

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 Department 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 Department using an application form as determined by the Director. The Concept Plan shall include the entire property being 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, the subdivider may proceed directly with the submittal of Development Plans provided that the plans 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 substantial design and engineering changes.
- c. Following Concept Plan approval, a clearing and grubbing permit may be issued based upon a Tree Protection Plan (if required – see Buffer, Landscape and Tree Ordinance) and a soil erosion and sedimentation control plan approved by the Department, 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 Department for permanent record in the number determined by the Director.

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 Department using an application form and number of copies as determined by the Director. The Development Plans may include only a portion of the 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.

- b. Following submission of the development plans by the Department of a Preliminary Plat and all drawings required for development permit review, a grading permit shall be issued upon the developer's request provided that said permit shall also be based upon 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 ~~and an~~ Metropolitan River Protection Act Certificate (if applicable). The grading permit shall be limited to the area within the approved Development Plans and may be further conditioned as deemed appropriate or necessary pending development permit approval.
- c. The Director 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 County departments and State agencies as appropriate. The Director shall have final staff authority to determine the applicability of all comments under these Regulations, the Zoning Ordinance and conditions of zoning approval.
- d. The Director 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 the presence of floodplain, unusual configuration, lack of public utilities or for any other reason. A House Location Plan (HLP) may be required 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 Director.
- f. Should an applicant disagree with the findings or final review comments of the Director or of any other department or agency having jurisdiction, 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, referencing specific sections of the Regulations (i.e., Sewer Regulations, Development Regulations, etc.)

- at issue, and stating 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 Department shall automatically forward a copy of the appeal to the Mayor and City Council for final action in their normal course of business.
- g. When the Director 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 other departments and agencies having jurisdiction, he shall sign and date a CERTIFICATE OF DEVELOPMENT PLANS APPROVAL stamped or printed on a reproducible copy of the plat. Approved copies of printed on a reproducible copy of the plat. Approved copies of the Preliminary Plat and Development Plans shall be transmitted to the applicant and retained by the Department for its records.
- h. Following the above approval, 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 Approval

- a. When the provisions of these Regulations have been complied with, the subdivider may submit an application to the Department for Final Plat approval, using an application form and number of copies as determined by the Director.
- b. The Director 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 County departments and State agencies as appropriate. The Director shall have final staff authority to determine the applicability of any and all comments under these Regulations, the Zoning Ordinance or conditions of zoning approval.
- c. The Director may 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 for any other reason.
- d. 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 Final Plat with the appropriate notation of the steps necessary to allow issuance of a building permit

(see section 5.9, Article 5, of these Regulations dealing with lots in the General Design Standards).

- e. The subdivider shall be responsible for compliance with all codes, regulations, zoning requirements and for the satisfaction of all of the comments of the Director.
- f. Final approval by the Director shall not be shown on the Final Plat until all requirements of these and other applicable regulations have been met, and the Director has received a completed request for Approval of Development Conformance and an executed Development Performance and Maintenance Agreement. The Agreement shall be accompanied by a bond, letter of credit or other acceptable surety providing for the maintenance of all installations and improvements required by these Regulations in the subdivision for a period not to exceed 12 months following the date of Approval of Development Conformance for subdivisions for which the final topping of a "two-pass" street has not been applied or for a period not to exceed 18 months. The Maintenance Bond may be extended by the Director at the request of the Developer, provided such extension is in the best interest of the health, safety and welfare of the public.
- g. The Director shall further determine that either:
 - (1) All improvements and installation to the subdivision required for approval of the Final Plat under the rules and regulations of the City of Duluth 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 bond shall have been filed by the subdivider with the Development Performance and Maintenance Agreement, which performance bond shall:
 - (a) 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 Regulations within a specified time, not to exceed three months;
 - (b) Be payable to, and for the indemnification of, the City of Duluth;
 - (c) 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 Director 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 Director or the City Attorney.

- h. Payment for materials and installation of traffic control and street name signs shall be made to the Gwinnett County Department of Engineering in accordance with the traffic engineering regulations prior to approval of the Final Plat. Payment of the cost of striping major thoroughfares or signalization, where required, if not completed by the developer shall also be received by the Gwinnett County Engineering Department prior to approval of the Final Plat.
- i. Payment of the required plat recording fee shall be made to the City prior to approval of the Final Plat.
- j. Once the Department 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 Director shall certify by his signature on the original of the Final 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 and agencies having jurisdiction have approved the plat. The Final Plat shall not be deemed approved until it has been signed by the Director and where use of septic tanks is proposed, by a duly authorized representative of the Gwinnett County Health Department.
- k. Once the Final Plat has been so certified, the Director shall authorize it to be recorded with the Clerk of the Superior Court of Gwinnett County. The subdivider shall provide the Department with an appropriate number of copies of the recorded plat, as determined by the Director. Deeds to lands dedicated to the City in fee simple, or to Property Owner's Associations for park or recreational use, shall be recorded simultaneously with the Final Plat.
- l. Periodically, but no less often than once every three (3) months, the Director shall submit a listing of all approved Final Plats to the City Council for ratification of acceptance of all dedications.

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 Department 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

- a. Application for Concept Plan approval shall be submitted to the Department using an application form and in number of copies to be determined by the Director.
- 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, then the developer may proceed directly with the submittal of Development Plans provide that the plans show the entire property proposed for development. In so doing, however, the developer assumes the risk of premature design and engineering expenses in the event that the City requires substantial changes in the plans.
- c. Following Concept Plan approval, a clearing and grubbing permit shall be issued at the developer's request based upon the above requirements for a clearing and grubbing permit plus a storm water management report (hydrology study) shall have been reviewed and approved.
- 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 Department for permanent record, in a number as determined by the Director.

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 Department using an application form and in number of copies as determined by the Director. The Development Plans may encompass only a portion of a property included within an approved Concept Plan; however, if no Concept Plan has been approved, the Development Plans shall include the entire property being developed and having the same zoning . The application shall include the Site Plan and construction drawings, as appropriate, as described in Section 10.6 of Article 10 of these Regulations. 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 Director 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 County departments and State agencies

as appropriate. The Director shall have final staff authority to determine the applicability of all comments under these Development Regulations, the Zoning Ordinance and conditions of zoning approval.

- 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 Director.
- d. Deeds to lands dedicated to the City in fee simple, shall be submitted to the Director for recording.
- e. Should an applicant disagree with the findings or final review comments of the Director or of any other City department, concluding that factual or interpretive errors have been made, the following appeal procedure shall be followed to resolve such issues:
 - (1) Submit to the Department of Planning and Development a written statement clearly defining the nature of the disagreement, referencing specific to the sections of the regulations, and stating the applicant's opinion.
 - (2) Any disputes which cannot be resolved within the Department shall be taken to the City Council for final disposition.
- f. When the Director 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 other department and agencies having jurisdiction, he shall sign and date a CERTIFICATE OF DEVELOPMENT PLANS APPROVAL stamped or printed on a reproducible copy of the plan. Approved copies of the Development Plans shall be transmitted to the applicant and retained by the Department for its record.
- g. Following the above approval by all affected County Departments, 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 Article 4 of these Regulations. However, a Certificate of Occupancy shall not be issued, 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 Director shall not be shown on the Certificate of Development

Conformance until all requirements of these and other applicable regulations have been met, and the Director has received a completed request for Approval of Development Conformance and an executed Development Performance and Maintenance Agreement. The Agreement shall be accompanied by a bond, letter of credit or other acceptable surety providing for the maintenance of all installations and improvements required by these Regulations in the development for a period not to exceed 12 months following the date of Approval of Development Conformance for developments for which the final topping of a "two-pass" street has not been applied or for a period not to exceed 18 months. The Maintenance Bond may be extended by the Director provided such extension is in the best interest of the health, safety and welfare of the public.

- b. The Director shall further determine that either:
 - (1) All Public improvements and installations to the development required for approval of the Certificate of Development Conformance under the regulations of the City of Duluth 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 improvements not yet completed, (grassing, pavement topping, required landscaping, sidewalks, etc.) a performance bond 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 subdivider or developer of all work required to complete all improvements and installation, 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 of Duluth;
 - (c) 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 Director on the basis of yearly contract prices, 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 Director and the City Attorney.
- c. Payment for materials and installation of traffic controls and street name signs shall be made to Gwinnett County Department of Engineering in accordance with the regulations prior to approval of the Certificate of Development Conformance. Payment of the cost of striping major thoroughfare or signalization, where required,

if not completed or installed by the developer shall also be paid to Gwinnett County Department of Engineering prior to approval of the Certificate of Development Conformance. (amended 9-22-97)

- d. Once the Department has approved the Certificate of Development Conformance and all other affected departments and agencies of government as required have certified compliance, by signing the Route Sheet, the Director shall certify by his signature on the original of the Certificate of Development Conformance that all 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. The Certificate of Development Conformance shall not be deemed approved until it has been signed by the Director and where use of septic tanks is proposed, by a duly authorized representative of the Gwinnett County Health Department.
- e. Payment of the required plat recording fee shall be made to the Department prior to approval of the Final Plat.

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 by Gwinnett County Department of Planning and Development to the issuance of a development permit. Names will be reviewed by the upon submission of the Preliminary Plat or Site Plan.
- b. Proposed names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision 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 by the Gwinnett County Department of Planning and Development prior to approval of a Final Plat for recording. Street names may be reserved through approval of a 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 ("Street", "Avenue", "Drive", etc.) and shall be followed by a quadrant

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

- c. 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 by the Gwinnett County Department of Public Safety and Engineering or the Duluth Police Department.
- d. 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 regardless of the use of such "Street", "Avenue", "Boulevard" "Drive", "Place", "Way", "Court" or however otherwise designated. In the same development, a root name may not occur more than twice.
- e. All street root names and suffix designations are subject to the approval of the County. Obscene or otherwise unacceptable language, abbreviations, contractions, or initials may not be used.
- f. 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.
- g. 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 Gwinnett County Traffic Engineering. (amended 9-22-97)

11.3.3 Street Address Assignments

- a. A street address number must be assigned by Gwinnett County Planning and Development 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 by Gwinnett County Planning and Development after an Exemption Plat or Preliminary Plat is approved for the property. Submission of two copies of the approved plat is required. Block number assignments shall also be designated for abutting major street name signs at this time, if required.

- c. Commercial/Industrial Projects or Buildings

Projects will be numbered by Gwinnett County Planning and Development after the

developer submits the Site Plan for review.

d. Apartment Projects

Projects will be numbered by Gwinnett County Planning and Development after the developer submits the Site Plan for development review. The overall development will be issued a single street address. The developer will be responsible for numbering/lettering of individual buildings and units.

e. Condominium Projects

Projects will be numbered by Gwinnett County Planning and Development 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 used pursuant to U.S. Postal Service regulations:

- (1) Individual mailboxes for each dwelling unit: Each street within 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 grading on any site:

- a. Required erosion control measures must be installed where practical by the developer and inspected and approved by the Department 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 Department of Development 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 Protection 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 so as 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 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 Department, 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 thereof 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 Department certifying that the centerline of the road and the offset centerline of the water line is within 6" of those shown on the approved plans or realigned 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 County Water Pollution Control Division, and to the Department for informational purposes only.

- 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 Department.
- 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 Department.
- h. Paving. A Department inspector shall be on site during the paving process to check consistency, depth, and workmanship. For asphalt paving, the temperature of the material will be spot-checked, and the roadways will be cored after completion to check thickness.

11.4.4 Responsibility for Quality and Design

The completion of inspections by the City of Duluth officials and 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, nor 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 with the approved plans for the project, or which is not in compliance with the provisions of these Regulations or any other adopted code, ordinance or regulation of the City of Duluth, shall be subject to immediate Stop Work Order by the Department. Work which proceeds without having received the necessary inspections of the Department shall be halted until all inspections are 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 Department.

11.5 APPROVAL OF DEVELOPMENT CONFORMANCE

11.5.1 Pre-requisite to Final Plat or Certificate of Occupancy

Approval of a Certificate of Development Conformance shall be 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 development permit, except for single-family and two-family residential structures. 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 facilities intended for maintenance, supervision and/or 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 Director along with record drawings of all storm water detention facilities and modifications to the limits of the 100-year floodplain (if any) and 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, and submitted to the Gwinnett County Public Utilities Department in accordance with its regulations. The Certificate of Development Conformance shall be in a form as required by the Director (see Appendix B) 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 Director shall approve the Certificate of Development Conformance.

11.6 PROJECT CLOSEOUT AND CONTINUING MAINTENANCE

11.6.1 Development Performance and Maintenance Agreement

Based upon the approved Certificate of Development Conformance, the owner shall file a final Development Performance and Maintenance Agreement with the Director, along with any required Certificate of Corporate Resolution and performance or maintenance surety, 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 the development permit, except for single-family and two-family residential structures. The Development Performance and Maintenance Agreement shall be in a form as required by the Director, and shall include the following:

- a. Final required improvements yet to be completed (e.g., grassing, topping, sidewalks, required landscaping) and performance bonding. Final landscaping shall be

provided in accordance with a schedule acceptable to the Department. 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.

- b. Maintenance of the public streets and drainage facilities within public streets or easements for the bonding period after the date of approval of the Certificate of Development Conformance. Repairs shall be made for any deficiencies identified within the bonding period or the bonds shall be called to complete same.
- c. Indemnification of the City against all liability for damages arising as a result or 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 Superior Court of Gwinnett County, Georgia.

11.6.2 Maintenance and Performance Surety

- a. The maintenance surety and the performance surety, required from the owner/developer or the contractor employed by the owner/developer, may be in the form of cash deposited with the City, or a bond, letter of escrow or letter of credit from a bank or other financial institution in a form acceptable to the Director or City Attorney.
- b. Maintenance surety and performance surety shall, in all cases, be provided in an amount as provided in Sections 11.1.4 or 11.2.4 of these Regulations, as applicable. The Maintenance Bond period of application shall not be less than 18 months from installation of the wearing course or final topping for a one-pass street and not less than 12 months from the installation of the binder for a two-pass street and which time shall be extended equal to any extension of time for the Performance Bond granted by the Director but not to exceed 24 months. The Performance Bond period of application shall not exceed three months unless an extension of an additional three calendar months has been granted by the Director. All cost estimates shall be as prepared by or acceptable to the Department.
- c. A Maintenance Bond for the sanitary sewer facilities is required separately by the Gwinnett County Water Pollution Control Division in accordance with its 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.