industrial establishment of this type, within completely enclosed buildings, provide a buffer between commercial districts and other industrial uses which involve more objectionable influences. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial development are permitted.

B. Uses Permitted

In the I-1, Light Industrial District, the following uses and their accessory uses are permitted:

1. Food and kindred products manufacturing, except meat products.
2. Textile mill products manufacturing except dying and finishing textiles.
3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
4. Furniture and fixtures manufacturing.
5. Printing, publishing and allied industries.
6. Fabricated metal products manufacturing, except ordinance and accessories.
7. Professional, scientific, and controlling instruments; photographic and optical goods, watch and clock manufacturing.
8. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco manufacturing, motion picture production.
9. All types of wholesale trade.
10. Signs and billboards as regulated in Article IV, Section 4.080.
11. Warehouse and storage uses.
12. Agricultural equipment sales and repair.



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13. All public utilities including buildings, necessary structures, storage yards and other related uses.
14. Animal health facilities including veterinary clinics.
15. Building materials storage and sales.
16. Retail trade.
17. Professional, financial consulting and administrative services.
18. Communication services.
19. Commercial amusement services.
20. Auto repair body shops.
21. Essential municipal services.

C. Uses Permitted as Special Exception

In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals.

1. Day care centers.
2. Special institutional care facilities. **(Added by Ordinance No. 97-15, December 20, 1997)**
3. Twenty (24) Hour Veterinarian Clinic Accessory Residential Quarter meeting requirements of 4.160, Excluding Medical Clinics. **(Added by Ordinance No. 05-09, May 19, 2005)**

D. Uses Prohibited

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the I-1, Light Industrial District, shall comply with the following requirements except as provided in Article VII, Section 7.020, (Nonconforming Uses).

1. Minimum Lot Size Requirements
No minimum lot size is required in the I-1 District.
2. Minimum Yard Requirements



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Front Yard	10 feet
Side Yard	20 feet
Rear Yard	15 feet

Front Building Setback	40 feet
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3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.

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.

5. Parking Space Requirements

In addition to the provisions of this ordinance regulating parking spaces and loading areas (Article IV, Section 4.010 and 4.020), the following provisions shall apply to parking and loading areas for uses permitted in this district:

- a. All off-street parking lots and loading areas shall be surfaced with dustless, hard surfaced materials such as asphalt or concrete and so constructed to provide for adequate drainage and to prevent the release of dust.
- b. Each parking space shall be appropriately marked with painted lines or curbs.
- c. Entrances and exits onto and off of a public street shall be paved with a dustless, hard surfaced material for a distance which is at least the equivalent of the required front building setback line measured from the property line at which the access point is located.

6. Landscaping Requirements

See Article III, Section 3.130.

F. Outdoor Storage

1. All outdoor storage shall take place in the rear half (1/2) of the rear yard and shall be screened by fencing or landscaping.
2. Outdoor storage is prohibited in the front half (1/2) of the rear yard.



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4) Discussion- Short Term Rentals- This is a follow-up to Staff Recommendation from May 2019. The attached ordinance below contains the amended language. If there are no changes, I will bring this before the Planning Commission in October.

Staff Notes:

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.

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.



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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 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.***



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- 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.***
- 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***



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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).***

5.052.3

C. (8)

R-15, Medium Density Residential District

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

C. (8)

R-10, High Density Residential District

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



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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)

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.



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Appeals of the Board of Mayor and Aldermen decision are defined in the above referenced Tennessee Code Annotated sections.