DRAFT as of July 10, 2018

July 10, 2018 – This document was recommended to the Spartanburg County Council from the Spartanburg County Planning Commission.

SUBDIVISION REGULATIONS

Spartanburg County
South Carolina

TABLE of CONTENTS

ARTICLE 1 – PURPOSE, AUTHORITY AND JURISDICTION 1
1.00 Purpose 1
1.10 Authority 1
1.20 Jurisdiction 1

ARTICLE 2 – DEFINITIONS 2
2.00 Rules of Construction 2
2.10 Public Officials, Bodies and Agencies 2
2.20 Definitions 2

ARTICLE 3 – GENERAL PROCEDURES 3
3.00 Review of Plats 3
3.10 Development Review Meeting (Optional) 3
3.20 Staff Authorization 3
3.30 Variance from the Requirements of these Regulations 3
3.40 Surveying Standards 3
3.50 General Requirements 3
3.60 Appeal of Action 4

ARTICLE 4 – SUBDIVISION DETERMINATION 5
4.00 Intent of these Regulations 5
4.10 Definition of a Subdivision 5
4.20 Private Road Designation 5
4.30 Private Road Subdivision 6

ARTICLE 5 – PRLELIMINARY PLATS 7
5.00 Preliminary Plat 7
5.10 Submission of Preliminary Plats 7

ARTICLE 6 – FINAL PLATS 9
6.00 Final Plat 9
6.10 Submission of Final Plats 9

ARTICLE 7 – GENERAL REQUIREMENTS OF THE SUBDIVISION 11
7.00 Rights-of-Way on Existing Roads 11
7.10 Flooding and Drainage Requirements 11
7.20 Roads 11
7.30 Lots 11
7.40 Access Management 12
7.50 Subdivision Name 14
7.60 Improvements 14
7.70 Optional Improvements 15

ARTICLE 8 – STATUS OF SUBDIVISIONS 16
8.00 Preliminary Plat 16
8.10 Surety 16
8.20 Final Plat 16

ARTICLE 9 – LEGAL STATUS 17
9.00 Violation and Penalty 17

9.10 Enforcement 17
9.20 Conflict with Other Laws 17
9.30 Separability 17
9.40 Amendment 18
9.50 Effective Date 18

APPENDICES 19

ARTICLE 1 – PURPOSE, AUTHORITY AND JURISDICTION

1.00 Purpose

These regulations are established to ensure the creation of safe, economical, efficient, and quality public facilities as a part of the subdividing of property within the unincorporated area of Spartanburg County, South Carolina. This will involve the establishment of standards that will, among other things, coordinate proposed road locations with other existing or planned roads; provide for the adequate and timely provision of streets, drainage systems, utilities, and other common facilities; and encourage an environment that is in the best interest of the health, safety, convenience, and prosperity of the present and future citizens of the County.

This Ordinance is to be used in conjunction with all other applicable Spartanburg County documents and regulations.

1.10 Authority

This Ordinance is enacted pursuant to authority conferred by the 1994 "South Carolina Local Government Comprehensive Planning Enabling Act," Title 6, Chapter 29 of the South Carolina Code of Laws, as amended.

1.20 Jurisdiction

These rules and regulations shall govern the subdivision of land within the unincorporated area of Spartanburg County.

ARTICLE 2 – DEFINITIONS

2.00 Rules of Construction

The following rules of construction shall apply to these regulations:

a. The particular shall control the general.

b. The word "shall" is always mandatory and not discretionary.

c. The word "may" is permissive.

d. Words used in the present tense shall include the future, and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

f. The word "lot" includes the word "plot" or "parcel."

2.10 Public Officials, Bodies and Agencies

All public officials, bodies and agencies to which reference is made are those of Spartanburg County, South Carolina, unless otherwise indicated.

2.20 Definitions

Except when definitions are specifically included in this section, or elsewhere specifically defined in the regulations, words in the text of these regulations shall be interpreted in accordance with the prevalent standard dictionary definition. The Development Administrator shall reserve the right to arbitrate any dispute arising from the interpretation of the language contained herein.

Development Administrator – That member of the staff of the Department of Planning and Development who administers, interprets, and enforces the provisions of these regulations and who assists the Planning Commission and other agencies in the subdivision approval process. The Development Administrator shall engage other County employees to serve as Development Assistants to help fulfill the duties of the Development Administrator.

Easement – Authorization by a property owner to the general public, a corporation, or a certain person or persons for the use of any designated part of his property for a specific purpose.

Flood – A temporary rise in the level of water which results in the inundation of areas not ordinarily covered by water. For the purpose of this Ordinance, a flood shall be construed to be as defined in the Spartanburg County Flood Damage Prevention Ordinance.

Lot – A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Plat – A drawing upon which the plan for a subdivision or other land development is presented.

Re-subdivision – A combination or recombination of previously recorded lots or tracts of contiguous land for the purpose of creating additional lots or enlarging existing ones.

Road – any thoroughfare (road, highway, street, avenue, boulevard, etc.) which has been dedicated, deeded, or designated for vehicular traffic, public or private.

Private Road – Those roads not maintained by Spartanburg County, a municipality, or the State of South Carolina. *See Article 4 for the procedures for private road designation.*

Subdivision – *See Article 4 for a complete definition.*

Subdivider – The person(s) or entity proposing the creation of a subdivision.

ARTICLE 3 – GENERAL PROCEDURES

3.00 Review of Plats

All plats intended to be recorded in the Office of the Register of Deeds must first be reviewed by the Department of Planning and Development to determine if they represent a subdivision of property requiring approval as outlined in this Ordinance.

The process of obtaining approval for a subdivision is divided into the following parts:

Preliminary Plat approval is an approval by the staff of the Department of Planning and Development which documents for the subdivider that what is proposed is in accordance with these regulations and that construction of the subdivision may proceed. However, this approval does not authorize the transfer of ownership or sale of the individual lots.

Final Plat approval is granted when the subdivider has completed the required improvements in accordance with the approved Preliminary Plat. The Final Plat is the plat of record recorded in the Office of the Register of Deeds of Spartanburg County.

Bonded Plat approval may be granted prior to the completion of the required improvements with the acceptance of a bond, with surety and conditions satisfactory to it, by Spartanburg County. A Final Plat with Bond may be recorded in the Office of the Register of Deeds of Spartanburg County.

3.10 Development Review Meeting (Optional)

Prior to the submission of a Preliminary Plat, the subdivider may wish to confer with the Development Administrator and other governmental agency representatives, as appropriate, to help determine and understand the possible application of various County, State, and Federal regulations and guidelines.

3.20 Staff Authorization

The staff of Planning and Development is authorized to review all submitted subdivisions and grant approvals or disapprovals based on compliance with this Ordinance.

3.30 Variance from the Requirements of these Regulations

Most of the subdivision regulations, standards, and specifications referenced in this Ordinance are administered by other entities or other Spartanburg County organizations or departments. Therefore, any desire for a variance to those provisions must be addressed to the appropriate entity instead of the Spartanburg County Planning Commission. However, the Commission may hear requests for a variance to any of the standards or regulations that are uniquely located in this Ordinance.

A variance that modifies any of these standards and regulations must not be contrary to the public interest; but, owing to conditions peculiar to the property, the Commission may determine that a literal enforcement would result in unnecessary and undue hardship.

3.40 Surveying Standards

All subdivisions within the jurisdiction of this Ordinance shall be surveyed, platted, and marked in accord with the Standards of Practice Manual for Surveying in South Carolina, as promulgated by the Code of Regulations of South Carolina.

3.50 General Requirements

A record of all actions on subdivision plats shall be maintained as a public record. This shall include the grounds for approval or disapproval and any conditions attached to those actions.

3.60 Appeal of Action

Staff action for either approval or disapproval of a subdivision may be appealed to the Spartanburg County Planning Commission by any party in interest where it is alleged there is error in any order, requirement, decision, or determination made by the staff in the administration of these regulations. The Planning Commission shall act on the appeal within 60 days and the action of the Planning Commission is final.

Appeal from the decision of the Planning Commission must be taken to the Circuit Court within 30 days after actual notice of the decision.

ARTICLE 4 – SUBDIVISION DETERMINATION

4.00 Intent of these Regulations

It is the intent of Spartanburg County to define subdivisions clearly and simply to provide for the most efficient determination of when the subdividing of property needs to involve the County or other public agencies. The following definition has been created following the guidance of the enabling legislation of South Carolina and various other State and local regulations.

4.10 Definition of a Subdivision

A subdivision is the division of a tract or parcel of land into two or more lots, building sites or other divisions, for the purpose, whether immediate or future, of sale, lease, or building development, which includes any of the following:

a. <u>The creation of a new road or the alteration of an existing road</u>

   The Planning Commission shall adopt an Access Policy to guide the Planning and Development staff as they interpret and administer this Ordinance relative to the manner and extent of subdividing of property that is allowed without creating the provision of new roads.

b. <u>The need for drainage improvements, sedimentation control measures, or flood prevention measures</u>

   The Department of Public Works shall assist the Planning and Development staff in determining whether the proposed subdivision of property involves drainage, sedimentation, or flood issues required to be reviewed and approved in accordance with applicable County ordinances.

c. <u>The installation or expansion of a water delivery system</u>

d. <u>The installation or expansion of a sewer system</u>

Subdivision includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, and includes combinations of lots of record. Subdivision shall <u>not</u> include the following:

1. The division of a tract of land wherein each lot created is equal to the standards of the South Carolina Department of Health and Environmental Control (SCDHEC) regarding the use of individual wells and septic tanks or has access to water and/or sewer systems, and does not involve any of the activities referenced in items (a) through (d) above, or

2. The recombination or combination of lots where the total number of lots does not increase, provided that in either case the proposed development does not involve any of the activities referenced in items (a) through (d) above, or

3. The division of land into parcels of five acres or more, provided the proposed development does not involve any of the activities referenced in items (a) through (d) above.

The term subdivision applies equally to proprietary ventures and familial divisions of property.

4.20 Private Road Designation

No road shall be designated as a private road, unless:

a. The road accesses two or more parcels of land, but is not in the County, Municipal, or State Road Maintenance system. This type of private road shall not suffice as approved access for further subdivision of land without approval of the Planning Commission.

b. In a new subdivision, a private road is defined as such by action of the Planning Commission.

4.30 Private Road Subdivision

Should the subdivider wish to retain ownership and maintenance of roads privately, an application for such must be filed with the Planning Commission. The Commission may permit such private ownership upon its satisfaction as to the following:

a. The Commission shall determine whether the road is physically stable, accessible, and is of sufficient quality to be easily maintained by the existing or future property owners utilizing this road.

b. A Road Maintenance Agreement shall be executed for the perpetual maintenance of private roads that clearly and legally link responsibility for the maintenance of this road to the existing and future property owners utilizing this road and clearly and legally communicates that Spartanburg County has no existing or future obligation for maintenance of this road. This document shall be included with the submission to the Planning Commission and, subsequently, recorded with the approved plat in the Office of the Register of Deeds.

c. The Commission shall determine that the proposed method of financing the maintenance of the road now and in the future can realistically handle the task.

d. Roads to be retained in private ownership shall be posted as "privately maintained roads" utilizing signs approved by the Department of Public Works. All such roads shall also be named and signed in accordance with these regulations.

The Planning Commission shall adopt a Private Road Policy which outlines acceptable conditions, standards, and procedures to receive approval of Private Roads. This Policy is contained in the Appendices of this Ordinance where it is kept current and updated as necessary.

ARTICLE 5 – PRLELIMINARY PLATS

5.00 Preliminary Plat

A Preliminary Plat indicates the proposed layout of the lots, streets, and improvements which the developer desires and is submitted for approval by the staff of the Planning Commission.

5.10 Submission of Preliminary Plats

The following procedure shall govern the submission of Preliminary Plats of subdivisions:

a. Whenever any subdivision of land is proposed to be made the subdivider, through his project engineer if desired, shall file the necessary number of copies of the Preliminary Plat of the subdivision with the staff of the Department of Planning and Development. The Preliminary Plat shall be prepared in accordance with the standards set forth by Spartanburg County in this Ordinance and other regulations and documents, as well as the applicable regulations of other public and private entities involved in the subdivision.

b. A filing fee as adopted by County Council must accompany the submission of the plats.

c. The Preliminary Plat shall not be approved by the staff of the Department of Planning and Development until all entities involved with water supply, waste disposal, road needs, or storm drainage needs of the project have indicated concurrence with the proposed subdivision. However, an approval or disapproval must be communicated within 60 days of the receipt of a Plat unless this time limit is extended by mutual agreement.

d. Preliminary Plat approval shall be effective for two years from the date of the approval. Subdivisions, or phases thereof, which have not received Final Plat approval by that time, shall be reviewed by the staff of the Department of Planning and Development to determine the status of the project. Five one-year extensions of the Preliminary Plat approval may be granted by the Planning Commission upon a recommendation by the staff that the subdivider continues to meet the obligations of the Preliminary Plat approval and provided there have been no amendments to these regulations that prohibit approval. Preliminary Plat approval may be revoked at any time by the Planning Commission upon its determination, after notice and public hearing, that there was a material misrepresentation by the subdivider or substantial noncompliance with the terms and conditions of the original or amended approval.

In general, at least the following shall be included:

5.11 Plat Information

a. Information about the proposed development and the development team, to include: proposed name of subdivision, name of owner and/or subdivider, name of surveyor and engineer, and total acreage to be subdivided.

b. Locational information such as: scaled vicinity map, graphic scale, and boundaries of the tract to be subdivided with all bearings and distances indicated.

c. The Preliminary Plat shall also be drawn in accordance with the requirements published by the Department of Planning and Development and the Planning Commission.

5.12 Existing Conditions

a. Identification of structures, restrictions, and other conditions that may have an impact on or be impacted by the proposed subdivision, to include: adjoining property and owner of record; existing buildings on the property to be subdivided; rights-of-way of streets, roads, railroads, and utility lines; off-site drainage systems; and existing sewers, water mains, drains, culverts, or other underground facilities.

b. Topographic contours as required by the County Engineer.

5.13 Proposed Conditions

a. The physical development of the proposed subdivision to include: total number of lots, their size and proposed layout, layout of roads, drainage and utility easements, designation of any lots not intended for the primary use of the subdivision, and contour changes in areas where cut and fill is proposed.

b. The plan for meeting water supply, waste disposal, and storm drainage needs of the proposed subdivision.

c. Designation of any land to be used, reserved, or dedicated for public or common use.

5.14 Information to Accompany the Preliminary Plat, when applicable

a. Approval of plans for the storm drainage system and road system

b. Approval to install water distribution and sanitary sewer systems or a note indicating the subdivision will be served by individual wells and/or septic tanks for each applicable lot.

ARTICLE 6 – FINAL PLATS

6.00 Final Plat

A Final Plat, upon approval, is recorded in the Office of the Register of Deeds of Spartanburg County and reflects the as-built subdivision in fully approved form.

6.10 Submission of Final Plats

The following procedure shall govern the submission of final plats of subdivisions to the Planning Commission:

a. After the required improvements have been made in accordance with the approved Preliminary Plat, the subdivider shall submit the necessary copies of the Final Plat to the staff of the Department of Planning and Development. The Final Plat shall be prepared in accordance with the standards set forth in this Ordinance and other applicable regulations.

b. A filing fee as adopted by County Council must accompany the submission of the plats.

c. The Final Plat shall not be approved by the staff of the Department of Planning and Development until all public and private agencies with applicable regulations have indicated approval of the Final Plat. However, an approval or disapproval must be communicated within 60 days of the receipt of a Plat unless this time limit is extended by mutual agreement.

d. Upon the approval of the Final Plat by the staff of the Department of Planning and Development, copies of the submitted plats with required certificates shall be signed by the appropriate individuals indicating Final Plat approval and returned to the subdivider for recording as the official plat of record in the Office of the Register of Deeds for Spartanburg County.

e. Upon such Final Plat approval, right-of-way for public roads and easements or right-of-way for storm drainage systems shall be dedicated to Spartanburg County for public purposes.

The Final Plat shall conform substantially to the approved Preliminary Plat and also meet the minimum standards of design set forth in all applicable regulations and guidelines. In general, at least the following shall be included in addition to the information required on the Preliminary Plat.

6.11 Plat Information

a. Road names, block numbers or designation, and lot numbers.

b. Sufficient data to determine and reproduce on the ground location bearing and length of every road center line, subdivision boundary line, lot line and block line, whether curved or straight.

c. The Final Plat shall also be drawn in accordance with the requirements published by the Department of Planning and Development and the Planning Commission.

6.12 Information to Accompany the Final Plat, when applicable

a. Final plan of sanitary sewer system detailing an “as-built” condition.

b. Final plan of water distribution system detailing an “as-built” condition.

c. Final plan of storm drainage system detailing an “as-built” condition.

d. Final plan of road system detailing an “as-built” condition.

e. Final approval for the applicable entities to operate water distribution and sanitary sewer systems or final approval for installation of individual wells and/or septic tanks for each applicable lot.

6.13 Plat Certifications

Various certifications (such as dedication of right-of-way for public roads and easements or right-of-way for storm drainage systems) and the appropriate signatures by the owner and/or project engineer, as well as Spartanburg County, are required on all Final Plats. Information that must be included in these certifications can be obtained from the Department of Planning and Development and should be executed on all applicable plats prior to the recording of the document.

ARTICLE 7 – GENERAL REQUIREMENTS OF THE SUBDIVISION

The subdivider shall observe the following requirements for land subdivision.

7.00 Rights-of-Way on Existing Roads

Where a tract to be subdivided embraces part of an existing road, the subdivider shall coordinate with the Department of Public Works about the possible platting of additional rights-of-way as a part of the new subdivision.

7.10 Flooding and Drainage Requirements

All development shall be subject to the provisions of the Storm Water Management Ordinance, the Stormwater Management Design Manual, and the Flood Damage Prevention Ordinance. The elevation of the center line of all new roads shall be established in accordance with the Code of Spartanburg County and all standards of the Spartanburg County Department of Public Works.

All other required public improvements, such as water supply and sanitary sewers, shall be in accordance with all applicable special conditions related to possible flooding as may be required by the agency or entity under whose jurisdiction and supervision such improvements are made.

7.20 Roads

7.21 Encroachment Permits

South Carolina Department of Transportation encroachment permits are required for any driveways or roads accessing a State-maintained road. Spartanburg County encroachment permits are required for any driveways or roads accessing a County-maintained road.

7.22 Road Names and Addressing

The selection of names for roads within subdivisions and the addresses assigned thereto shall be completed in accordance to the Spartanburg County Road Naming and Property Numbering Ordinance.

7.23 Street Signs

The subdivider shall install all required traffic control and street name signs. The location and design of such signs shall be approved by the Spartanburg County Department of Public Works. Street name signs shall be installed at all intersections created by the subdivision.

7.24 Street Layout

The street layout shall be in conformity with the Code of Spartanburg County and all standards of the Spartanburg County Department of Public Works.

7.25 Subdivision Connectivity

Where practical (i.e. where compatible uses, similar topography, and engineering options exist), adjoining subdivisions are encouraged to be designed in a manner to allow them to be connected for vehicular and/or pedestrian traffic.

7.30 Lots

Lot sizes and shapes shall be determined through compliance with the Spartanburg County Building Codes and the regulations of the South Carolina Department of Health and

Environmental Control, and the Spartanburg County Unified Land Management Ordinance or the Spartanburg County Performance Zoning Ordinance.

A subdivision proposed along an existing road may have no more than four lots fronting that road and using that road for driveway access. These lots must have at least 50 feet of road frontage. Additional lots must be designed to access an internal roadway. However, all lots may be designed to access an internal roadway. Creating multiple phases, or multiple projects in name only, with no more than four lots each shall not be considered as meeting the requirements of this Section. Lots with more than 200 feet of frontage are exempt from this requirement as are lots with more than 100 feet of frontage located on dead-end roads less than 2,000 feet in length.

There is no limit on the number of lots allowed along an existing road if all of the lots are designed to access an internal roadway.

7.40 Access Management

7.41 Vision Clearance

For the safety of the traveling and pedestrian public, all intersections will maintain a vision clearance triangle. These triangles must be kept clear of all vegetation, walls, or structures between a height of 2½ feet and 10 feet to provide for safer movement of motorists and pedestrians. Depending on the location, intersections must meet one of the following criteria:

a. Intersections with stop signs must provide vision clearance by meeting intersection sight distances and sight triangles as described for driveways in Section 22.15 (a).

b. Intersections, that either presently contain automated traffic control signals or have the potential to become thus signalized in the future, shall be designed with a vision clearance triangle as described here. This vision clearance triangle is applied in addition to any sight distance requirements. Vision clearance at these intersections shall be determined by the designation of a triangular area formed by the intersection of the road right-of-way lines and a distance of 40 feet along said lines, connected by a straight line at the points thus determined.

7.42 Corner Clearance

Driveways shall be located to comply with the following minimum corner clearances based on the road classification on which it is located and measured from the intersection of the road right-of-way lines:

Arterial	50 feet
Collector	45 feet
Local	40 feet

Residential Detached activities locating on Local Roads are exempt from this corner clearance requirement.

7.43 Driveway Location

There shall be only one driveway per road frontage allowed for each development parcel of land (for activities other than Detached Residential or Manufactured Homes), unless additional driveways are required to meet the following criteria:

a. The driveway is to be aligned with the other opposing roads or driveways unless such an alignment violates other provisions of this Ordinance.

b. Driveway installation requires a favorable approval of an encroachment permit application to the South Carolina Department of Transportation or Spartanburg County

Public Works Department, depending on which agency has maintenance responsibility for the road being accessed.

c. For developments with expected high average daily traffic counts, the South Carolina Department of Transportation or the Spartanburg County Public Works Department may require a more detailed access plan to be developed and implemented. Such a plan would be required to address the installation of improvements such as deceleration/acceleration lanes, traffic control devices, turn lanes, additional driveways, etc. The developer of the property may choose to prepare a traffic impact study to demonstrate the viability of various access improvements. If such a study is done, it must meet the criteria of the Institute of Transportation Engineers and shall be conducted by a qualified engineer.

Multiple parcels developed at the same time shall be required to create a plan for use of a single driveway for access. Out-parcels developed as part of a larger tract of land shall be required to use the single access created for the larger parcel.

Access must be by defined driveways. Continuous access along the road frontage is not allowed.

Residential projects having more than 100 dwelling units shall have at least two separate access roads. The second access point must be at least 20 feet wide, could be unpaved, and accessible only by emergency vehicles.

7.44 Sight Distance

In an effort to provide the safest environment possible for the traveling public, driveways will be located at a point which provides optimum sight distance along the roadway. Depending on the location, driveways must meet one of the following criteria:

a. Driveways on Arterial, Collector, and Local roads not in a residential subdivision shall be located in a manner to allow at least 100 feet of sight distance for each 10 miles per hour of the speed limit. Sight distance shall be measured from a seeing height of 3½ feet to an object 4¼ feet in height. Sight triangles are then obtained by measuring from a point 15 feet from the edge of the pavement of the road being accessed to the points providing the minimum intersection sight distance in each direction. These triangles must be kept clear of all vegetation, walls, or structures between a height of 2½ and 10 feet to provide for safe movement of motorists and pedestrians.

b. Roads within residential subdivisions will be considered to have met road design standards for safe stopping sight distances, therefore providing safe driveway locations. This is measured from a seeing height of 3½ feet to an object 6 inches in height. However, where the road design does not meet these standards the Zoning Administrator shall have the authority to require that driveways be located at a point that provides the optimum sight distance along the road way.

7.45 Minimum Road Frontage for Access

There are no minimum road frontage requirements in this Ordinance other than size requirements for a parcel that may be needed to meet the safety provisions of this Access Management Section, the Compatibility Performance Standards or the Conditional Use Requirements contained in the Spartanburg County Performance Zoning Ordinance and Unified Land Management Ordinance, and the following minimums in this Section.

A parcel being created for which there is no proposed use or no existing encroachment permit may follow these criteria:

a. If the parcel is less than 2 acres, the minimum road frontage must be at least 25 feet.

b. If the parcel is 2 acres or greater, the minimum road frontage must be at least 50 feet.

c. There must be a location somewhere along this road frontage that meets the safety requirements of this Access Management Section.

A parcel of land that has more than one road frontage would only have to meet these requirements where the parcel actually receives its access or will receive its access in the future.

7.50 Subdivision Name

Subdivision names are subject to the approval of the Development Administrator. To limit the possibility of confusion for residents, postal services, and emergency vehicles, in no case shall the name of a proposed subdivision duplicate or be phonetically similar to existing subdivision names. A permanent sign structure at a designated principal access to the subdivision may be installed announcing the name of the subdivision, provided that such sign receives all necessary approvals as to location and design.

7.60 Improvements

The following improvements are required in all subdivisions in addition to the other requirements stipulated in these regulations and according to the provisions listed for each.

7.61 Water Supply

All lots within a subdivision shall be provided a safe supply of water approved by and installed according to the specifications of the South Carolina Department of Health and Environmental Control and any possible water supply entity.

7.62 Waste Disposal

All lots within a subdivision shall have provided a sanitary means of waste disposal approved by and installed according to the specifications of the South Carolina Department of Health and Environmental Control and any possible sewer service entity.

7.63 Wells and Septic Tanks

If the water supply is by wells and/or the waste disposal is by individual septic tanks, the process shall be different than Sections 7.61 and 7.62. This variation is necessary because the approval procedures for wells and septic tanks in subdivisions by the South Carolina Department of Health and Environmental Control (SCDHEC) is constantly changing and may vary from one subdivision to another; therefore, the Spartanburg County Planning Commission shall adopt a Utility Policy to guide the Planning and Development staff as they interpret and administer this Ordinance relative to the manner and extent of subdividing of property that is allowed without creating the provision for water systems and/or sewer systems. The Planning Commission can determine if exceptions to this Policy are needed on any subdivisions.

7.64 Hydrants

All proposed subdivisions which involve the installation of a new water system or the extension of an existing water system~~s~~ with sufficient flows and pressure to support hydrants will be required to install them in accordance with the minimum standards and spacing requirements as published by Spartanburg County. These standards are contained in the Appendices of this Ordinance where they are kept current and updated as necessary. The installation of the hydrants shall also meet the minimum requirements of the water service provider, if they are more restrictive.

7.70 Optional Improvements

The subdivider may desire to provide additional improvements in the subdivision such as the following:

7.71 Sidewalks

Sidewalks may be installed by the subdivider, however, Spartanburg County will not maintain the sidewalks. Engineered drawings submitted as part of the review process must include any proposed sidewalks showing their location and quality of construction. A method for perpetual maintenance must also be submitted with the Preliminary Plat.

7.72 Recreation Space

If the subdivider wishes to provide space for recreation for the occupants of the subdivision, such space should be so indicated on the Preliminary and Final Plats and necessary provisions made for the maintenance of such space.

7.73 Bike Trails and Pedestrian Ways

The subdivider may wish to delineate trails and paths through the subdivision for bicyclists or pedestrians. These proposed trails and paths must be indicated on the Preliminary and Final Plats and necessary provisions made for perpetual maintenance.

Any of these Optional Improvements may also be made part of lands owned and managed by a property-owners association, provided it is chartered with the Secretary of State for South Carolina.

ARTICLE 8 – STATUS OF SUBDIVISIONS

The legal status of subdivisions determines when in the process lots can be sold, conveyed, or transferred; when individual lots can be improved with buildings; or when improvements to the infrastructure can be installed. This Article describes the various stages and what privileges they each confer to the subdivider.

8.00 Preliminary Plat

a. At the time of Preliminary Plat submission, the intent of the subdivider is officially recognized. No ownership transfer, save of the entire tract, shall be recognized until Bonded Plat or Final Plat approval is received.

b. The subdivider may apply for a land disturbance permit to perform preliminary site preparation; however, this permit does not constitute approval of the Preliminary Plat.

c. Upon the granting of Preliminary Plat approval, building permits may be issued for lots within the subdivision, provided such lots front on a road substantially constructed in accordance with the approved Preliminary Plat. However, these permits cannot receive a Certificate of Occupancy until the subdivision has received a Final Plat approval.

d. Preliminary Plat approval shall allow the subdivider to install all of the improvements within the subdivision, such as roads, storm drainage facilities, water lines, sewer lines, and the like, in accordance with the Preliminary Plat.

8.10 Surety

In lieu of completing the physical development and installation of the required improvements prior to Final Plat approval, the Spartanburg County may accept an Irrevocable Letter-of-Credit and Agreement, with surety and conditions satisfactory to it, providing for actual construction and installation of such improvements and utilities within a specific period of time expressed in the Agreement.

a. The nature of the surety and procedures shall be as determined by the County to ensure that, in the event of default by the subdivider, funds will be available to install the required improvements at no expense to Spartanburg County. Possible forms of surety include letter-of-credit, cash, certified check, or other instruments readily convertible to cash.

b. The Agreement and surety options will be executed for all such projects in an amount equal to at least 125% of the cost of the improvements.

c. Acceptance of an approved surety shall allow the recording of a Bonded Plat which shall authorize the sale, conveyance, or transfer of lots within the subdivision, in addition to the use of the lots as legal building sites; therefore that Plat shall meet all of the surveying standards as a Final Plat.

d. Reduction of the surety amount prior to Final Plat approval may be accomplished upon the recommendation of the Department of Public Works based upon portions of the public improvements being adequately installed.

8.20 Final Plat

Upon the approval and recording of the Final Plat, the subdivision lots are granted full privileges as individual building sites and may be sold, conveyed, or transferred as legal properties.

The acceptance by Spartanburg County for maintenance of any of the required public improvements shall be a fact at the recording of the Final Plat. All improvements to be accepted by the County for public maintenance shall be indicated as such through certifications and signatures on the Final Plat.

ARTICLE 9 – LEGAL STATUS

9.00 Violation and Penalty

a. In accordance with the laws of the State of South Carolina**,** no subdivision plat for development within the jurisdiction of these regulations may be filed or recorded in the Office of the Register of Deeds, and no building permit may be issued except as provided herein until the plat or plan bears the stamp of approval and is properly signed by the designated authority.

b. The submission for filing or the recording of a subdivision plat or other land development plan without proper approval is declared a misdemeanor and, upon conviction, is punishable as provided by law.

c. The owner, or agent for the owner, of any property being developed within the County may not transfer title to any lots or parts of the development unless the subdivision has been approved by the Planning Commission or their designee and an approved plan or plat has been recorded in the Office of the Register of Deeds of Spartanburg County. A transfer of title in violation of this provision is a misdemeanor and, upon conviction, must be punished in the discretion of the court. A description by metes and bounds in the instrument of transfer or other document used in the process of transfer does not exempt the transaction from these penalties. The County may enjoin the transfer by appropriate actions.

d. The Office of the Register of Deeds for Spartanburg County shall not accept, file, or record any subdivision plat which has not been approved as required under these regulations.

e. Should any public official violate these provisions he shall, in each instance, be subject to the same penalty as provided above and the affected governing body, private individual, or corporation has rights and remedies as to enforcement or collection as are provided and may enjoin any violations of them.

9.10 Enforcement

Whenever it shall come to the attention of the governing authority that any provision of these regulations has been or is being violated, the County may immediately institute suit and prosecute the same to final judgment.

9.20 Conflict with Other Laws

In interpreting and applying the provisions of these regulations, the requirements shall be considered as the minimum requirements for the subdivision of land within the jurisdiction of Spartanburg County. It is not the intent of these regulations to interfere with, abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where these regulations impose a greater restriction upon the use of property or premises or upon the buildings thereon, or require greater space than is imposed by the other resolutions, rules or regulations, or by easements, covenants or agreements, or by ordinances, the provisions of these regulations shall prevail.

All ordinances and resolutions regulating the subdivision of land adopted prior to the effective date of these regulations are hereby repealed.

9.30 Separability

Should any section, clause or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole or any part thereof other than the part declared to be unconstitutional or invalid; each section, clause or provision herein being declared separate.

9.40 Amendment

These regulations may be amended in the same manner as adopted.

9.50 Effective Date

These regulations shall take effect and be enforced from and after the date of adoption. Because this Ordinance represents a recompilation and update of existing regulations, subdivisions already under review may choose to complete the process under the pre-existing regulations.

APPENDICES

The following Standards and Policies, while not a part of the official text of the Spartanburg County Subdivision Regulations, are furnished as applicable guidelines to be used in conjunction with this Ordinance:

Table of Contents

Installation of Fire Hydrants in New Subdivisions **1**

Private Road Policy **2**

Sample Road Maintenance Agreement **5**

Access Policy **8**

Spartanburg County Standards
for the
Installation of Fire Hydrants in New Subdivisions

Fire hydrants will be installed in all newly developed subdivisions that have sufficient flows and pressure in the water system. These hydrants will also be installed in accordance with the standards and spacing requirements of the water system provider and the South Carolina Department of Health and Environmental Control; however, in all cases the installation of the hydrants shall meet the following minimum requirements:

Minimum Flow and Pressure Requirements

The minimum calculated hydrant flow shall be 500gpm (gallons per minute) over and above the peak hourly flow of the development. 20psi (pounds per square inch) minimum residual pressure is required at 100% of the peak hourly flow.

Location and Spacing Requirements

Fire hydrants shall be located at street intersections and spaced apart no greater than the distances in the following chart:

Spacing	Type of Subdivision
1,000 feet	Low density residential subdivisions (4 units or less per acre)
600 feet 500 feet	High density residential subdivisions (5 units and over per acre) single-family homes apartments, dormitories, condominiums, etc.
500 feet	Small, isolated commercial subdivisions
500 feet	Large shopping centers and high-density commercial subdivisions
500 feet	Industrial subdivisions

These standards may be revised by the staff upon direction by Spartanburg County Council as part of a regularly scheduled meeting.

Spartanburg County Planning Commission
County Administration Building (864) 596-3570
366 North Church Street, Suite 700, Spartanburg, South Carolina 29303

PRIVATE ROAD POLICY

[_____, 2018 - date of last revision]

Persons desiring to establish private roads for the purpose of subdividing property shall follow the procedures outlined below.

PRELIMINARY PLAT: Private road subdivisions shall follow the same submission and platting procedures as outlined in the Spartanburg County Subdivision Regulations. However, since the roads are proposed as privately maintained, the review process is altered slightly. The Spartanburg County Planning Commission is authorized by those regulations to approve such a project only upon its satisfaction as to the physical quality of the roads and the legal provisions for maintenance of the roads in the subdivision. The Commission requires a review of the preliminary plat drawings and documents by the staff of Spartanburg County to determine compliance with the following guidelines.

Road Layout

1. "Through roads" which connect existing roads are not allowed.
2. Road alignments, which create inadequate sight distances, are prohibited.
3. Requirements for road names, signs, and layout shall be the same as found in the Spartanburg County Subdivision Regulations, and all other applicable Spartanburg County documents, to include the Storm Water Management Ordinance, the Stormwater Management Design Manual, the Flood Damage Prevention Ordinance, the Road Naming and Property Numbering Ordinance, the Performance Zoning Ordinance, the Unified Land Management Ordinance, the Code of Spartanburg County, and all standards of the Spartanburg County Department of Public Works.
4. Road rights-of-way shall be of sufficient width to allow adequate maintenance of any proposed road to include associated utilities and storm drainage systems. In most cases this will require a minimum 50-foot width on the roadway and 100-foot diameter on any cul-de-sacs. Projects proposed with less right-of-way than this publication must receive a variance from the Planning Commission by demonstrating the ability of the layout to accommodate road, utility, and storm drainage maintenance.
5. Road rights-of-way shall not conflict with previously executed public rights-of-way (utility, rail, or road).

Road Design

1. Roads shall be designed so that maintenance costs to future residents shall be minimal. Sufficient engineering drawings and documents must be submitted in order for this determination to be made.
2. The geometric layout/design shall conform to the specifications of the Spartanburg County Department of Public Works.
3. Dead end roads shall terminate in a turnaround, which meets the minimum criteria of the Spartanburg County Department of Public Works.
4. Roads across pond dams are strongly discouraged and are generally not approved for private maintenance.

5. Roads proposed to be paved must be designed to meet the standards of Spartanburg County for sub-base, base, road width, and pavement materials. Within a paved road subdivision there are no limits on the number of lots or length of the roadway.
6. The following are the minimum standards for all roads proposed to be unpaved:
   a. Access must be from an existing publicly maintained unpaved road unless the subdivision is being proposed to settle family affairs.
   b. Maximum road length shall be 1500 feet.
   c. There shall be no more than eight lots and eight dwelling units using the roadway for access; however, the Commission may limit the number of lots further based upon the size of the parcels and the potential for multiple dwelling units on each lot, unless restrictions are placed on the parcels limiting each to one dwelling unit.
   d. Slopes shall be designed such that the calculated storm water velocities on the roadway surface and in the roadside ditches are less than 2.5 feet per second for sandy loam soils and 4.0 feet per second for clay soils.
   e. If the project is proposed to use an <u>existing</u> unpaved road surface, the following criteria must be met:
      * The geometric layout shall be considered safe by Spartanburg County Department of Public Works.
      * The road surface shall be smooth and compacted, free from holes and/or ponding water.
      * The road area shall be sloped or graded in such a manner that surface storm water will be directed away from the roadway.
   f. If the project is proposed to use a <u>new</u> unpaved road surface, then the following criteria must be met:
      * The geometric layout/design shall conform to the minimum standards for Spartanburg County.
      * The road surface shall be graded to conform to a "farm-to-market" type cross section as a minimum.
      * The road surface shall be free of debris and compacted to 95% of the standard density.

<u>Storm Drainage System</u>

1. The project shall be designed to properly handle storm drainage entering and leaving the site.
2. Sediment and erosion control measures shall be required on all grading.
3. Open ditches will be allowed outside the road right-of-way when the proposed ditch section has side slopes which are 3/1 or flatter. Steeper slopes may be allowed if there is a good stand of grass.
4. Steeper side slopes may also be allowed on major drainage channels if they are submitted with a design treatment approved by the Spartanburg County Department of Public Works or left in their natural condition with appropriate easements.

If these guidelines are met, the project can proceed without Planning Commission review. Projects proposed with other than the above standards must receive a variance from the Commission. The proposed designs must demonstrate the ability to ensure road, utility, and storm drainage maintenance, and to accommodate access by service vehicles, school buses, and emergency vehicles.

EXISTING PRIVATE ROAD SUBDIVISIONS: An existing subdivision which has a privately-maintained road may be subject to a review of additional items by the staff and/or Planning Commission if additional lots are proposed to be added. Some of those issues are as follows:

1. If the existing subdivision predates any of the conditions of this Policy, there may be a need to address as many of these requirements as is feasible.
2. If there is no existing Road Maintenance Agreement, such a document will be proposed (and executed if approved) that involves as many of the existing property owners as possible. The Commission may decide that all property owners need to be involved in this decision.
3. If there is an existing Road Maintenance Agreement, that document must be amended if it contains such procedures. Such action shall be considered a pre-requisite to the implementation of any approvals granted by the staff or the Commission.
4. The total number of allowed lots in the subdivision will be addressed at this time, if not previously considered.
5. Special considerations may be given if the additional subdividing is being proposed to settle family affairs, or is ordered by a Probate Judge in settling an estate.

CONDITIONS OF APPROVAL: Private road subdivision approval granted by the Commission or staff will remain valid for up to five years from the date of issuance. An approval is transferable to a subsequent landowner(s) provided that all conditions of the approval are met.

ROAD AGREEMENT: A road maintenance agreement must be approved before a Preliminary Plat Approval can be given to a project. The attached sample agreement should be modified to suit the particular needs of a project, such as basing the costs in paragraph three on acreage or front-foot dimensions instead of lots. If these provisions are incorporated into a master deed or other document containing covenants and restrictions for the subdivision, that document may be submitted in addition to a road agreement. The developer should also note that this sample agreement contains certain provisions, which are considered essential by the Commission. The Planning Commission also requires that a property-owners association be chartered with the Secretary of State for South Carolina for the purpose of implementing this agreement and that bylaws be developed for the operation of that association.

FINAL PLAT: Final Plat Approval of a private road subdivision can be given only after completion of the following items. Before any property can be conveyed this approval is required which allows the plat of the project to be recorded in the Office of the Register of Deeds. The road maintenance agreement must be recorded with the plat at which time the Planning Commission staff will require verification that the restrictions are being placed on the property owners adjoining the road.

1. Construction of the road and storm drainage system to the satisfaction of the staff of the Spartanburg County Department of Public Works.
2. If utilized, completion of any water and sewer systems.
3. Installation of traffic control, street name signs, and a sign indicating each road to be a "privately maintained road." Installation standards for these signs should be obtained from the Spartanburg County Department of Public Works.

SAMPLE

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

ROAD MAINTENANCE AGREEMENT
FOR
_____ SUBDIVISION

WHEREAS, the undersigned, _____ is the owner and developer of the property described below, and;

WHEREAS, (the owner/developer) desires to impose restrictions and conditions for the use and maintenance of the (description of the road) to be jointly owned by any and all purchasers of the lots set forth hereinafter below.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that (the owner/developer) does hereby impose the following restrictions and conditions and covenants upon the lands described as follows:

"Legal description, to include the name of the subdivision
and the plat book location in the Office of the Register of Deeds"

THE CONDITIONS AND RESTRICTIONS imposed on the aforesaid property are as follows:

1. The (description of the road) running through said property as shown on the aforesaid plat is for the joint use of the owners of lots (description of the lots), their heirs, successors, and assigns, for ingress and egress to and from the respective lots and for the installation of public utilities. These owners shall be called the (subdivision name) Property Owners Association hereinafter called the Association.

2. A property owner is a person, firm, corporation, partnership, association, trust, or other legal entity, or any combination thereof, which is the holder of a deed to a lot in _____ subdivision. It is the responsibility of each present and subsequent member of the Association to assist in keeping the road in a high state of maintenance and to respect the rights of the other property owners in its use. Since this road is not being engineered and constructed according to Spartanburg County standards, it will not be the responsibility of Spartanburg County to maintain this road.

3. Maintenance costs to the said roadway shall be borne in accordance with the percentage of ownership of the lots hereinabove set forth; said interest at this state being solely in the name of (the owner/developer). The percentage shall be divided equally for each lot owned, therefore, with the property subdivided into (number) lots, the ownership of each lot represents (fraction) of the maintenance cost to be shared. The developer shall carry all the responsibilities of a lot owner in proportion to the number of lots owned. There shall also be no further subdividing of lots within this subdivision.

NOTE: If the developer wishes to either expand the subdivision at a later date or allow property owners to further subdivide their lots, provisions for such must be stipulated in this agreement and approved by the Planning Commission.

4. The Association in January of each year shall elect a Board of Directors consisting of (number) members. This Board shall be responsible for the care and maintenance of the roadways in _____ subdivision, and is authorized to direct the financial matters of the property owners concerning collection of assessments and necessary expenditures of joint funds of the property owners. To carry out these duties, the Board shall elect a President, Vice-President, Secretary, and Treasurer.

5. Upon the initial sale of each lot, _____ dollars shall be set aside in escrow by the developer to be drawn upon as determined by the Board of Directors stipulated above to provide maintenance to the aforesaid roadway.

   NOTE: Escrowed funds are not mandatory on paved road projects however, on unpaved roads the amount per lot shall not be less than $100.

6. There shall also be an annual assessment upon each lot owner, which shall be due on July 1st of each year. Initially this assessment shall be _____ dollars per lot per year. This amount may be changed at any time by a two-thirds vote of the members of the Association. The obligation of each lot owner to pay this assessment shall be a continuing lien upon the lot, subject only to the lien on a bona fide first mortgage upon such real property held by a reputable financial institution; and said lien may be enforced by the Association in all respects as though secured by a recorded mortgage as provided by the laws of the State of South Carolina.

   NOTE: For unpaved roads the escrow amount and annual assessment shall be equal to the annual maintenance cost divided by the number of lots. For paved roads the annual assessment shall be equal to the replacement cost the roadway divided by the number of lots and also divided by 20, representing the life of the road.

7. This instrument is to be recorded in the Spartanburg County office of the Register of Deeds, and the undersigned, (the owner/developer), and all future owners shall cause the following statement to be placed in every contract and deed conveying lots out of this subdivision. This statement shall be signed by the grantee(s) and shall be placed immediately below the grantor's signature and shall be binding on all parties thereof. Failure of any subsequent purchaser to comply with this provision shall in no way diminish or impair the terms of this agreement and the conditions, benefits, and obligations imposed and granted thereunder.

   "I, the undersigned, as purchaser of the above lot described in this deed/contract, acknowledge the existence of the road maintenance agreement as recorded in the office of the Register of Deeds for Spartanburg County in Deed Book _____ at Page _____, do hereby confirm by acceptance of this deed/contract all the terms and conditions thereof. I understand that since the road described in that agreement is not being engineered and constructed according to Spartanburg County standards, it will not be the responsibility of Spartanburg County to maintain that road. I further acknowledge that the lot owners subject to that agreement shall be responsible for the maintenance and upkeep of that road."

8. It is agreed that said road shall be kept free of all obstructions so as to be open for the passage of fire, police, and other emergency vehicles, personnel, or equipment at all times; and that such responsibility lies with the respective property owners, their agents, guests, and employees.

9. That said roadway shall be posted as a "privately maintained road" prior to the conveyance of properties, and shall remain posted in that manner at all times.

10. These covenants and restrictions are to run with and bind the land, and shall inure to the benefit of and bind property owners subject to this agreement, their respective legal representatives, heirs, successors, and assigns, for a term of twenty (20) years from the date this agreement is recorded in the office of the Register of Deeds for Spartanburg County; after which time said agreement shall be automatically extended for successive periods of ten (10) years unless an instrument has been recorded whereby the owners of the lots have agreed to a change in this agreement.

11. Changes in this agreement either in whole or in part may be executed at any time by the recording of an instrument signed by a majority of the members of the Association.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed this the _____ day of _____, 20_____ in Spartanburg, South Carolina.

WITNESSES: BY: Property Owner(s)

_____ _____
(Witness #1 sign)

_____ _____
(Witness #2 sign) (Owner or owners sign)

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

PERSONALLY APPEARED before me the undersigned witness, who, being duly sworn, deposes and says that (s)he saw the within named property owner(s) sign and seal the within Road Maintenance Agreement for the uses and purposes therein mentioned and that (s)he with the other witness, witnessed the execution thereof.

SWORN TO BEFORE ME THIS)
_____ day of _____, 20_____)
)
)
_____(L.S.)) _____
Notary Public for South Carolina) (Witness #1 or #2 sign)
My Commission Expires: _____)

Spartanburg County Planning Commission
County Administration Building (864) 596-3570
366 North Church Street, Suite 700, Spartanburg, South Carolina 29303

ACCESS POLICY

This Access Policy is established by the Spartanburg County Planning Commission to guide the Planning and Development staff as they interpret and administer the Spartanburg County Subdivision Regulations relative to the manner and extent of subdividing of property that is allowed without creating the provision of new roads. It also helps ensure that a possible future road is located safely and correctly and all property owners will have the benefit of safe driveway access to their property. This policy will be implemented by the staff with any proposed variances to this Policy presented to the Planning Commission for review and a vote.

CRITERIA: On the following pages are the specific criteria of the Access Policy along with corresponding figures illustrating their meaning and application. These criteria are intended to apply cumulatively; that is, all criteria must be satisfied.

The references to the size of a flag lot does not include the area contained within the access portion of the lot.

The road frontage of each lot, including the frontage portion of each easement or flag lot, must be meet the minimum road frontage criteria of the Subdivision Regulations.

DEFINITIONS:

Access – a way or means of approach to provide physical entrance to a property

Access Easement – a property right for vehicular access granted by one parcel owner to an adjacent property owner

Driveway – a vehicular access connecting a single parcel (and potentially a second parcel via an access easement) to a road

Road – a vehicular access (which is recognized by the County as publicly or privately maintained) serving three or more parcels

Landlocked Parcel – a parcel which does not have fee simple title frontage on a road right-of-way

Flag Lot – a lot without fee simple title frontage on a right-of-way except for a narrow strip of land serving as a driveway

Sight Distance – the minimum distance measured from a stopped vehicle at an intersection which allows the driver to safely see approaching traffic from both directions without obstruction

1

ANY PART OF A PROPOSED SUBDIVISION THAT ACCESSES A STATE-MAINTAINED ROAD MUST COMPLY WITH THE PROVISIONS SET FORTH BY THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION (SCDOT). AN APPROVED ENCROACHMENT PERMIT FOR SUCH ACCESS MUST BE SUBMITTED TO THE COUNTY OF SPARTANBURG PRIOR TO THE APPROVAL OF A SUBDIVISION PLAT.

For information on SCDOT requirements, please refer to:

Access and Roadside Management Standards
published by the

South Carolina Department of Transportation
Traffic Engineering
955 Park Street, P. O. Box 191
Columbia, South Carolina 29202-0191

www.scdot.org

For information on encroachment permits, please contact:

South Carolina Department of Transportation
District Three Engineering
Spartanburg Maintenance Office
(864) 587-7425

ANY PART OF A PROPOSED SUBDIVISION THAT ACCESSES A COUNTY-MAINTAINED ROAD MUST COMPLY WITH THE PROVISIONS SET FORTH BY THE SPARTANBURG COUNTY DEPARTMENT OF PUBLIC WORKS. AN APPROVED ENCROACHMENT PERMIT FOR SUCH ACCESS MUST BE OBTAINED PRIOR TO THE APPROVAL OF A SUBDIVISION PLAT.

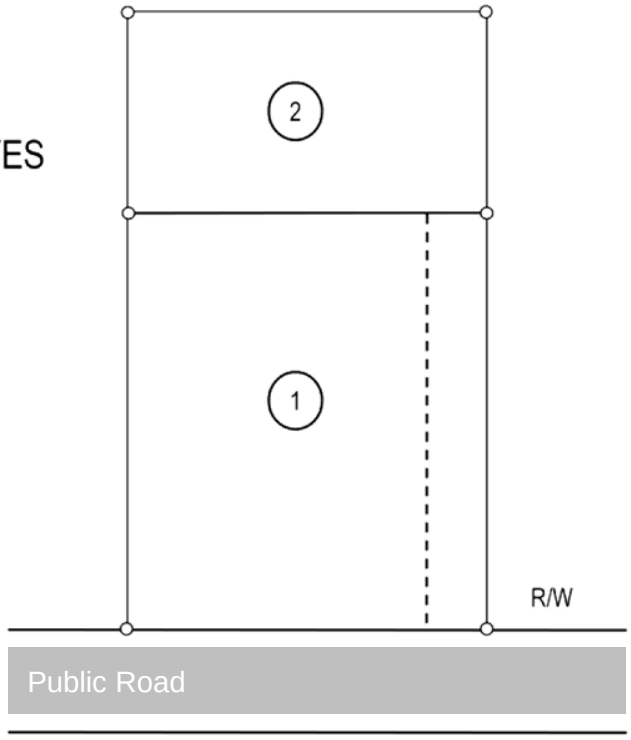
For information on encroachment permits, please contact:

Spartanburg County Department of Public Works
9039 Fairforest Road
Spartanburg, South Carolina 29301
(864) 595-5364

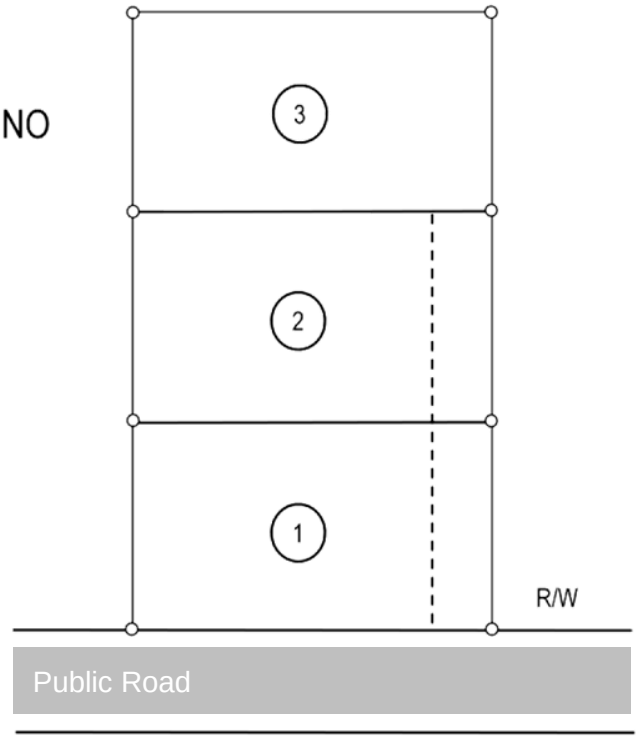
2

IF AN ACCESS EASEMENT IS USED TO PROVIDE A DRIVEWAY FOR A LANDLOCKED PARCEL, THAT ACCESS EASEMENT MAY ONLY BE DESIGNATED OVER ONE PARCEL.

YES



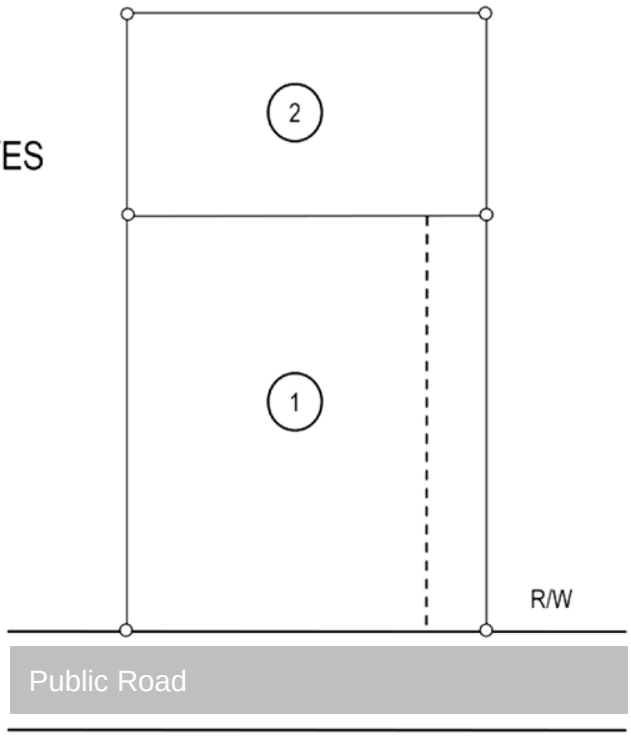
NO



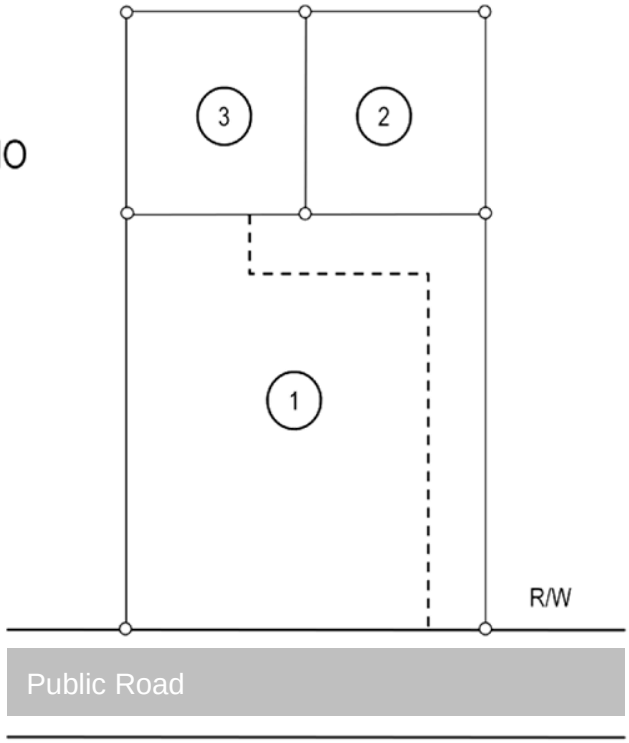
3

IF AN ACCESS EASEMENT IS USED TO PROVIDE A DRIVEWAY FOR A LANDLOCKED PARCEL, THAT ACCESS EASEMENT MAY NOT SERVE ANOTHER LANDLOCKED PARCEL.

YES



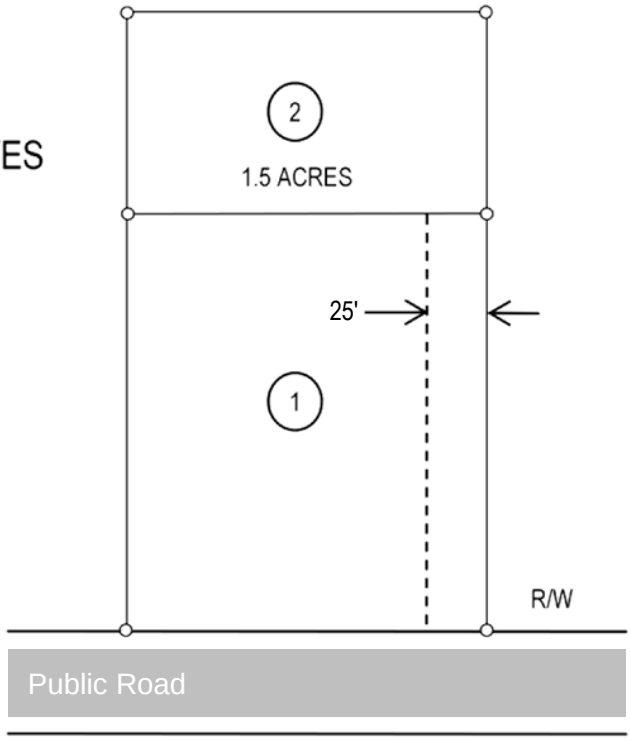
NO



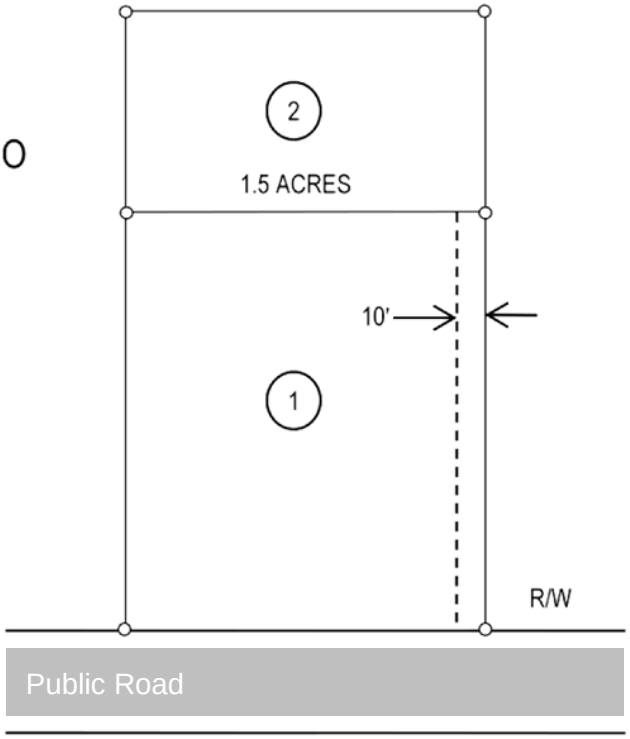
4

AN ACCESS EASEMENT SERVING A LANDLOCKED PARCEL LESS THAN 2 ACRES SHALL BE AT LEAST 25 FEET WIDE ALONG ITS ENTIRE LENGTH.

YES



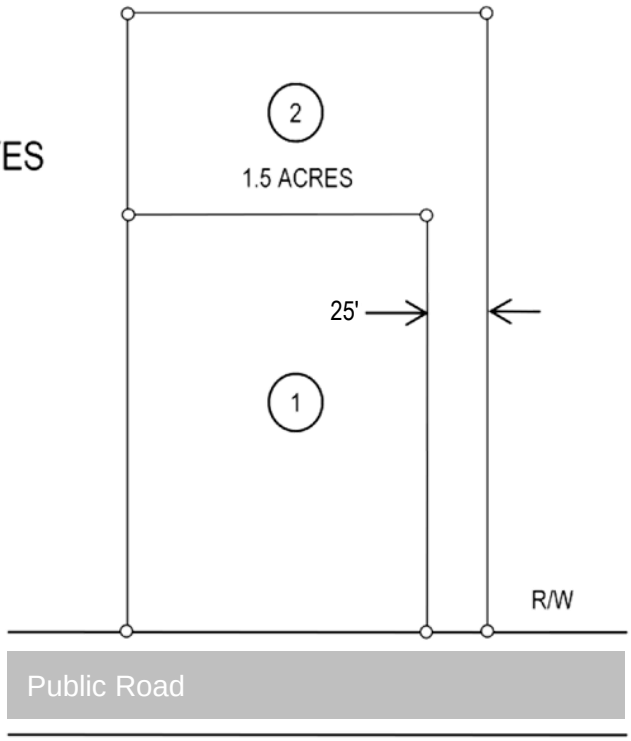
NO



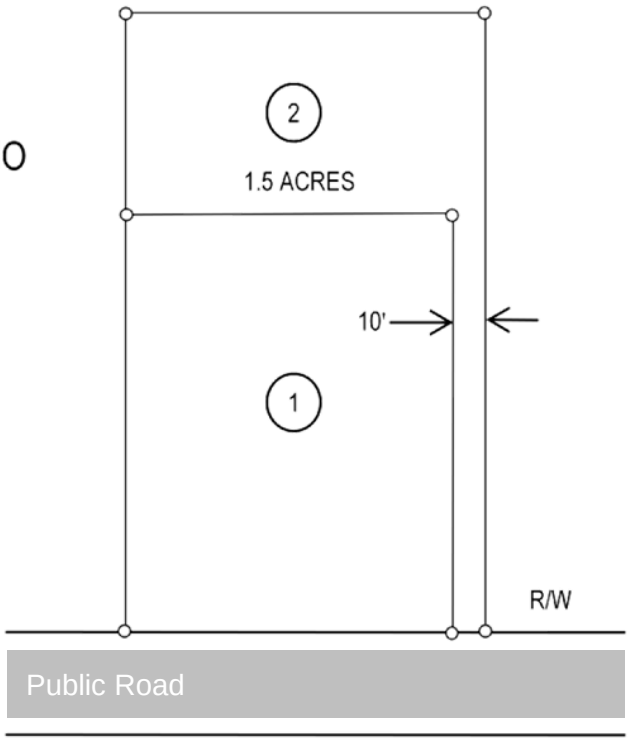
5

THE DRIVEWAY PORTION OF A FLAG LOT SERVING A PARCEL LESS THAN 2 ACRES SHALL BE AT LEAST 25 FEET WIDE ALONG ITS ENTIRE LENGTH.

YES



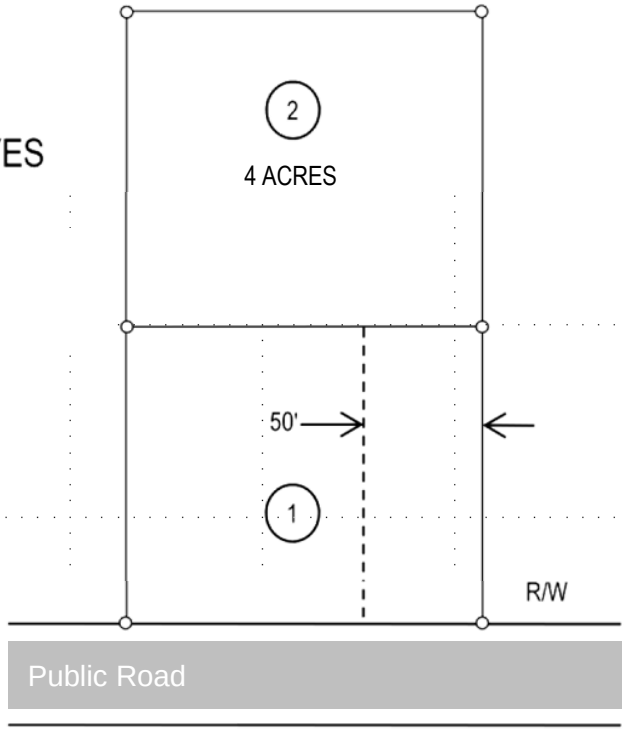
NO



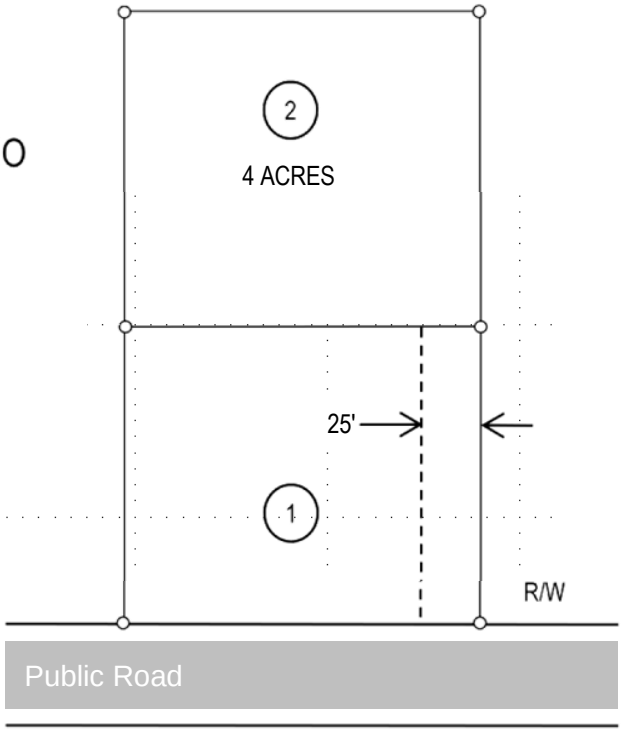
6

AN ACCESS EASEMENT SERVING A 2 ACRE OR LARGER LANDLOCKED PARCEL SHALL BE AT LEAST 50 FEET WIDE ALONG ITS ENTIRE LENGTH.

YES



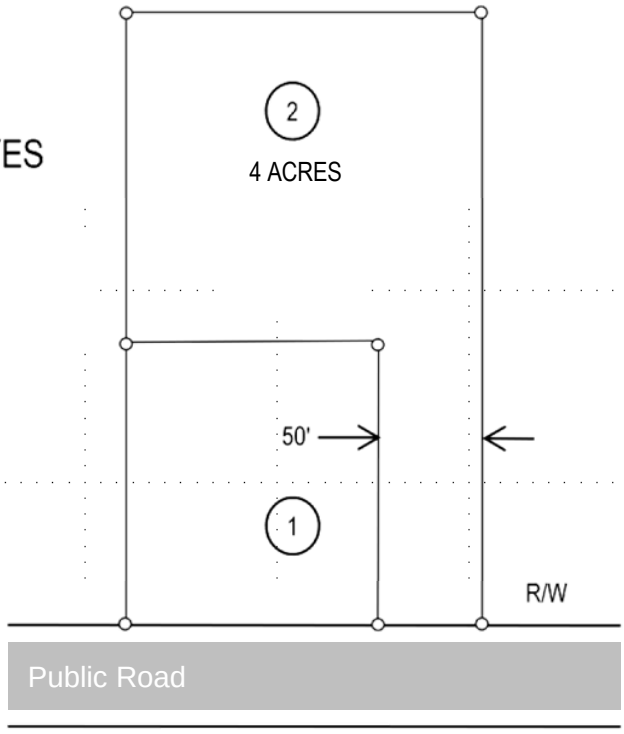
NO



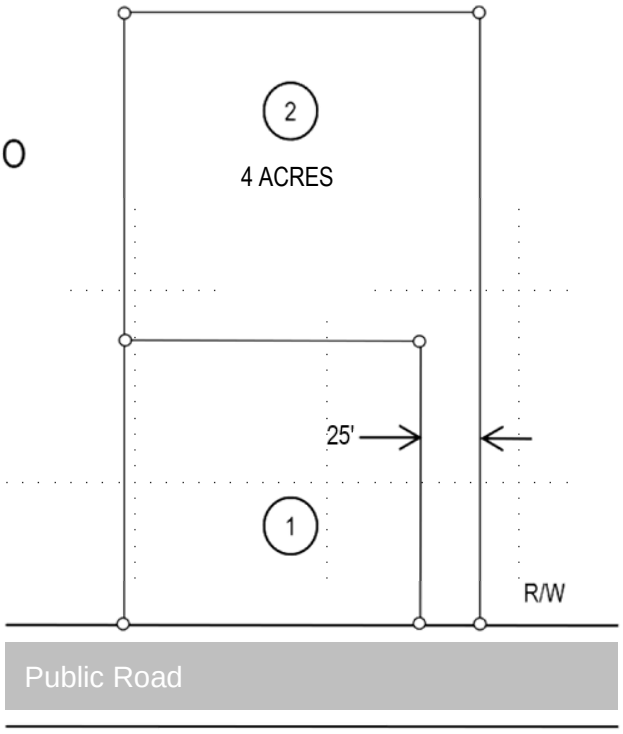
7

THE DRIVEWAY PORTION OF A 2 ACRE OR LARGER FLAG LOT SHALL BE AT LEAST 50 FEET WIDE ALONG ITS ENTIRE LENGTH.

YES



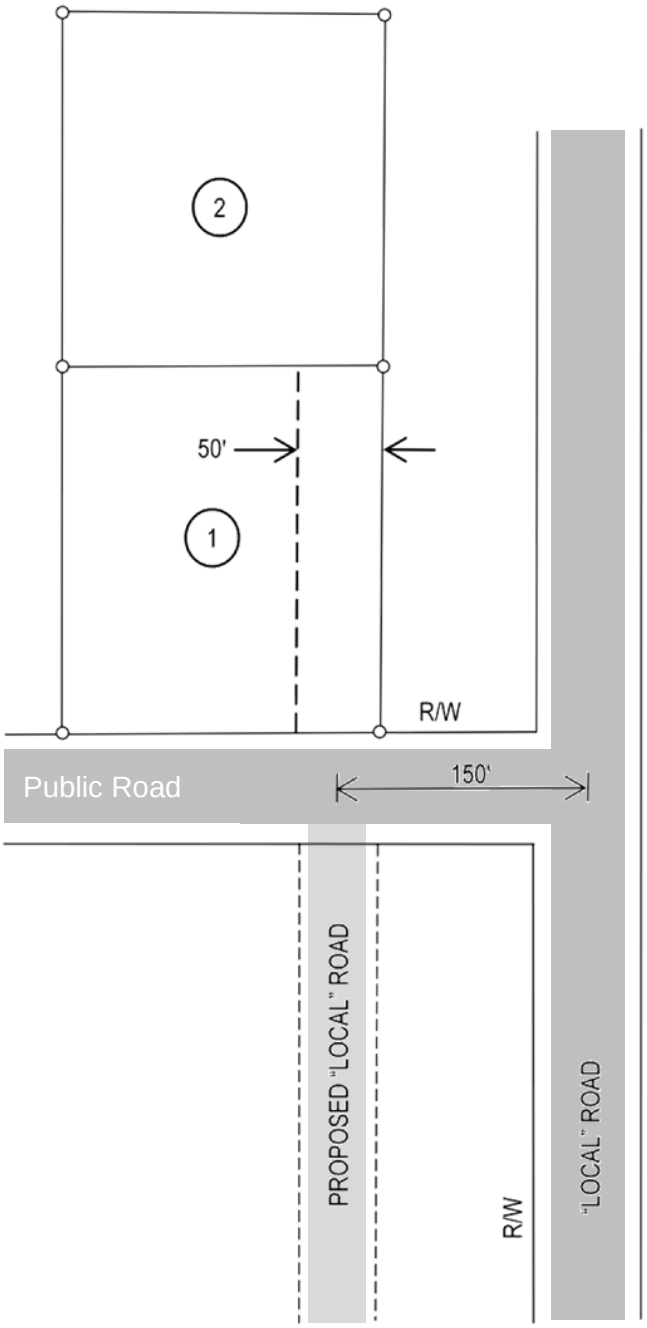
NO



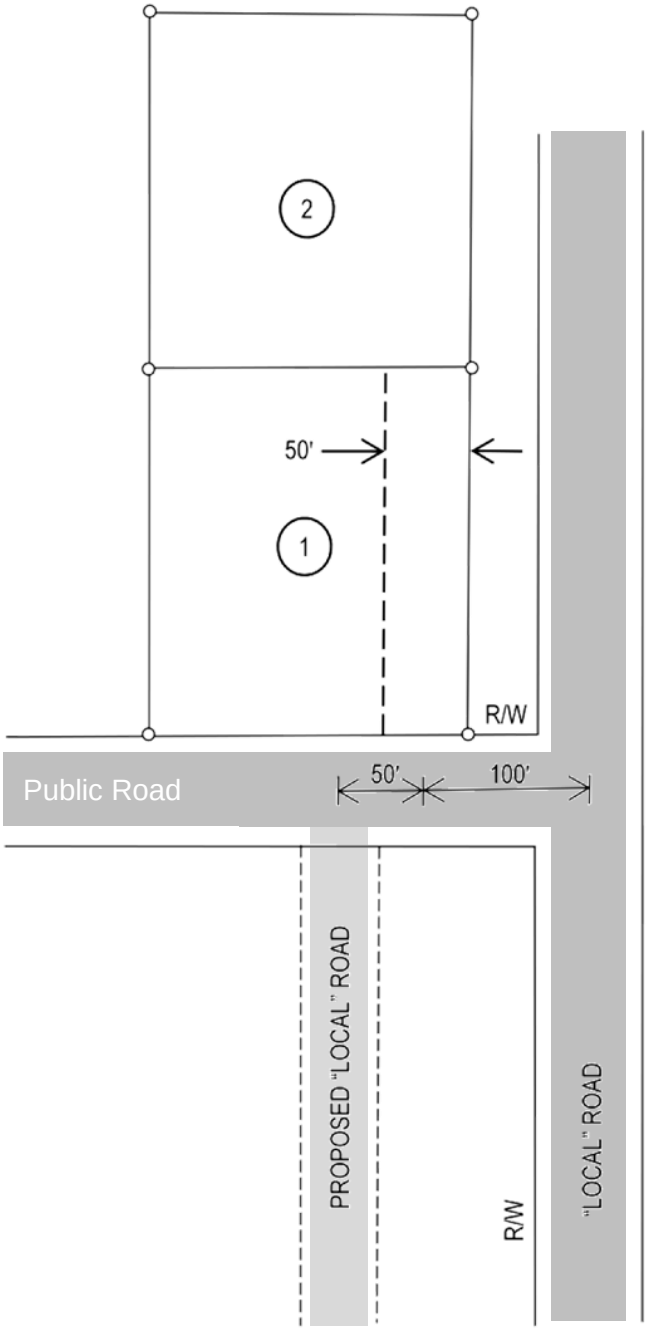
8

AN ACCESS EASEMENT SERVING A 2 ACRE OR LARGER LANDLOCKED PARCEL SHALL BE DIRECTLY ALIGNED WITH OR SEPARATED AT LEAST 150 FEET FROM ANY EXISTING OR PROPOSED "LOCAL" ROAD, AS MEASURED FROM CENTERLINE TO CENTERLINE. IF THE EXISTING OR PROPOSED ROAD IS A "COLLECTOR" ROAD THEN THE REQUIRED SEPARATION IS 175 FEET. FOR AN "ARTERIAL" ROAD THE MINIMUM DISTANCE IS 200 FEET. ADEQUATE SIGHT DISTANCE SHALL BE PROVIDED FROM THE DRIVEWAY ALONG THE INTERSECTING ROAD RIGHT-OF-WAY, AND THE ACCESS EASEMENT SHALL HAVE AN ANGLE OF INTERSECTION OF NOT LESS THAN 75 DEGREES.

YES



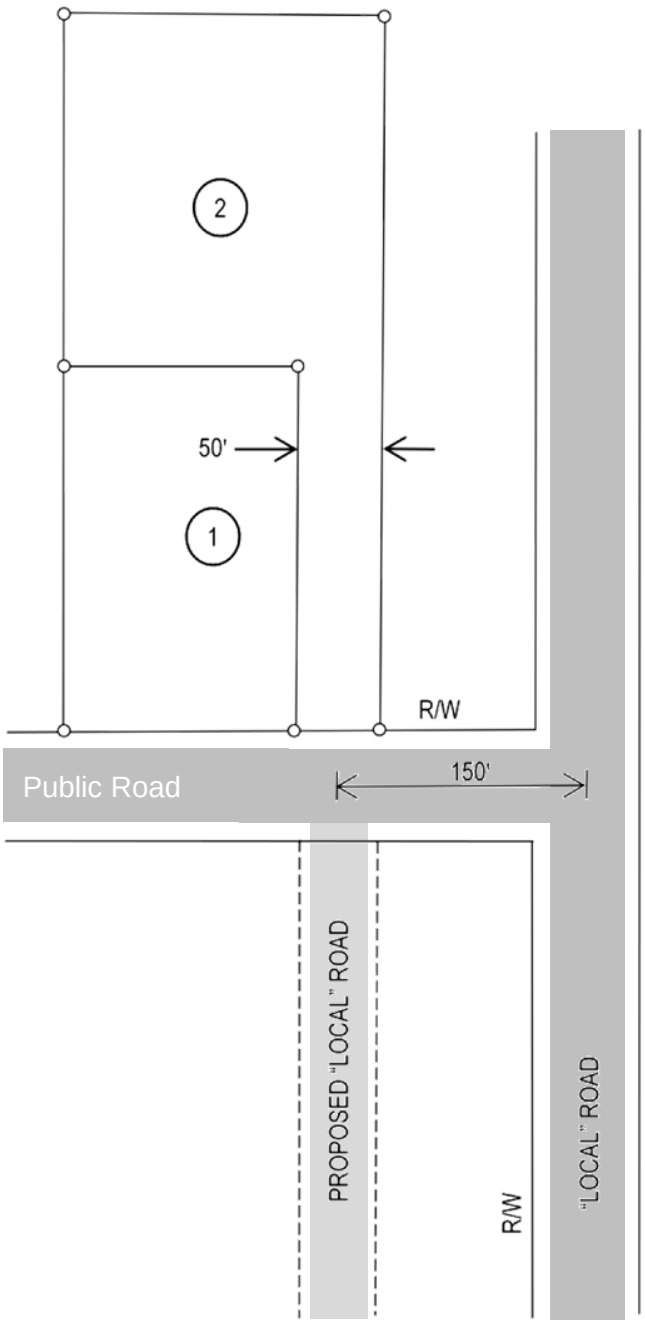
NO



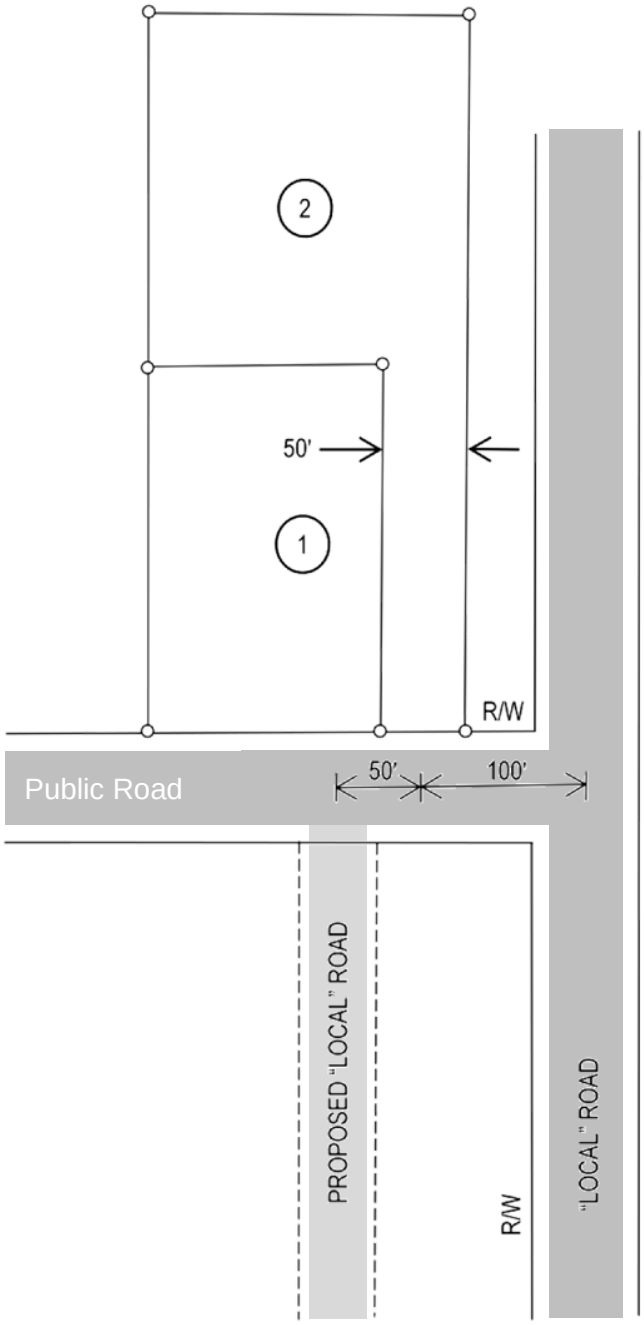
9

THE DRIVEWAY PORTION OF A 2 ACRE OR LARGER LANDLOCKED PARCEL SHALL BE DIRECTLY ALIGNED WITH OR SEPARATED AT LEAST 150 FEET FROM ANY EXISTING OR PROPOSED "LOCAL" ROAD, AS MEASURED FROM CENTERLINE TO CENTERLINE. IF THE EXISTING OR PROPOSED ROAD IS A "COLLECTOR" ROAD THEN THE REQUIRED SEPARATION IS 175 FEET. FOR AN "ARTERIAL" ROAD THE MINIMUM DISTANCE IS 200 FEET. ADEQUATE SIGHT DISTANCE SHALL BE PROVIDED FROM THE DRIVEWAY ALONG THE INTERSECTING ROAD RIGHT-OF-WAY, AND THE ACCESS EASEMENT SHALL HAVE AN ANGLE OF INTERSECTION OF NOT LESS THAN 75 DEGREES.

YES



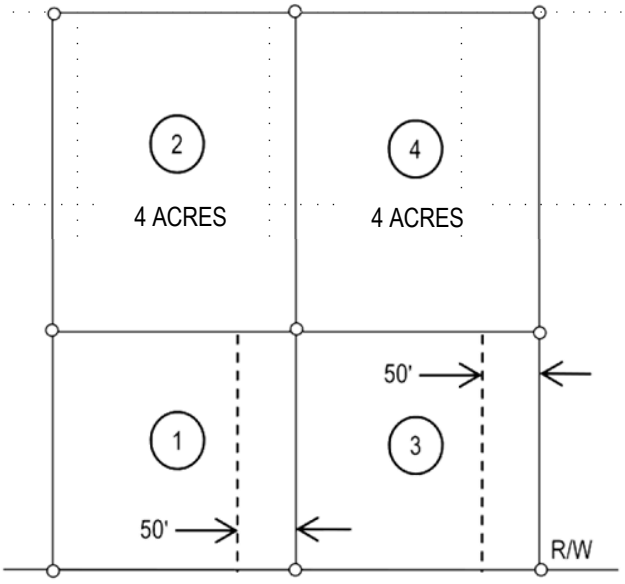
NO



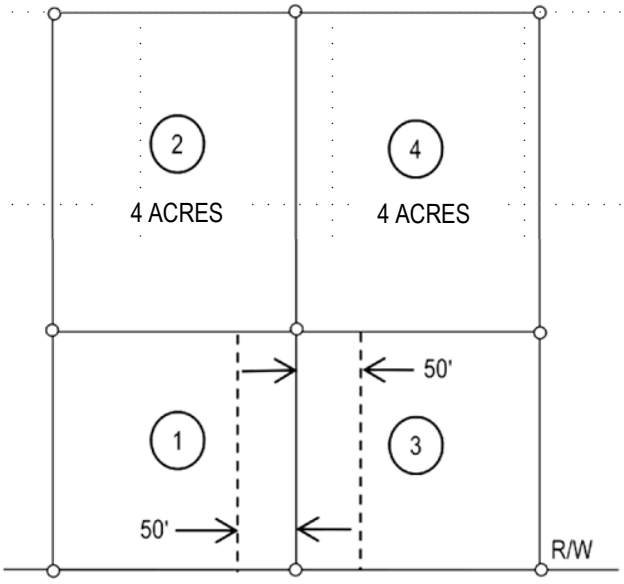
10

AN ACCESS EASEMENT SERVING A LANDLOCKED PARCEL MAY NOT BE CONTIGUOUS TO AN ACCESS EASEMENT SERVING ANOTHER LANDLOCKED PARCEL UNLESS <u>BOTH</u> LANDLOCKED PARCELS ARE LESS THAN 2 ACRES EACH.

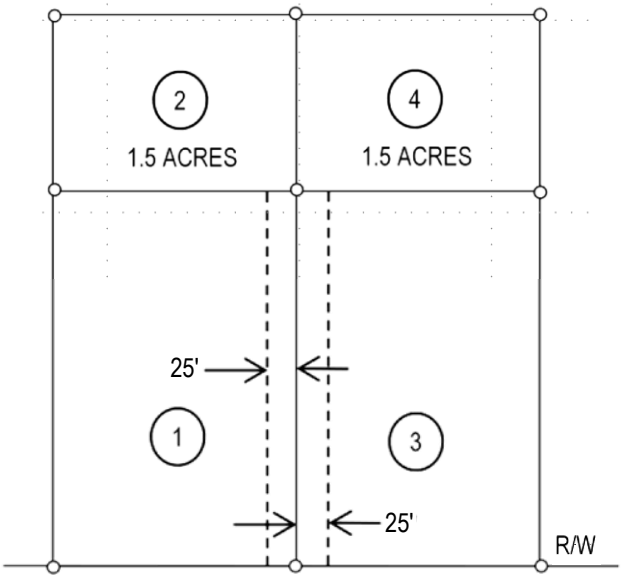
YES



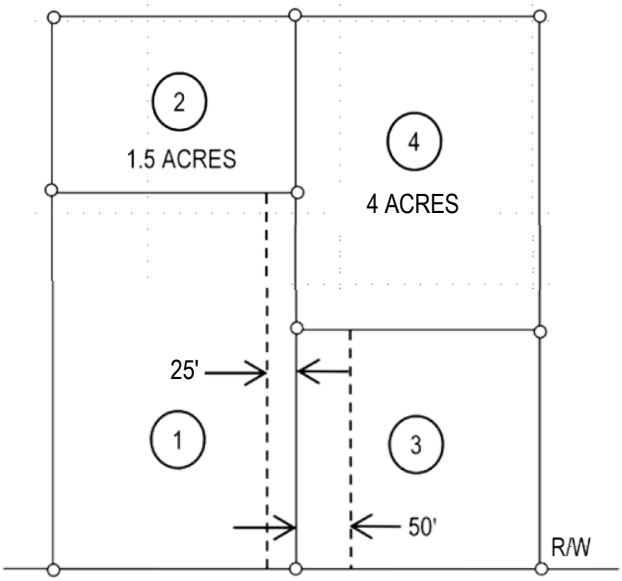
NO



YES



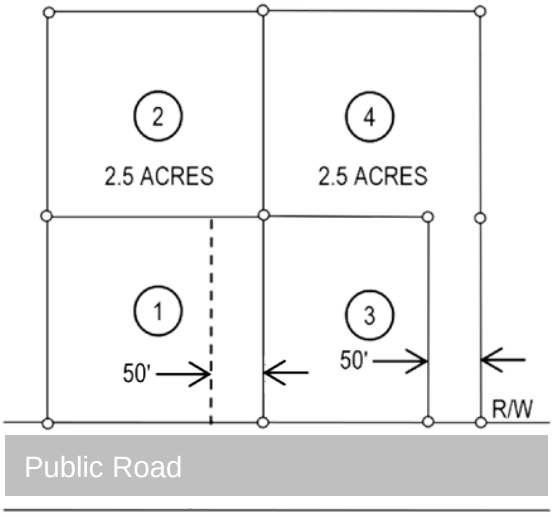
NO

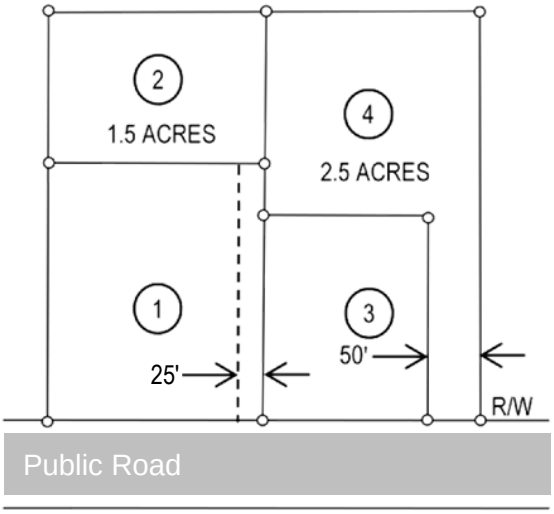


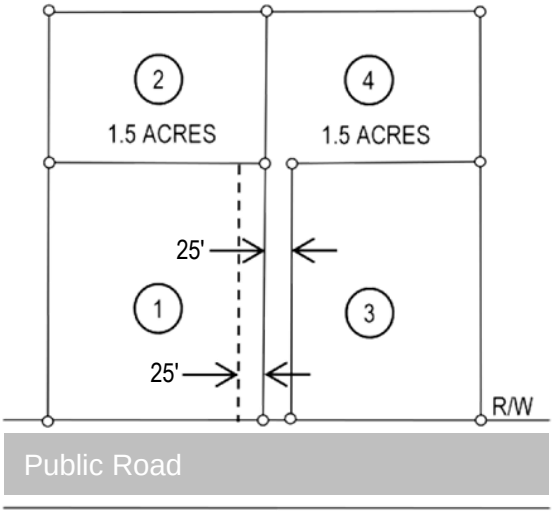
11

AN ACCESS EASEMENT SERVING A LANDLOCKED PARCEL MAY NOT BE CONTIGUOUS TO THE DRIVEWAY PORTION OF A FLAG LOT UNLESS BOTH PARCELS ARE LESS THAN 2 ACRES EACH. THE DRIVEWAY PORTION OF A FLAG LOT SO PAIRED MAY NOT SERVE AS AN ACCESS EASEMENT FOR ANOTHER PARCEL.

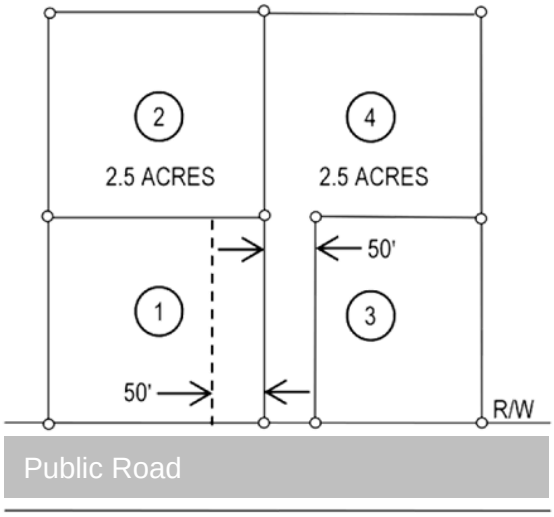
YES

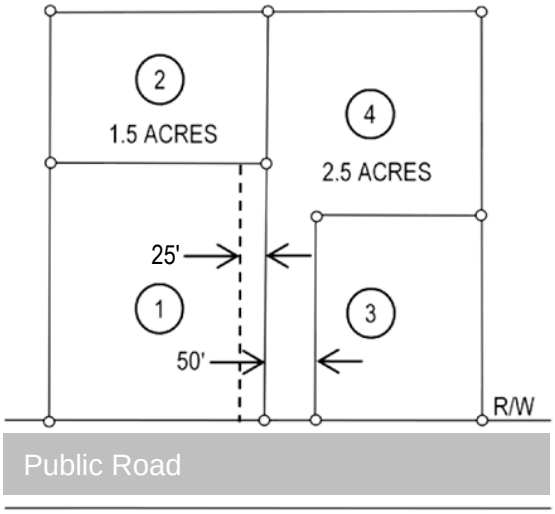


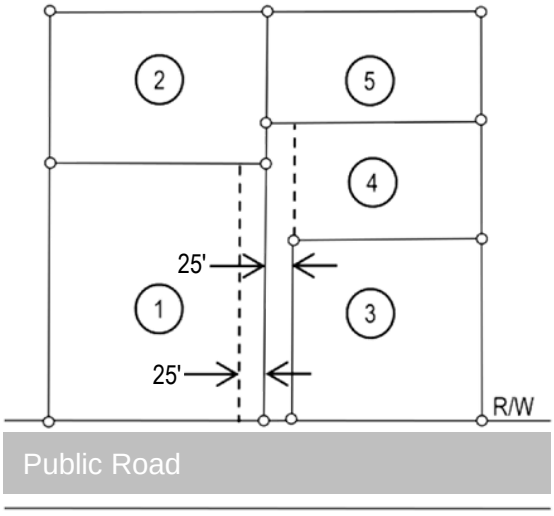




NO



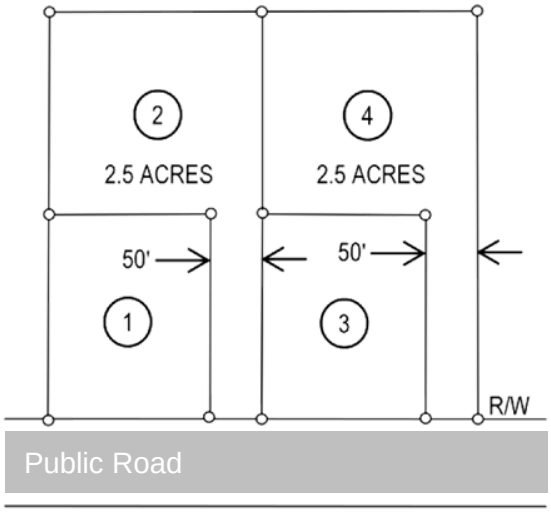


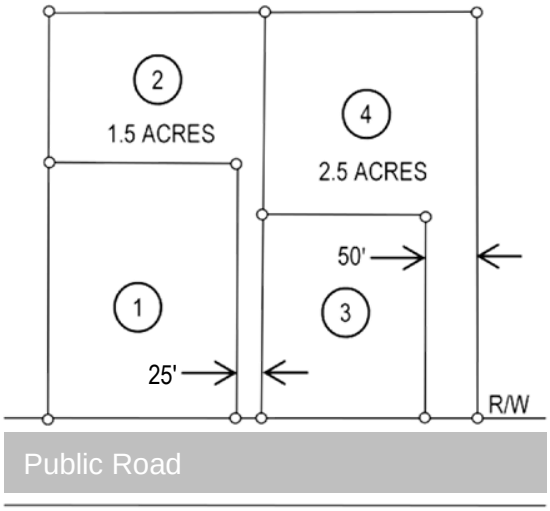


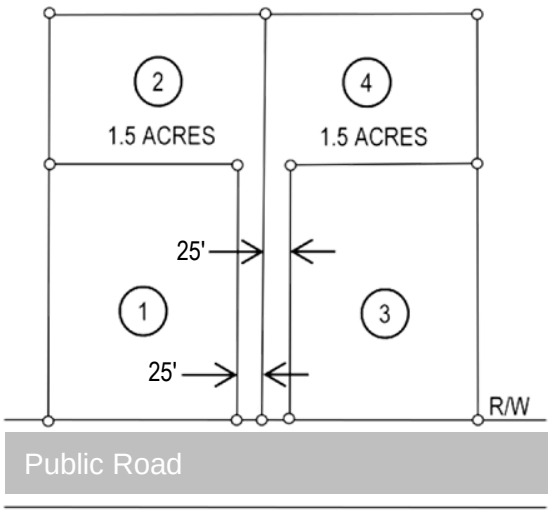
12

THE DRIVEWAY PORTION OF A FLAG LOT MAY NOT BE CONTIGUOUS TO THE DRIVEWAY PORTION OF ANOTHER FLAG LOT UNLESS BOTH FLAG LOTS ARE LESS THAN 2 ACRES EACH. THE DRIVEWAY PORTION OF FLAG LOTS SO PAIRED MAY NOT SERVE AS ACCESS EASEMENTS FOR OTHER PARCELS.

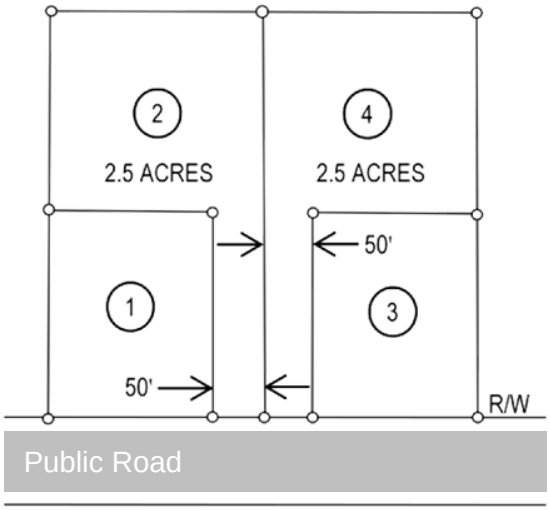
YES

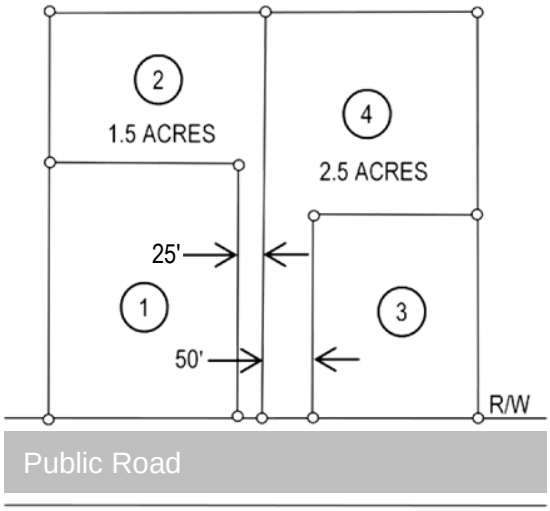


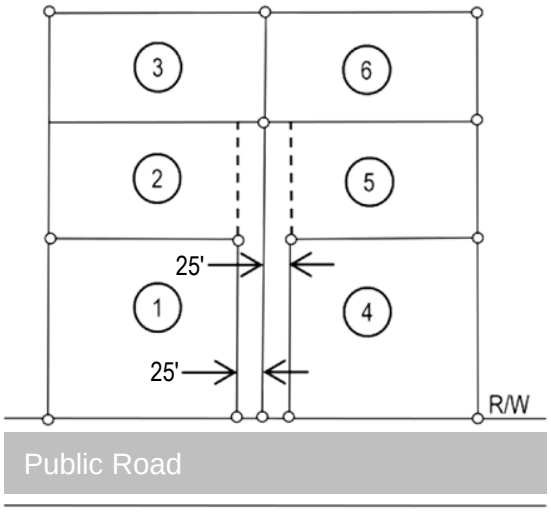




NO



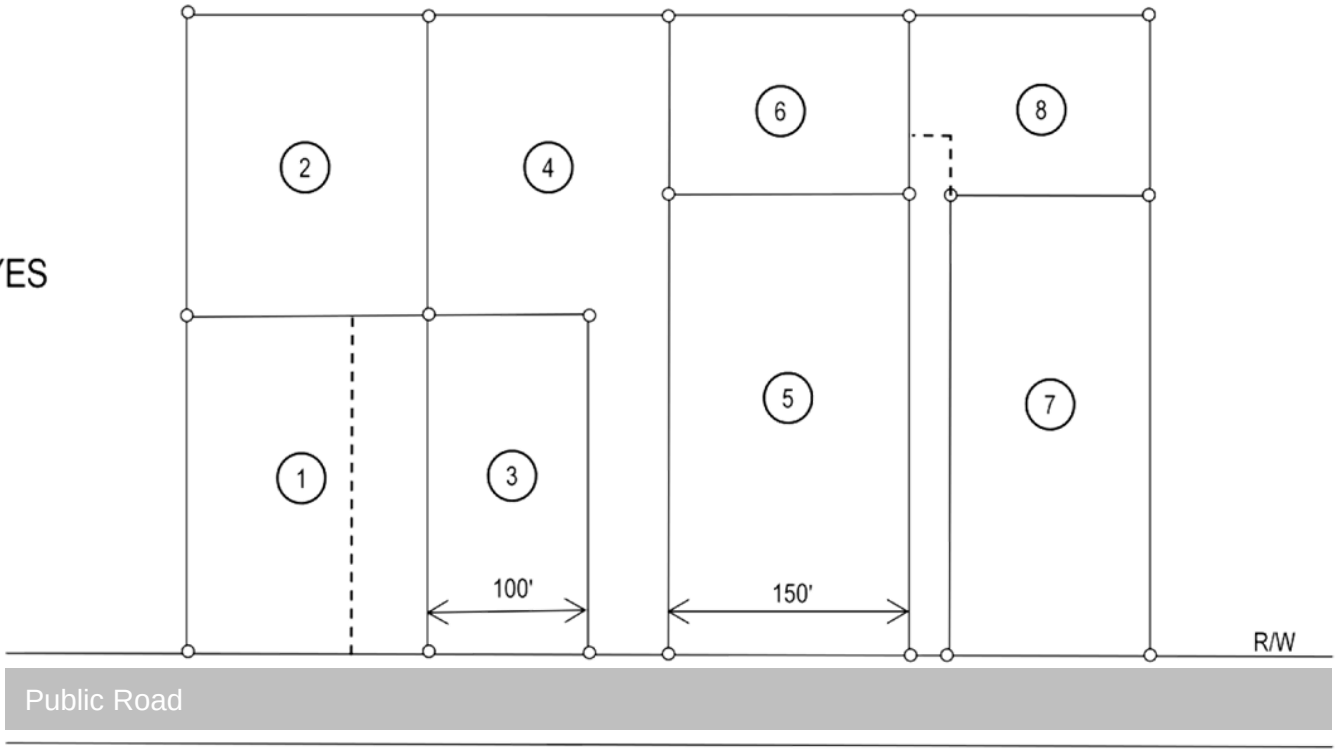




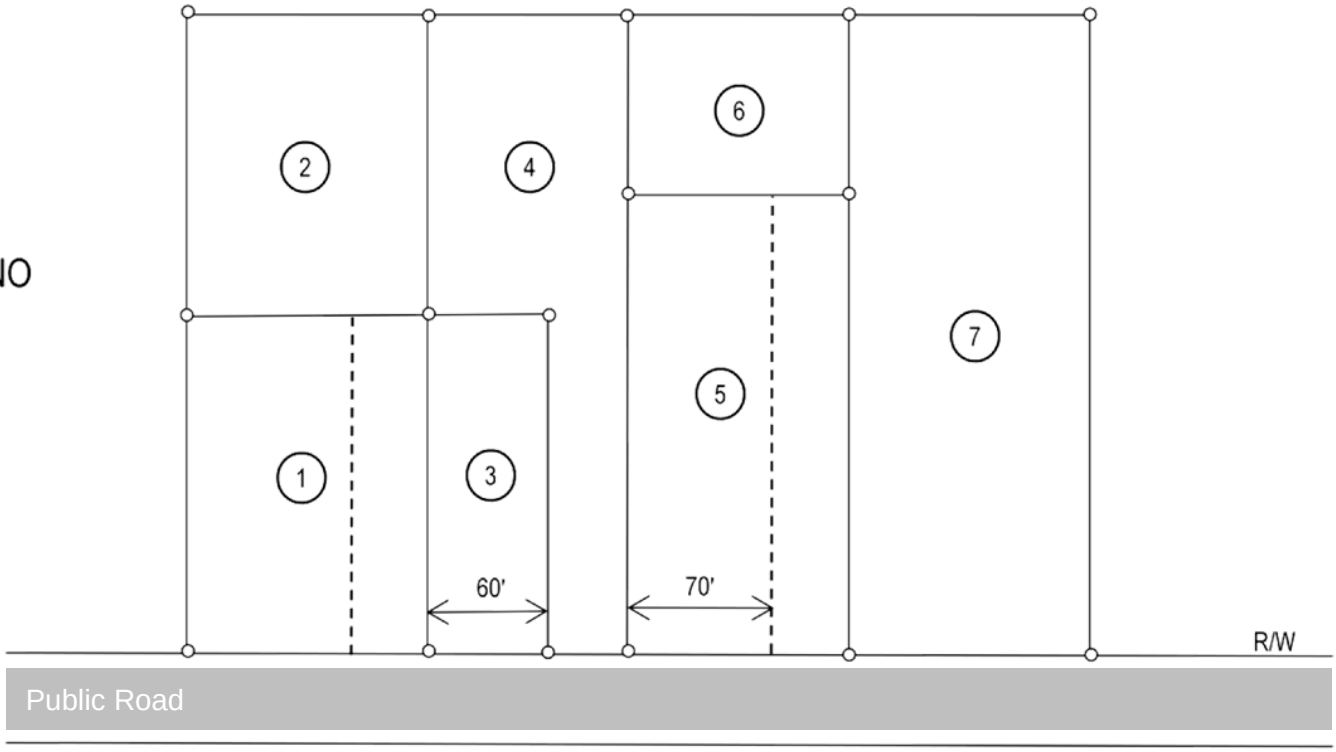
13

SUCCESSIVE ACCESS EASEMENTS OR FLAG LOT DRIVEWAYS, WHETHER SINGLE OR PAIRED, ALONG A CONTINUOUS ROAD RIGHT-OF-WAY BOUNDARY SHALL BE SEPARATED BY AT LEAST ONE PARCEL WITH A MINIMUM OF 100 FEET OF FRONTAGE ALONG THE SAME ROAD RIGHT-OF-WAY BOUNDARY.

YES



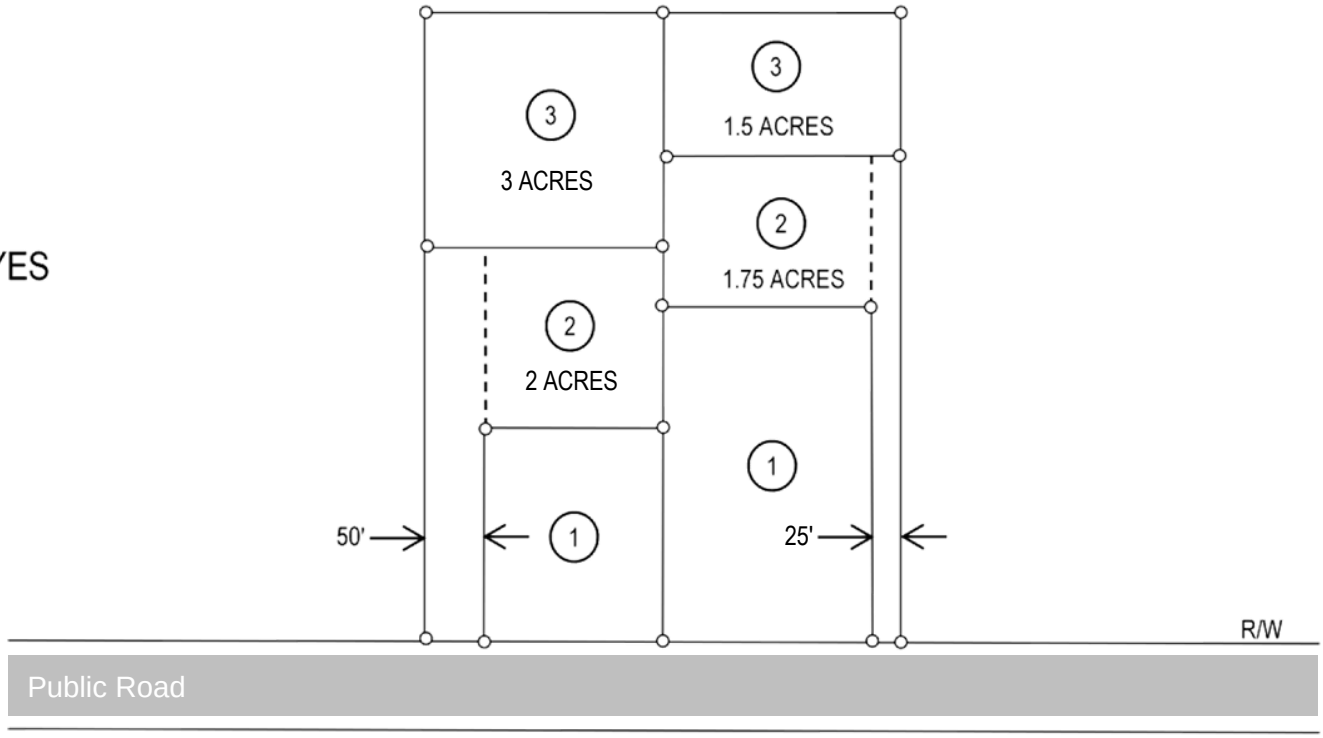
NO



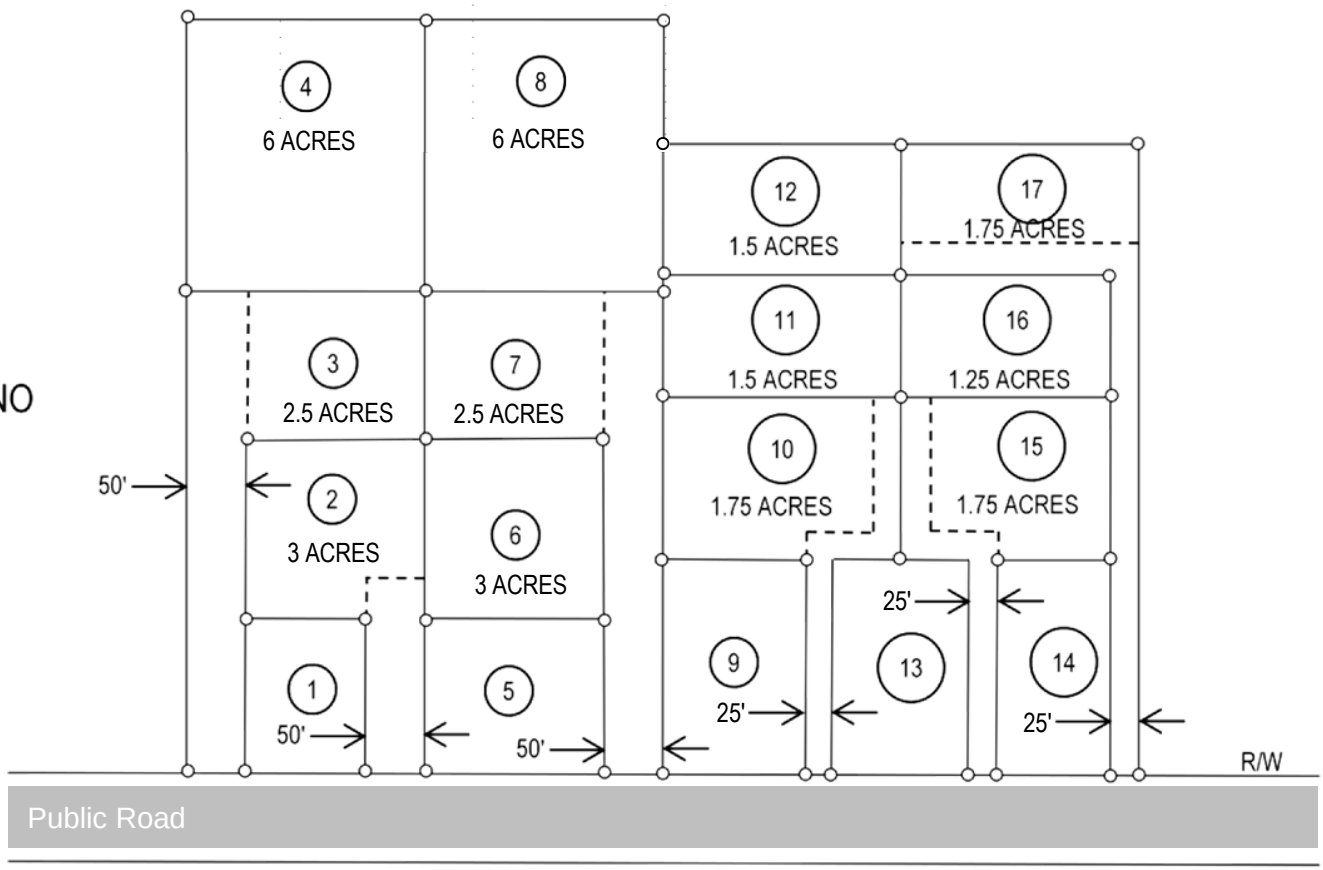
14

NO MORE THAN TWO THREE-TIERED GROUPS OF PARCELS SERVED BY ACCESS EASEMENTS OR FLAG LOT DRIVEWAYS MAY BE ALLOWED AT THE SAME LOCATION. AS PART OF THE SAME OVERALL DEVELOPMENT PLAN.

YES



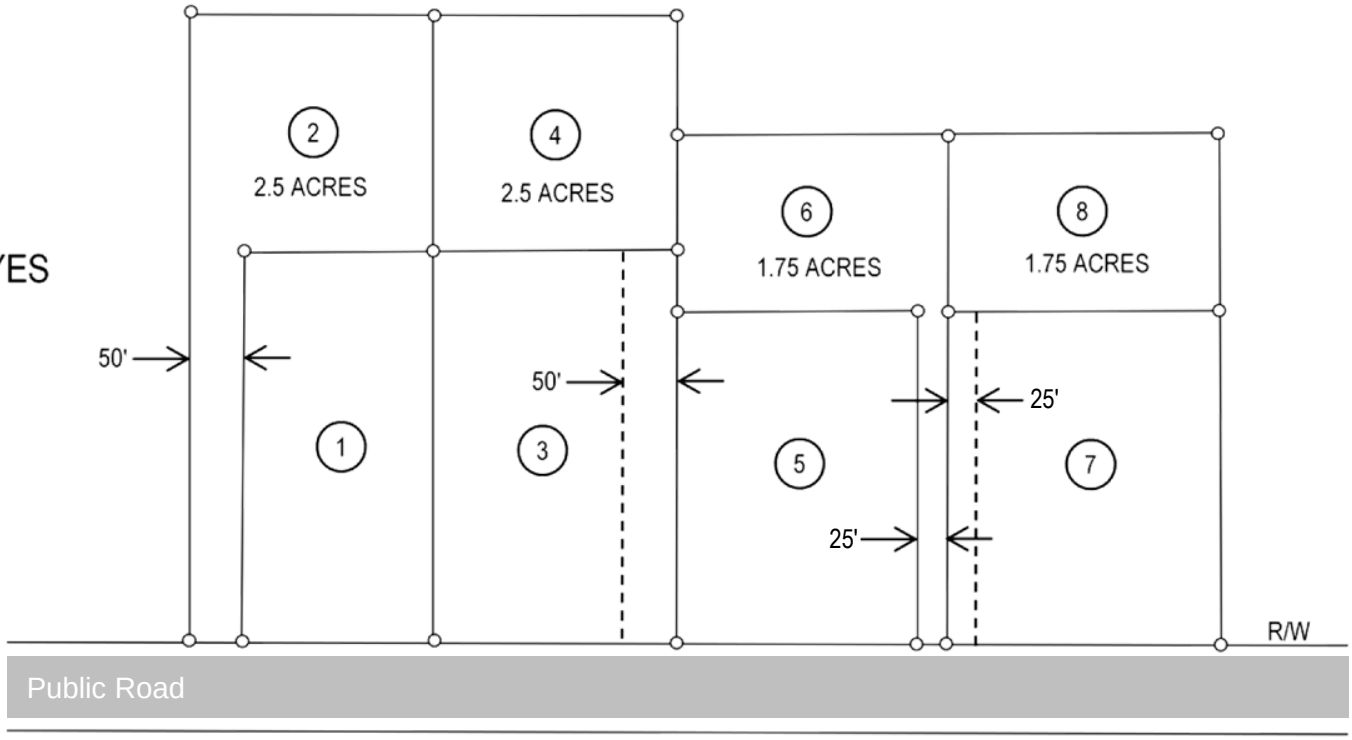
NO



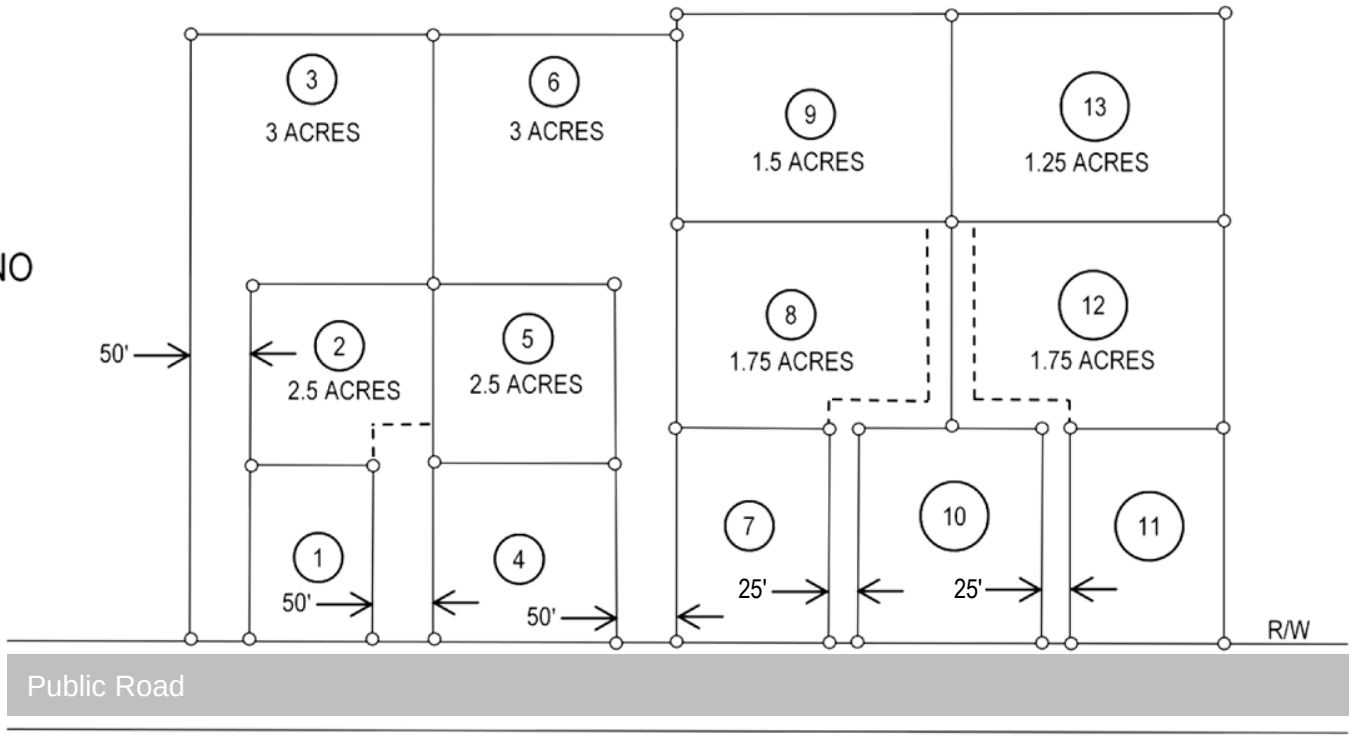
15

SUCCESSIVE ACCESS EASEMENTS OR FLAG LOT DRIVEWAYS (MORE THAN TWO AT THE SAME LOCATION) MAY BE NO MORE THAN TWO TIERS BEHIND THE ROAD RIGHT-OF-WAY THAT IS BEING ACCESSED. PARCELS MEETING THIS POLICY WILL BE DESIGNED TO MINIMIZE THE NUMBER OF ACCESS POINTS TO THE MAIN ROAD.

YES



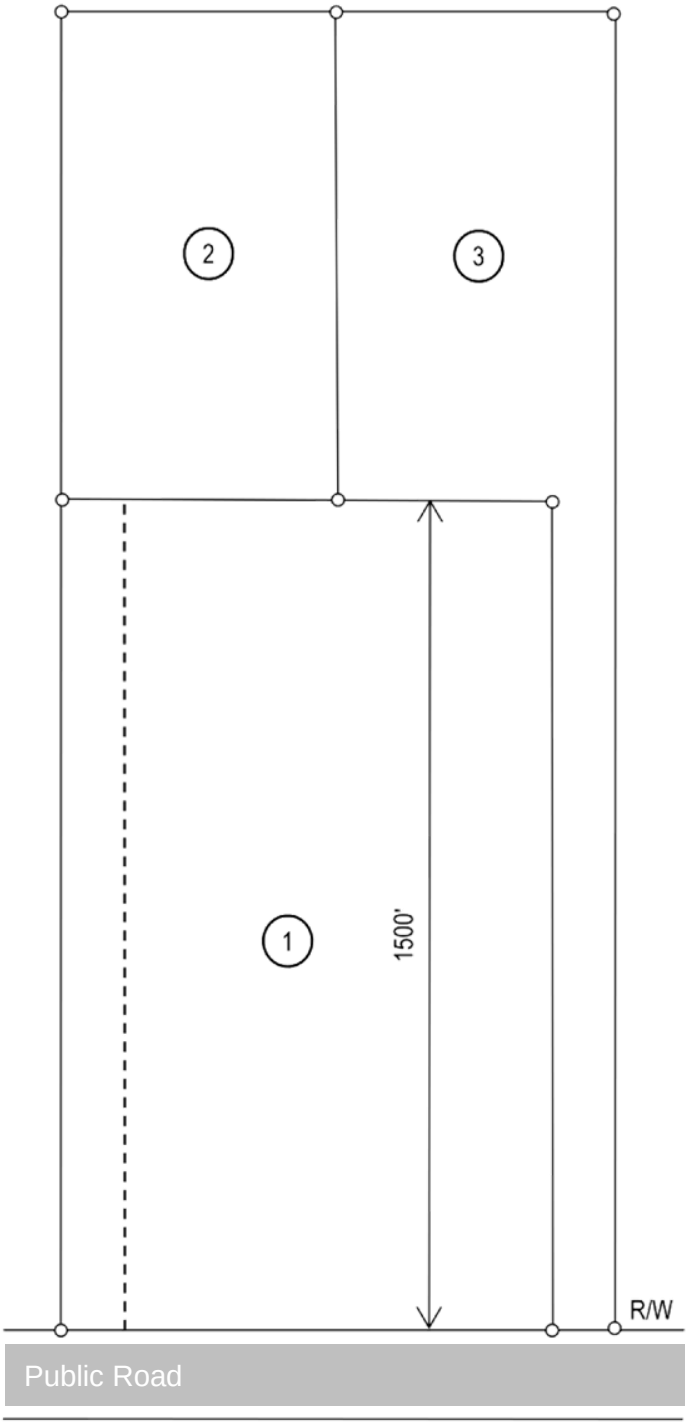
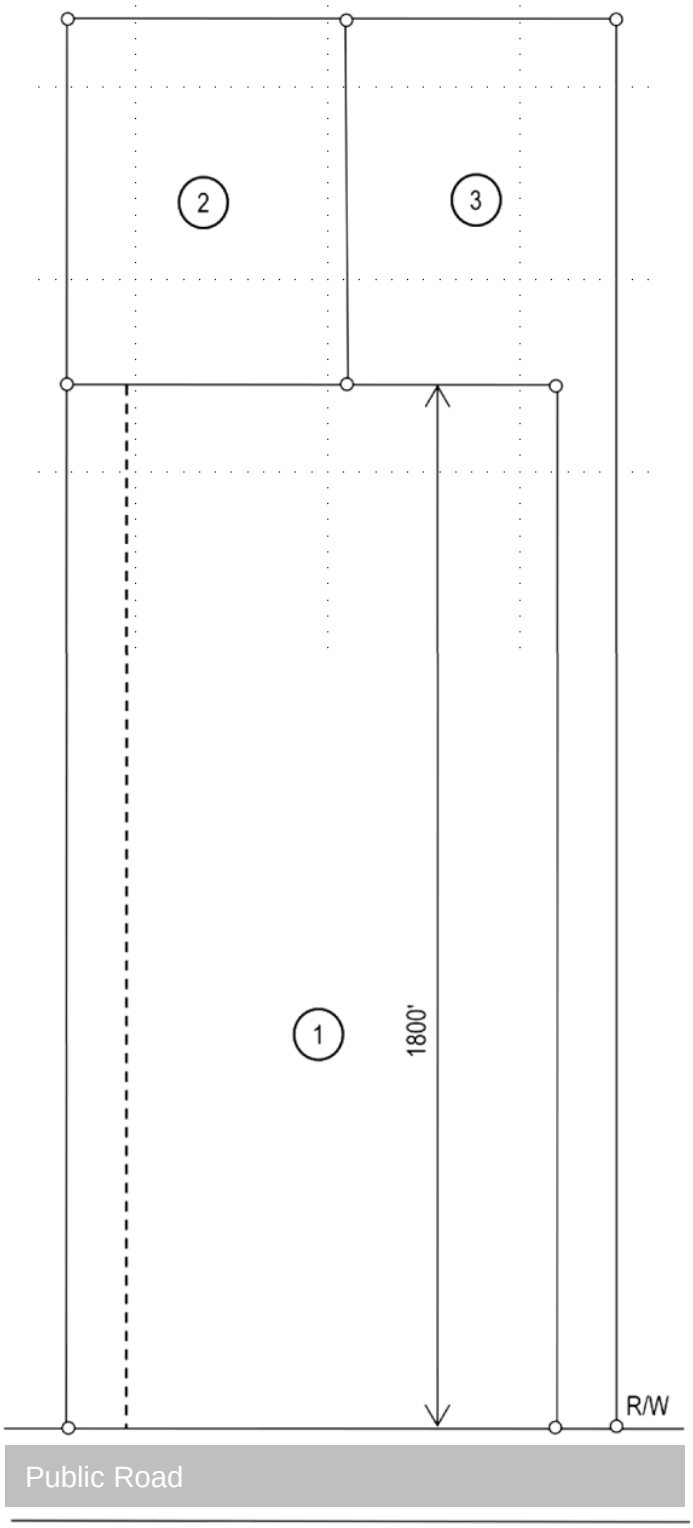
NO



16

NEITHER AN ACCESS EASEMENT NOR A DRIVEWAY PORTION OF A FLAG LOT SHALL EXCEED 1500 FEET IN TOTAL LENGTH, EXCEPT ON THE BASIS THAT THE ACCESSED PARCEL SHALL NOT BE FURTHER SUBDIVIDED. (STAFF, IN ITS DISCRETION, MAY REFER SUCH PLATS TO THE PLANNING COMMISSION FOR APPROVAL.)

YES



NO