



DATE: June 1, 2016
TO: Mayor and City Council
FROM: Kaipo Awana, Planning Director *KA*
SUBJECT: Development Regulations Article 5 & Article 11 Amendments

RECOMMENDED ACTION

Approval of the Development Regulation Amendment for Article 5 & Article 11

ISSUE

- The Planning Department requests to amend Article 5 and Article 11 in the Development Regulations, which do not directly list all the required public improvements (project access, utilities, storm water facilities, street lights, road construction, and landscaping) that the City requires for the Certificate of Development Conformance Approval Process.
- In order for the City to continue requiring performance and maintenance bonds for these public improvements, these should be more clearly spelled out in the Development Regulations.

ATTACHMENTS

Development Regulations, Article 5, ART05 DR Mark-Up
Development Regulations – Article 11, ART11 DR Mark-Up

Additions have been shown in double underline text.
Deletions have been shown in stricken text.

Summary of Significant Changes

1. Amend Article 5, Section 5.4.1, General Requirements to list the required public improvements (pg 5.1, ART05 DR Mark-Up).
2. Amend Article 5, Section 5.4.2, Public Utilities to include natural gas (pg 5.2, ART05 DR Mark-Up).
3. Amend Article 11, Section 11.2.4, Certificate of Development Conformance Approval Process (a) to include the public improvements as required to approve the Certificate of Development Conformance Approval (pg 11.7, ART11 DR Mark-Up).
4. Amend Article 11, Section 11.2.4, Certificate of Development Conformance Approval Process (b) to correct grammar (pg 11.8, ART11 DR Mark-Up).
5. Amend Article 11, Section 11.2.4, Certificate of Development Conformance Approval Process (c) to include approval by the City of Sugar Hill (pg ~~11.8~~ 11.9, ART11 DR Mark-Up).
6. Amend Article 11, Section 11.6.1, Development Performance and Maintenance Agreement to include that the required public improvements and areas must comply with all standards as a prerequisite to final plat approval (pg 11.13, ART11 DR Mark-Up).
7. Amend Article 11, Section 11.6.1, Development Performance and Maintenance Agreement to include maintenance of the required public improvements (pg 11.14, ART11 DR Mark-Up).

ARTICLE 5

GENERAL REQUIREMENTS

5.1 SUITABILITY OF THE LAND

5.1.1 Land subject to flooding, improper drainage or erosion, and any land deemed to be unsuitable for development due to steep slope, unsuitable soils or subsurface conditions, etc., shall not be subjected to development for any uses as may continue such conditions or increase danger to health, safety, life, or property, unless steps are taken to eliminate or abate these conditions.

5.1.2 Land within a proposed subdivision or development which is unsuitable for development shall be incorporated into the buildable lots as excess land. Lots which do not comply with the requirements of the Zoning Ordinance are prohibited.

5.2 OFFERS OF LAND DEDICATION

5.2.1 Whenever a developer proposes the dedication of land to public use, and the City Manager or the appropriate agency finds that such land is neither required nor is it suitable for public use, the City Manager shall require the rearrangement of lots to include such land in private ownership.

5.3 ZONING AND OTHER REGULATIONS

5.3.1 Whenever there is a discrepancy between minimum standards or dimensions required herein and those contained in zoning regulations, building codes, or other official ordinances, regulations or resolutions, the most restrictive shall apply. In those instances where the required right-of-way width or roadway improvements for a specific project have been established as a condition of zoning approval, the requirements of the zoning condition shall control, whether more or less restrictive than the requirements of these Regulations.

5.3.2 Building setback lines shall at least conform to the minimum yard requirements of the Zoning Ordinance. Building setback lines along all public streets shall be no less than the front yard setback required on the property by the applicable zoning district in the Zoning Ordinance.

5.4 REQUIRED PUBLIC IMPROVEMENTS

5.4.1 General Requirements

Every developer of lands within the jurisdiction of these Regulations shall provide the ~~Project project~~ Access-access improvements, utilities, drainage improvements and landscaping included in these Regulations as shall be appropriate to serve the project, in accordance with these Development Regulations and other pertinent Codes, Ordinances, and regulations of City of Sugar Hill. Said improvements and associated lands shall be provided at no cost to City of Sugar Hill, and shall be dedicated or otherwise transferred, as required, to the public in perpetuity and without covenant or reservation, except as otherwise provided herein.

5.4.2 Public Utilities

Every developer of lands within the jurisdiction of these Regulations shall provide for adequate domestic water supply ~~and~~, sewage disposal and natural gas supply in accordance with pertinent Codes, Ordinances and Regulations of the City of Sugar Hill or Gwinnett County. Streetlights and underground electrical utilities shall be provided for all residential subdivisions in accordance with City of Sugar Hill requirements and approval. It shall be the responsibility of the developer to coordinate with the proper utility providers to obtain the necessary permits and approvals to install the required public utilities.

5.5 LOTS

5.5.1 Lots shall at least conform to requirements of the City of Sugar Hill Zoning Ordinance.

5.5.2 Double frontage and reverse frontage lots shall be required for residential subdivisions along major thoroughfares where internal access can be provided. A no-access easement of at least ten feet in width, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery. When located along a major thoroughfare, the no-access easement shall be planted and/or screened as required by the Buffer, Landscape, and Tree Ordinance.

In no-access easements along minor collectors or local streets, planting or other screening treatments shall be at the sole option of the developer.

5.6 SURVEY MONUMENTS

5.6.1 All corners shall be marked with an iron rebar or pin, at least one-half inch in diameter and 18 inches long and driven so as to extend no less than one inch above the finished grade.

5.6.2 On subdivisions containing floodplains, flood elevation references shall be set in accordance with the requirements of the Floodplain Management Ordinance.

5.7 STANDARD DRAWINGS

5.7.1 The City shall maintain on file for consultation and distribution a set of Standard Drawings illustrating details of construction and design of streets, storm water drainage facilities, site improvements and other elements related to the development of land in accordance with these Regulations and under the jurisdiction of the City.

5.7.2 The Standard Drawings shall illustrate minimum acceptable standards for land development activities authorized under these Regulations, but shall not supersede more restrictive prudent design requirements or good engineering practice as applied to specific situations on a case-by-case basis.

ARTICLE 11

PROCEDURES

11.1 SUBDIVISION REVIEW PROCEDURES

11.1.1 Pre-Application Conference

Whenever any subdivision of a tract of land is proposed to be made, whether for residential or nonresidential development, the subdivider is encouraged to present to the City preliminary documents and graphic exhibits to permit early evaluation of the subdivider's intentions and coordination with the Comprehensive Plan, Zoning Ordinance, Metropolitan River Protection Act, etc., and to inform and provide the subdivider with the necessary regulations in order to properly accomplish the proposed project.

11.1.2 Concept Plan Approval

- a. Application for Concept Plan approval shall be submitted to the City using an application form and in a number of copies to be determined by the City Manager. The Concept Plan shall include the entire property proposed for development, but need not include the applicant's entire contiguous ownership.
- b. In such case that the subdivider elects not to submit a Concept Plan, then the subdivider may proceed directly with the submittal of Development Plans if they show the entire property proposed for development. In so doing, however, the subdivider assumes the risk of premature design and engineering expenses in the event that the City requires subsequent design and engineering changes.
- c. Following Concept Plan approval, a clearing and grubbing permit may be issued based on a Tree Protection Plan (if required - see Buffer, Landscape and Tree Ordinance) and soil erosion and sedimentation control plan approved by the City, and consistent with an approved Certificate issued under the Metropolitan River Protection Act, if applicable.
- d. Copies of the approved Concept Plan shall be provided to the City for permanent record, in a number as determined by the City Manager.

11.1.3 Development Plans Approval for Subdivisions

- a. An application for Development Plans approval and issuance of a development permit shall be submitted to the City using an application form and in a number of copies as determined by the City Manager. The Development Plans may encompass a portion of a property included within an approved Concept Plan. However, if no Concept Plan has been approved, the Development Plans must include the entire property being developed and having the same zoning. The application shall include the Preliminary Plat, and construction drawings. All construction drawings and other engineering data shall be prepared and sealed by a Professional Engineer or Landscape Architect currently registered in the State of Georgia, in accordance with provisions of Georgia Law.

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- b. Following submission to the City of a Preliminary Plat and all drawings required for development permit review, a grading permit may be issued at the developer's request based on a Tree Protection Plan (if required), soil erosion and sedimentation control plan, hydrology study, and related construction drawings, and consistent with an approved Certificate issued under the Metropolitan River Protection Act, if applicable. The grading permit shall be limited to the area included within the Development Plans and may be further conditioned as deemed appropriate or necessary pending development permit approval.
 - c. The City Manager shall indicate on a review copy of the drawings or in a written memorandum all comments related to compliance of the Development Plans with these Regulations, principles of good design, the Zoning Ordinance, conditions of zoning approval, and the regulations of other City departments, Gwinnett County and State agencies as appropriate. The City Manager shall have final staff authority to determine the applicability of any and all comments under these Development Regulations, the Zoning Ordinance or conditions of zoning approval.
 - d. The City Manager may not approve any Preliminary Plat whereon is shown a lot which would present particularly unusual difficulties for construction of a building, which would clearly require a variance to be reasonably usable, or which is otherwise "unbuildable" because of its unusability, whether due to the presence of floodplain, unusual configuration, lack of public utilities or for any other reason. A House Location Plan (HLP) may be required to be filed as a part of the Preliminary Plat approval to substantiate the buildability of any such difficult or unusual lot.
 - e. The subdivider shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all of the noted and written comments of the City Manager.
 - f. Should an applicant disagree with the findings or final review comments of the City Manager or of any other City department, concluding that factual or interpretive errors have been made, the following appeal procedure shall be followed to resolve the issues.
 - (1) Submit to the City Manager a written statement clearly defining the nature of the disagreement, the specific reference to the sections of the regulations (i.e., Development Regulations, etc.) at issue, and the applicant's own opinion.
 - (2) The City Manager shall automatically forward a copy of the appeal to the City Council for final action in their normal course of business.
 - g. When the City Manager has determined that the plat and other Development Plans are in compliance with all applicable City regulations and zoning requirements and approval has been received from all affected City, Gwinnett County, and State Departments, he shall sign and date a CERTIFICATE OF DEVELOPMENT PLANS APPROVAL stamped or printed on a reproducible copy of the plat. The prescribed number, which the City Manager establishes from time to time, of

approved copies of the approved plat and Development Plans shall be transmitted to the applicant and retained by the City for its records.

- h. Following the above approval by all affected City, Gwinnett County, and State Departments, a Development Permit shall be issued at the developer's request to begin construction activities based on the approved development plans.

11.1.4 Final Plat Application and Review

- a. When the improvements have been constructed in accordance with the requirements and conditions of these regulations, the subdivider may submit to the City an application for Final Plat approval, using an application form and in a number of copies as determined by the City Manager.
- b. The final subdivision plat application shall be accompanied by a completed Certificate of Development Conformance and a draft Performance and Maintenance Agreement.
- c. The City Manager shall indicate on a review copy of the plat or in a written memorandum all comments related to compliance of the Final Plat with these Regulations, the Zoning Ordinance, conditions of zoning approval, and the regulations of other City departments, Gwinnett County departments, and State agencies as appropriate. The City Manager shall have final staff authority to determine the applicability of any and all comments under these Development Regulations, the Zoning Ordinance or conditions of zoning approval.
- d. The subdivider shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all of the comments of the City Manager.
- e. Approval of the installation and construction of improvements by the City Manager shall not constitute acceptance of the improvements for dedication purposes. The City of Sugar Hill shall not have any responsibility with respect to any street or other improvement, notwithstanding the use of same by the public, until the street or other improvements have been officially accepted by the City Council.

11.1.5 Final Plat Approval

- a. The City Manager shall not approve any Final Plat whereon is shown or by which is otherwise created a lot which would present particularly severe and unusual difficulties for construction of a building, which would clearly require a variance to be reasonably usable, or which is otherwise unbuildable due to the presence of floodplain, unusual configuration, lack of public utilities or Health Department approval, or for any other justified reason.
- b. Lots which would appear to be buildable under certain circumstances and would require further study or additional information before a building permit could be issued, but which present problems or unusual difficulties which can reasonably be

addressed or overcome by the lot owner, may be included in the Plat with the appropriate notation of the steps necessary to allow issuance of a building permit (see section 5.9, Lots, of the General Design Standards).

- c. The City Manager shall determine that either:
 - (1) All improvements and installation to the subdivision required for approval of the Final Plat under the rules and regulations of City of Sugar Hill have been completed in accordance with the appropriate specifications; or
 - (2) All of the storm water drainage and detention facilities, water and sewer utilities, street base and curbing construction required for approval of the Final Plat have been properly installed and completed and, for those required improvements not yet completed (grassing, pavement topping, required landscaping, sidewalks, etc.) a performance surety shall have been filed by the subdivider with the Development Performance and Maintenance Agreement.
- d. Prior to final plat approval, payment for materials and installation of traffic control and street name signs shall be made to the Gwinnett County Department of Transportation in accordance with the traffic engineering regulations. Payment of the cost of striping major thoroughfares or required signalization, if required, and not completed by the developer shall also be received by the Gwinnett County Department of Transportation prior to approval of the Final Plat.
- e. Prior to final plat approval, payment of the required plat recording fee shall be made to the City.
- f. Final approval by the City Manager shall not be shown on the Final Plat until all requirements of these and other applicable regulations have been met, the City Manager has approved the Certificate of Development Conformance and a Development Performance and Maintenance Agreement has been executed. Refer to section 11.6.2 of these Regulations.
- g. Once the City has approved the Final Plat and all other affected departments and agencies of government as required have certified compliance and signed the route sheet, the City Manager shall certify by his signature on the original of the plat that all of the requirements of these Regulations, the Zoning Ordinance, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. Once the Final Plat has been signed by the City Manager and where use of septic tanks is proposed, by a duly authorized representative of the Gwinnett County Health Department, it shall not be deemed approved until ratified by the City Council.
- h. Once the Final Plat has been so certified, the City Manager shall authorize it to be recorded with the Clerk of the Superior Court of Gwinnett County. The subdivider shall provide the City with an appropriate number of copies of the recorded plat, as determined by the City Manager. Deeds to lands dedicated to City of Sugar Hill in

fee simple, or to Property Owner Associations for park or recreational use, shall be recorded simultaneously with the Final Plat.

- i. Within 12 months after final plat approval, the applicant shall file the plat with the register of deeds as provided by law. The final plat approval shall expire within the above referenced time period, unless the City Manager has granted a written extension. The City Manager may grant up to two extensions of final plat approval, each up to six months. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void.

11.1.6 Dedication (Acceptance)

- a. The ratification and approval of a plat shall not be considered an acceptance of any proposed dedication and does not impose on the City any duty regarding the maintenance or improvement of any parts proposed for dedication until the City accepts the dedication by official action or makes an actual appropriation of the parts proposed for dedication by improvement. The disapproval of a plat shall be considered a refusal by the City of Sugar Hill of the offered dedication indicated on the plat.
- b. All required public improvements, right-of-way of all public streets, drainage easements contained within the street right-of-way and other public facilities and appurtenances shown on the final plat shall be accepted separately by the City of Sugar Hill subject to satisfactory completion of the Development Performance and Maintenance Agreement executed for the project.
- c. Land dedication for rights-of-way and other public works shall be presented to the City Council by deed and dedication plat. Acceptance of such dedication shall be at the discretion of the City Council and official action on the acceptance of the dedication shall be taken in a public meeting. Within 30 days of acceptance by the City Council, the deed and dedication plat shall be recorded with the Clerk of Superior Court.

11.2 NON-SUBDIVISION REVIEW PROCEDURES

11.2.1 Pre-Application Conference

Whenever any development of a single parcel of land (other than a subdivision or a one or two-family dwelling) is proposed to be made, the developer is encouraged to present to the City preliminary documents and graphic exhibits to permit early evaluation of the developer's intentions and coordination with the Comprehensive Plan, Zoning Ordinance, Metropolitan River Protection Act, etc., and to inform and provide the developer with the necessary regulations in order to properly accomplish the proposed project.

11.2.2 Concept Plan Approval

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- a. Application for Concept Plan approval shall be submitted to the City using an application form and in a number of copies to be determined by the City Manager.
 - b. The Concept Plan shall include the entire property being developed. Properties which adjoin the subject property and which are under the same ownership or control as the subject property shall be so indicated. In such case that the developer elects not to submit a Concept Plan, then the developer may proceed directly with the submittal of Development Plans, if they show the entire parcel being developed. In so doing, however, the developer assumes the risk of premature design and engineering expenses in the event that the City requires subsequent design and engineering changes.
 - c. Following Concept Plan approval, a clearing and grubbing permit shall be issued at the developer's request based on a Tree Protection Plan (if required - see Buffer, Landscape and Tree Ordinance) and Soil Erosion and Sediment Control Plan approved by the appropriate agency, and consistent with an approved Certificate issued under the Metropolitan River Protection Act, if applicable.
 - d. Following Concept Plan approval, a grading permit may be issued at the developer's request based on the requirements above for a clearing and grubbing permit and in addition a stormwater management report (hydrology study) shall be submitted and approved.
 - e. Copies of the approved Concept Plan shall be provided to the City for permanent record, in a number as determined by the City Manager.

11.2.3 Site Development Plans Approval

- a. An application for Development Plan approval and issuance of a development permit shall be submitted to the City using an application form and in a number of copies as determined by the City Manager. The Development Plans may encompass a portion of a property included within an approved Concept Plan. However, if no Concept Plan has been approved, the Development Plans must include the entire property being developed and having similar zoning. As required by these Regulations, the application shall include the Site Plan and construction drawings, as appropriate to the project. All construction drawings and other engineering data shall be prepared and sealed by a Professional Engineer or Landscape Architect currently registered in the State of Georgia, in accordance with the provisions of Georgia Law.
- b. The City Manager shall indicate on a review copy of the drawings or in a written memorandum all comments related to compliance of the Development Plans with these Regulations, principles of good design, the Zoning Ordinance, conditions of zoning approval, and the regulations of other City and Gwinnett County departments, and State agencies as appropriate. The City Manager shall have final staff authority to determine the applicability of any and all comments under these Development Regulations, the Zoning Ordinance or conditions of zoning approval.

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- c. The developer shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all of the noted and written comments of the City Manager.
 - d. Deeds to lands dedicated to City of Sugar Hill in fee simple, shall be submitted to the City Manager for recording.
 - e. Should an applicant disagree with the findings or final review comments of the City Manager or of any other City department, concluding that factual or interpretive errors have been made, the following appeal procedure shall be followed to resolve the issues.
 - (1) Submit to the Department of Planning and Development a written statement clearly defining the nature of the disagreement, the specific reference to the sections of the regulations (i.e., Development Regulations, etc.) at issue, and the applicant's own opinion.
 - (2) Should the department under appeal fail to respond within 10 working days from the date of transmittal of the appeal by the Department of Planning and Development, the City Manager shall automatically forward a copy of the appeal to the City Council for final action in their normal course of business.
 - f. When the City Manager has determined that the Site Plan and other Development Plans are in compliance with all applicable City regulations and zoning requirements, and approval has been received from all affected City and Gwinnett County Departments, or State Department as required, he shall sign and date a CERTIFICATE OF DEVELOPMENT PLANS APPROVAL on a reproducible copy of the plan. Approved copies of the approved Development Plans shall be transmitted to the applicant and retained by the City for its record.
 - g. Following the above approval by all affected governmental agencies, and approval of a Metropolitan River Protection Act Certificate, if applicable, a development permit shall be issued at the developer's request to begin construction activities based on the approved Development Plans. Said permit may include clearing, grubbing, and grading as appropriate and approved as part of the project. A building permit may also be issued on the basis of the approved development permit under the provisions contained in these Regulations. A Certificate of Occupancy may not be issued, however, until a Certificate of Development Conformance for the project has been executed by the Owner and an executed Development Performance and Maintenance Agreement has been received in accordance with these Regulations.
- 11.2.4 Certificate of Development Conformance Approval Process
- a. Final approval by the City Manager shall not be shown on the Certificate of Development Conformance until all requirements of these and other applicable regulations have been met, all final inspections have been approved and a Development Performance and Maintenance Agreement has been executed. The Agreement shall be accompanied by a letter of credit or other acceptable surety providing for the maintenance of required public improvements and all other

applicable installations for a maintenance period of at least 30 months following the date that the Certificate of Development Conformance is approved.

After the first 18 months of the maintenance period, if ninety (90) percent of the buildings have certificates of occupancies issued, the developer may request to reduce the surety to 30 percent of the original surety amount for the maintenance of all installations and improvements required by these Regulations.

The maintenance period may be extended by the City Manager at the request of the Developer and if any of the required public improvements are delayed beyond the first 18 months, provided it is in the best interest of the health, safety and welfare of the public. All public improvements shall be covered by a maintenance period of at least 12 months following the date of installation.

b. The City Manager shall further determine that either:

- (1) All ~~Public~~required public improvements and other installations to the development ~~required to be dedicated and~~ for approval of the Certificate of Development Conformance under the rules and regulations of City of Sugar Hill have been completed in accordance with the appropriate specifications; or;
- (2) All of the storm water drainage and detention facilities, water and sewer utilities, street base and curbing construction required for approval of the Certificate of Development Conformance have been properly installed and completed and, for those required ~~Public~~public improvements not yet completed, within areas to be dedicated, (grassing, pavement topping, required landscaping, sidewalks, etc.) a performance surety shall have been filed by the developer with the Development Performance and Maintenance Agreement, which performance bond shall:
 - (a) Be conditioned upon the faithful performance by the developer of all work required to complete all Public improvements and installation required to be dedicated for the development, or approved portion thereof, in compliance with these rules and regulations within a specified time, not to exceed three months;
 - (b) Be payable to, and for the indemnification of, the City;
 - (c) Be in an amount equal to the cost of construction of the required Public improvements required to be dedicated not yet completed plus an additional ten (10) percent of said costs, as calculated by the City Manager on the basis of yearly contract prices or City contracts, where available;
 - (d) Be with surety by a company entered and licensed to do business in the State of Georgia; and,
 - (e) Be in a form acceptable to the City Manager or the City Attorney.

- c. Payment for materials and installation of traffic control shall be made to City of Sugar Hill and/or the Gwinnett County Department of Transportation in accordance with the traffic engineering regulations prior to approval of the Certificate of Development Conformance. Payment of the cost of striping major thoroughfares or required signalization if required and not completed by the developer shall also be received by the City of Sugar Hill and/or Gwinnett County Department of Transportation prior to approval of the Certificate of Development Conformance.
- d. Payment of the required plat recording fee shall be made to the City prior to approval of the Final Plat.
- e. Once the City inspector has performed all final inspections and recommended approval of the Certificate of Development Conformance and all other inspections by affected departments and agencies of government as required have certified compliance and signed the route sheet, the City Manager shall certify by his signature on the original of the Certificate of Development Conformance that all of the requirements of these Regulations, the Zoning Ordinance, and the conditions of zoning approval have been met, and that all other affected departments have given final approval. Where use of septic tanks is proposed, written approval shall be obtained from a duly authorized representative of the Environmental Health Department. The Certificate of Development Conformance shall not be deemed approved until it has been signed by the City Manager.

11.3 ASSIGNMENT OF NAMES AND ADDRESS

11.3.1 Subdivision or Development Names

- a. Proposed subdivision or development names must be reviewed and approved prior to the issuance of a development permit. Names will be reviewed by the Gwinnett County Department of Planning and Development upon submittal of the Preliminary Plat or Site Plan.
- b. Proposed names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or development in Gwinnett County or its municipalities except for extensions of existing subdivisions or developments.
- c. Subdivision and development names may be reserved if submitted and approved along with the Concept Plan for the project.

11.3.2 Street Names

- a. Proposed street names must be reviewed and approved prior to approval of a Final Plat for recording. Street names may be reserved through approval as shown on an approved Concept Plan or Preliminary Plat for the subdivision. Proposed names for private streets shall follow the same rules as for public streets.
- b. Street names shall consist of a root name of the developer's choosing and a suffix designation (such as "Street", "Avenue", "Drive", etc.), and shall be followed by a

quadrant suffix. Directional prefixes (i.e., "North", "South") and the prefixes "old" or "new" shall not be used.

- c. All streets shall bear the proper quadrant suffix appropriate to its location within the City (i.e. NE, NW, SE and SW), as determined by the Gwinnett County Department of Planning and Development.
- d. A proposed street that is obviously in alignment with another already existing and named street shall bear the name of such existing street, unless this requirement is waived.
- e. Except within the same development, no proposed street name shall duplicate (be spelled the same or be phonetically the same) as an existing street name within Gwinnett County or the City of Sugar Hill regardless of the use of such suffix designations as "Street", Avenue", "Boulevard", "Drive", "Place", "Way", "Court", or however otherwise designated. In the same subdivision, a root name may not occur more than twice.
- f. All street root names and suffix designations are subject to the approval of the Gwinnett County Department of Planning and Development. Obscene or otherwise unacceptable language, abbreviations, contractions, or initials may not be used.
- g. Root names shall consist of no more than 13 characters including space, hyphens, etc. Letters not occurring in the English alphabet, and numerals, shall not be used.

11.3.3 Street Address Assignments

- a. A street address number must be assigned prior to issuance of a building permit. For any new structure proposed on a property which has not been assigned an address, a street number will be assigned upon confirmation or establishment of the property as a buildable lot of record under the requirements of these Regulations.
- b. Subdivisions
House numbers will be assigned after an Exemption Plat or Preliminary Plat is approved for the property. Submit two copies of the approved plat to the Gwinnett County Department of Planning and Development. Block number assignments shall also be designated for abutting major street name signs at this time.
- c. Commercial/Industrial Projects or Buildings
Projects will be numbered after the developer submits the Site Plan for development review.
- d. Apartment Projects
Projects will be numbered after the developer submits copies of the Site Plan for development review. The overall development will be issued a single street address. The developer will be responsible for numbering/lettering individual buildings and units.
- e. Condominium Projects

Projects will be numbered after the developer submits the Site Plan for development review. Individual units shall be numbered consecutively if located along public or private streets. Units in the "stacked-flat" configuration shall use the same numbering approach as applies to an apartment project.

- f. The following numbering systems shall be followed per postal regulations:
- (1) Individual mailbox for each dwelling units: Each street in the project must be named.
 - (2) Cluster box system - Centralized mailbox for entire project: One street name will serve to assign all house numbers for main delivery.

11.4 INITIATION OF DEVELOPMENT ACTIVITIES

11.4.1 Initial Activities Required

Following the issuance of any permit authorizing clearing and grading of a site:

- a. Required erosion control measures must be installed where practical by the developer and inspected and approved by the City prior to actual grading or removal of vegetation. All control measures shall be in place as soon after the commencement of activities as possible and in coordination with the progress of the project.
- b. Soil sedimentation facilities must be installed and operational prior to major grading operations.
- c. Areas required to be undisturbed by the Zoning Ordinance, conditions of zoning approval, Metropolitan River Protection Act or other ordinance or regulation shall be designated by survey stakes, flags, or other appropriate markings and shall be inspected and approved by the City prior to the commencement of any clearing or grading activities.

11.4.2 Tree Protection Areas

Prior to the initiation of land disturbance activities and throughout the clearing and grading process the following must be accomplished for an designated tree protection area in accordance with any approved Buffer and Landscape Plan or Tree Preservation/Replacement Plan for the property:

- a. For those trees which are not to be removed, all protective fencing, staking, and any tree protection area signs shall be in place. These barriers must be maintained throughout the land disturbance process and should not be removed until landscaping is begun.
- b. The tree protection areas shall not be utilized for storage of earth and other materials resulting from or used during the development process.
- c. Construction site activities such as parking, materials storage, concrete washout, burning, etc. shall be arranged to prevent disturbances within the tree protection areas.

11.4.3 Development Inspections

Oral notification shall be made by the developer or contractor to the Department of Planning and Development of the City of Sugar Hill at least 24 hours prior to commencement of activity for each of the following phases as authorized by any permit for site work or development. Inspections shall be made by the City and passed prior to continuation of further activity or proceeding into new phases.

- a. Clearing or clearing and grubbing of the site or any portion included under the permit.
- b. Grading. Installation of slope stakes shall be required. Upon completion of roadway grading, the Water Certificate shall be submitted to the City certifying that the centerline of the road and the offset centerline of the water line is within 6" of that shown on the approved plans or revised plan submittal. Inspection and approval shall be required prior to trenching or continuation with sub-base preparation.
- c. Installation of storm drainage pipe, detention, or other storm water facilities.
- d. Installation of sanitary sewer and appurtenances. This notification shall be made simultaneously with official notification by the developer or contractor to the Gwinnett Public Utilities Department, Water Pollution Control Division, and if for informational purposes only to the City.
- e. Curbing of roadways. Inspection should be requested before the forms have been set (if used). Roadway width will be spot checked by string line between curb stakes.
- f. Sub-base or subgrade of streets. After compaction, the subgrade will be string-lined for depth and crown. The subgrade shall be roll tested and shall pass with no movement, to the satisfaction of the City.
- g. Street base. The base will be string-lined for depth and crown, and shall pass a roll test with no movement to the satisfaction of the City.
- h. Paving. A City inspector shall be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be spot-checked, and the roadways may be cored after completion to check thickness, at the owners expense.

11.4.4 Responsibility for Quality and Design

The completion of inspections by City of Sugar Hill officials or employees and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the contractor or developer, not imply or transfer acceptance of responsibility for project design or engineering from the professional corporation or individual under whose hand or supervision the plans were prepared.

11.4.5 Stop Work Orders

Work which is not authorized by an approved permit, or which is not in conformance to the approved plans for the project, or which is not in compliance with the provisions of these Regulations or any other adopted code, regulation or ordinance of City of Sugar Hill, shall be subject to immediate Stop Work Order by the City. Work which proceeds without having received the necessary inspections of the City shall be halted until all inspections of intervening work is completed.

11.4.6 Stabilization for Erosion Control

If for any reason a clearing and grubbing, grading, or development permit expires after land disturbance activities have commenced, the developer shall be responsible for stabilizing the site for erosion control, under the direction of the appropriate stated agency or City.

11.4.7 Site Cleanup

The applicant shall be responsible for removal of all equipment, material, and general construction debris from the property, street or other public way. Dumping of debris into sewers, onto adjacent property or onto other unauthorized land in the City of Sugar Hill is prohibited.

11.5 APPROVAL OF DEVELOPMENT CONFORMANCE

11.5.1 Prerequisite to Final Plat or Certificate of Occupancy

This approval shall be a prerequisite to the approval of a Final Plat or issuance of a Certificate of Occupancy for any part of a project or issuance of a Certificate of Occupancy for any part of a project included in a subdivision development or non-residential site development. The approval shall reflect the owner's certification that all site work and construction has been accomplished according to the terms of approved plans and permits, and that all required public improvements and other facilities intended for maintenance, supervision and dedication to the public are in compliance with appropriate standards, regulations, codes and ordinances. Such approval shall be revoked in cases of fraud or whenever unauthorized changes are made to the site without the benefit of required permits.

11.5.2 Submission Requirements

Upon completion of the project as authorized for construction by the development permit, the owner shall file a Certificate of Development Conformance with the City Manager along with record drawings of all storm water detention facilities and modifications to the limits of the 100-year floodplain (if any). An "as-built" hydrology study for the project with the actual parameters from the record drawing of the detention facilities. A record drawing of the sanitary sewer facilities shall also be prepared, separately or included with the above, and submitted to the Gwinnett County Public Utilities Department in accordance with their regulations. The Certificate of Development Conformance shall be in a form as required by the City Manager and shall be accompanied by a Development Performance and Maintenance Agreement completed in draft form. If the owner is a corporation, the documents shall be signed by the President or Vice President, be affixed by the corporate seal, and either the corporate secretary shall attest to the signature and affix the corporate seal, or a Certificate of Corporate Resolution shall also be submitted.

11.5.3 Approval

Following final inspection and approval of all record drawings, the City Manager shall approve the Certificate of Development Conformance.

11.6 PROJECT CLOSEOUT AND CONTINUING MAINTENANCE

11.6.1 Development Performance and Maintenance Agreement

Based on the approved Certificate of Development Conformance, the owner shall file a final Development Performance and Maintenance Agreement with the City Manager, along with any required Certificate of Corporate Resolution and performance or maintenance sureties, as a prerequisite to the approval of a Final Plat or issuance of a Certificate of Occupancy for any part of a project included in a subdivision development or non-residential site development. The Development Performance and Maintenance Agreement shall be in a form as required by the City Manager, and shall cover the following:

- a. Final required improvements yet to be completed (e.g., grassing, topping, sidewalks, required landscaping) and performance sureties. Final landscaping shall be provided in accordance with a schedule acceptable to the City. The developer may be allowed up to three months in which to finish the other designated improvements, after the date of approval of the Certificate of Development Conformance unless an extension has been granted by the City Manager up to 24 months. All cost estimates shall be as prepared by or acceptable to the City.
- b. Maintenance of ~~the~~ all required public improvements, including but not limited to public streets and drainage facilities within public streets or easements for the specified maintenance period after the date of approval of the Certificate of Development Conformance. Repairs shall be made for any deficiencies identified within the maintenance period or the sureties shall be called or forfeited to complete same.
- c. Indemnification of the City against all liability for damages arising as a result of errors or omissions in the design or construction of the development for a period of ten years. If liability is subsequently assigned or transferred to a successor in title or other person, a copy of such legal instrument shall be filed with the Clerk of Superior Court, Gwinnett County.

11.6.2 Maintenance Period, ~~Subdivisions~~

- a. The Agreement shall be accompanied by an acceptable surety providing for the maintenance of all installations for a maintenance period of at least 30 months following the date that the Certificate of Development Conformance is approved.

After the first 18 months of the maintenance period, once ninety (90) percent of the buildings proposed for development on the approved Final Plat have certificates of occupancy issued, the developer may request to reduce the surety to 30 percent of

the original surety amount for the maintenance of all installations and improvements required by these Regulations.

- b. The maintenance period may be extended by the City Manager at the request of the Developer and if any of the required public improvements are delayed beyond the first 18 months, provided it is in the best interest of the health, safety and welfare of the public.
- c. The maintenance period shall not be less than 18 months from installation of the street wearing course and shall be extended equal to any extension of time for the Performance Bond granted by the City Manager but not to exceed 24 months.
- d. All other public improvements shall be covered by a maintenance period of at least 12 months following the date of installation.

11.6.3 Maintenance and Performance Surety

- a. The maintenance and performance sureties, may be in the form of cash deposited with the City, a bond, or letter of credit from a bank or other financial institution licensed to operate in the State of Georgia in a form acceptable to the City Manager or City Attorney. Each surety must include a contact mailing address, phone number and fax number for a location within the State of Georgia.
- b. Performance surety shall:
 - (i) Be conditioned upon the faithful performance by the subdivider or developer of all work required to complete all improvements and installations for the subdivision, or approved portion thereof, in compliance with these rules and regulations within a specified time, not to exceed the specified performance period;
 - (ii) Be payable to, and for the indemnification of, the City;
 - (iii) Be in an amount equal to the cost of construction of the required improvements not yet completed plus an additional ten (10) percent of said costs, as calculated by the City Manager on the basis of yearly contract prices or City contracts, where available;
 - (iv) Be with surety by a company entered and licensed to do business in the State of Georgia; and,
 - (v) Be in a form acceptable to the City Manager or the City Attorney.
- c. Maintenance surety shall, in all cases, be provided in an amount as shown on the calculation worksheet as provided by the City Manager.
- d. A maintenance surety for the sanitary sewer facilities is required separately by the Gwinnett County Public Utilities Department, Water Pollution Control Division in accordance with their regulations. For the water system improvements, the contractor employed by the developer shall be responsible for maintenance of all water mains and appurtenances for one year from the date of approval of the

Certificate of Development Conformance by correcting all defects or deficiencies in materials or workmanship.

11.6.4 Failure to Complete or Maintain Improvements

If a performance and maintenance agreement has been executed, and surety has been posted and required public improvements are not installed pursuant to the terms of the agreement, the City Manager may:

- (i) Declare the agreement to be in default and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- (ii) Obtain funds pursuant to the surety and complete the public improvements by themselves or through a third party;
- (iii) Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's agreement to complete the required public improvements; and/or
- (iv) Exercise any other rights available under the law.