

AN ORDINANCE BY THE CITY COUNCIL
OF THE CITY OF TEMPLE

WHEREAS, the City of Temple is in the process of undergoing a comprehensive review of its zoning ordinance and has just finished updating its Future Land Use Map;

WHEREAS, the City desires to create a zoning/use designation of “Planned Development”, and further desires to insure that additional significant developments in the City meet criteria that have been reviewed intensively by the Temple Planning Commission and the City Council of the City of Temple;

WHEREAS, this ordinance is passed pursuant to the City’s police powers and authority to regulate zoning, planning, and land use matters, and also to preserve the health, safety, and general welfare of the citizens of the City of Temple;

NOW, THEREFORE, be it ordained and it is hereby ordained and established by the City of Temple as follows:

Section One:

The code of the City of Temple shall be amended as to Article II thereof by adding a new Division 3 thereto, with sections to be numbered in the discretion of the codifier, with said Division 3 reading as follows:

“DIVISION 3: Planned Development.

Section ____ . Purposes

Planned Development zoning is of a substantially different character than other types of zoning. Because of the difference in character, special standards and procedures are hereby established to govern and guide the creation of Planned Development zoning districts.

Planned Development zoning is a privilege to be earned and not a right which can be claimed simply upon complying with all the standards established in this section. The

Planning Commission and/or Council may require any reasonable condition or design consideration which will promote proper development of benefit to the community. It is not intended that the Planning Commission and/or Council automatically grant the maximum use exceptions or density increases in the case of each Planned Development. The Planning Commission and Council shall grant only such increase or latitude which is consistent with the benefit accruing to the City as a result of the Planned Development. As a condition for approval, each Planned Development must be compatible with the character and objectives of the zoning districts within which it is located, and each Planned Development shall be consistent with the objectives of the Temple Comprehensive Plan and all applicable laws, ordinances and regulations of the City.

Some specific purposes of the Planned Development procedures are:

- (1) To take advantage of advances in technology, architectural design and functional land use design;
- (2) To permit flexibility of design in the placement, height, and uses of buildings, open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of site, characterized by special features of geography, topography, size and shape;
- (3) To protect flood plains from encroachment by development within the City of Temple.

Section _____. Types of Planned Development.

The types of Planned Development are:

- (1) PD-1 Planned Residential Development;
- (2) PD-2 Planned Commercial (Business) Development; and
- (3) PD-3 Planned Industrial Development.

Section _____. General Standards for Planned Developments.

Before an application for Planned Development can be approved, the applicant must present evidence which clearly supports the following conclusions:

- (1) The proposed development advances the general welfare of the community and the immediate vicinity.
- (2) The plan is in conformity with the Comprehensive Plan and other applicable laws, ordinances and/or regulations.
- (3) The proposed development is consistent in all respects with the purpose and intent of this Zoning Ordinance.

- (4) The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development.
- (5) The development will not impose an undue burden on public services and facilities, such as fire and police protection.
- (6) The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a Planned Development not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved. The height of buildings shall be compatible with surrounding land uses as well as the general characteristics of the area to be developed and the surrounding area; and acceptable to the criteria for height restrictions established by this ordinance and/or applicable fire regulations.
- (7) Natural features such as water courses, trees and rock outcrops will be preserved, to the degree possible, so that they can be incorporated into the layout to enhance the overall design of the Planned Development.
- (8) The Planned Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.

Section _____. Procedure for Approval.

(1) Pre-application Conference:

Prior to filing a formal application for approval of a Planned Development, the developer shall request a pre-application conference with the Temple Planning Commission, to include City staff and such persons, as determined by the City, as may provide adequate representation for the City.

The purpose of such conference is to allow the developer to present a general concept of his proposed development prior to the preparation of detailed plans. For this purpose the presentation shall include, but not be limited to the following:

- (a) Written "letter of intent" from the developer establishing his intentions as to development of the land.
- (b) Topographic survey and location map.

- (c) Sketch plans and conceptual objectives regarding land use pattern, structure location and type, street and lot arrangement and tentative lot sizes.
- (d) Tentative proposals regarding water supply, sewage disposal, surface drainage, street improvements and flood control measures.
- (e) The Planning Commission shall then instruct the developer to file an application and advise the developer to familiarize himself with the Temple Zoning requirements and the Comprehensive Plan and all other development regulations affecting the proposed development. A copy of this Article II, Division 3, Planned Development, shall be made available by request.

(2) Preliminary Plan:

Seven (7) copies of the Preliminary Plan of the Planned Development and the application shall be filed with the City Administrator, who shall in turn forward them to the Planning Commission for consideration.

The required procedure for consideration and approval of the Preliminary Plan shall be:

- (a) An application for Zoning Amendment shall be secured from the City Administrator. The completed application shall be filed with the City Administrator accompanied by other subdivision requirements as specified in the City Code.
- (b) The Planning Commission shall study materials received and confer with other agencies as appropriate and City officials to determine general acceptability of the proposal as submitted. In the course of such preliminary consideration, the Planning Commission may request and the applicant shall supply additional material needed to make specific determinations.
- (c) Following such study, the Planning Commission shall hold a conference or conferences with the applicant to discuss desirable changes in the first or succeeding drafts of the Preliminary Development Plan and report.
- (d) Recommendations of the Planning Commission to the applicant shall be in writing, and following any such conference, agreements between the applicant and the Planning Commission as to changes in the Preliminary Plan or other matters are to be recorded and acknowledged by the Planning Commission and the applicant in writing. Items on which no agreement is reached or on which

there is specific disagreement shall be recorded and the applicant may place in the record his reasons for any disagreement.

(e) Public Hearing: Upon the occurrence of either of the following conditions, the Planning Commission will schedule the proposed plan for a public hearing.

(1) When the Preliminary Development Plan has been approved in principal (as a whole or with reservations specifically indicated);

OR

(2) When the applicant indicates in writing that no further negotiations with the Planning Commission are desired before proceeding;

Regardless of which process (1) or (2) is satisfied, the Planning Commission must schedule the proposed plan for the public hearing *within thirty (30) days from the submission of the preliminary plan application.*

(3) Following the public hearing, the Planning Commission shall make its recommendations to the City Council. Such recommendations shall indicate approval, approval with specific reservations or disapproval with reasons.

(4) Within thirty (30) days from the public hearing for the Preliminary plan and respective Planned Development zone designation, the City Council shall approve the proposal outright, approve the subject to conditions, or deny the proposal. Council approval shall be by ordinance.

If conditions are attached to Council approval, there shall be no change in the zoning map until such conditions are formally accepted in writing by the developer. When approved, the area of land proposed for development shall be designated PD-1 (Planned Residential District), PD-2 (Planned Business District), or PD-3 (Planned Industrial District); and shall be used only in accordance with the uses and densities shown on the Planned Development approved and adopted Preliminary Plan.

(3) Approval and Recording of Final Development Plan

The purpose of such recording is to designate with particularity the land subdivided into conventional lots, as well as the dimension of other lands

not so treated, into common open areas and building areas, and also to define each building site as well as the use of the land in general.

The approval and recording of the Final Development Plan may be accomplished in stages if the stages have been specified in the Construction Schedule approved with the Preliminary Plan.

- (a) Upon the designation of the Planned Development district by Council, the Final Development Plan shall be presented and approved in a form suitable for recording with the Carroll County Clerk's Office.
- (b) The proposed plat (the Final Development Plan in a form suitable for re-zoning) shall then be forwarded to the Planning Commission for review and, if approved, shall be forwarded to the City Administrator who shall make appropriate arrangement with the applicant, to ensure the accomplishment of public improvements at the applicant's expense and as provided by the Code of the City of Temple. The City Administrator shall consult with Council concerning any land to be publicly or commonly owned and shall arrange for the necessary legal deed(s).
- (c) The final plat shall be presented by the City Administrator and the proposed developers to the City Council for formal approval and recording.
- (d) The approved record plat shall then be submitted to the Carroll County Clerk's Office for recording after approval by Council.
- (e) No Final Development Plan within the corporate limits of Temple shall be so recorded unless it shall have the approval of Council, as indicated by the signatures of the Mayor and the City Clerk, inscribed thereon.

(4) Zoning Permit:

No zoning permit shall be issued by the City until the Final Development Plan has been approved and duly recorded.

(5) Certificate of Zoning Compliance:

The City shall issue no Certificate of Zoning Compliance until all utilities have been accepted by the City of Temple in accordance with the Final Development Plan.

If all utilities, including roadways, have not been accepted by the City of Temple, the City Administrator may issue a Temporary Certificate of Zoning Compliance upon confirmation that the existing public utilities are functionally acceptable and adequate for the use of the premises. Should the City Administrator find, while the Temporary Certificate of Zoning Compliance is in force, that the existing utilities are no longer functionally acceptable and adequate, the City Administrator may order the cancellation of the Temporary Certificate of Zoning Compliance and direct the developer to vacate the premises of occupants.

The Temporary Certificate of Zoning Compliance remains in effect until all utilities, including roadways, are accepted by the City of Temple at which time the City will issue a permanent Certificate of Occupancy.

(6) Changes in the Planned Development:

A Planned Development shall be developed only according to the approved and recorded final plan, and all recorded amendments shall be binding on the applicants, their successors, grantees and assignees and shall limit and control the use of premises (including the general internal use of buildings and structures) and location of structures in the Planned Development as set forth therein. Any deviation from the approved and recorded final plan must have Planning Commission review and City Council approval, in writing and as an amendment to the plan.

Plan amendments, changes or other modifications – all requested changes or revisions to an approval and recorded final plat must be made to the Planning Commission. The Commission must determine if these proposed changes are deemed “minor” or “major” plan revisions as hereinafter defined. For purposes of this ordinance these terms are defined as follows:

(a) Major Changes:

Changes which alter the concept or intent of the Planned Development, including but not limited to: increases in the number of units per acre; change in location or amount on non-residential land use; more than ten percent (10%) modification in proportion of housing types; reductions of proposed open space; significant re-design of roadways, utilities or drainage may be approved only by submission of a new Preliminary Plan and supporting data, and following the “preliminary approval” steps and subsequent amendment of the final Planned Development Plan.

(b) Minor Changes:

A minor change is any change not defined as a major change. The City Administrator and the Planning Commission may jointly approve minor changes in the Planned Development which do not change the concept or intent of the development without repeating the "preliminary approval" steps.

The City Administrator shall enter in detail all minor changes on the official Final Development Plan on record with the City.

(7) Schedule of Construction:

A modification of the schedule may be approved by the City Council if the developer shall present satisfactory evidence of reasonable effort toward meeting the initial schedule and justification for the modification.

If construction falls more than one (1) year behind schedule, as determined by the City Engineer, and the developer fails to justify the delay to Council's satisfaction, Council may proceed to complete all or any part of such improvements and recover the costs thereof by laying claim to the guarantee specified in the section titled "Final Plan Stage" hereinbelow.

(8) Effect of Denial of a Planned Development:

If an application for a Planned Development is denied wholly or in part, then for a period of one (1) year from the date of submission thereof, the Planning Commission need not consider any resubmission therefor.

If a Preliminary Development Plan is approved and the Final Development Plan is thereafter disapproved, the applicant, or his successor in interest, may at any time, submit one (1) or more new versions of the Final Development Plan, so long as the new versions are in full compliance with the approved Preliminary Development Plan, including any conditions attached to said plan.

Section _____. PD-1 Planned Residential Development

(1) Policies Guiding Development:

This district is intended to provide flexibility in the arrangement and design of residential dwellings, based upon a unified development plan conceived and carried out for an entire area. Within this district, appropriate and reasonable population density is maintained while a variety of dwelling unit types is encouraged. Natural features such as topography, trees and drainage ways are encouraged to remain in their natural state to the degree possible. Such developments are generally characterized by a significant proportion of usable open space and a

unified design concept with particular attention devoted to the periphery of the development, the over-all objective being the compatibility of the development with its surroundings.

(2) Permitted Uses:

Permitted uses are those included as permitted and accessory uses in the Residential Zones set forth in the Temple Zoning Ordinance.

Convenience establishments as conditional uses are those established as necessary for the proper development of the community and to be so located, designated and operated to serve primarily the needs of the persons within the Planned Development Plot. Uses shall be generally limited to those uses permitted in the CN or CBD districts, with no direct access or advertising signs for such uses to be visible from the exterior of the development. Such convenience establishments and their parking areas shall not occupy more than five percent (5%) of the total area of the development. No separate building or structure designed or intended to be used, in whole or part, for business purposes shall be constructed within a Residential Planned Development until not less than thirty percent (30%) of the dwelling units proposed in the development plan are certified for occupancy.

(3) Area Requirements:

The minimum land area required for a Planned Residential development shall be five (5) acres.

This area requirement may be reduced at the discretion of the Planning Commission and City Council if it can be demonstrated that a waiver is necessary to achieve an improved site design and that surrounding neighborhoods and public facilities will not be adversely affected.

(4) Density Requirements:

Any combination or cluster of housing units is permitted, provided that the average lot area per family or dwelling unit contained in the site, (exclusive of the area of street rights-of-way, parking areas and commercial areas), must be at least eighty percent (80%) of the average lot area per family required in the surrounding non-agricultural districts. This density requirement may be varied at the discretion of the Planning Commission and City Council if it can be demonstrated that a waiver is necessary to achieve an improved site design and that surrounding neighborhoods and public facilities will not be adversely affected.

(5) Site Design:

All housing shall be sited to preserve privacy and to ensure natural light.

Lot widths may be varied to permit a mixture of structural designs. Varied setback is encouraged.

Where feasible, housing units should be situated to abut common open space or similar areas. A clustering of dwellings is encouraged.

(6) Structure Spacing:

A minimum of twenty (20) feet shall be maintained between principal structures.

(7) Length:

There shall be no continuous structure of town houses, attached dwellings or apartments containing more than twelve (12) dwelling units on ground floor level.

(8) Height:

The building height of any residential structure within a Planned Development shall not exceed forty-five (45) feet or 3 ½ stories. However, the Planning Commission may grant an exception if it is demonstrated that additional height can be achieved with concurrent expansion of suitable open space to protect adjacent structures from adverse reduction of light and air.

(9) Setback and Screening:

A minimum setback of fifty (50) feet shall be provided along the entire perimeter of the development and retained in natural woods, or be suitably landscaped with grass and/or ground cover, shrubs and trees. Projects located adjacent to commercial or industrially zoned areas shall provide suitable screening to the residential development as adjudged by the Planning Commission. Screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

(10) Common Open Space:

A minimum of twenty-five percent (25%) of the total land in any Planned Residential Development shall be reserved for permanent common open space and recreational facilities for the residents or users of the area being developed. In extreme topographical conditions, at the discretion of the Planning Commission, this requirement may be reduced.

Only area having minimum dimensions of fifty (50) feet by one hundred (100) feet shall qualify for computation as usable open space.

(11) Parking Requirements:

A minimum of two spaces per unit, with two (2) extra spaces for each building with multiple units.

(12) Signs:

See: Temple sign ordinance for size and location of permitted signs.

(13) Utilities:

All utilities including electric, telephone, gas, water and sewer lines must be buried, except when deemed unfeasible as determined by the City Engineer.

Section ____ . PD-2 Planned Commercial Development.

(1) Policies Guiding Development:

This district is provided in recognition that many commercial establishments seek to develop within unified commercial areas, usually under single ownership and control and typically called "shopping centers". Within the premises of the zone, such centers would have all the necessary services and facilities comprehensively provided in accordance with an approved development plan. Provisions of this zone are formulated to achieve harmoniously designed structures upon a well landscaped site, achieving a high degree of pedestrian-vehicular separation, all of which would be compatible with surrounding land uses.

(2) Permitted Uses:

Uses included are those permitted, accessory and conditional uses in all Commercial Districts and O-I, Office Industrial District developed in accordance with the approved Development Plan, but subject to review of the Planning Commission and the approval of the City Council.

(3) Arrangement and Design of Commercial Uses:

Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares.

The plan of the project shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential developments.

The buildings, all façade areas and general design shall be presented, by computer model or artist rendering, so that the concept of the design may be thoroughly reviewed by the Planning Commission and City Council. This shall include, but not necessarily limited to, the use of brick, hardy plank, or other appropriate construction material on the front facade and side views as might be necessary to enhance the overall appearance of all buildings proposed to be constructed in the plan. In addition, the plan shall provide information concerning the overhang adjacent to the building, common walkways, color schemes to be used, and other similar enhancement features for the development.

The construction of buildings shall maintain a general common theme or design, so as to protect the special integration of the project, as much as practicable. Concrete block shall not be exposed, unless approved. The developer shall furnish a general specification list of materials to be used in the construction of improvements to all commercial building and establishments planned for the development.

(4) Area Requirements:

The minimum land area for a Planned Commercial Development shall be two (2) acres.

(5) Structure Spacing:

A minimum of twenty (20) feet shall be required between adjacent principal buildings.

(6) Setback and Screening:

A setback of at least fifty (50) feet shall be provided along the entire perimeter of the development. However, where the Planned Development adjoins a Business or Industrial District, the setback and screening requirements shall be at the discretion of the Planning Commission.

Where situated adjacent to a residentially zoned area, a minimum of twenty (20) feet along the exterior property line shall be planted with an evergreen hedge or dense planting of evergreen shrubs not less than three

(3) feet in height at the time of planting. A landscaped mound adequate to provide screening may be substituted for hedge or shrubs.

In no case shall screening be placed within fifty (50) feet of a curb cut or intersection.

Vehicular access through such landscaped strip when leading from residential areas shall be permitted only for convenience of residents of adjoining residential areas, and not designed for use by the general public.

(7) Parking Requirements:

See: Section _____.

(8) Loading and Unloading Areas:

See: Section _____.

(9) Signs:

See: Temple Sign Ordinance.

(10) Utilities:

Wherever possible, utilities shall be housed in structures compatible with the development so as not to detract from the overall aesthetic design.

Section _____. PD-3 Planned Industrial District

(1) Policies Guiding Development:

The provisions of this district are provided in recognition that many industrial establishments seek to develop within unified industrial areas having all necessary services and facilities comprehensively provided in accordance with a predetermined development plan. As in the Planned Business Zone (PD-2), provisions of this zone are formulated to encourage a high degree of coordinated development upon well landscaped premises. Particular attention is devoted to design of the periphery of the development with the objective of achieving compatibility with existing and potential surrounding land uses.

(2) Permitted Uses:

These uses will be permitted in accordance with the approved Development Plan:

- (a) Assembly plants.
- (b) Automobile repair but no commercial wrecking, dismantling or salvage yard.
- (c) Auto service station.
- (d) Automobile, trucks, boat sales.
- (e) Bottling works.
- (f) Builders supply store.
- (g) Building and trades, including contractor's yard and utilities storage yard.
- (h) Carpet cleaning, dry cleaning and dyeing, laundry.
- (i) Cold storage plant.
- (j) Commercial greenhouse.
- (k) Dairy products manufacture.
- (l) Fabrication, processing, packaging and/or manufacture of food products and condiments excluding fish products, slaughter houses and rendering and refining of fats, oils, fish, vinegar, yeast and sauerkraut.
- (m) Fabrication, processing, packaging and/or manufacture of cosmetics, drugs, perfumes, pharmaceuticals, and toiletries.
- (n) Fabrication, processing, packaging and/or manufacture of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, textiles, tobacco, wax, wood and yarn.
- (o) Fabrication, processing, packaging, and/or manufacturing of musical instruments, toys, novelties, rubber or metal stamps.
- (p) Fabrication, processing, packaging and/or manufacture of ice, cold storage plant, bottling plant.
- (q) Farm implements and contractor equipment sales and service.

- (r) Foundry casting light weight non-ferrous metals or electric foundry, not causing noxious fumes or odors.
- (s) Fuel or coal company.
- (t) Furniture reupholstering and repair.
- (u) Industrial research laboratories.
- (v) Inflammable liquids, underground storage only.
- (w) Lumber yards including incidental millwork, coal, brick, stone.
- (x) Monument sales including incidental mechanical operations.
- (y) Motor freight depot or trucking terminal provided, the truck entrance and exits are on to streets whose pavement width is at least thirty (30) feet between curbs.
- (z) Painting, varnishing shops.
- (aa) Call center.
- (bb) Plumbing supply and contracting shops including storage yards.
- (cc) Public garages, motor vehicle and bicycle repair shops, auto paint and body shops.
- (dd) Publishing and printing.
- (ee) Railroad freight stations, but not including switching, storage, freight yards, sidings or maintenance or fueling facilities.
- (ff) Repair, rental and servicing for appliances.
- (gg) Sign contractor.
- (hh) Stone grinding, dressing and cutting.
- (ii) Storage yard for building supplies and equipment, contractors equipment, food fabrics, hardware and similar goods when located entirely within a building, provided such buildings shall not be used for wrecking or dismantling of motor vehicles.
- (jj) Television and radio broadcasting towers.

(kk) Veterinary clinic or kennels, animal hospital, provided that all animals are housed in buildings or enclosures which are at least five hundred (500) feet from any residential district.

(ll) Warehouses.

(mm) Wholesale distributors.

(3) Restrictive Covenants:

No use shall be allowed within any planned industrial district which is violative of the restrictive covenants presented promulgated, or hereinafter enacted that govern the construction of any industrial related improvements within the Temple industrial park or parks. Reference to such covenants is hereby made as if particularly set forth in this ordinance.

Section _____. Preliminary Plan Stage

(1) Application:

An application for Preliminary Planned Development shall be secured from, and the fully completed application shall be filed with the City Administrator, together with the appropriate fee in accordance with the City of Temple prevailing rate schedule.

(2) Material To Be Submitted with Applications:

(a) Identification of all property owners within the proposed development, evidence of unified control of the entire area of the development, tentative agreement of all owners to proceed with development according to plan or to provide adequate sureties for completion.

(b) A map or maps indicating the relation of the proposed development to the surrounding area. As appropriate to the development proposed, such map or maps shall demonstrate access to major streets, and show the approximate location and sizes of existing public sewers, water lines and storm drainage systems.

(c) Topographic data map drawn to a scale of one hundred (100) feet or less to one (1) inch by a registered surveyor and/or engineer showing:

(1) Boundary lines, bearing and distances;

- (2) Easements, location, width and purpose;
- (3) Wooded areas, streams, lakes, marshes and other physical conditions affecting the site;
- (4) Ground elevations on the tract;
- (5) If deemed necessary by the City Engineer, subsurface conditions on the tract, including the location and results of tests made to ascertain the conditions of subsurface soil, rock and groundwater.
- (6) Name, address and phone number of registered surveyor, registered engineer and/or urban professional planner assisting in the preparation of the Preliminary Development Plan.

(3) Preliminary Development Plan and Report:

A Preliminary Development Plan and report shall accompany the application with maps at a scale of one hundred (100) feet or less to the inch, including as appropriate to the kind of planned development proposed; the following information, presented in generalized form:

- (a) Proposed land uses and appropriate height, bulk and location of principal structures sufficient to permit an understanding of the style of the development. Proposals containing residential units shall specify the number of housing units by size and type proposed within the initial phase of the proposal or within the overall development if the development is not to be staged.
- (b) Proposed automotive and pedestrian circulation patterns including streets by type (major, collector or minor) and width, public or private bicycle paths and pedestrian ways and existing or plotted streets proposed to be vacated.
- (c) Major off-street parking areas.
- (d) Proposed parks, playgrounds, school sites and other major open spaces as well as the general form of organization proposed to own and maintain any common open space.
- (e) General locations of utility installations and easements.
- (f) A Schedule of Construction which shall indicate the estimated date for the start of construction and the duration of the construction

period in months. The commencement date of construction may be set relative to the Plan's approval date.

If development is to be in stages, indication as to order and timing of development and demonstration that each stage, when completed, would complement any completed earlier, and would form a reasonably independent unit even though succeeding stages were delayed.

- (g) Proposals for provision of public facilities, utilities or services where lacking or unlikely to be available when needed for the planned development, or for providing suitable private facilities, utilities or services. A report shall be provided containing proposals for improvement and continuing maintenance and management of any private streets, facilities, retention ponds or other common areas.
- (h) The substance of covenants, grants and easements or other restrictions proposed to be imposed upon the use of the land, building and structures including proposed easements or grants for public utilities. All agreements for the planned development reached, or finally approved as a part of this process between the applicant and the City of Temple shall become a part of covenants, grants or easements recorded upon the deed records of Carroll County, Georgia as may be necessary or applicable to insure compliance with all terms and provisions of the planned development.

Section _____. Final Plan Stage

(1) Requirements for the Final Development Plan:

- (a) A map or maps in the form required by the governing Subdivision Regulations for recording of final plats or subdivisions, with such modifications and additions as required to achieve the design flexibility of the planned development concept.

Similar modifications of standards contained in the governing Subdivision Regulations or in other regulations or policies applying generally may be reflected in such maps and reports if the Planning Commission shall find and shall certify, after consultations with other agencies of government as appropriate in the specific case, that the public purposes of such regulations or policies are as well or better served by specific proposals of the formal plan and reports.

- (b) A general site and land use plan for the Planned Development as a whole, indicating sub-areas for phase development if any, and showing location and use of structures and portions of structures in relation to building sites reserved for future use and uses for which sites are reserved, automotive and pedestrian circulatory networks, principal parking areas, open space not in building sites and the use for which it is intended, and such other matters as are required to establish a clear pattern of the relationships to exist between structures, uses, circulation and land.

(2) Agreements, Contracts, Deed Restrictions and Sureties:

- (a) All agreements, contracts and deed restrictions shall be submitted in a form acceptable to the City. Acceptance of the documents shall be in the form of a letter from the City Administrator certifying that all such requirements have been met.

The applicant shall guarantee the installation of the public improvements specified in the Final Development Plan through one of the following methods:

- (1) Filing a performance and labor and material payment bond in the amount of one hundred twenty-five percent (125%) of the estimated construction cost as determined by the City;
- (2) Depositing or placing in escrow a certified check or cash or any other acceptable pledge, in the amount of one hundred twenty-five percent (125%) of the construction cost as approved by the City.

Acceptance of the form of guarantee selected shall be evidenced by a formal letter from the City Administrator.

- (b) The owners of the Planned Development or persons legally representing them shall execute a legally binding agreement providing for the maintenance of commonly owned open space, recreation areas, automotive and pedestrian circulatory networks. In addition, such owners or person(s) legally representing them shall authorize the Temple Police Department and any other properly constituted law enforcement agency to exercise full powers of arrest on the premises.

Section 2:

All laws and parts of law in conflict herewith are specifically repealed.

Section 3:

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this enactment are severable, and if any phrase, clause, sentence, paragraph or section hereof shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this enactment, since the same would have been enacted by the City Council without the incorporation herein of any such unconstitutional phrase, clause, sentence paragraph or section.

ADOPTED AND APPROVED by the Council of the City of Temple at a regularly meeting, duly called and held this the 14th day of September, 2020. Councilmembers Brackney Miller, Walden & Wallon voting "Aye" and N/A voting "No".

BY: Michael C Johnson
MAYOR, CITY OF TEMPLE

ATTEST:

Kasha Ethridge
CLERK, CITY OF TEMPLE

(seal)