

LAND DEVELOPMENT CODE

CHAPTER 5

SUBDIVISION REGULATIONS

Section 5.1 Short Title, Policy, Purposes, and Relationship to the Comprehensive Plan

Section 5.1-1 Short Title

The rules and regulations hereby adopted shall hereafter be known and cited as the "Subdivision Regulations for Madison County Florida". The appendices set forth in these subdivision regulations are made a part hereof and shall be used where required by these subdivision regulations.

Section 5.1-2 Policy

- A. It is hereby declared to be the policy of the Board of County Commissioners to consider the subdivision of land and the subsequent development of the subdivision plat as subject to the control of the County pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the area.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and public improvements such as schools, parks, recreation facilities, transportation facilities, and other improvements.
- C. The existing and proposed public improvements shall conform to and be consistent with the Comprehensive Plan, and it is intended that these subdivision regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Building Code, Comprehensive Plan and any other land development regulations of the County.

Section 5.1-3 Purpose

Land subdivision is the first step in community development. Once land has been subdivided into streets, lots, and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivided land sooner or later becomes a public responsibility, in that roads, drainage, and utilities must be maintained and various customary community services must be provided. The welfare of the entire community at large is directly affected by land subdivision. It is to the interest of all taxpayers and citizens, the Subdivider, and future residents that subdivisions be conceived, designed, and developed in accordance with sound practices and appropriate standards.

- A. *Basic Goal.* It is the intent of these subdivision regulations to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity, and general welfare.

- B. *Objectives.* To achieve this end, these subdivision regulations are designed to accomplish the following objectives.
1. Aid in the coordination of land development in accordance with orderly physical patterns.
 2. Discourage haphazard, premature, uneconomic, or scattered land development.
 3. Insure safe and convenient traffic control.
 4. Encourage development of an economically stable and healthful community.
 5. Ensure adequate utilities.
 6. Prevent periodic and seasonal flooding by providing adequate protective flood control and drainage facilities.
 7. Provide public open space and/or parks for recreation.
 8. Assure land subdivision with installation of adequate and necessary physical improvements.
 9. Assure that citizens and taxpayers will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the Subdivider of adequate and necessary physical improvements.
 10. Assure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed.
 11. Serve as one of the several instruments of implementation for the Comprehensive Plan.

Section 5.1-4 Relationship to the Comprehensive Plan

In order to accomplish the goal and objectives listed above, the Board of County Commissioners has prepared these subdivision regulations. These subdivision regulations are based on, related to, and a means of implementation for the Comprehensive Plan. All regulations are consistent with the Comprehensive Plan in that they tend to further the goals, objectives, policies, and development patterns portrayed on the land use plan map of the Comprehensive Plan.

Section 5.2 General Provisions

Section 5.2-1 Conditions

Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivisions are an exercise of valid police power delegated by the State to the County. The

Subdivider has the duty of compliance with reasonable conditions established by the Board of County Commissioners for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the area and to the safety and general welfare of future property owners in the subdivision and of the community at large.

Section 5.2-2 Character of the Land

Land which the Board of County Commissioners finds to be unsuitable for subdivision development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the Subdivider and approved by the Board of County Commissioners to solve the problems created by the unsuitable land conditions.

Section 5.2-3 Jurisdiction

- A. These subdivision regulations shall apply to all subdivisions of land, both public and private, as defined herein and located within the unincorporated area of the County.
- B. No land shall be subdivided within any area subject to these subdivision regulations until:
 - 1. The Subdivider or his agent has obtained approval of the final plat by the Board of County Commissioners; and
 - 2. The approved final plat is filed with the County Clerk.
- C. No building permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these subdivision regulations.

Section 5.2-4 Maintenance

Nothing in these subdivision regulations shall be construed as meaning that the Board of County Commissioners shall ever take over for ownership and maintenance any road, street, utilities, public parking or other public area, drainage facilities, or any improvements related thereto; but, only those improvements designed and built in accordance with the Board of County Commissioner's requirements may be accepted for ownership and maintenance by specific action by the Board of County Commissioners.

Section 5.2-5 Plats Straddling Local Government Boundaries

Whenever access to the subdivision is required across land in another local government's jurisdiction, the Board of County Commissioners may request assurance from that local government's attorney that access is legally established, and that the access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure

the construction of the access road. The Board may also require assurances that adequate utilities and other infrastructure are available from the other local government or other provider.

Section 5.2-6 Re-subdivision of Land

- A. *Procedure for Re-subdivision.* For any change in a map of an approved or recorded subdivision plat, if such change affects any public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivision, such parcel shall be approved by the Board of County Commissioners by the same procedure, rules, and regulations as for a subdivision.

- B. *Procedure for Subdivisions Where Future Re-subdivision is Indicated.* Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land and where such lots could eventually be re-subdivided into smaller building sites, the County may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets and utilities. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

Section 5.2-7 Self-Imposed Restrictions

If the Subdivider places restrictions on any of the land contained in the subdivision greater than those required by these subdivision regulations or any land development regulations of the County, such restrictions or reference thereto shall be required to be recorded.

Section 5.2-8 Subdivision by Metes and Bounds

The subdivision of any lot or parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease, with the intent of evading these regulations, shall not be permitted. All such subdivisions shall be subject to all of the requirements contained in these subdivision regulations.

Section 5.2-9 Subdivision Name

Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or in any way so similar to any name appearing on any recorded plat within the County so as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same Subdivider or his successors in title. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name. The Board of County Commissioners shall have final authority to approve the name of the subdivision.

Section 5.2-10 Vacation and Annulment of Plats

The vacation and annulment of plats shall be according to Chapter 177, Florida Statutes, as amended. In addition, the Board of County Commissioners may, on its own motion, order the vacation and revision to acreage of all or any part of a subdivision within its jurisdiction including the vacation of streets or other parcels of land dedicated for public purposes or any of such streets or other parcels, when: (1) the plat of which subdivision was recorded as provided by law not less

than five (5) years before the date of such action, and (2) in which subdivision or part thereof not more than ten percent (10%) of the total subdivision area has been sold as lots by the original Subdivider or his successor in title. Such action shall be based on a finding by the Board of County Commissioners that the proposed vacation and reversion to acreage of subdivided land conforms to the Comprehensive Plan and that the public health, safety, economy, comfort, order, convenience, and welfare will be promoted thereby. Before acting on a proposal for vacation and reversion of subdivided land to acreage, the Board of County Commissioners shall hold a public hearing thereon, with due public notice.

No owner or any parcel of land in a subdivision shall be deprived by the reversion to acreage of all or any part of the subdivision of reasonable access therefrom to existing facilities to which such parcel has theretofore had access; provided, that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

If land in a subdivision or part thereof is proposed for reversion to acreage, either by the Board of County Commissioners or by filing a plat by the owner, the Board of County Commissioners shall conduct proceedings for amendment of any land development regulations of the County as may be deemed advisable in view of the conditions that will exist subsequent to such reversion to acreage.

Section 5.2-11 Variances

- A. *General.* Where the Board of County Commissioners finds that compliance with the general design standards for lot and street layout of these subdivision regulations would cause unusual or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage, or other physical features of the site, it may grant a variance from these subdivision regulations so that substantial justice may be done and the public interest secured; provided, that the public interest is protected and the development is in keeping with the general spirit and intent of these subdivision regulations. No such variance shall be granted if it would have the effect of nullifying the intent and purpose of these subdivision regulations. Furthermore, no variance shall be granted from the required improvements as specified within these subdivision regulations.
- B. *Conditions.* In granting variances and/or modifications, the Board of County Commissioners may require such conditions as will, in the judgment of the Board of County Commissioners, secure substantially the objectives of the design standards or requirements so varied or modified.
- C. *Procedures.* Variances may be granted upon written request of the Subdivider setting forth the reasons for each variance. A petition for any such variance shall be submitted in writing by the Subdivider to the County Coordinator for the consideration of the DRC (as defined in 5.3-2) and the Planning and Zoning Board (P&Z), in conjunction with the submission of the preliminary plat.

The DRC and the P&Z shall handle such matters in a public session as part of a previously prepared agenda. The DRC and the P&Z shall submit their reports and recommendations to the Board of County Commissioners.

Within a reasonable time after receiving the DRC and the P&Z reports and recommendations, the Board of County Commissioners shall by majority vote either approve, approve with conditions, or deny the request. Such matters shall be handled in a public session as part of a previously prepared agenda.

Section 5.2-12

Special Conditions within the Suwannee River System 100-Year Floodplain Special Planning Area

- A. *General.* To protect and maintain the natural functions of the Suwannee River System (defined herein as the 100-year floodplain of the Suwannee River System in Madison County) and to help ensure that development proposals and activities wholly or partially within the Suwannee River System are conducted in accordance with the provisions of the goals and objectives contained in the Comprehensive Plan, the Board of County Commissioners shall require that proposed subdivision of land be reviewed by appropriate agencies having jurisdiction within the Suwannee River System prior to the issuance of a County development permit. Further, in addition to other requirements contained within these subdivision regulations, certain special conditions shall govern subdivision of land within the Suwannee River System.
- B. *Special Conditions.*
1. The County Coordinator shall notify the Suwannee River Water Management District of preliminary subdivision plats, site and development plans, rezoning or reclassification of lands, and special exception hearings. The purpose of such notification is to provide opportunity for the District to coordinate, among appropriate agencies, the review and commenting on the potential impact of such plans or proposals on the natural resources of the Suwannee River System. The review and comment period shall be within the development review time frame established within these subdivision regulations.
 2. The review of preliminary subdivision plats and site and development plans shall be based on the best available information regarding the physical characteristics of the site, including floodplain and wetlands delineation, soil conditions, vegetative cover, and critical wildlife habitat areas.
 3. An undisturbed regulated buffer of seventy-five (75) feet along the property lines of public lands shall be required for the purpose of visual screening, stormwater runoff and erosion control, public safety, and buffering potentially incompatible land uses. Variations in the width of this buffer shall be made only for cases of undue hardship and on a site-specific review.
 4. The Board of County Commissioners shall require, or may order on its own motion, the vacating or re-platting of those portions of unimproved, undeveloped and unrecorded subdivisions containing lots of record which do not meet the minimum lot area requirements based upon

density standards established in the Comprehensive Plan. Such action shall be in accordance with the procedures contained within these subdivision regulations.

5. An undisturbed, vegetated buffer of seventy-five (75) feet measured from the generally recognized riverbanks shall be maintained for all single-family residential uses. Other land uses shall conform to the variable buffer requirements contained in Rule 40B-4.3030(4), F.A.C., as administered by the Suwannee River Water Management District. Exception may be made for the provision of reasonable access to the river. A minimum undisturbed, vegetated buffer of fifty (50) feet shall be required around all other streams tributary to the Suwannee River system. Agricultural and silvicultural operations shall adhere to the buffer standards of established Best Management Practices.
6. Construction activities shall conform to the National Flood Insurance Program requirements, including the requirement that all habitable structures shall be elevated no less than one foot above the 100-year flood elevation, without the use of fill materials unless otherwise approved.
7. All road construction and improvement projects for development activities shall be designed in such a manner as to avoid any increase in floodway obstruction, any increase in the peak rate or volume of stormwater runoff, and any increase in pollutant loading to the receiving waters.
8. Within designated urban development areas, dwelling unit density of residential uses shall be no greater than one (1) dwelling unit per acre. Further, septic tanks shall be prohibited in the 10-year floodplain unless it can be shown that there is no negative environmental impact to the Suwannee River due to the allowance of said septic tank.

Section 5.3 Procedures for Plan and Plat Approval

Section 5.3-1 General Procedure

- A. *Preparation of Plats.* All final plats shall be prepared by a properly licensed professional surveyor and mapper and all necessary construction plans and specifications for required improvements shall be prepared by a properly licensed professional engineer (see Appendices J and K). The Subdivider shall present a letter to the Board of County Commissioners certifying that he has employed a registered professional surveyor and mapper to prepare the final plat and, if construction plans are required, a registered professional engineer both of which are properly registered in the State of Florida. Preliminary plats can be prepared by either the Surveyor or the Engineer.
- B. *Procedures for Subdivisions.* Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the

subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes four (4) steps (see Section 5.9.2 for the definition of subdivision):

Procedure

- a. Pre-application Conference
- b. Preliminary Plat
- c. Construction Plans
- d. Final Subdivision Plat

Section 5.3-2 Pre-Application Conference

The Subdivider or his representative shall attend a pre-application conference with one (1) or more of the following: County Coordinator, County Planner, Director of Public Works, County Engineer, County Building Inspector, a representative from the County Health Department, a member of the County Commission, a member of the P&Z, and other appropriate departments or agencies as the case may require for review and comment, in order that the Subdivider may become familiar with the requirements of these subdivision regulations, applicable land development regulations of the County, and any provisions of the Comprehensive Plan affecting the territory in which the proposed subdivision is located. The above stated participants will herein be referred to as the Development Review Committee (DRC).

Section 5.3-3 Preliminary Plat Approval

- A. Step 1 - The Subdivider shall submit a minimum of six (6) copies of the preliminary plat materials that have been prepared in accordance with these subdivision regulations to the County Coordinator.
- B. Step 2 - The County Coordinator shall transmit copies of the preliminary plat materials to the DRC and the P&Z.
- C. Step 3 - The DRC shall review the preliminary plat materials at a scheduled meeting to determine conformity with the Comprehensive Plan, these subdivision regulations and any land development regulations of the County. At the meeting, any person may appear in person or by agent. The DRC shall recommend approval, approval subject to conditions, or disapproval of the preliminary plat to the Board of County Commissioners. In recommending approval subject to conditions or in recommending disapproval, the reasons for such action shall be stated in writing to the Subdivider and the Board of County Commissioners. Reference should be made to the specific sections of these subdivision regulations of the County, or other ordinances or regulations with which the preliminary plat does not comply.
- D. Step 4 - The P&Z shall review the preliminary plat materials to determine conformity with the Comprehensive Plan, these subdivision regulations and any land development regulations of the County and consider recommendations to

the Board of County Commissioners for approval, approval with conditions, or disapproval of the preliminary plat at its next regularly scheduled meeting as part of a previously prepared agenda. At the meeting, any person may appear in person or by agent. The reasons for approving the preliminary plat subject to conditions or disapproval shall be stated in writing to the Subdivider. Reference should be made to the specific sections of these subdivision regulations, the Comprehensive Plan, any land development regulations of the County or other ordinances or regulations with which the preliminary plat does not comply.

- E. Step 5 – After review and recommendation of the DRC and the P&Z, the Board of County Commissioners shall consider approval, approval with conditions, or disapproval of the preliminary plat at its next regularly scheduled meeting as part of a previously prepared agenda. At the meeting, any person may appear in person or by agent. The reasons for approving the preliminary plat subject to conditions or disapproval shall be stated in writing to the Subdivider. Reference should be made to the specific sections of these subdivision regulations, the Comprehensive Plan, any land development regulations of the County or other ordinances or regulations with which the preliminary plat does not comply.
- F. Step 6 - The action of the Board of County Commissioners shall be noted on two (2) copies of the preliminary plat. One copy shall be returned to the Subdivider and the other retained in the office of the County Coordinator.
- G. Approval of the preliminary plat shall not constitute approval of the construction plans or the final plat. Approval of the preliminary plat shall be deemed an expression of approval of the layout submitted as a guide for the preparation of the construction plans or the final plat. Any significant change in the number or configuration of lots and/or streets as determined by the County Coordinator subsequent to preliminary plat approval shall require the Subdivider to resubmit the preliminary plat and follow procedures for approval of the preliminary plat. Approval of the preliminary plat shall be valid for a period of two (2) years, but may be extended by a written request from the Subdivider and approval of the Board of County Commissioners for a period not to exceed an additional twelve (12) months, provided the request for extension is made prior to the expiration of the initial approval period. After the expiration date, the Subdivider must re-submit the preliminary plat and follow the procedures for approval of the preliminary plat existing at the time of the resubmittal. If the Subdivider proceeds to apply for, and receives, County approval of construction plans, then the preliminary plat shall remain in full force and effect for the same period as the construction plans approval.
- H. For all subdivisions that are presumed to be a development of regional impact as provided in Chapter 380, Florida Statutes, as amended, and Chapter 28-24, Florida Administrative Code, a copy of the preliminary plat and a completed application for development approval shall be submitted to the Board of County Commissioners, the regional planning agency, and the state land planning agency. A development order shall be issued by the Board of County Commissioners prior to the review and approval of construction plans as provided in Section 5.3.4 of these subdivision regulations.

Section 5.3-4 Construction Plans Procedures

- A. Step 1 - Following preliminary plat approval by the Board of County Commissioners, the Subdivider shall submit a minimum of six (6) copies of the construction plan materials as specified in Section 5.5.3 of these subdivision regulations to the County Coordinator.
- B. Step 2 - The County Coordinator shall transmit copies of the construction plan materials to the DRC. The County Coordinator shall evaluate the comments from the DRC and notify the Subdivider of the status of the construction plans.
- C. Step 3 - Following review by the DRC, the County Coordinator shall consider approval, approval with conditions, or disapproval of the construction plans. The reasons for approving with conditions or disapproval shall be stated in writing to the Subdivider. Reference should be made to the specific sections of these subdivision regulations, the Comprehensive Plan, any land development regulations of the County, or other ordinances or regulations with which the construction plans do not comply.
- D. Approval of the preliminary plat by the Board of County Commissioners and approval of the construction plans by the County Coordinator is authorization for the Subdivider to proceed with site development and the installation of improvements in accordance with the approved construction plans, subject to the approval of all other agencies having jurisdiction or authority. In the event minor changes or deviations from the approved construction plans are necessary, the County Coordinator may authorize such minor changes or deviations. If minor changes or deviations are authorized by the County Coordinator, the Subdivider shall include these changes or deviations in the Record Drawings at the time of "As-Built" certification. Any significant changes in the number or configuration of lots and/or streets as determined by the County Coordinator subsequent to construction plan approval shall require the Subdivider to resubmit the construction plans and follow procedures for approval of the construction plans. Approval of the construction plans shall be valid for a period of two (2) years, but may be extended by a written request from the Subdivider and approval of the County Coordinator for a period not to exceed an additional twelve (12) months, provided the request for extension is made prior to the expiration of the initial approval period. After the expiration date, the Subdivider must resubmit the preliminary plat and construction plans and follow the procedures for approval of the preliminary plat and construction plans existing at the time of the resubmittal.
- E. At this stage the Board of County Commissioners, with the aid of the County Coordinator and appropriate departments, may, if approval of the preliminary plat and construction plans and supplementary materials has been given, work out an agreement (or agreements) with the Subdivider to construct and plat the subdivision in phases. This agreement (or agreements) shall include, but not to be limited to, provisions for carrying out the required construction and improvements to completion when developing the subdivision in phases, if the Board of County Commissioners finds that development in phases is consistent with the intent and purpose of these subdivision regulations. If authorized for

development in phases, the Board of County Commissioners shall require an overall development plan, but may allow infrastructure to be constructed only for the phase being developed. Under a "phased development" agreement, no structures may be constructed in areas of the proposed subdivision not within the "phased" area, unless those improvements within adjacent phases are required for the development of said phase and are contained within an appropriately dedicated easement.

This agreement (called the Subdivider's Agreement for Phased Development) shall constitute a covenant between the County and the Subdivider of the subdivision, the terms and conditions of which shall run with the land and be binding upon all successors in interest to the Subdivider (see Appendix D).

Section 5.3-5 Final Plat Procedure

- A. Step 1 - While the preliminary plat approval is in effect, the Subdivider shall submit a minimum of six (6) copies of the final plat, covering that portion or phase of the development to be constructed, for approval to the County Coordinator. The final plat shall conform to, and include, all provisions and information required in Chapter 177 of the Florida Statutes, as amended. The final plat shall include the certificates listed in Section 5.5.7 and the dedication stipulated in Section 5.5.9 of these subdivision regulations, as well as a copy of any conditions imposed at the time of conditional approval of the preliminary plat or construction plans.
- B. Step 2 - the County Coordinator shall transmit copies of the final plat and materials to the DRC.
- C. Step 3 - The DRC shall review the final plat and materials at a scheduled meeting to determine conformity with the Comprehensive Plan, these subdivision regulations and any land development regulations of the County. At the meeting, any person may appear in person or by agent. The DRC shall recommend approval, approval subject to conditions, or disapproval of the final plat to the Board of County Commissioners. In recommending approving subject to conditions or in recommending disapproval, the reasons for such action shall be stated in writing to the Subdivider and the Board of County Commissioners. Reference should be made to the specific sections of these subdivision regulations of the County or other ordinances or regulations with which the final plat does not comply.
- D. Step 4 - Following review by the DRC, the Board of County Commissioners shall consider and take action on the final plat at its next regularly scheduled meeting as part of a previously prepared agenda. The final plat shall essentially conform to the preliminary plat as approved, and at the option of the Subdivider, may constitute only that portion of the approved preliminary plat which is proposed for recording at the time; provided however, that such portion conforms to all requirements of these subdivision regulations. Approval by the Board of County Commissioners shall not be shown on the final plat until all requirements of these subdivision regulations have been met and the following conditions complied with:

1. Upon completion of the improvements, the Board of County Commissioners or its authorized representative has inspected the construction work to determine that the work has been completed in a satisfactory manner and complies with the requirements of these subdivision regulations or a surety device guaranteeing completion of said improvements has been posted which meets the requirements of Section 5.5.8;
 2. Upon completion of improvements in the subdivision, the Subdivider has submitted three (3) blue line sets and one reproducible set of Record Drawings showing "As-Built" improvements (in the case where the improvements have not yet been completed but a surety device has been posted, the Record Drawings will be required at the completion of the improvements) ;
 3. The appropriate Subdivider's Agreement(s) as required in Section 5.3.4.5 (for phased subdivisions see Appendix D), Appendix G, Appendix H and/or Appendix I of these subdivision regulations have been entered into by the Subdivider and the Board of County Commissioners;
 4. The Certificate of Estimated Cost (see Appendix F) has been completed and provided by the Engineer of Record for the purpose of determining the amount of the surety device outlined in 1. above.
- E. Step 5 - Upon final plat approval by the Board of County Commissioners, the Subdivider or Surveyor shall submit the original along with the Certificate of Payment of Taxes and the Certificate of Title and Encumbrances satisfying the requirements of Section 5.5.9 to the County Clerk for recording. The Subdivider shall pay all recording costs. Two (2) copies of the executed final plat shall be filed in the office of the County Coordinator.

Section 5.4 Required Improvements, Design Standards and Inspection/Testing Procedures

Section 5.4-1 General Improvements

Where required by these subdivision regulations, the Subdivider shall grade and improve roads and streets; install stormwater management facilities, sidewalks, street name signs, street lights, utilities, and curbs and gutters; and place monuments, permanent control points and corner stakes in accordance with the specifications of these subdivision regulations and any other pertinent specifications established by the Board of County Commissioners. The Board of County Commissioners may, if conditions warrant such action, require that improvements be designed and constructed to higher standards than are incorporated herein. All required improvements shall be paid for by the Subdivider.

In addition to the requirements established herein, all subdivisions shall comply with the following laws, rules, and regulations:

1. All applicable statutory provisions.
2. The Building Code, and any land development regulations of the County.

3. The Comprehensive Plan and development policies in effect at the time of submission, including Concurrency requirements.
4. Rules and regulations of the Florida Department of Health and Rehabilitative Services, Florida Department of Environmental Protection, Suwannee River Water Management District and other appropriate regional, State and Federal agencies.
5. Rules and regulations of the Florida Department of Transportation (FDOT) for roadways and streets, driveways and/or drainage facilities within the subdivision and/or connecting to State maintained facilities. Signage and pavement marking shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), latest edition.

Section 5.4-2 Warranty, Guarantee and Repair of Required Improvements

The Subdivider shall, at his expense, warranty, guarantee and repair all improvements that these subdivision regulations require the Subdivider to construct in the subdivision for a period of two (2) years after the completion and acceptance by the County of the same. Acceptance, as used herein, shall be defined as written verification by the County that all construction, materials and workmanship satisfy the requirements of these subdivision regulations. If the improvements are constructed prior to final platting, the date of acceptance shall be the date the final plat is accepted by the Board of County Commissioners. If the improvements are constructed after final platting, the date of acceptance shall be the date the County approves all documentation required by these subdivision regulations at the completion of the improvements. Prior to the County accepting ownership and maintenance responsibilities, the improvements must be inspected and approved by the Public Works Director and/or County Engineer (Section 5.4.15). A final plat shall not be approved by the Board of County Commissioners nor accepted for filing until the Subdivider posts a surety device meeting the requirements of Section 5.5.8 or posts a warranty bond or irrevocable warranty letter of credit to cover at least ten (10%) percent of the estimated costs of all required improvements (see Appendix F). All defects in construction, materials, workmanship and/or damages from any other cause, including acts of God, that occur within a minimum of two (2) years after completion and acceptance of all required improvements shall be remedied and corrected immediately at the Subdivider's expense.

Section 5.4-3 Subdivisions Located Outside the Corporate Limits of Municipalities but Connected to Municipal Utilities

Subdivisions that are located outside the corporate limits of any municipality but are to be connected to and serviced by municipal utilities such as water, sewage, and/or natural gas shall meet all the requirements of the applicable sections of these regulations, as well as other municipal regulations governing the design, construction, and connection of such utilities.

Section 5.4-4 Monuments

The Subdivider shall adhere to the requirements of Chapter 177, Florida Statutes, as amended, regarding the placement of all monuments.

Section 5.4-5 Lot Improvements

- A. *Arrangement.* The lot arrangement shall be such that there will be no foreseeable

difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with any land development regulations of the County and other applicable regulations and in providing driveway access to buildings on such lots from an approved street.

- B. *Dimensions and Design.* Lot dimensions, shall comply with any minimum standards as established within any land development regulations of the County and provided, that, for lots five (5) acres or less, the lot length shall not exceed three (3) times the lot width; and for lots more than five (5) and less than ten (10) acres, the lot length shall not exceed four (4) times the lot width. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless variation from this rule will give a better street or lot plan. The entrance of automobiles from the lot to the street shall be approximately at right angles or radial to street lines. Corner lots shall be sufficiently wider and larger to permit additional yard area. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general stormwater drainage pattern for the area in accordance with approved construction plans (see Section 5.4.9).
- C. *Double Frontage.* Double frontage and reversed frontage lots shall be prohibited in residential areas except where necessary to provide separation of development from arterial/collector streets, railroads, waterways, etc. or to overcome specific disadvantages of topography and orientation.
- D. *Access.* Individual lots shall not in general derive access from an existing road or street. If, in the opinion of the County Coordinator, such access is unavoidable, the County may require certain restrictions as a condition of approval.

Section 5.4-6 Use of Subdivided Lots

The proposed use of lots within any subdivision shall comply with those uses permitted by the Comprehensive Plan and any land development regulations of the County. Further, whenever any land in the unincorporated area of the County is subdivided, a building permit for the construction of a residence, commercial building or other principal structure shall not be issued for any such structure on less than a lot as platted within such subdivided land. This provision shall not apply to subdivisions platted prior to January 1, 1970.

Section 5.4-7 Public Purpose Sites

In accordance with objectives and policies of the Comprehensive Plan for each proposed residential subdivision, the Board of County Commissioners shall require the dedication to the public or conveyance to the County of an area equivalent to five percent (5%) of the gross land area for public purpose sites (school sites, parks, playground, solid waste sites, or any other public areas) as are, in the opinion of the Board of County Commissioners, attributable to the increased demand created by the subdivision. At the discretion of the Board of County Commissioners and in lieu of the above, the Subdivider may be required to pay in cash an amount equal to the fair market appraised value of similar lots within the subdivision for those proposed for public purpose sites. Appraiser shall be commissioned by the County, the cost of which shall be paid for by the Subdivider. Also at the discretion of the Board of County Commissioners, this requirement may be satisfied by a combination of the two (2) alternatives outlined above, not to

exceed the 5% appraised value.

Section 5.4-8 Streets

A. *General Requirements.*

1. The arrangements, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan, where applicable, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets. All streets within a subdivision shall be dedicated to the perpetual use of the public and shall be designed and constructed in accordance with the standards established in these subdivision regulations. However, the Board of County Commissioners may approve private streets when constructed to the specifications of these subdivision regulations and when adequate provision for initial installation and future private maintenance by a homeowners association or other lawful entity is made for such streets.
2. All work performed under these subdivision regulations concerning road right-of-way clearing and grubbing, earthwork, stabilizing, and construction of a base and surface course shall meet the minimum requirements of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition and as amended, unless stated otherwise herein or shall meet such standards for construction as may be adopted by the Board of County Commissioners. These specifications are intended to govern the equipment, materials, construction methods, and quality control of the work, unless otherwise provided herein. The provisions of those specifications pertaining to basis of payment are not applicable to these subdivision regulations.

B. *Street Improvement Schedule.* Street improvements shall be provided as required by the following schedule (Table 5-1). Where the proposed subdivision includes an existing street, said street shall be improved as required to conform to this schedule. If proposed traffic conditions warrant it, adjacent streets may also be required to conform to this schedule.

**TABLE 5-1
ROADWAY DESIGN REQUIREMENTS**

Roadway Classification	Minimum Right-Of-Way Width*	Minimum Pavement Width	Minimum Pavement Thickness**	Minimum Base Thickness**	Minimum Stabilized Subbase / Shoulder Thickness**	Minimum Structural Number
Local (Residential)	76' (Rural) 50' (Urban)	20'	1½"	6"	12"	2.46
Collector (Residential)	84' (Rural) 60' (Urban)	22'	1½"	6"	12"	2.46
Local (Commercial)	84' (Rural) 60' (Urban)	22'	1½"	8"	12"	2.76
Collector (Commercial)	92' (Rural) 70' (Urban)	24'	2"	8"	12"	2.96
Arterial	114' (Rural)*** 94' (Urban)***	44' 4 – 11' lanes (w / Median)	****	****	****	****

- * A minimum 10' wide utility easement shall be required along the right-of-way (R/W) fronting each lot to accommodate utilities and/or utility poles. If additional R/W is required to accommodate drainage facilities, etc., it shall be increased in 4' increments as design dictates. Drainage easements fronting the R/W shall not take the place of R/W.
- ** Thickness may be increased by County based upon flexible pavement design criteria such as anticipated traffic volume, percent truck traffic, and projected growth.
- *** Shall be increased in 4' increments as design dictates.
- **** Pavement design shall be based upon the FDOT Flexible Pavement Design Manual, latest edition.

NOTES:

1. The Subdivider shall, at his own expense, be required to have a qualified soils and materials testing laboratory certify that the roadway construction and all materials used in the construction of the roadway meet the requirements outlined in these subdivision regulations. Copies of all required test reports and geotechnical evaluation shall be submitted to the County.
2. The Subdivider shall refer to the standard typical sections located in Appendix A for shoulder stabilization, swale, Sodding, and seeding and mulching requirements. All limerock used as base shall have a minimum LBR value of 100. All subbase and shoulders shall be stabilized to a minimum LBR value of 40.
3. The Subdivider may be required, at his expense, to construct concrete sidewalks and/or bicycle facilities if, in the opinion of the Board of County Commissioners, these facilities are justified. Concrete sidewalks shall be four (4) feet wide and four (4) inches thick and shall be composed of 3,000 psi concrete.
4. Concrete curb used on urban typical sections shall be 3,000 psi concrete.

C. Design Standards.

(a) Topography and Arrangement.

1. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and curves should be avoided.
2. Local streets shall be designed to discourage use by through traffic, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to property.

3. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
4. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the County such extension is not necessary or desirable for the coordination of the layout or the most advantageous future development of adjacent tracts.
5. In commercial and industrial development, the streets and other access ways shall be planned in connection with the grouping of buildings; the location of rail facilities; the provision of alleys, truck loading and maneuvering areas; and the provision of walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

(b) *Blocks.*

1. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to existing streets, railroads, or waterways.
2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand two hundred (2,200) feet, nor be less than four hundred (400) feet in length.
3. In long blocks, the County may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the County through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

(c) *Access to Existing Streets.* Where a subdivision borders on or contains an existing street, the County shall require that access to such streets be limited by one of the following means:

1. For subdivisions with lots backing onto the existing street, no access shall be provided from the existing street and screening shall be provided in a strip of land along the rear property line of such lots.
2. A marginal access street separated from the existing street by a grass strip and having access thereto at suitable points.

3. A series of cul-de-sacs, or u-shaped streets, entered from and designed generally at right angles to the existing street.
- (d) *Street Names/Numbers.* Upon application for a subdivision, the Subdivider shall submit a written request to the 911 Address Office to reserve new street names so that names can be assigned and approved to avoid possible duplication. Failure to do so will result in disapproval of the final plat. The County will review all subdivisions for conformance during the construction plan review.
- (e) *Road and Street Signs and Pavement Marking.*
1. Road signs are traffic control signs such as stop signs, speed limit signs, etc. For all subdivisions, all road and street signs shall be designed in number and location to meet MUTCD and FDOT standards and shall be shown on the construction plans. Prior to approval of the final plat the developer shall install such road and street signage and pavement marking as approved by the County and shall maintain and repair such signage and pavement marking as provided for in Section 5.4.2 herein. In lieu of installation of such signage prior to the approval of the final plat, the posting of a surety device in accordance with Section 5.5.8 herein shall be filed, approved and accepted by the Board of County Commissioners. All road and street signage shall be installed immediately after the completion of construction. Pavement marking within platted subdivisions will be limited to stop bars, unless additional striping is otherwise required for safety purposes at the time of construction plan approval as determined by the DRC.
 2. Street names/numbers signs are signs within a subdivision that identify street names/numbers. Street name/number signs are to be placed at all intersections within or abutting the subdivision by the County, the type and location of which shall be determined by the County. The cost of street names/numbers signs shall be paid by the Subdivider prior to Final Plat approval.
- (f) *Street Lights.* Installation of streetlights is not required unless the County determines that the public's safety justifies the installation of streetlights. If streetlights are required, they shall be installed by the Subdivider and constructed according to the standards of the County.
- (g) *Reserve Strips.* The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access to such street from property adjacent to the proposed subdivision.
- (h) *Construction of Roads and Dead-End Streets.*
1. *Construction of Roads.* The arrangement of streets shall provide for the continuation of arterial and/or collector streets between the proposed subdivision and adjacent properties when such continuation is necessary for the convenient movement of traffic, effective fire protection, efficient

provision of utilities, and where such continuation is in accordance with the Comprehensive Plan.

If the property adjacent to the proposed subdivision is undeveloped and the street must temporarily be a stub street (a street planned for future continuation), the street right-of-way shall be extended to the property line of the proposed subdivision. All stub streets that are more than 250 feet in length shall have a temporary T-type turnaround with barricades and reflective safety devices/tape.

There shall be a notation on the final plat that land used for a temporary turnaround that is outside the normal street right-of-way shall revert to abutting landowners whenever the street is continued. The Subdivider of the adjoining area shall pay the cost of restoring any stub street to its original design cross-section and extending the street. The County may limit the length of temporary stub streets in accordance with the design standards of these subdivision regulations.

2. *Dead-End Streets.* Dead-end streets are not permitted in any proposed subdivision under these subdivision regulations. All such streets shall terminate in a cul-de-sac (see Appendix B). For purposes of these subdivision regulations, stub streets (streets planned for future continuation) are not to be considered dead-end streets.
3. *One Way Streets.* Each one-way traveling lane shall be improved, at a minimum, to one-half (1/2) of the wearing surface and right-of-way requirements contained in Section 5.4.8.2. All other applicable provisions of this Chapter shall fully apply.
 - (i) *Cul-de-sac Streets.* Cul-de-sacs shall be provided with a turnaround having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet (see Appendix B). Cul-de-sacs shall have a maximum length of eight hundred (800) feet including the turnaround unless otherwise approved by the County. For developments having lots five (5) acres or greater, there shall be no maximum length for cul-de-sacs.
 - (j) *Intersections.*
 1. Streets shall be laid out so as to intersect as nearly as possible at right angles (see Appendix C). A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet from the intersecting street centerline. No more than two (2) streets shall intersect at any one point unless specifically approved by the Board of County Commissioners.
 2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less

than two hundred fifty (250) feet shall not be permitted (see Appendix C). Where proposed streets intersect major streets, their alignment shall be continuous.

3. Minimum curb and/or roadway radii at the intersection of two (2) local streets shall be at least twenty-five (25) feet, and minimum curb and/or roadway radii at an intersection involving a collector street shall be at least thirty-five (35) feet. Abrupt changes in alignment within a block shall be curvilinear in accordance with standard engineering practice to permit safe vehicular movement. Right-of-way radii shall be equivalent to the adjacent curb and/or roadway radii at the intersection.

- (k) *Widening and Realignment of Existing Roads.* Where a subdivision borders on an existing street or when the Comprehensive Plan or any land development regulations of the County, or other local, regional or State agency plan or program indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to dedicate at his expense such area for widening or realignment of such roads. Such frontage roads and streets shall be dedicated by the Subdivider at his own expense to the full width as required by these subdivision regulations.
- (l) *Major Intersection Right-Of-Way Requirements.* On any major street, within one hundred and fifty (150) feet of its intersection with another major street, the right-of-way width shall be increased by a minimum of ten (10) feet on both sides to permit proper intersection design and facilitate installation of turn lanes.
- (m) *Minor Street Right-Of-Way Requirements at Intersection with Major Streets.* Minor streets shall require a minimum right-of-way width of sixty (60) feet within one hundred (100) feet of the intersection with a major street.

Section 5.4-9 Stormwater Management

- A. *General Requirements.* A complete stormwater management system shall be provided in all areas of the subdivision for handling stormwater quality, treatment and run-off that flows into or across the subdivision from the outside. The system shall be designed to ensure that the subdivision does not cause undesired additional flooding of any other lands in the drainage basin. Soil types and the ultimate use of all lands contributing run-off shall be used as the basis for selecting proper runoff coefficients.
- B. *Design of Stormwater Management Facilities.* The system shall be designed by a properly licensed professional engineer in accordance with the requirements of these subdivision regulations and the Suwannee River Water Management District (SRWMD) and shall be subject to approval by the County during the review of construction plans. Standard references for drainage design shall be the Florida Department of Transportation Drainage Manual and Drainage Handbooks, latest editions and amendments thereto; the SRWMD Environmental Resource Permit Applicant's Handbook, latest edition; or as otherwise established by the Board of County Commissioners.

- C. *Required Improvements.*
1. Stormwater management systems shall be designed and constructed to provide water quality, treatment and retention/detention of run-off volumes in accordance with Section 5.4.9.2.
 2. The County may require any water retention/detention areas to be fenced and, in addition, may require screening by trees or shrubbery.
 3. In areas where high ground water and other conditions exist and it is deemed necessary by the County, subsurface drainage facilities shall be installed. If subsurface drainage facilities are required, all subsurface drainage facilities shall be installed by the Subdivider prior to the paving of the street.
 4. All required improvements shall be installed so as to maintain any natural watercourse.
- D. *Soil or Flood Hazards.* A subdivision shall not be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from adverse soil or foundation conditions or from any other menace to public health, safety, or welfare. In addition, lands which lie within any "flood hazard area" as shown on the Federal Emergency Management Agency, official flood maps, shall be subdivided and developed only if:
1. All such proposals are consistent with the need to minimize flood damage;
 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and/or constructed to minimize or eliminate flood damage;
 3. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 4. New or replacement water distribution systems and/or sewage collection systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.
- E. *Dedication of Drainage Easements.*
1. Where a subdivision is traversed by a watercourse, drainage way, channel, berm or stream, there shall be provided a drainage easement or stormwater right-of-way conforming substantially to the lines of such watercourse, and shall include a twenty (20) foot maintenance berm on each side and shall be of such width and construction as will be adequate for the purpose.

2. Other easements may be required for drainage and/or utility purposes of such size and location as may be determined by the County.

F. *Low Lying Areas.*

1. Areas to be used for water retention/detention purposes, such as percolation areas, seepage basins, and detention areas, shall be designated as "Water Detention/Retention Areas" on the preliminary plat, construction plans, and the final plat and shall not be shown in any other way. Such areas shall in no circumstances be given a lot designation in the subdivision. When such areas are deeded to the County, they shall be deeded as "Water Detention/Retention Areas" in a given block as the case may be. "Water Detention/Retention Areas" shall be located within a dedicated drainage easement as approved by the County, if it is not to be given to the County for ownership.
2. Low-Lying lands within the floodways along watercourses which are reasonably required to carry and discharge the 100-year flood, as defined on the Federal Emergency Management Agency, official flood maps, whether or not included in areas for dedication, shall be retained in their natural state as drainage ways. Such land or lands shall not be utilized for computing the area requirement of any lot.

Section 5.4-10 Sanitary Sewer

- A. Where a public sanitary sewer system is available within 1,000 feet, the Subdivider shall provide sanitary sewer service as prescribed in the regulations of the utility owner to each lot within the subdivision. If sanitary sewer lines are required, all sewer lines shall be installed by the Subdivider prior to the paving of the street. No streets shall be cut for the purpose of installing sanitary sewer services, once they have been paved.
- B. Where lots cannot be served by the extension of an existing public sanitary sewer system, an alternate method of sewage disposal for each lot may be used in compliance with all applicable standards of the County Health Department, the Florida Department of Environmental Protection and any other regional, State or Federal agency as applicable. Alternative methods of sewage disposal shall be so installed as to simplify later connections to a public sanitary sewer system as service becomes available.

Section 5.4-11 Water Supply

- A. Where a public water supply system is available within 1,000 feet, the Subdivider shall provide a water distribution system designed in accordance with the regulations of the utility owner and connect the system to such supply. If water mains are required, all water lines shall be installed by the Subdivider prior to the paving of the street. No streets shall be cut for the purpose of installing water services, once they have been paved.
- B. Where there is no public water supply available within 1,000 feet, an alternate

supply may be used when in compliance with all applicable standards of the County Health Department, the Suwannee River Water Management District and the Florida Department of Environmental Protection.

- C. Fire protection improvements shall be provided when the subdivision is connected to a public water system and shall meet the criteria established by the utility owner provided there is adequate fire flow.

Section 5.4-12 Water and Sanitary Sewer Systems

New central water distribution and sewage collection systems where required shall be designed by a properly licensed professional engineer in accordance with all applicable regulations of the County Health Department, the Florida Department of Environmental Protection, and the Florida Department of Health and Rehabilitative Services.

Section 5.4-13 Utilities

- A. *Location.* Utility location within the road right-of-way shall be as determined by the County.
- B. *Easements.* Where, easements are deemed by the County to be necessary to the reasonable development of the property, such easements shall be at least twenty (20) feet wide and centered as near as practical between the lots.

Section 5.4-14 Nonresidential Subdivisions

- A. *General.* If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land is subject to the approval the County.
- B. *Standards.* In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the County that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - 1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - 2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
 - 3. Special requirements may be imposed by the local government with respect to street and swale design and construction.
 - 4. Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer, and stormwater management.

5. Every effort shall be made to protect adjacent residential areas from potential nuisances, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
6. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Section 5.4-15

Inspection and Testing Procedures

- A. *General Requirements.* All subdivisions of land required to meet the specifications outlined herein shall be inspected by the Department of Public Works. The Subdivider shall allow access to the proposed subdivision by County personnel and / or County representatives for the purpose of inspecting / observing all construction activities and to ensure that the work is completed in accordance with the approved construction plans, specifications, and permits.
- B. *Responsibilities.* It shall be the Subdivider's responsibility to obtain the services of a Professional Engineer registered in the State of Florida to provide construction observation and certification services and to execute the Engineer of Record Certification of Construction Completion (see Appendix M). It shall also be the responsibility of the Subdivider to obtain the services of a Contractor who is properly licensed in the State of Florida to construct all facilities shown in the approved construction plans and specifications and to execute the Contractor's Affidavit (see Appendix N).
- C. *Testing.* All roadway testing shall be performed in accordance with FDOT specifications and the testing schedule outlined in Appendix L. An independent testing laboratory certified and approved to perform such services in the State of Florida shall perform all testing. Testing laboratories associated with, or in any way affiliated with, the Contractor or any of his subcontractors are not acceptable.
- D. *Notice.* The Subdivider, or his Contractor, shall give 48 hours notice to the Department of Public Works prior to commencing any construction activities.
- E. *Pre-Construction Conference.* The Subdivider shall conduct a pre-construction conference prior to commencement of construction activities. It is recommended that attendees include the Subdivider, Contractor, County representative, and representatives from all affected utilities (Progress Energy, Tri-County Electric Co-op, Embarq, Comcast, City Utilities, etc.). At this meeting, construction activities are to be coordinated among affected parties and the County representative will outline items requiring special attention.
- F. *Surveying.* It shall be the responsibility of the Subdivider to obtain the services of a Professional Surveyor and Mapper registered in the State of Florida (see Appendix J) to provide those construction staking services necessary to ensure that all constructed facilities are located within the rights-of-way and / or platted easements at the locations specified in the approved construction plans.

- G. *Periodic Construction Observation / Inspection.* The County will conduct random periodic inspections of the construction activities during the course of construction to ensure compliance with the approved construction plans, specifications, and permits. It will NOT be the responsibility of the County inspector to provide any guidance whatsoever to the Contractor relative to the Contractor's means and methods of construction. The County will only advise the Contractor as to what is acceptable to the County or what does not meet the County's requirements. It is the Contractor's responsibility to ensure that ALL construction, materials, and workmanship meet the requirements of the approved construction plans, specifications, permits, and these subdivision regulations. Any guidance provided by the County representative does NOT preclude the Contractor from adhering to these regulations.
- H. *Subbase Preparation.* The Contractor shall notify the County upon completion of the roadway subbase preparation and provide passing test results (see Appendix L) in the form of a certified test report PRIOR TO placement of the roadway base. No base material, or concrete curb if it is to be constructed, will be placed upon the subbase until the County approves the subbase preparation. Testing for curb lines shall be performed as stated in Appendix L.
- I. *Base Preparation.* The Contractor shall notify the County upon completion of the roadway base construction and provide passing test results in the form of a certified test report PRIOR TO placement of asphaltic concrete wearing surface. Base shall be primed and sanded in accordance with FDOT specifications if asphalt is to be constructed upon it. No surface course will be placed upon the roadway base until the County approves the base construction.
- J. *Record Drawings.* It shall be the responsibility of the Contractor and the Subdivider's Engineer to record all substantial deviations from the approved construction plans and specifications, and to record such deviations for submittal to the County in the form of certified Record Drawings. The certified Record Drawings should also include field verification of critical elevations, i.e., control structure tops and inverts, pipe inverts, berm elevations and depths of ponds, high and low elevations of roadways, etc.
- K. *Preliminary Inspection.* The Contractor shall coordinate a Preliminary Inspection of all facilities at the completion of construction with the County Engineer and the Director of Public Works for the purpose of preparing a "punch list" of all items requiring attention prior to the County accepting the construction. It is recommended that the Subdivider and his Engineer be present at the Preliminary Inspection.
- L. *Final Inspection.* The Contractor shall coordinate a Final Inspection of all facilities with the County Engineer and the Director of Public Works after correcting all punch list items prior to the County accepting the construction. If punch list items remain to be addressed, the Subdivider may be subject to additional Re-inspection Fees. It is recommended that the Subdivider and his Engineer be present at the Final Inspection and any subsequent re-inspections, if they are required. After the Final Inspection AND upon satisfactory completion

of all punch list items by the Contractor as determined by the County Engineer, the Director of Public Works shall recommend that the Board of County Commissioners accept the construction of the facilities at their next regularly scheduled meeting.

- M. *Required Documentation.* Upon completion of all construction and inspection activities, the Subdivider shall submit all required documentation to the County Coordinator (see Section 5.3.5.4).

Section 5.4-16 Natural Resource Management

The Subdivider shall address and incorporate all applicable provisions of Chapter 6, Environmental Protection, into the development procedures for all subdivisions and commercial or private development sites that require compliance with these subdivision regulations and the Madison County Land Development Code.

Section 5.5 Specifications for Plans, Plats and Documents

Section 5.5-1 Preliminary Plat Specifications

The preliminary plat shall be drawn clearly and legibly at a scale of at least one (1) inch equals two hundred (200) feet using a sheet size of twenty-four (24) inches by thirty-six (36) inches. If more than one sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet.

A minimum of six (6) sets of the preliminary plat and necessary supporting material shall be submitted in accordance with the procedure outlined in Section 5.3.3 of these subdivision regulations.

Section 5.5-2 Required Information on Preliminary Plat

The preliminary plat shall contain the following information.

1. Proposed name of subdivision.
2. Name, address, and telephone number of the Subdivider and agent of the Subdivider.
3. Name, address, telephone number, and registration number of surveyor and engineer.
4. Date of boundary survey, north arrow, graphic scale, date of plat drawing, and space for revision dates.
5. Existing contours at not more than five (5) foot intervals based on NGVD 1929 or NAVD 1988 Datum for the tract to be subdivided and extending twenty-five (25) feet beyond the tract boundary.
6. Vicinity map showing location with respect to existing roads, landmarks, etc.; total acreage of the subdivision; and total number of lots. The vicinity map shall be drawn to a scale that clearly shows the information required, but not less than one (1) inch equals two thousand (2,000) feet. U.S. Geological Survey Maps may be used as a reference

guide for the vicinity map.

7. Boundary lines of the entire tract to be eventually subdivided, by bearing and distance, drawn by a heavy line, with ties to the nearest government corner or other recorded and well-established corner.
8. Legal description of the tract to be subdivided, including Section, Township and Range.
9. Names of owners of adjoining land with their approximate acreage or, if developed, names of abutting subdivisions, with plat book and page, or, if unplatted, land shall be so designated.
10. Existing streets, utilities, easements and other manmade features on and adjacent to the tract at least within one hundred (100) feet beyond the boundary of the proposed subdivision which might affect subdivision design, including the name, purpose, location, and size of each and including the invert elevation of stormwater and sanitary sewers.
11. Other existing improvements including buildings on or adjacent to the tract.
12. Preliminary layout including streets and easements with dimensions and street names, lot lines with appropriate dimensions, land to be reserved or dedicated for public or common uses, and any land to be used for purposes other than single-family dwellings.
13. Block letters and lot numbers, lot lines, and approximate dimensions.
14. Proposed unit division or phases of development, if any, as proposed by the Subdivider. Changes in unit division or phasing may be permitted for final plat approval, provided the units are recorded in numerical sequence.
15. Zoning district boundaries on and abutting the tract, if any.
16. Conceptual stormwater master plan (can be shown on preliminary plat) showing proposed drainage patterns, proposed stormwater facilities, and method for treating and attenuating/retaining both on-site stormwater and off-site stormwater contributing to the project site.
17. Proposed method of water supply, sewage disposal, and drainage. If package water and/or sewage treatment plants are to be provided to serve the proposed subdivision, information on their location and conceptual design shall be submitted.
18. Minimum building front and side yard setback lines as required by any land development regulations of the County.
19. Typical street cross-sections for each street type.
20. Natural features, including lakes, marshes or swamps, water courses, wooded areas, and land subject to the 100-year flood as defined by the Federal Emergency Management Agency official flood maps, within the proposed subdivision and in an area within at least one hundred (100) feet beyond the boundaries of the proposed subdivision which might affect subdivision design.

21. Subsurface conditions of the tract showing: subsurface soils and ground water conditions as may be required by appropriate agencies.
22. Existing and proposed covenants and restrictions.
23. Inscriptions stating "**NOT FOR FINAL RECORDING**".
24. General information on who will maintain the subdivision improvements= (Developer, home owner's association, the County, etc.).
25. When applicable, describe how the project will be phased, the approximate date and the order in which the phases will be developed. Each phase should be designed to stand independently of phases not yet developed.
26. Any other information that may be considered necessary by either the Subdivider, the DRC, P&Z or the Board of County Commissioners for full and proper consideration of the proposed subdivision.
27. In addition to the above, the Subdivider shall comply with all requirements of Section 5.4.16 and show all applicable natural features referenced therein on the preliminary plat.

Section 5.5-3 Construction Plan Specifications

Plans for the required improvements shall be prepared for approval by the County Coordinator prior to construction and following approval of the preliminary plat. Construction plans shall show the proposed locations, sizes, grades, and general design features of each proposed facility.

- A. *Required Materials for Submission.* A minimum of six (6) sets of construction plans and necessary supporting material shall be submitted in accordance with the procedure outlined in Section 5.3.4 of these subdivision regulations.
- B. *Plans Specifications.* Construction plans shall be drawn to a scale of one (1) inch equals one hundred (100) feet or larger and shall consist of the following:
 1. A topographic map of the subdivision with a maximum contour interval of one (1) foot where overall slopes are zero percent (0%) to two percent (2%), two (2) feet where slopes are over two percent (2%) but less than ten percent (10%), and five (5) feet where slopes are over ten percent (10%), based on the required Datum. This topographic map shall be prepared by a Florida registered professional surveyor and mapper and shall be based upon existing field conditions.
 2. A contour drainage map of the basins within the proposed subdivision, with the size of each basin shown in acres. The outlines and sizes, in acres, of all existing and proposed drainage areas shall be shown and related to corresponding points of flow concentration. Each drainage area shall be clearly delineated. Flow paths shall be indicated throughout, including any final outfalls from the subdivision and basins. Existing and proposed structures affecting the drainage shall be shown.

3. Plans showing proposed design features and typical sections of canals, swales and all other open channels, storm sewers, all drainage structures, and other proposed subdivision improvements.
4. Plans, profiles and cross-sections for all proposed streets and curbs/gutters are required. Where proposed streets intersect existing streets, elevations and other pertinent details shall be shown for existing streets for a minimum distance of 300 feet from point of intersection.
5. Plans of any proposed water distribution system and sanitary sewer collection system showing pipe sizes, location of valves, pumping stations, fire hydrants, and any other necessary appurtenances where the installation of such facilities are required by these subdivision regulations. These plans shall be prepared in accordance with the specifications of the respective utility owner.
6. Plans for all road and street signs, street name/number signs, and pavement marking/stripping showing the location of such signage, marking and any other traffic safety control devices which are required or proposed in accordance with the MUTCD. Pavement striping within residential subdivisions will be limited to appropriate centerline marking and stop bars in accordance with the MUTCD.
7. Other information on the construction plans as may be required by the County.
8. In addition to the above, the Subdivider shall comply with all requirements of Section 5.4.16 and show all applicable natural features referenced therein on the construction plans.

Section 5.5-4 Subdivider's Agreements

The subdivider's agreements, as required by these subdivision regulations (see Appendix D, G, H and I), may include, but not be limited to, the following, as appropriate:

1. The work to be done, and the time specified therefore, by the Subdivider.
2. The variances to general design standards, if any, approved by the Board of County Commissioners (see Section 5.2.11).
3. The participation in the development, if any, by the Board of County Commissioners and the time for completion of such work.
4. The lien, if any, imposed upon the land of the Subdivider for any work performed by the County.
5. The conveyance by the Subdivider to the County of all required stormwater management facilities constructed or installed within dedicated public rights-of-way.

6. The agreement of the Subdivider to warranty and repair all improvements which these subdivision regulations require the Subdivider to construct or install in the subdivision for a period of two (2) years after completion of the same, and acceptance by the County for ownership and maintenance. Once the said improvements have been constructed and prior to acceptance by the County, the Subdivider shall provide the county with a surety device in the amount of ten percent (10%) of the cost of the improvements that warrants the construction, materials, and/or workmanship of the improvements for the said two (2) year period. Such surety device, in the form of a warranty bond, escrow agreement, irrevocable letter of credit, or other collateral (the form of which shall be approved by the County Attorney) shall be filed with the Board of County Commissioners and shall remain in full force and effect until the Department of Public Works has inspected said improvements and the County provides the Subdivider with a letter stating that the Subdivider is no longer bound by the surety. The County shall be notified no later than sixty (60) days prior to the expiration of the surety so that the Department of Public Works may conduct an inspection of the improvements. All defects in construction, materials and/or workmanship that occur within the two (2) year period after completion and acceptance of all required improvements shall be remedied and corrected immediately at the Subdivider's expense.

Section 5.5-5 Final Plat Specifications

The final plat shall be drawn clearly and legibly in ink at a scale of at least one (1) inch equals two hundred (200) feet using a sheet size of twenty-four (24) inches by thirty-six (36) inches. Each sheet shall be drawn with a marginal line completely around each sheet, placed so as to leave a three (3) inch binding margin on the left side and a one half (1/2) inch margin on the other three (3) sides. If more than one sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet.

A minimum of six (6) sets of the final plat and necessary supporting material shall be submitted in accordance with the procedure outlined in Section 5.3.5 of these subdivision regulations.

Section 5.5-6 Required Information on Final Plat

1. In addition to any other local requirements contained in this section, all information on the final plat shall be in accordance with the requirements of Chapter 177, Florida Statutes, as amended;
2. If the subdivision is located within three (3) miles of a control monument of Madison County's GPS Network, the final plat shall tie the subdivision boundaries to Madison County's GPS Network, as follows:
 - a. A minimum of two (2) PRM's or PCP's shall be tied to said GPS Network.
 - b. The Surveyor shall attach a note or table to the final plat, which indicates the PRM's or PCP's used, their coordinate value and how to convert grid distances to ground distance.
 - c. A minimum of two (2) permanent reference monuments (PRM's) on the subdivision boundary shall be tied to said GPS Network and labeled. The coordinate values of these PRM's shall be shown and referenced to the Florida

State Plane Coordinate System as derived for the "Madison County GPS Network".

- d. Surveys shall be performed in compliance with 3rd Order, Class 1 procedures with a minimum accuracy requirement of 1:12,000. All ties to the control monuments shall include a closed loop traverse or a traverse closing on a minimum of two (2) control points established by celestial observations on independent GPS observations through procedures meeting or exceeding the above stated accuracy requirements.
 - e. The final plat shall have a statement that indicates the ties to the "Madison County GPS Network" were made in accordance with the above requirements.
 - f. If the final plat was prepared with the aid of a computer, then a copy of the computer disk shall be submitted to the County along with the final plat upon approval.
 - g. Anyone receiving a copy of said computer disk will sign a statement to be retained by Madison County that states "The party or parties are aware that the disk is not the original document. Only the original plat recorded in the Clerk's Office pursuant to Chapter 177, Florida Statutes should be relied upon and the use of the disk is at the risk of the person obtaining it".
3. In addition to the above, the Subdivider shall show all applicable natural features referenced in Section 5.4.16 on the final plat.

Section 5.5-7 Signed Certificates

The following certificates shall appear on the final plat, unless otherwise noted. Certificates below listed 1, 2, 3, and 4 shall be properly signed before the final plat is submitted to the Board of County Commissioners. (see Appendix E).

1. Certificate of the Surveyor.
2. Certificate of the Subdivider's Engineer. This will only be required if the final plat is recorded after the construction of all improvements is completed.
3. Certificate of Approval by the County Attorney.
4. Certificate of Approval by the Board of County Commissioners.

Section 5.5-8 Bonding in Lieu of Completed Improvements

A final plat shall neither be approved by the Board of County Commissioners nor accepted for filing until the improvements required by these subdivision regulations have been constructed in a satisfactory manner and accepted by the County or, in lieu of such construction, the posting of a surety device. Such surety, in the form of a performance bond, escrow agreement, irrevocable performance letter of credit, or other collateral (the form of which to be approved the County Attorney) shall be filed with the Board of County Commissioners and shall remain in full force and effect until such time as the subdivision improvements are completed and accepted by the

County. No certificates of occupancy shall be issued and no electric meters shall be installed until such time as the improvements are completed and accepted by the County. Such surety shall:

- A. Cover at least one hundred and ten (110) percent of the estimated cost of all required improvements such as streets, drainage facilities, earthwork, and any other public improvements required by these subdivision regulations with estimated costs provided by the Subdivider's Engineer and approved by the County Coordinator or the Director of Public Works. A certificate of the estimated cost shall accompany the final plat (see Appendix F). This certificate shall be properly signed before the final plat is submitted to the Board of County Commissioners. This estimated cost shall represent the total estimated cost of constructing all required improvements. Such estimate shall be prepared by a properly licensed professional engineer. As an alternative to the above, a certified copy of all executed contracts for the installation of the above mentioned improvements may be submitted.
- B. Be conditioned upon the faithful performance by the Subdivider of all work required to complete all improvements and installations for the subdivision or approved phase thereof, in compliance with these subdivision regulations and within a specified time as determined by the Board of County Commissioners. The minimum time period for the surety shall be for a period of one (1) year or until the improvements are completed and accepted by the County for ownership and maintenance. At no time shall the surety be allowed to expire unless the improvements are completed and accepted by the County. The County shall be notified no later than sixty (60) days prior to the expiration of the surety so that the Department of Public Works may conduct an inspection of the improvements.
- C. Be payable to, and for the indemnification of the Board of County Commissioners.

Section 5.5-9 Other Provisions Required on and/or Accompanying the Final Plat

- A. *Dedication.* A dedication to the public by the owners of the land involved of all streets, drainage easements, and other rights-of-way however designated and shown on the final plat for perpetual use for public purposes, including vehicular access rights where required. If the property is encumbered by a mortgage, the owner of the mortgage shall join in the dedication or in some other manner subordinate the mortgage's interest to the dedication of public right-of-way.
- B. *Certificate of Payment of Taxes (to accompany the Final Plat).* Certification that all payable taxes have been paid and all tax sales against the land redeemed.
- C. *Certificate of Title and Encumbrances (to accompany the Final Plat).* Title certification as required by Chapter 177, Florida Statutes, as amended.

Section 5.6 Administration and Enforcement

Section 5.6-1 Administration

An administrative official to be known as the County Coordinator for the administration and enforcement of these subdivision regulations shall be the person designated by the Board of County Commissioners to administer and enforce the land development regulations of the County. The County Coordinator is authorized to act through aides and assistants. In the performance of his duties, the County Coordinator may request the assistance of its Consultant, any officer, or agency of the County.

Section 5.6-2 Amendments

For the purpose of protecting the public health, safety, and general welfare, the Board of County Commissioners may from time to time amend the provisions imposed by these subdivision regulations.

Section 5.6-3 Appeals

Any person or persons, jointly or severally, aggrieved by any decision of any officer, department, board, commission, or bureau of the County may appeal such decision to the Board of County Commissioners within thirty (30) days after the rendition of the decision. Any appeal not filed as provided above shall be deemed waived and the subject decision shall be final and binding on all parties. Any person or persons, jointly or severally, aggrieved by any decision of the Board of County Commissioners, including a decision on an appeal as set out above, may appeal such decision to a court of competent jurisdiction as provided by law.

Section 5.6-4 Covenants or Other Private Agreements or Restrictions

No person or agency, in the capacity of administering or enforcing these subdivision regulations, shall be responsible for enforcing any covenant or other private agreement or restriction.

Section 5.6-5 Denial of Building Permit

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these subdivision regulations.

Section 5.6-6 Schedule of Fees and Charges

The Board of County Commissioners shall establish a schedule of fees and charges for the cost incurred in preliminary plat reviews, construction plan reviews, final plat reviews, construction inspection, legal advertising, and any other services and activities necessary to the administration of these subdivision regulations. The fee schedule for subdivisions may be on the basis of a minimum fee plus a per lot or per square foot fee or any other basis deemed appropriate by the County to cover said costs. Other costs incurred shall be established according to costs of advertising and expenses incurred by the County in the review process. The Board of County Commissioners shall have the right to revise the fee schedule from time to time by resolution of the Board.

Section 5.7 Legal Status

Section 5.7-1 Interpretation

In interpreting and applying the provisions of these subdivision regulations, they shall be held to

be the minimum requirements for the protection, promotion, and improvement of the public health, safety, comfort, order, appearance, convenience, morals, and general welfare of the community. It is not intended by these subdivision regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, where these subdivision regulations impose greater restrictions by easements, covenants, or agreements, the provision of these subdivision regulations shall control.

Section 5.7-2 Separability

In the event any court of competent jurisdiction should hold any section or provision of these subdivision regulations to be unconstitutional or invalid, the same shall not affect the validity of these subdivision regulations as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 5.7-3 Repeal of Conflicting Ordinances

All ordinances and regulations or parts of ordinances and regulations in conflict with these subdivision regulations or inconsistent with the provisions of these subdivision regulations, are hereby repealed to the extent necessary to give these subdivision regulations full force and effect.

Section 5.7-4 Exemptions

1. The following subdivisions are exempt from the provisions of this chapter:
 - A. A division of land into parcels of more than eighty (80) acres each.
 - B. A division by an order of a court of competent jurisdiction.
 - C. Any lot, parcel, or tract created pursuant to the previous version of 5.7.4.1 A in the subdivision regulations prior to October 1, 2003 shall be considered a “lot of record” and shall continue to be exempt from the platting regulations. (Previous version: A division of land into parcels of more than five (5) acres each where no new streets or easements of access are planned for dedication to the public.)
 - D. A division of land for purposes of conveyance, where such division was lawful under regulations in effect at the time such division was made, and where vested rights have been acquired by the applicant in reliance upon such regulations as set forth below:
 1. In the following cases a summary determination of exemption shall be made by the County Coordinator upon a demonstration by the applicant that:
 - a. The plat was in existence prior to the effective date of this chapter; and
 - (1) All subdivision improvements necessary to serve each lot shown on the plat were constructed prior to the effective date of this chapter; or

- (2) Prior to the effective date of this chapter, streets that are capable of being traversed by an ordinary passenger vehicle were in place on the land described in the plat, and not less than twenty-five percent (25%) of the lots were sold pursuant to bona fide purchase to different owners in parcels of not more than four (4) lots each.

An applicant aggrieved by a determination of the County Coordinator may appeal such determination in writing to the Board of County Commissioners within thirty (30) days of such determination.

2. In the following cases, the determination of exemption shall be made by the Board of County Commissioners upon a demonstration by the applicant that:
 - a. The plat was in existence prior to the effective date of this chapter; and
 - b. Either:
 - (1) Substantial physical on-site development of the land described in the plat took place prior to the effective date of this chapter; or
 - (2) There is evidence of substantial good-faith reliance, by the developer, upon prior governmental regulations.
 - c. A determination of exemption under these conditions can be made only when the Board of County Commissioners makes an express finding that granting the exemption will not substantially and adversely affect the public health, safety or welfare.
- E. A re-subdivision of a lot that is contained within a subdivision that has received preliminary plat approval, when the density proposed in the re-subdivision was approved in the preliminary plat.
- F. The Board of County Commissioners may exempt portions of subdivisions that qualify for exemptions in accordance with Subsection "D" of this section.
- G. An exemption shall not be permitted where the land to be subdivided has been previously exempted from this chapter.

Section 5.8 Violations and Penalties

It shall be unlawful for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell, or negotiate to sell such land by references to, exhibition of, or other use of a plat of such subdivision for approval as required by these regulations and without having recorded the approved subdivision plat as required. If such unlawful use be made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be guilty

of a misdemeanor of the first degree, punishable as provided in Chapter 775, Florida Statutes, as amended.

Violation of the provisions of these subdivision regulations or failure to comply with any of its requirements (including violations of conditions and safeguards) shall be prosecuted in the same manner as violations or misdemeanors are prosecuted. Any person who violates these subdivision regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500) or imprisoned for not more than sixty (60) days, or both, as provided by Section 125.69, Florida Statutes as the same now exists or may subsequently be amended and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The Subdivider, Engineer, Surveyor, Architect, Contractor, Agent, or other person, firm, or corporation who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.