

## **CHAPTER 25. – SUBDIVISIONS**

### **ARTICLE I. – IN GENERAL**

#### **SEC. 25-1. – FINDINGS AND PURPOSE.**

The Macon-Bibb County Commission finds and declares that the public health, safety, morality, and general welfare require harmonious, orderly and progressive development of land in the cities and counties of the state. In furtherance of this purpose, standards for the design and construction of land subdivisions, county governing authorities are authorized for the following purposes, among others:

- (1) To encourage design and construction of economically sound subdivisions and other related structures;
- (2) To assure proper legal description, identification, monumentation and recordation of real estate boundaries; and
- (3) To secure equitable handling of all subdivisions plans, specifications and plats by providing uniform standards and procedures.

#### **Sec. 25-2. – Applicability.**

These standards shall apply to land subdivisions located in that area of Macon-Bibb County that comprised the former unincorporated county.

#### **Sec. 25-3. – Short title.**

This chapter shall be known and may be cited as "Minimum Design and Construction Standards for Land Subdivisions."

#### **Sec. 25-4. – Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alleys* are those roads or streets which are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

*Arterial Streets and Highways* are those which are used primarily for fast or heavy through traffic.

*Building* shall be construed as if followed by the words "or parts thereof."

*Contractor* means the developer or subdivider or his or her authorized representative, whether doing work on a contract basis or working directly for the developer or subdivider.

*Collector Streets* are those which carry traffic from minor streets to the major system of freeways, expressways, and arterial streets and highways.

*Developer* means any person who undertakes the subdivision of land as defined by land development resolution.

*D.O.T.* means the Department of Transportation, State of Georgia.

*Easement* means a grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation or a certain person or persons.

*Engineer* means the duly designated Macon-Bibb County engineer.

*Expressway* means those highways or streets which are used primarily for fast or heavy through traffic, and which are divided with full or partial control of access and generally with grade separations at intersections.

*Final plat* means a complete and exact subdivision plat prepared for official recording as required by the land development resolution.

*Freeway* means those streets which are used primarily for fast or heavy through traffic, and which are divided with full control of access and with no crossing at grade.

*Health department* means the Macon-Bibb County Public Health Department.

*Improvements* means those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

*Land development resolution* means any legally adopted part or element of planning and zoning's comprehensive land development resolution for the City of Macon and the county.

*Lot* means a parcel of land occupied or to be occupied by one or more main buildings and its accessory buildings with such open and parking spaces as are required by the provisions of this chapter and having its frontage upon a public street or streets.

*Minor or Local Residential Streets* are those roads or streets which are used primarily for access to the abutting residential properties.

*Minor or Local Commercial and Industrial Streets* are those roads or streets which are used primarily for access to the abutting commercial and industrial properties.

*Official map* means an official map of Macon-Bibb County showing the location of streets, public building sites and public open spaces theretofore existing and established by law as public streets, public building sites or public open spaces. This may include mapped boundary lines of future street narrowings, public building sites, public park playgrounds or other public open space areas or of existing sites or areas that are to be expanded. The official map may include the whole or any part or parts of Macon-Bibb County.

*Preliminary plat* means a tentative subdivision plat, indicating the approximate proposed layout of a subdivision as a basis for consideration prior to preparation of the final plat and engineering construction drawings and specifications.

*Right-of-way* means access over or across particularly described property for a specific purpose or purposes.

*Sketch plan* means a general freehand drawing of the tentative subdivision plat proposal as described in the land development resolution.

*Street* means a public or private thoroughfare which affords the principal means of access to abutting property; roadway; highway; boulevard and land.

(1) Alleys means those which are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

(2) Arterial streets and highways means those which are used primarily for fast or heavy through traffic.

(3) Collector streets means those which carry traffic from minor streets to the major system of freeways, expressways and arterial streets and highways.

(4) Expressways means those highways or streets which are used primarily for fast or heavy through traffic; and which are divided with full or partial control of access and generally with grade separations at intersections.

(5) Marginal access streets or frontage roads means those minor streets which are parallel and adjacent to freeways, expressways or arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

(6) Minor or local commercial and industrial streets means those which are primarily for access to the abutting properties.

(7) Minor or local residential streets, including cul-de-sac means those which are used primarily for access to the abutting properties.

*Subdivision* means the same as defined in the land development resolution.

*Utility or utility system* means any person engaged in the transmission of energy, including electricity, gas, gasoline and water.

*Watercourse* includes drain, ditch and stream.

#### **Sec. 25-4.1. – Local Subdivision Design Manual.**

**The County Engineer is authorized to prepare a Local Subdivision Design Manual, and to amend the same from time to time. The Local Subdivision Design Manual shall state the date on which it is first published, and shall separately indicate the dates and substance of any amendments made thereto. Requirements identified within the Local Subdivision Design Manual, or in any amendments thereto, shall be applied to projects first submitted for review on or after that date which is thirty days following the date on which the Local**

**Subdivision Design Manual or any amendment thereto is first published. The County Engineer shall make paper or digital copies of the Local Subdivision Design Manual available to the public upon request.**

**Sec. 25-5. – Penalties.**

Any person violating any provision of this chapter shall, upon conviction, be punished as provided in section 1-6.

**Sec. 25-6. – Remedies.**

(a) In case of any violation of this chapter the Macon-Bibb County Commission, through its attorney or other designated official, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to prevent such violation.

(b) The Macon-Bibb County engineer or his designees are each hereby vested with full authority and power to enforce the provision of the minimum design and construction standards for land subdivisions set out in this chapter. Each of them is authorized to administer such provisions, to make inspections, and to take such action as is necessary, proper and convenient to cause violators of this chapter to be punished, including the initiation of proceedings in the state court of the county by summons or citation. Immediately after issuing a citation or summons, the person issuing the same shall forward a copy to the solicitor of the state court for appropriate further action pursuant to the provisions of section 1-6.

**Sec. 25-7. – Submission of preliminary plat for approval.**

The subdivider shall submit a plat in accordance with the land development resolution.

**Sec. 25-8. – Submission of the final plat for approval.**

The subdivider shall submit a final plat in accordance with the land development resolution.

**Sec. 25-9. – General requirements.**

(a) Flood prone lands. Land subject to flooding and land deemed by the Macon-Bibb County Planning and Zoning Commission to be uninhabitable for other reasons shall not

be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate a flood hazard.

(b) Conformity to existing maps or plans. The location and width of all proposed streets shall be in conformity with the major thoroughfare plan for Macon-Bibb County.

(c) Continuation of existing streets. Existing streets shall be continued at the same or greater width, but in no case less than the required width as prescribed in this chapter.

(d) Contour map. A contour map shall be provided to the planning and zoning commission by the subdivider as a part of the preliminary plat submitted (refer to the land development resolution).

**Sec. 25-10. – When construction may begin.**

Construction and installation of any required public improvement as described in this chapter shall not begin until the planning and zoning commission has given preliminary approval of the new subdivision and engineering construction plans and specifications as outlined in this chapter have been submitted to and approved by the engineer as being in conformity with these regulations. The engineer shall be sent a copy of such plat by the developer or his authorized representative with the applicable approvals certified thereon.

**Sec. 25-11. – Construction plans.**

(a) Four copies of all plans for streets, sanitary sewers, storm sewers, sidewalks, etc. and other required improvements showing the proposed plans, profiles and applicable cross sections of each shall be submitted to and approved by the engineer's office as being in conformity with these regulations prior to commencing construction of any new system. The plans shall be prepared from an actual engineering field or photogrammetric survey, and show along with all proposed new improvements all existing applicable improvements.

(b) The construction plans shall be prepared on a standard plan and profile sheets and shall show the items specified in the Local Subdivision Design Manual.

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**Sec. 25-12. – Inspection, approval and authority of Macon-Bibb County engineer.**

(a) The Macon-Bibb County engineer shall, subject to the approval of the Macon-Bibb County Commission, appoint inspectors to inspect all materials and all work performed. The inspector will not be authorized to revoke, alter, enlarge or relax the provisions of the referenced construction specifications, nor will he be authorized to approve or accept any portion of the completed work or to issue instructions contrary to the plans and specifications. The inspector will have authority to reject defective material and to suspend work that is being improperly done, subject to final decision of the engineer. The inspector

shall have free access to all parts of the work. The work will be inspected as it progresses but failure to reject or condemn defective work at the time it is done will in no way prevent its rejection whenever it is discovered before the work is finally accepted and approved, nor will final acceptance and approval constitute waiver by Macon-Bibb County of any right of action for defective work or failure to perform construction according to approved engineering construction plans and specifications.

(b) The engineer shall have the duty, right and authority to inspect and approve or disapprove all road and street construction along with other such related work that is constructed in Macon-Bibb County. The engineer shall stop, by written order, any work or any part of the work under any contract that provides for the construction of roads and related items of construction which are constructed in Macon-Bibb County, if he shall find that methods of construction or conditions are such that noncompliance with this chapter may result. The work shall be resumed when defective methods and/or materials are corrected as approved in writing by the engineer. For inspection purposes, the engineer will be informed by the developer as to what phases of construction are being accomplished. The engineer shall cause to be made such inspections at such intervals as are necessary to determine whether there is compliance with the provisions of this chapter.

**Sec. 25-13. – Official acceptance by the Macon-Bibb County Commission.**

(a) After the completed work of all construction and installation of required public improvements, the developer shall make formal application for acceptance to the Macon-Bibb County Commission. This application must be made prior to plat approval. In the same application, the developer will grant a fee simple title to Macon-Bibb County for road or street rights-of-way. The engineer will notify the applicant of the acceptance or rejection of the streets. If the streets are rejected by the Macon-Bibb County Commission, it will be the duty of the engineer to notify the developer of what corrections or additional work will have to be accomplished for the acceptance of the streets by the Macon-Bibb County Commission. This may include the requirement to post a bond or letter of credit as indicated above. This requirement will not apply to those developments previously approved for private access only.

(b) Unless and until the Macon-Bibb County Commission shall have accepted the road or street, the same shall not be deemed to be a public street so as to become a part of the Macon-Bibb County street and road system or to require maintenance and improvement by Macon-Bibb County.

**Sec. 25-14. – Postponement of public improvements; bond.**

(a) Developers who do not construct and/or install all required public improvements described in this chapter prior to final plat approval must post a performance bond payable to Macon-Bibb County with a corporate surety or other surety approved by the Macon-

Bibb County Commission before such approval is given by the engineer. A cashier's check payable to Macon-Bibb County will be accepted in lieu of a bond, with the right of Macon-Bibb County to deposit the same in its treasury at interest. Macon-Bibb County will also accept a letter of credit issued by a local bank upon such terms and conditions as the engineer shall prescribe in order to permit the letter of credit to provide the same protection as a bond would have furnished. The amount of the bond, cashier's check or letter of credit shall be equal to 100 percent of the total estimated cost of the required public improvement.

(b) In the event that the required improvements are made within the time period specified in the bond or letter of credit and found to be acceptable to the Macon-Bibb County Commission, the bond or letter of credit shall be considered null and void. In such case, the amount of the cashier's check, if accepted in lieu of bond, shall be refunded to the developer with any interest earned thereon. In the event the required improvements are not made within the period specified, the engineer shall immediately report such fact to the Macon-Bibb County Commission for appropriate action. All decisions regarding forfeiture of a bond or letter of credit or forfeiture of the right to the return of the amount of a cashier's check shall be made only by the Macon-Bibb County Commission. Performance bonds or cashier's checks will be promptly transmitted by the engineer to the clerk of the commission.

#### **Sec. 25-15. – Maintenance of completed work.**

The developer shall maintain his completed work for a period of eighteen months after the official acceptance by the Macon-Bibb County Commission. The developer shall be required to furnish the commission a maintenance bond, cashier's check or a letter of credit issued by a local bank in an amount equaling ten percent of the entire construction cost. If the developer has obtained a maintenance bond from his contractor, such a bond will be acceptable in lieu of a separate bond from the developer if Macon-Bibb County is named as an indemnitee and the bond otherwise meets the requirements of this section. During the eighteen-month maintenance period, the engineer shall make inspections, at least semiannually, and shall notify the developer by mail of any defects found in the work and to have such defects corrected within 60 days after notification. If the developer shall fail to promptly commence corrective action and pursue the same with diligence, the surety on the developer's bond will be notified. If the defects are not corrected by the developer within the 60 days, the engineer shall notify the surety on the developer's bond, and demand that the surety cause the defects to be corrected forthwith. Bonds, cashier's checks or letters of credit shall be delivered to the finance department through the engineer for disposition as provided in section 25-14.

#### **Sec. 25-16. – Cost of improvements.**

The subdivider shall incur the cost of construction and installation of all required public improvements as shown upon the developer's approved engineering construction plans, including but not limited to, streets, storm drainage systems, monuments, street signs, water systems, fire hydrants and sanitary sewers.

**Sec. 25-17. – Variances.**

(a) The Macon-Bibb County Commission may authorize, in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardships, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variances shall not be construed as an amendment to this chapter or as a precedent for future action. Such variance may be granted in such individual cases of practical difficulty or unnecessary hardship only upon a finding by the commission that all of the following conditions exist:

- (1) There are extraordinary and exceptional conditions involved;
- (2) The application of this chapter would create an unnecessary hardship; and
- (3) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

(b) All requests for variances shall be in writing and addressed to the Macon-Bibb County Commission. Upon receipt of the application for variance, the commission shall hold such hearing as shall be appropriate, and shall deny the application or grant the same in whole or in part or upon conditions as it shall find to be in the public interest. In all such cases, the Macon-Bibb County Commission shall make findings of fact and statements of reasons for its actions.

(c) When a license has been issued for a location which conforms to the provisions of subsection (a) at the time of the initial issue, but by reason of public developments the structure on the site is required to be relocated to a point which would render it nonconforming, Macon-Bibb County may, upon application to the Macon-Bibb County Commission, authorize a variance from the provisions of subsection (a).

**Sec. 25-18. – Detailed construction specifications.**

(a) Adopted. For the construction of roads, streets, and related appurtenances in Macon-Bibb County, the "Department of Transportation, State of Georgia, Standard Specifications for Construction of Roads and Bridges," latest edition as of the date of the plat approval, is hereby adopted as the official construction specifications of Macon-Bibb County. Copies of the above specifications are available from the Georgia Department of Transportation.



(b) Description of terms. Whenever, in the Department of Transportation, State of Georgia "Specifications," the following terms are used, the intent will be understood as follows:

- (1) Department means the engineer's office.
- (2) Engineer means the engineer for Macon-Bibb County.
- (3) Proposal form means the bid form.
- (4) State means Macon-Bibb County.

(c) Material submittals. All material submittals called for in the construction specifications will be approved by the engineer or his authorized representative prior to incorporating into any part of the job. Submittals will be submitted by the developer or his authorized representative to the engineer's office.

(d) Testing. All testing will be performed at the expense of the developer By a qualified testing laboratory approved by the engineer. The approved testing laboratory will submit copies of all test results to the engineer for his records. It will be the responsibility of the developer or his authorized representative to insure that all tests required are made. See the Local Subdivision Design Manual for testing requirements. Test locations will be designated by the engineer.

(e) Construction details. The standard construction details for the state department of transportation, as they exist from time to time, are hereby adopted as the official construction details to be exhibited on the construction plans. Copies of the above details are available from the Georgia Department of Transportation. The engineer may develop standard details to include in the Local Subdivision Design Manual as well.

#### **Sec. 25-19. – Findings of engineer; appeal.**

(a) Whenever under the terms of this chapter, the Macon-Bibb County engineer is required to make any finding or decision, he shall reduce the findings and decisions to writing and they shall contain a statement of the facts found by him and the basis of his decision as well as the decision itself. The statement of facts and circumstances shall be in such detail as will readily assure adequate review in the event the decision of the engineer is appealed.

(b) Any person aggrieved by a decision of the engineer rendered by him under the provisions of this chapter shall have the right of appeal to the Macon-Bibb County Commission, provided that such appeal in writing, stating the decision of the engineer appealed from and the grounds of the appeal shall be filed with the clerk of the commission within 30 days from the date of the decision to which appeal is taken. Except in extraordinary circumstances, to be judged by the commission, no appeal will be considered if not filed within the 30-day period.

(c) Where an appeal is timely filed, the Macon-Bibb County Commission or a designated committee thereof shall review the same and render a decision expeditiously, stating in writing its decision and the basis therefor. Such decision may affirm, reverse or modify the

decision of the engineer as commission or its designated committee shall find to best comport with the provisions of this chapter.

**Secs. 25-20—25-40. Reserved.**

## **ARTICLE II. – DESIGN, CONSTRUCTION STANDARDS**

### **DIVISION 1. – GENERALLY**

#### **Sec. 25-41. – Compliance.**

Standards for design and construction of streets, curbs, gutters, drainage, sidewalks, and fire hydrants, etc., shall comply with the standards prescribed in this article or in the Local Subdivision Design Manual

#### **Sec. 25-42. – Drainage.**

Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose of drainage and maintenance, taking into account possible future development of higher land in the same drainage areas. The drainageway shall be piped when the engineer shall find that it is a hazard or that a continual maintenance problem might exist. The developer shall comply with all environmental requirements for permits required by state or federal agencies.

#### **Sec. 25-43. – Curb and gutter requirements.**

(a) Concrete curb and gutter will be required if the engineer shall find that soil conditions or topography are such that the flow of stormwater drainage would be impeded or cause excessive erosion.

(b) Either the six-inch vertical or four-inch roll-over concrete curb and gutter with a minimum overall width of 24 inches shall be used.

#### **Sec. 25-44. – Utility systems.**

(a) It will be incumbent upon all licensed utility companies within the corporate limits of Macon-Bibb County to ensure that all utility systems which are to be placed underground are in place prior to placing base material and surface course by paving contractor. All developers will notify the utility companies in advance for work scheduling.

(b) All utility trenches shall be compacted as specified in the Local Subdivision Design Manual. Compliance with the compaction and restoration provisions shall be the responsibility and at the expense of the utility company installing the system or the

developer where the work is performed by the development company or its subcontractors. If excavations are made within the paved area of a street after completion of paving or within the limits of the street right-of-way after it has been graded, grassed or sodded, the company making the excavation shall, at its expense, restore the surface to its original condition and provide such compaction as will prevent settlement. At designated crossing points, utility systems shall install conduits, if there is to be a lag in utility construction.

(c) In subdivisions where all utility systems are to be placed underground, there shall be included in the underground installations for electrical service the necessary circuitry to provide for street lights.

**Sec. 25-45. – Fire hydrants.**

Fire hydrants shall be installed in accordance with the Macon Water Authority specifications.

**Sec. 25-46. – Monuments and iron pipes.**

(a) Permanent monuments shall be accurately set and established at all corners of each lot. The monuments shall conform to state requirements.

**Sec. 25-47. – Sanitary sewer systems.**

All sanitary sewer collection systems shall be designed by a licensed professional engineer according to specifications adopted by the Macon Water Authority and shall be approved by the authority prior to beginning construction. All sewer laterals will be marked as to exact location where they intersect the gutter or edge of pavement. Sanitary sewer mains and laterals shall be compacted in accordance with the Development Design Manual.

**Sec. 25-48. – Water distribution systems.**

All new water distribution systems to be located in a new subdivision will be designed and installed in accordance with specifications adopted by the Macon Water Authority. Approval of a water distribution system by the authority is required prior to submission of engineering construction drawings to the engineer's office. Evidence of approval is required. Water mains and laterals shall be compacted in accordance with the Local Subdivision Design Manual.

**Sec. 25-49. – Street name signs.**

Street name signs shall be erected at the developer's cost conforming to standards established in the Local Subdivision Design Manual.

**Sec. 25-50. – Storm sewers.**

All longitudinal storm sewers constructed beneath the road bed shall conform to standards established in the Macon-Bibb Drainage Design Manual.

**Sec. 25-51. – Subdivision signs; median strips.**

(a) Subdivision signs meeting the requirements of this paragraph may be erected. There shall be no more than two subdivision signs at each entrance to a subdivision, one on each side of the entrance and erected in accordance with the following terms:

(1) Subdivision signs may be placed in the street right-of-way provided the layout showing the location of the signs has been previously approved by the Macon-Bibb County traffic engineer. If the signs would unduly obstruct vision or otherwise, in the sound judgment of the traffic engineer, create a traffic hazard, the sign or signs shall not be erected.

(2) The location and type of construction of such signs to be placed in the right-of-way shall be shown upon the subdivision plans submitted to the Macon-Bibb County engineer and reflected upon the finally approved subdivision plat.

(3) All such subdivision signs shall, after approval, be installed prior to the beginning of the construction of any houses in the subdivision, shall be used only to identify the subdivision and developer, and shall not be illuminated.

(b) Median strips may be placed in the right-of-way of subdivision streets provided the same are reflected upon the preliminary and final subdivision plats, and meet the following requirements:

(1) Median strips must be grassed, and enclosed in a concrete curb or other curbing of suitable material.

(2) No median strips shall be installed until the plan to do so has been submitted to and approved by the Macon-Bibb County engineer who shall disapprove the same if he finds that the installation and maintenance of the median strip would constitute a traffic hazard, or an undue constriction of traffic, or shall so impede the traffic flow that the street in which the median is located is unable to carry the expected load of traffic.

(3) All median strips shall be maintained in good condition by the developer.

(4) Irrigation systems shall not be installed in the right of way without approval of the Macon-Bibb County commission. Any irrigation systems installed must not have the potential to damage adjacent pavement through overspray or leaks.

(c) Subdivision signs and median strips installed under the authority of this section shall be maintained by the developer in good condition. Upon 30 days' written notice from

Macon-Bibb County that a subdivision sign or median strip will obstruct planned street improvements in the right-of-way or have become a traffic hazard, or for any reason their continued existence is contrary to the public interest, the developer shall remove the subdivision sign or median strip at his expense. In the case of median strips, the developer shall replace the same with suitable paving so as to make the area previously occupied by the median strip serviceable for public travel. All such work shall be done at the developer's sole expense. Upon the failure of a developer to comply with any written notice to remove a subdivision sign or median strip within the time allowed, Macon-Bibb County may effect such removal and charge the cost to the developer. If the developer shall not pay such costs within 30 days after notification of the amount due, the amount shall become a lien upon all property of the developer in Macon-Bibb County and shall have the rank and dignity and be enforced in the same manner as liens for ad valorem taxes due the county.

**Sec. 25-52. – Street lighting.**

(a) The owner, developer, or other person developing a subdivision shall be required to provide street lights that conform to all of the standards provided for in this article and, in addition thereto, shall be required to obtain approval of the street light layout from the Macon-Bibb County facilities engineering department prior to the construction of any street light facilities. Approval or final acceptance of the subdivision requires compliance with this article.

(b) The owner, developer or other person developing a shopping center, industrial park, office park, apartment complex or like development within a designated street light district shall provide street lights along public rights-of-way adjoining that property that conform to all standards provided for in this article; and the owner or developer shall obtain approval of the street light layout from the facilities engineering department prior to commencing any construction of any street light facilities.

(c) The engineering department shall not recommend the acceptance of any public streets or roads proposed to be dedicated to Macon-Bibb County for perpetual ownership and maintenance until such time as the street lights conform to the approved street light layout.

(d) Street lights. Street lights shall be required to be provided by the developers of all new subdivisions or other developments utilizing new streets or roads to be dedicated to Macon-Bibb County or existing county roads or any combination, unless waived by the Macon-Bibb County Commission. Unless so waived, the developer, at the time of submitting the final plat to the department shall:

(1) Submit a final street light layout prepared by the utility company or lighting consultant, which will provide the lighting service showing exact location of street lights within the development or subdivision. For residential and non-residential subdivisions, this drawing must be approved by the Macon-Bibb County facilities engineering manager prior to commencing any construction of any street light

facilities. Fixtures and standards/poles installed or used shall be approved by the utility company, which will be responsible for the maintenance of the facilities, and by the Macon-Bibb County facilities engineering manager. The fixtures shall be mounted a minimum of 25 feet above the ground, and each fixture shall have appropriate arm length to illuminate the street. The Macon-Bibb County facilities engineering manager may require, in addition to other requirements, a light to be located at any or all street intersections within the subdivision or other development.

(2) Pay all costs for standards/poles, fixtures and any other related items or materials necessary for the installation.

(3) Submit proof of payment for complete installation to the office of the Macon-Bibb County facilities engineering manager.

(4) Submit a copy of an executed agreement with the utility company for complete maintenance of all installations.

(e) Underground cable for electric service. In subdivisions utilizing underground cable for electrical service, developers shall be required to accomplish the same items listed in subsection (d).

(f) Costs and assessments. The cost of providing and maintaining street light service after installation will be chargeable to Macon-Bibb County as set forth in chapter 29.

(g) Standards of illumination. Lighting service for developments or subdivisions shall be governed by the standards of illumination set forth in chapter 29.

**Secs. 25-53—25-60. Reserved.**

## **DIVISION 2. – STREETS**

### **Sec. 25-61. – General layout.**

Minor and marginal access streets in a new development shall be so laid out as to discourage through traffic. However, the provision for the extension and continuation of major and collector streets into and from adjoining areas is required.

### **Sec. 25-62. – Right-of-way width.**

The minimum street right-of-way width under this chapter shall be in accordance with the following:

(1) Freeways: 200' or as required to accommodate the number of lanes  
(2) Expressways .....200 feet or as required to accommodate the number of lanes

(3) Arterial .....80-120 feet

(4) Collector .....80 feet

- (5) Minor or local urban streets:
  - a. Without curb and gutter .....60 feet
  - b. With curb and gutter .....55 feet
- (5) Minor or local rural streets:
  - a. Without curb and gutter .....60 feet
  - b. With curb and gutter .....55 feet
- (6) Alleys .....20 feet

**Sec. 25-63. – Modification of rights-of-way.**

Where subdivision and developed abutting, existing or dedicated or platted streets and rights-of-way of such streets are inadequate, the developer shall make available rights-of-way to meet the minimum standards of these regulations.

**Secs. 25-64—25-73. Reserved.**

**Sec. 25-74. – Street extensions, names.**

Streets that are extensions, or obviously in alignment with, existing named streets shall bear the names of the existing streets. Street names shall not be duplicated, and every attempt shall be made to not name a street in such a way as to cause confusion with other street names. All street names shall be subject to the approval of the engineer and the planning and zoning commission.

**Sec. 25-75. – Protection of property abutting major traffic streets.**

Where a subdivision abuts or contains an existing or proposed major traffic street, the planning and zoning commission may require local streets, single tier lots or such treatment as will provide protection for abutting properties, reduction in the number of intersections with the major traffic street, and separation of local and through traffic.

**Secs. 25-76—25-80. Reserved.**

**DIVISION 3. – RESERVED.**

**Secs. 25-81—25-83. Reserved.**

**DIVISION 4. - SIDEWALK REGULATIONS.**

### **Section 25-84. – Purpose and Intent.**

This Division of the Regulations for Subdivisions is hereby declared to be remedial and is intended to provide consistent requirements for the provision of sidewalks and associated improvements in Macon-Bibb County and further it is the purpose of this Division to secure the following objectives:

1. To provide safe, convenient, and unobstructed paths for pedestrians.
2. To provide for the necessary separation between pedestrians, vehicles, utilities, and street furniture.
3. To provide for safe and efficient driveways and street drainage.
4. A clear delineation and protection of the public right-of-way.
5. The recognition that walking as a physical fitness activity is becoming more popular.
6. To establish and maintain pedestrian linkages within neighborhoods and between neighborhoods and (a) other neighborhoods; (b) neighborhood commercial uses; (c) schools; and (d) community facilities such as libraries, churches, post offices, government offices, and other similar facilities.
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8. To provide alternative transportation options to reduce motor vehicle traffic thereby relieving traffic congestion, improving air quality, and other benefits.
9. To establish and/or maintain an active street life the benefits of which may include crime reduction, critical social interaction, sense of community, and others.

These regulations shall apply to all new development approved after the adoption of these Regulations except that infill parcels in already approved subdivisions with no existing sidewalk shall not be subject to said provisions.

### **Section 25-85. – Pedestrian Sidewalk, Drive Pad, and Curb and Guttering Required.**

All properties hereafter developed or improved more than fifty (50) percent of assessed value in Macon-Bibb County shall have sidewalk and curb and gutter in accordance with the standards set forth by this Division. This requirement for sidewalk and curb and gutter shall only apply to subdivisions where lots are 1 .0 acre or less in size and shall exclude specialty lots such as detention ponds or community recreation lots. The exceptions include receiving a variance from these standards which are allowed through the procedures established by these regulations. Previously constructed facilities shall be considered non-conforming and as such may be repaired and maintained but if and when replacement becomes necessary shall be replaced according to the standards or variance procedures of this Division. Compliance with the provisions of this Division shall be the responsibility of the property owner.



**Section 25-86. – Sidewalk Provision Criteria. Special requirements are as follows:**

1. Residential Areas

Apartment complexes or other similar residential developments with private internal drives shall also provide sidewalks or pedestrian paths which meet all local, state, and federal requirements for handicap access. Such sidewalks or paths shall be located along all major access drives which shall be connected via a dedicated pedestrian path to all buildings, amenity areas, and other high use facilities such as mailbox, laundry, etc. Where a walkway crosses an internal drive, a well-defined crosswalk shall be provided.

2. Commercial Areas

Walkways shall be provided internally from primary entrances out to the street to meet existing or future public sidewalks in the right-of-way. Such internal walkways shall meet all local, state, and federal requirements for handicap access. Where a walkway crosses an internal drive, a well-defined crosswalk shall be provided.

3. Industrial Areas

Walkways shall be provided internally from primary entrances out to the street to meet existing or future public sidewalks in the right-of-way. Such internal walkways shall meet all local, state, and federal requirements for handicap access. Where a walkway crosses an internal drive, a well-defined crosswalk shall be provided. Other Areas characterized by mixed uses or any other configuration not provided in subsections 1 through 3 above shall comply with either the regulations provided specifically for that development type, by a use by use application, or if neither of these methods is pertinent, by the analysis and recommendation of The Macon-Bibb County Engineer .

**Section 25-87. – Landscape Strip.**

The landscaped area within in the right of way may be used for the following public purposes so long as such uses are not in conflict with the provisions of these Regulations or any other applicable ordinance:

1. Permitted Uses

- a. Public and private utility distribution systems.
- b. Planting of trees and/or suitable types of vegetation which will not harm the sidewalks or utilities and that will not be a traffic hazard, provided that alternative utility distribution placement can be worked out with utility providers as necessary and sight distances at drives or roads is fully accommodated.

- c. Driveway apron, pad and/or driveway.
  - d. Bicycle paths or trails approved by Macon-Bibb County.
2. Special Exception Uses
- a. Street furniture.
  - b. Fences and walls which complement pre-existing fences or walls.
  - c. Sidewalk extension which matches pre-existing adjacent sidewalks or provides some other public purpose.
  - d. Decorative paving or ground cover other than sod where pre-existing adjacent area has the same or similar materials or otherwise approved by The Macon-Bibb County Engineer.

**Section 25-88. – Design and Construction.**

1. Permit Required

It is unlawful for any person to lay, construct, or build any sidewalk, driveway apron, or curb and gutter within Macon-Bibb County without securing a construction permit from the Macon-Bibb County Engineering Department. Such permits are in addition to grading or excavation permits required by Macon-Bibb County.

2. Design Required

Upon application for a construction permit, the applicant shall submit a plan or sketch of the proposed construction which must be approved by the Macon-Bibb County Engineer prior to the issuance of a construction permit for sidewalk, driveway apron, or curb and gutter.

3. Timing of Sidewalk Installation

Sidewalks shall be installed up front by the developer before any building permits are issued. The individual lot builder shall be required to remove a section of the sidewalk to install the driveway entrance once they have determined where the driveway will be placed.

4. Duty to Repair and Replace

Upon detection of any defective sidewalk within one (1) year from the date of construction, The Macon-Bibb County Engineer shall cause a notice to be served upon the bonded contractor or bonded property owner directing that repairs and/or replacement shall be accomplished within a designated period of time. Failure to comply with the terms of this notice shall cause forfeiture of bond. If it is determined that other parties are responsible for damage to the sidewalk, such as an individual home builder, the Department of Business Development shall cause the repair to be made by the appropriate contractor and withhold the certificate of occupancy until the repair is made.

5. Use Standards

- a. All sidewalk design plans submitted must show provision for the mobility, safety, and comfort of the pedestrian.
- b. All sidewalk design plans submitted must show provision for adequate pedestrian access to abutting properties and shall show how the connection to the abutting sidewalk will be accomplished.
- c. All new sidewalks shall meet or exceed standards for handicapped access set by the Americans with Disabilities Act and any other applicable federal, state, or local standards.

6. Design and Construction Standards and Procedures

a. Design and Construction Standards

The design and construction of all new sidewalks shall comply with the latest standard specifications of the Georgia Department of Transportation, and reference shall be made to the latest edition of A Policy on Geometric Design of Highways and Streets, and The Guide for Planning, Design and Operation of Pedestrian Facilities both published by the American Association of State Highway and Transportation Officials (AASHTO).

b. Landscape Strip

A minimum two (2) foot landscape strip shall be provided between the back of the curb and gutter and front of the sidewalk. In areas of heavy pedestrian use this landscape strip may be constructed of concrete, decorative pavers, or any other material approved by The Macon-Bibb County Engineer. In no case shall a sidewalk be constructed against the back of the curb without a landscape strip unless first approved by The Macon-Bibb County Engineer. If no curb and gutter is installed, a two (2') feet landscape strip shall be provided between the edge of the street/road and the sidewalk.

c. Sidewalk Location

On all streets, a minimum five (5) wide sidewalk shall be provided on both sides of the road to promote a balanced and multimodal transportation system that serves the mobility needs of all segments of the population and complies with latest edition of The Americans with Disabilities Act of 1990 (ADA).

d. Site Preparation and Inspection.

The Macon-Bibb County Engineer shall be given one (1) working day's notice before any material is placed in order that an inspection may be made of the sub-grade, the forms, and the spacing for expansion-contraction joints. The excavating and grading shall be smoothly and neatly done, and to the proper depth, all large stones, boulders, roots, other vegetation, and rubbish of every description being removed from the sub-grade and the entire work made to conform to the profile and grade of the walk when finished. Soft, spongy, or loamy areas in the sub-grade must be removed, and the space refilled with stable material thoroughly compacted

**Section 25-89. – Variances.**

1. Formal Variances

Upon application by the owner or agent of the property, the Macon-Bibb County Engineer may choose to grant a variance from any requirements of this ordinance if it is found that:

- a. The area has been recognized as having historical, archaeological, and/or architectural significance by Macon-Bibb County, the State of Georgia, or the United States of America and in order to maintain such significance, a variance is appropriate.
- b. There are pre-existing obstructions that cannot be easily relocated and should not be altered, such as water courses and/or natural topographic features and no reasonable alternative is available to accommodate the sidewalk.

2. Administrative Variances

- a. Where sufficient right-of-way is not available, the Macon-Bibb County Engineer may set a special sidewalk location standard within the right-of-way or if sufficient right-of-way is not available or is only large enough to accommodate utilities in their most efficient placement, sidewalk easements may be established provided that sufficient front yard setback area exists. Sidewalk easements must be granted in perpetuity for public access. Such easements shall be wide enough to accommodate the required sidewalk width plus one additional foot on each side of the facility. Such easements shall be clearly indicated on all plats and protected via

the use of covenants clearly stated on the plat and each relevant property deed stating the right to unimpeded public access in perpetuity. Sidewalks in easements shall match with sidewalks in adjacent developments and right-of-way cross sections must show match lines. The Macon-Bibb County Engineer must definitively determine that within the established right-of-way, that sidewalks cannot be accommodated even if the road were narrowed from curb to curb to the minimum required.

- b. The normal dimensional requirements and location of the sidewalk may be adjusted at the approval of The Macon-Bibb County Engineer to accommodate or preserve a specimen tree, provided however, that public access easements are granted if the location of the sidewalk is moved off the public right of way.
- c. The normal dimensional requirements and location of the sidewalk may be adjusted at the approval of The Macon-Bibb County Engineer to accommodate, preserve, or avoid undue impacts to signage, utilities or landscaping in an area where signage, utilities or mature landscaping is existing and part of the established neighborhood character, provided however, that public access easements are granted if the location: of the sidewalk is moved off the public right to way.

#### **Section 25-90. – Retrofitting Sidewalks to Existing Neighborhoods.**

Macon-Bibb County allows individuals and business to self-finance and construct sidewalks adjacent to their property. Prospective applicants shall contact The Macon-Bibb County Engineer for additional information.

#### **Section 25-91. – Curb and Gutters.**

Curb and gutter shall conform in dimension, material, and placement technique to standards established by Macon-Bibb County.

#### **Section 25-92. – Driveway Aprons.**

##### **1. Specifications**

The grading and excavating for driveway aprons shall be done in conformance with the provisions set forth herein and other applicable ordinances. Driveway aprons within the public right-of-way shall be constructed of a minimum of four (4) inches of 3000 psi concrete for residential drives and six (6) inches of 3000 psi concrete for commercial drives. Driveway apron design shall be established and approved by Macon-Bibb County prior to issuance of construction permits.

##### **2. Crossing of Sidewalks**

Driveway aprons shall cross the sidewalk on the sidewalk grade line without depression of the sidewalk where feasible and shall not exceed a 2% cross slope.

3. Abandoned Driveway Aprons

When property is redeveloped and new driveway aprons are installed, then, the old, unused driveway aprons shall be replaced at the same time by curb and gutter to match the existing.