

Subdivision Ordinance

Administrative Policies and Procedures

January 07, 2019 Adopted

The purpose of the Subdivision Ordinance Administrative Policies and Procedures is to have common guidance in the matters of plats and subdividing land (that are not spelled out in the Subdivision Ordinance itself) for Planning Staff, as well as those who are seeking to subdivide property in the unincorporated area of Spartanburg County. Plats and Subdivisions will be reviewed and approved (or stamped for recordation) at the staff level. Subdivisions, as a rule, will no longer go to the Planning Commission for approval unless they do not meet the rules set out in the Subdivision Ordinance, this Policies and Procedures document, or the rules and regulations of other departments involved in the subdivision process.

CONTENTS

Determination of Subdivision Application Completeness	1
Sketch Plan Requirements	2
Preliminary Plat Requirements	2
Final Plat Requirements	4
Surety Plat Requirements	5
Road Dedication Procedure	5
Variance of the Subdivision Regulations	6
Authorization to Record Plat	6
Road Closings and “Paper” Roads	8
Development Review Meeting	8
Master Plan and Related Documents for Mixed Use and Planned Developments	9
Subdivision Split by Jurisdictions	9

Determination of Subdivision Application Completeness – Preliminary and Final

All applications presented to the Planning and Development Department must be complete. We cannot accept a project for processing that does not include the following:

1. Subdivision Application
2. Processing Fee in accordance with Spartanburg County Fee Schedule. Check is to be made out to “Spartanburg County”.
3. Agent authorization form: Required in order to give a person permission to act on the owner’s behalf, if applicable. Must be signed by all owners as shown in Assessor’s records.
4. Six (6) paper copies of plat to scale of not less than 1”=20’ nor more than 1”=100’.
5. Digital copy of plat in .pdf and .dwg formats
6. Statement as to Deed Restrictions on subject property
7. Landscape Permit Application, if applicable, shall be submitted with the original application.

8. Signs require a separate permit. Since the sign design may not have been determined at the time of application, the sign permit application may be submitted at a later date, but prior to the construction of the sign. The plat, however, must show the location of all subdivision signs. The sign(s) shall be designed to “fit” the location determined on the plat.
9. Applicants for Mixed Use and Planned Developments may wish to utilize Consent Agreements in order to waive Compatibility Standards that are internal and/or external to their subdivision. All Compatibility Standards must be shown on the plat unless the Planning Staff receives the appropriate Consent Agreements.
10. All Consent Agreements must be in place prior to the recording of the Final Plat.

Subdivision projects will require Zoning Permits, and may also require Sign Permits and/or Landscaping Permits.

Sketch Plan Requirements

A Sketch Plan includes all information required to confirm that the subdivision plat will meet the requirements of the Subdivision Ordinance and any applicable Zoning elements. The staff will determine whether the Sketch Plan meets the requirements of the Ordinance and will issue a letter stating that the Sketch Plan is approvable. The main reason for this step in the process is to give the developer assurance that engineering designs may be started with assurance that no new requirements will be added unless the plan changes. The Sketch Plan must include the elements that both the Planning and Public Works Departments must have in order to determine whether the Plan is approvable.

1. Sketch Plan must be drawn to scale of not less than 1”=20’ nor more than 1”=100’.
2. Lot layout must meet the Subdivision Ordinance requirements in Section 7.30. Lots must show dimensions and setbacks.
3. Road locations and right-of-way widths must be shown.
4. Intentions to dedicate right-of-way on existing (external) roads must be made known, if applicable.
5. Access requirements must be met, including sight distances, access offsets, vision clearance, etc.
6. Open Space requirements must be shown.
7. Appearance Corridor requirements, if applicable, must be shown.

After a Development Review Meeting, the applicant will be given correspondence regarding the status of the presented conceptual layout that includes comments from the attending departments/agencies. Once the Sketch Plan meets the requirements of the land development ordinances, the applicant will be given reasonable assurance that barring any changes by him/her, the County will approve the Preliminary Plat.

Preliminary Plat Requirements

Preliminary Plats must include the following elements:

1. Bearings and distances shall be shown for all lines on the plat. Bearings in degrees and minutes, distances in feet and decimals thereof.

2. Lot numbers: Project shall have lots numbered in consecutive order. If the project has multiple phases, lot numbers must not be duplicated. Phases of a Subdivision may be identified on a Preliminary Plat. Phases must be named Phase 1, Phase 2, etc. If it becomes necessary to split a phase, then the naming will be Phase 1, Section A, etc.
3. Setbacks: Front, Side and Rear (Refer to Table 3 of the ULMO, PZO, or Planned Development/Mixed Use).
4. Proposed lot lines with dimensions and lot size in acres or fraction thereof (if sewer, minimum of 8,000 sq. ft. (0.184 ac) or 4,000 sq. ft. (0.091 ac) for patio homes; if septic tanks are to be installed, acreage is governed by DHEC). See Table 3 in the ULMO for square footage requirements, if applicable, or Density in the PZO (2.2.30 Residential Density) for the Southwest Planning Area.
5. Lot Frontage.
6. Existing street name and right-of-way for all streets appearing on the plat.
7. Deed reference(s) showing where subdivider acquired title to the property.
8. Statement clarifying whether the property line is in the center of the stream or creek or the traverse line on lots abutting a stream or creek.
9. Land uses of abutting properties, names of owners, tax map numbers, and deed book and plat book references.
10. Location map showing subdivision and surrounding area and north arrow. (Legible)
11. Title Block which shall contain the following information:
 - a. Project name. (Approved by staff)
 - b. Type of plat (Preliminary Plat) of development. (Patio Home, Single Family, etc.)
 - c. Name and Address of owner/developer.
 - d. Seal, registration number, name and address, and signature of engineer or surveyor registered in South Carolina.
 - e. Date plan was made / Revised dates.
 - f. Number of acres.
 - g. Number of miles of new road.
 - h. Number of lots and/or units.
 - i. Scale (not less than 1 in. = 100 ft. nor more than 1 in. = 20 ft.).
 - j. Tax Map parcel number(s), in accordance with the County tax maps for the boundary prior to subdivision.
 - k. Community and Zip Code
12. Certificate of Accurate Survey. (minimum accuracy 1:7500/Class B).
13. Flood Plain notation; if applicable (Section 2.05-4(8)).
14. Solid line drawn across lots or rights-of-way to delineate current phase or section from future development.
15. Provide a Legend for symbols appearing on the plat.
16. Location of cluster mailboxes per the Public Works Departmental Policy.
17. Location of subdivision sign.
18. Submittal of a plat subdividing and combining the subject parcels or parts thereof.

Storm Water Permits/Grading Permits will not be issued before the Preliminary Plat receives approval, unless the applicant chooses to pursue a mass grading permit or a clearing and grubbing permit through the Public Works Department.

Preliminary approval will be issued after approvals are received from all other departments/agencies.

1. Building Codes: Show all existing and proposed fire hydrants pertinent to the project.
2. Spartanburg County Engineering and Stormwater
3. Water lines designed.
4. Sewer lines designed.
5. If septic tanks are to be installed, in order for the plat approved, prior to issuance of septic tank permits by SCDHEC, the following note will need to be added to the plat.

As of this date _____, Lot/Parcel(s) _____ has/have not received approval from SCDHEC for a septic tank system. It is the responsibility of the Property Owner to contact SCDHEC for approval of a septic tank if/when development takes place. NOTICE: A Certificate of Occupancy shall not be granted to a building/use without a connection to a septic system or public sewer.

6. If wells are to be installed, in order for the plat to be approved, prior to issuance of well permits by SCDHEC, the following note will need to be added to the plat.

As of this date _____, Lot/Parcel(s) _____ has/have not received approval from SCDHEC for a well. It is the responsibility of the Property Owner to contact SCDHEC for approval of a well if/when development takes place. NOTICE: A Certificate of Occupancy shall not be granted to a building/use without a connection to a well or public water.

Preliminary Plat Approval is an approval by the staff of the Planning and Development Department which documents, for the subdivider, that their proposed subdivision is in accordance with applicable 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.

Once the Preliminary Plat has been approved, the Storm Water Permit may be issued (countywide) and the Zoning, Sign, and Landscaping Permits may be issued (Southwest Planning Area).

Final Plat Requirements

The information required on Final Plats is the same as above for Preliminary Plats with the addition of the following:

1. Dedication of Roads and Right-of-Ways per the process listed in this document.
2. One-Year Road Warranty Agreement signed by owner/developer at time of recording final plat.
3. Covenants and Restrictions for HOAs, private common areas, detention, road maintenance, etc. (To be recorded with Final Plat).

Approval of a Final Plat will be issued after approvals from all other departments:

1. Building Codes: Show all existing and proposed fire hydrants pertinent to the project.
2. Spartanburg County Engineering and Stormwater & Final Road Construction approval.
3. Spartanburg County Planning: Road Names assigned and added to the plat.
4. Spartanburg County GIS: Addresses assigned and added to the plat.
5. Public water infrastructure is installed and ready for taps.
6. Public sewer infrastructure is installed and ready for taps.

7. If septic tanks are to be installed, in order for the plat to be approved, prior to the issuance of septic tank permits by SCDHEC, the following note will need to be added to the plat. Please see the Public Utility Policy located in the Subdivision Ordinance Appendices.

As of this date _____, Lot/Parcel(s) _____ has/have not received approval from SCDHEC for a septic tank system. It is the responsibility of the Property Owner to contact SCDHEC for approval of a septic tank if/when development takes place. NOTICE: A Certificate of Occupancy shall not be granted to a building/use without a connection to a septic system or public sewer.

8. If wells are to be installed, in order for the plat to be approved, prior to issuance of well permits by SCDHEC, the following note will need to be added to the plat. Please see the Public Utility Policy located in the Subdivision Ordinance Appendices.

As of this date _____, Lot/Parcel(s) _____ has/have not received approval from SCDHEC for a well. It is the responsibility of the Property Owner to contact SCDHEC for approval of a well if/when development takes place. NOTICE: A Certificate of Occupancy shall not be granted to a building/use without a connection to a well or public water.

Planning Staff will release lots for Building Permits and Certificates of Occupancy following the recording of the Final Plat.

Surety Plat Requirements

A Surety Plat (formerly known as a Letter of Credit Plat) will include all the elements required for a Final Plat.

A Surety Plat may be approved prior to the completion of the required infrastructures (water, sewer, storm water facilities, roads, etc.) with acceptance of surety as set forth in the Ordinance, and conditions satisfactory to it, by Spartanburg County. Spartanburg County will accept Evergreen Letters of Credit, Certified Checks, Cash for surety. Spartanburg County will not accept a Performance Bond. The subdivider may not draw down funds.

A Final Plat with Surety must be recorded in the Office of the Register of Deeds of Spartanburg County. At this point, the subdivider may receive building permits, **but not Certificates of Occupancy**. Once the infrastructure secured by the surety has been successfully installed, the surety will be released to the subdivider and the Final Plat will be submitted for review per the Final Plat process above.

Road Dedication Procedure

The development of a new subdivision will require roads and infrastructure to support it. If roads and infrastructure are to be offered by the owner and accepted by the County, the requirements set out here must be followed.

The person making the dedication must have legal ability (fee simple title) to totally relinquish the infrastructure (road, right-of-way, storm water facilities within the right-of-way, etc.) to the County.

The dedication must serve a public purpose.

The roads and associated infrastructure shall be designed and constructed according to the Spartanburg County Subdivision Regulations, Stormwater Ordinance, Roads and Bridges Ordinance/Public Works Departmental Policy, and/or the Administrative Policies and Procedure for Subdivision Regulations.

The owner is required to make an express offer of dedication on the submitted subdivision plat and include a deed as the means of conveying the ROW and any associated infrastructure to the County. The dedication shall clearly identify the land burdened, and specific route, length, width of road, along with storm water facilities to be dedicated.

Approval of a Plat by the Planning Staff does not indicate acceptance of roads or infrastructure offered for dedication on the plat. Acceptance of roads shall be reflected by the signature on the subdivision plat of the Public Works Director and the County Administrator (or their designees) as designees of County Council. Other procedures associated with final acceptance of a roadway by Spartanburg County are outlined within the county's roadway construction standards.

Variance of the Subdivision Regulations

If a subdivision variance is required in order to receive approval, the request will go before the Planning Commission for a decision per Section 3.30 of the Subdivision Ordinance. If the Planning Commission does not approve the variance, the appeal will go to the Circuit Court. The property posting, advertisement, and adjacent property owner notification will be the same as a variance heard by the Board of Zoning Appeals.

If a variance is granted from the Board of Zoning Appeals, the applicant may proceed at their own risk with their project during the appeal period.

Authorization to Record Plat

In order to be recorded in the Register of Deeds Office, all plats must bear an indication that they have viewed and/or approved from the Planning and Development Department as outlined below. The Planning Department uses a variety of stamps that indicate a type of plat. Major plats will be signed on certifications printed on the plat, as outlined below. Other stamps, such as signature or date, shall also be applied to the plat.

Over the Counter Plats

Reference Plat (Stamp) - This is not a subdivision. This plat is for reference or historical purposes only and is not to be used to create new lots or roads.

For Recordation Purposes Only (Stamp) – Not a division of land, but could be a resurvey of an existing property, etc. that needs to be recorded. Parcel boundaries have not changed.

Exempt (Stamp) - Plat as shown is exempt from the subdivision approval process pursuant to the SC Code of Laws Section 6-29-1110 (4). All lots must be 5 or more acres with no new public infrastructure required.

Approved (Stamp) - This division of land meets the requirements of the Spartanburg County Subdivision Ordinance.

Subdivision Plats

Preliminary Plats – are signed and stamped with “Preliminary Approval” and the date. These plats are not recorded in the Register of Deeds Office.

Surety Plats – are prepared just as a Final Plat would be prepared. They will be stamped as such. Once all public infrastructure has been completed, the surety will be released. These plats must be recorded in the Register of Deeds Office.

Final Plats – are signed and dated. They must bear the below Plat Certificates. These plats must be recorded in the Register of Deeds Office.

REQUIRED PLAT CERTIFICATES (Final and Surety Plats)

CERTIFICATE OF OWNERSHIP – DEDICATION AND GRANT

I (we) the undersigned, as owner(s) of this property do hereby adopt this plat of my (our) free consent. I (we) hereby grant the easements and offer for dedication the street rights-of-way of this subdivision and establish minimum setback restrictions as indicated on this plat and in accordance with the ordinances of Spartanburg County, provided this plat is recorded within 90 days of the date of approval.

Owner Name

Signature

Date

Printed Name

Title

CERTIFICATE OF APPROVAL FOR RECORDATION

I, the undersigned, certify that the plat indicated hereon conforms to the design standards and requirements in the Spartanburg County Subdivision Ordinance and other development requirements of Spartanburg County with the exception of any variances or Consent Agreements as found in the official records of the Spartanburg County Planning Commission, and that it has been approved for recording in the Office of the County Register of Deeds.

DATE

CHAIRMAN or SECRETARY of the
PLANNING COMMISSION
OR PLANNING DIRECTOR
SPARTANBURG COUNTY

Road Closings and “Paper” Roads

The Planning Department staff will seek the advice of the Public Works Department regarding matters of road closures/paper roads in the event one appears on a plat that has been submitted for approval. Issues will be resolved on a case-by-case basis.

These roads fall into three categories:

1. Roads (right-of-ways) that appear on a plat or the tax maps, but were never built. The Public Works Department will make the determination as to whether there are potential claims to the road and will advise the Planning and Development how to proceed.
2. Roads that were once used by the public, but have been abandoned for any number of reasons. The Public Works Department will make the determination as to whether there are potential claims to the road and will advise the Planning and Development how to proceed.
3. Roads accepted by Spartanburg County for maintenance and currently being used, but for which there is a desire to close it to the public. Such roads must go through an official road closure process.

Development Review Meetings

The Planning and Development Department offers Development Review Meetings for prospective developers to discuss requirements for their projects. These meetings are designed to explain the County’s development review process and assist applicants in the successful navigation of procedures. Each meeting will bring together relevant review agencies, such as Zoning, Subdivision, Floodplain Management, Landscape and Open Space, Land Development Management, Right-of-Way Encroachment, and Building and Fire Codes. The Planning and Development Department will

coordinate with other County Departments and agencies to have involved parties attend the Development Review Meeting.

It is strongly encouraged that a Sketch Plan or Preliminary Plat be submitted 5 days prior to the meeting, so staff may provide the best project-specific guidance. The goal of the meeting is to determine a path forward that will result in a proposed development plat that is approvable under the Subdivision Ordinance and any other applicable statutes or ordinances.

Meetings will be held on Thursday mornings at 8:30 in the Conference Room 4 (unless otherwise notified) of the County Administration Building. The calendar of meetings will be posted on the Planning Department page of the County website. Developers will need to call the Development Staff at 864-596-3469 to schedule a Development Review Meeting. If additional meeting times/days need to be added, the staff will post them on the County website (www.spartanburgcounty.org) on the Planning and Development Department's page.

Master Plan and Related Documents for Mixed Use and Planned Developments

In order to access the process that allows for Mixed Use and Planned Developments (Performance Zoning Ordinance, Section 2.3.62 c.), the applicant must note on the Master Plan (to be recorded in the Register of Deeds Office) and documents to accompany the Master Plan any waivers of Compatibility Standards internal to the project. The project must satisfy Compatibility Standards with adjacent properties, have received a variance, or be accompanied by appropriate Consent Agreements for all adjacent properties.

Subdivision Split by Jurisdictions

If Spartanburg County does not have total jurisdiction over the property where the project is located, then an approval from the other jurisdiction must be obtained from that jurisdiction's approval authority by the applicant. This approval will consist of the other jurisdiction signing off that the portion of the project in its jurisdiction meets its regulations. County Development Staff will then approve the plat per County ordinances.