SUBDIVISION REGULATIONS

Spartanburg County
South Carolina

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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.

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.

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.

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

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.

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.

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

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 or an authorized representative of that person or entity.

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.

If the subdivider receives approval of a Land Disturbance Permit prior to receiving a Preliminary Plat Approval, site preparation authorized by that permit may begin at that time if approved by the subdivider.

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.

Surety Plat approval may be granted prior to the completion of the required improvements with the acceptance of surety, and conditions satisfactory to it, by Spartanburg County. A Final Plat with Surety 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. That can be accomplished in several ways:

a. The subdivider may submit a Sketch Plan which depicts the basic two-dimensional plan for subdividing the property. This would be an optional Plan that could be used to get approvals from various agencies prior to the development of extensive engineering plans.

b. The Development Administrator may gather together as many agency representatives as are willing to meet with the subdivider to collectively review the subdivision proposal and officially communicate to the subdivider approvals and/or required alterations to the proposed Sketch Plan.

c. If other agencies are unwilling to meet collectively with the County and the subdivider, representatives of the Spartanburg County Departments of Planning and Development and Public Works will meet together with the subdivider to assist in creating an approved Sketch Plan that can be used to obtain similar approvals from those other agencies.

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. **The creation of a new road or the alteration of an existing road**

   The Planning Commission shall adopt a Road 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. **The need for drainage improvements, sedimentation control measures, or flood prevention measures**

   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. **The installation or expansion of a water delivery system**

d. **The installation or expansion of a sewer system**

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 not 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.
4. A subdivision shall not be considered to include the public acquisition of strips of land for the widening or opening of streets.

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 be approved by the staff of the Department of Planning and Development when 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:

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 when 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

As with all sections of this Ordinance, the Department of Planning and Development will maintain a published administrative procedures document that will specify the number of copies of the following plans that will be needed. One goal of such a document will be to minimize the number of paper plans submitted and to obtain digital plans as often as possible.

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 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, may be required on Final Plats or separate legal documents. 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 and/or documents prior to their recording.

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

Spartanburg County encroachment permits are required for any driveways or roads accessing a County-maintained road. Any requirements for driveways and roads accessing roads maintained by the South Carolina Department of Transportation or any other jurisdiction are administered by those entities.

Proposed subdivisions containing new roads that will access an existing County-maintained road must develop a construction plan that meets the requirements of the Spartanburg County Department of Public Works.

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

All required traffic control and street name signs will be installed in accordance with the standards and procedures of the Spartanburg County Department of Public Works.

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

The lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development

and use contemplated and shall comply with the Spartanburg County Unified Land Management Ordinance or the Spartanburg County Performance Zoning Ordinance.

a. A subdivision proposed along any of the following roads must have no more than four lots fronting that road and using that road for driveway access. These lots must have at least 100 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. These restrictions shall apply to the road classifications listed below.

   1. **Arterial and Collector Roads**
   2. **Local Roads** that are through roads connected to either an Arterial or a Collector Road on at least one end. This would not apply to dead end Local Roads or Local Roads with a speed limit of 40 or less miles per hour.

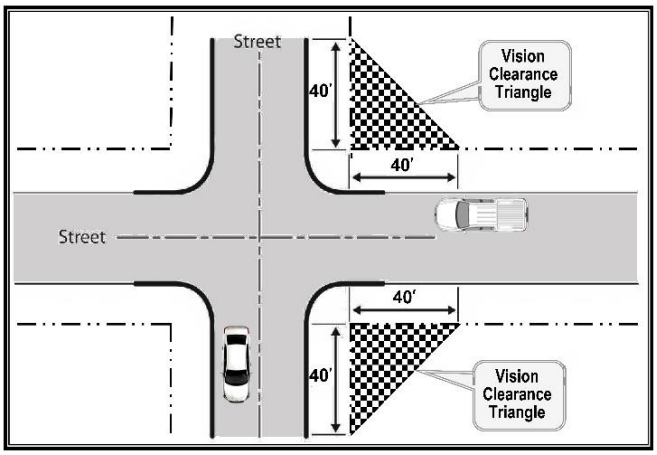
b. Subdivisions proposed along all other roads must comply with the following requirements. If the roadway has the appropriate right-of-way, the lots fronting that road are only required to have at least 50 feet of road frontage. If the roadway does not have the appropriate right-of-way, the lots are required to have at least 75 feet of road frontage. If the appropriate right-of-way is dedicated to Spartanburg County and any needed storm drainage improvements made within that right-of-way, the minimum road frontage for the lots fronting that roadway may be reduced to 50 feet.

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 7.44 (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, curb cuts, or other access points 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 beginning of the turning radius of the driveway, curb cut, or access point to the intersection of the road right-of-way lines. For roads with a right-of-way less than the assumed rights-of-way listed below, the assumed rights-of-way shall be used to determine the intersection point.

Road Classification	Minimum Corner Clearance	Assumed Right-of-Way
Arterial	50 feet	90 feet
Collector	50 feet	66 feet
Local	50 feet	50 feet

Residential Detached and Manufactured Homes 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 on a Spartanburg County-maintained roadway requires a favorable approval of an encroachment permit application by the Spartanburg County Public Works Department. The South Carolina Department of Transportation or any other jurisdiction that has maintenance responsibility for the road being accessed will administer their own requirements and permits for these driveways.

c. For developments with expected high average daily traffic counts, the South Carolina Department of Transportation, the Spartanburg County Public Works Department, or other applicable jurisdiction may require a more detailed access plan to be developed and implemented. Such a plan required by Spartanburg County would need to address the possible 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.

Out-parcels for non-residential activities developed as part of a larger tract of land shall be required to use the driveway access(es) created for the larger parcel.

Access must be by defined driveways. Continuous access along the road frontage is not allowed. For uses other than Detached Residential or Manufactured Homes activities within residential subdivisions, portions of the public right-of-way or road shall not be considered as useable for maneuvering incidental to parking.

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.

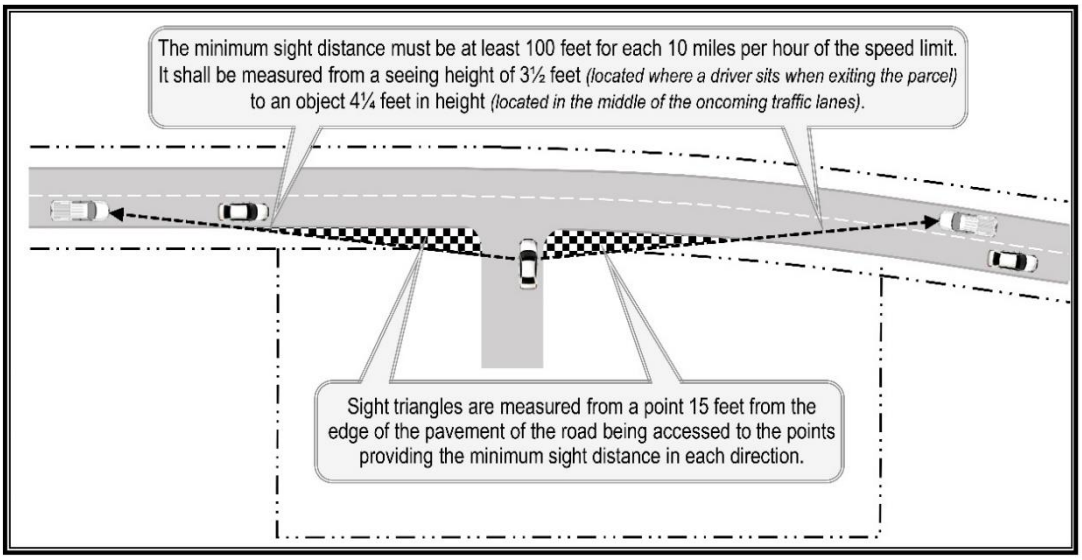
7.44 Sight Distance

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 Development Administrator shall have the authority to require that driveways be located at a point that provides the optimum sight distance along the roadway.



7.45 Minimum Road Frontage for Access

New parcels that are being created shall comply with the minimum road frontage provisions of *Section 7.30, Lots*. If there is a proposed use for the parcel, compliance with any applicable Compatibility Performance Standards or Conditional Use Requirements contained in the Spartanburg County Performance Zoning Ordinance or Unified Land Management Ordinance may require a different road frontage.

If the parcel is a flag lot less than two acres in size, the minimum road frontage must be at least 25 feet. This shall also apply to a parcel utilizing an easement for access. If the parcel is a flag lot two acres or greater, the minimum road frontage must be at least 50 feet. This shall also apply to a parcel utilizing an easement for access. References to the size of a flag lot does not include the area contained within the access portion of the parcel.

There must be a location somewhere along the proposed road frontage that meets the other safety requirements of this *Section 7.40, Access Management*. 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

Fire hydrants shall be installed and spaced throughout each subdivision to ensure that all residences are within 1,000 feet of hydrants, where public water and adequate fire flows are available. The installation of the hydrants shall also meet the minimum requirements of the water service provider, if they are more restrictive.

7.65 Centralized Mail Delivery Receptacles

Centralized Mail Delivery Receptables required by the United States Postal Service (USPS) must be installed in accordance with USPS standards and the requirements of the Spartanburg County Department of Public Works.

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 type 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 Surety 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 Surety 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 or utility provider 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 effective date in the adopting ordinance. 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 as authorized by Article 4 and Section 7.63 Wells and Septic Tanks:

Table of Contents

Private Road Policy **1**

Sample Road Maintenance Agreement **4**

Road Access Policy **7**

Utility Policy **21**

NOTE: *As outlined in **Article 4** the Private Road Policy and Road Access Policy are to be drafted, adopted, and kept updated by the Spartanburg County Planning Commission as guidance to the County Staff for a more efficient implementation of this Ordinance. In **Section 7.63** there is also a requirement for the Commission to draft and adopt a Utility Policy for the same benefit.*