

Lexington County Subdivision Ordinance



November 30, 2021

**Subdivision Ordinance
Lexington County, South Carolina**

Table of Contents

ARTICLE 1 - PURPOSE, AUTHORITY AND JURISDICTION	1
1.10 Purpose	1
1.20 Authority.....	1
1.30 Jurisdiction.....	1
ARTICLE 2 - DEFINITIONS.....	2
2.10 Rules of Construction.....	2
2.20 Public Officials, Bodies and Agencies.....	2
2.30 Definitions.....	2
ARTICLE 3 - PROCEDURES	6
3.10 Development Review Meeting	6
3.20 Submission of Preliminary Plats	7
3.30 Submission of Bonded Plats.....	7
3.40 Submission of Final Plats.....	8
3.50 General Requirements.....	9
3.60 Appeal of Action.....	9
ARTICLE 4 - PLAT REQUIREMENTS	10
4.10 Preliminary Plat.....	10
4.20 Bonded Plat	11
4.30 Final Plat.....	12
ARTICLE 5 - GENERAL REQUIREMENTS OF THE SUBDIVISION	13
5.10 Conformance to Right-of-Way Plan	13
5.20 Flooding and Drainage Requirements	13
5.30 Roads	14
5.40 Lots.....	15
5.50 Subdivision Name.....	16
5.60 Improvements.....	16
5.70 Variance from the Requirements of these Regulations.....	18
ARTICLE 6 - STATUS OF SUBDIVISIONS.....	20
6.10 Preliminary Plat.....	20
6.20 Bonding.....	20
6.30 Final Plat.....	21
ARTICLE 7 - COVENANTS	22
7.10	22
ARTICLE 8 - LEGAL STATUS	23
8.10 Violation and Penalty	23
8.20 Enforcement	23

8.30	Conflict with Other Laws	23
8.40	Separability	24
8.50	Amendment	24
8.60	Effective Date	24
APPENDIX - STANDARDS AND POLICIES		25
	Installation of Fire Hydrants in New Subdivisions	26
	Private Road Policy	27
	Access Policy	33
	Road Section Criteria for Private Roads	47

ARTICLE 1 - PURPOSE, AUTHORITY AND JURISDICTION

1.10 Purpose

This Ordinance is established to promote harmonious land development within the unincorporated area of Lexington County, South Carolina; to provide for standards that will, among other things, coordinate proposed road locations as part of subdivisions with other existing or planned roads; to ensure the adequate and timely provision of streets, utilities, and common facilities; and to encourage an environment in the best interest of the health, safety, convenience, and prosperity of the present and future citizens of the County while applying the resources of the County in an efficient and economical manner in maintaining that environment.

This Ordinance is to be used in conjunction with all other applicable guidelines, to include: Lexington County Stormwater Management Ordinance, Flood Damage Prevention Ordinance, Zoning Ordinance, Landscape and Open Space Ordinance, Building Code Ordinance, Road Naming and Addressing Ordinances, and Land Development Manual, as well as the Access Policy and Private Road Policy of the Lexington County Planning Commission.

1.20 Authority

This Ordinance is adopted under authority granted by Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended (South Carolina Local Government Comprehensive Planning Enabling Act of 1994).

1.30 Jurisdiction

This Ordinance shall govern the subdivision of land within the unincorporated area of Lexington County, and any incorporated municipality within the County which contracts for these regulations to be administered therein under Section 6-29-330, as amended, of the South Carolina Code of Laws, 1976.

ARTICLE 2 – DEFINITIONS

2.10 Rules of Construction

The following rules of construction shall apply to this Ordinance:

- 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. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:
 1. “And” indicates that all connected items, conditions, provisions or events shall apply.
 2. “Or” indicates that the connected items, conditions, provisions or events shall apply.
 3. “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

2.20 Public Officials, Bodies and Agencies

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

2.30 Definitions

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

Building - A structure having a roof supported by columns or walls.

Commercial Subdivisions/Centers and Horizontal Property Regimes – Commercial developments which propose the subdividing of parcels that utilize cross access easements for access and not designated public or private roadways are allowed provided they are designed by a licensed engineer to be paved and include the required storm drainage, water and sewer systems, and

designated by a legal document addressing private maintenance of the access easements. The Development Administrator, or his/her designated representative, must approve and verify that the legal document (i.e. Master Deed, Covenants and Restrictions, etc.) satisfies the Planning Commission's policy for private maintenance and is recorded with either the approved Bonded Plat /or Final Plat, and is referenced on such plat(s).

All other platting requirements and fees are the same as a typical subdivision. Other County Ordinances (i.e. Zoning, Landscape and Open Space, Land Development Manual, Addressing), Lexington County Public Works, and the South Carolina Department of Transportation may have additional requirements that can affect the design and layout of the development. Such developments designed with designated public or private road rights-of-way must meet all typical subdivision requirements.

Development Administrator - That member of the staff of the Planning Commission, or his/her delegated representative, who administers, interprets, and enforces the provisions of this Ordinance and who assists the Planning Commission and other agencies in the subdivision approval process.

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 any inundation which has a return frequency of 100 years or less, and shall be known as the base flood.

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.

Lot, corner - A lot bounded on two or more adjacent sides by streets, private ways, or portions of streets or ways, having an angle of intersection of 135 degrees or less.

Lot, double frontage - Any lot, other than a corner lot, which adjoins two street lines opposite to each other and parallel or within 45 degrees of being parallel to each other.

Lot, interior - A lot other than a corner or double frontage lot.

Lot Width - The horizontal distance between the side lot lines measured at the building setback line parallel to the street right-of-way line, or in the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way.

Plat - A map or drawing upon which the plan for a subdivision or other land development is presented. The Preliminary Plat indicates the proposed layout of

the lots, streets and improvements which the developer desires, and is submitted for tentative approval by the Planning Commission. The Final Plat, upon approval, is recorded in the Office of the Register of Deeds of Lexington County and reflects the as-built subdivision in fully approved form.

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.

Right-of-Way Plan - The plan adopted by the Lexington County Planning Commission which defines and designates the various categories of roads within Lexington County according to potential right-of-way needs.

Road - The terms road, highway, street, avenue and the like shall be interchangeable as designators of vehicular byways providing access to individual parcels of property, and that pedestrian facilities, bridges, tunnels, viaducts, drainage structures and other appurtenances commonly considered as a component part of a road shall also be included in the definition of the term. A "road" shall be the physical embodiment of such a byway irrespective of prior platting or planning.

a. Private Road: Those roads not maintained by a county, municipality, or the State of South Carolina. No road shall be designated as a private road, unless:

1. In a new development, such proposed road is defined as such by action of the Lexington County Planning Commission upon its satisfaction as to the physical and legal maintenance of such road; or,
2. The road existed prior to January 10, 1979, and accesses two or more parcels of land under different ownership, but is not in the County, State, or Federal 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. Road Classifications:

1. Arterial - A street of regional importance or a main road of the community which is expected to carry either heavy vehicular traffic volumes or high-speed traffic or both, or which has been designated as an Arterial on the adopted Right-of-Way Plan.
2. Collector - A street which is used or intended to be used for moving traffic from Local streets to Arterials, or which has been designated as a Collector on the adopted Right-of-Way Plan. Collectors may carry high volumes of traffic and may include the principal entrance and circulation streets of a subdivision.
3. Local - A street which is used or intended to be used for access to abutting properties, or which has been designated as a Local street on the

adopted Right-of-Way Plan.

Road classifications and the limits to development on such roads are further defined in the Lexington County Zoning Ordinance.

Subdivision - The division of a tract of land or of a parcel of land into two or more lots 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,
- b. The need for drainage, sedimentation or flood control measures,
- c. The installation of a water delivery system, or
- d. The installation 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 recombination or combination of lots where the total number of lots does not increase, provided that in either case the development does not involve any of the activities referenced in items (a) through (d) above.

The term serial subdivision refers to the repeated subdividing of a larger, parent parcel over a period of time. This process generally includes the creation of individual parcels, periodically, without approval of a master, final, or summary plat.

The term simple subdivision, also referred to as simple split, is the creation of one net new lot. A simple split is allowed once per 12 months from a parent parcel. The creation of more than one new lot during this timeframe shall follow the plat submission and approval process.

When appropriate to the context, the term subdivision relates to the process of subdividing or to the land area being subdivided.

By legal definition, the term subdivision applies equally to proprietary ventures as well as familial division of property or deeds of distribution.

ARTICLE 3 - PROCEDURES

The process of obtaining approval for a subdivision is divided into two parts, approval of a Preliminary Plat and approval of a Final Plat, with an optional Bonded Plat approval.

Preliminary Plat approval is an approval by the staff of the Planning Commission which documents for the subdivider that what is proposed is in accordance with these regulations and he may proceed to improve the property. This is the approval for the layout and development of the subdivision before any land is sold or transferred.

Final Plat approval is awarded when the subdivider has fulfilled his obligations with regard to 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 Lexington County.

Summary Plat approval is a type of Final Plat approval in which the subdivision of the property does not include mass clearing and grading, water quality, and/or designed infrastructure by a professional engineer.

Master Plat approval is a type of plat, which is not recorded, but where the individual subdivision lots of are approved and recorded when conveyed. The infrastructure, if applicable, must be bonded or finalized prior to approval of the Master Plat.

Bonded Plat approval by the staff of the Planning Commission is an optional approval in which County Council may accept an agreement, with surety, prior to Final Plat approval so that lots may be conveyed prior to the completion of the infrastructure.

All plat types require the appropriate plat approval fee as adopted by the Lexington County Council prior to plat approval, unless the subdivision is located in a municipality.

3.10 Development Review Meeting

3.11 Development Review Meetings (DRMs) are required, unless otherwise exempt from development review and permitting, for proposed developments one acre or more in size; for proposed re-development projects; and for the proposed further subdividing of existing lots within established subdivisions containing stormwater infrastructure. Development Review Meetings are designed to explain the development review process and assist applicants in the successful navigation of procedures. Each Development Review Meeting will be attended by various review and permitting agencies, such as Zoning, Subdivision, Landscape and Open Space, Stormwater Management, Building Inspections and Safety, Public Safety, and Transportation. Development Review Meetings may be requested for projects less than one acre at the discretion of the applicant, developer, engineer, surveyor, property owner, or relevant staff.

3.20 Submission of Preliminary Plats

The following procedure shall govern the submission of Preliminary Plats to the Planning Commission:

- 3.21 Whenever any subdivision of land is proposed to be made and before any contract for sale, or any offer to sell said subdivision or any part thereof, is made, the subdivider, through his project engineer, shall file the necessary number of copies of the Preliminary Plat of said plan with the staff of the Planning Commission. The Preliminary Plat shall be prepared in accordance with the regulations set forth in Article 4 of this Ordinance and shall be submitted to the staff prior to starting any survey of streets and lots and before starting any land disturbance or construction work upon the proposed streets and before any plat of said subdivision is made in form suitable for recording. The staff of the Planning Commission shall determine whether a plat is in proper form and shall not receive and consider such a plat as filed until it is submitted in accordance with the requirements herein.
- 3.22 The Preliminary Plat shall be acted on immediately upon receipt of all required approvals and all plat requirements as detailed in Article 4. In no case shall action be delayed longer than 60 days (S.C Code § 6-29-1150 (C)).
- 3.23 The Preliminary Plat shall not be approved by the staff of the Planning Commission until all public and private agencies to which copies of the Preliminary Plat were forwarded have indicated concurrence with the proposed subdivision.
- 3.24 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 Planning Commission to determine the status of the project. Five one-year extensions of the Preliminary Plat approval will 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 this Ordinance that prohibit approval. Preliminary Plat approval may be revoked at any time by the Planning Commission should the subdivider fail to meet the criteria for development documented in the plat, or should one or more of the agencies involved in the approval process revoke their stated approval.
- 3.25 Developers that wish to obtain addressing, tax map numbers, and building permits at Preliminary Plat must conform to the applicable provisions of this Ordinance, as well as other local ordinances and adopted policies and procedures.

3.30 Submission of Bonded Plats (Optional)

The following shall govern the submission of Bonded Plats of subdivisions to the Planning Commission:

- 3.31 After the proposed subdivision has been prepared and a portion of required improvements have been made, in accordance with the approved Preliminary Plat, the subdivider shall submit the necessary copies of the Bonded Plat to the staff of the Planning Commission. The Bonded Plat shall be prepared in accordance with the stipulations of this Ordinance and the Lexington County Land Development Manual.
- 3.32 The Bonded Plat shall be acted on immediately upon receipt of all required approvals and all plat requirements as detailed in Article 4. In no case shall action be delayed longer than 60 days (S.C Code § 6-29-1150 (C)).
- 3.33 Upon the approval of the Bonded Plat by the staff of the Planning Commission, copies of the plats thus submitted shall be stamped with the appropriate certificate of the Planning Commission indicating Bonded Plat approval and returned to the subdivider for recording as the official Bonded plat of record in the Office of the Register of Deeds for Lexington County.
- 3.34 The Bonded Plat shall not be approved by the Planning Commission staff until all public and private agencies, to which copies of the Bonded Plat were forwarded have indicated approval of the Bonded Plat, including the necessary Lexington County, water, and wastewater permits for improvements noted thereon, and the developer has provided an agreement with surety to County Council to guarantee completion of the remaining improvements.

3.40 Submission of Final Plats

The following shall govern the submissions of Final Plats of subdivisions to the Planning Commission.

- 3.41 After the proposed subdivision has been prepared and the required improvements made in accordance with the approved Preliminary Plat, the subdivider shall submit the necessary copies of the Final Plat to the staff of the Planning Commission. The Final Plat shall be prepared in accordance with the stipulations of Article 4 of this Ordinance.
- 3.42 The Final Plat shall be acted on immediately upon receipt of all required approvals and plat requirements. In no case shall action be delayed longer than ~~30~~ 60 days (S.C Code § 6-29-1150 (C)).
- 3.43 Upon the approval of the Final Plat by the staff of the Planning

Commission, copies of the plats thus submitted shall be stamped with the appropriate certificate of the Planning Commission 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 Lexington County.

- 3.44 The Final Plat shall not be approved by the Planning Commission staff until all public and private agencies to which copies of the Final Plat were forwarded have indicated approval of the Final Plat including the necessary improvements noted thereon.
- 3.45 Final Plats, such as lots of record, consolidation of lots, or the simple subdivision of property (i.e., simple splits) may be reviewed and approved in an expedited manner know as Over-the-Counter Plat approval. For such approvals, lots that are less than one-acre in size must provide proof of public water and sewer or proof that the lot size will be able to support a properly functioning individual septic system as permitted by the South Carolina Department of Health and Environmental Control (DHEC). The Over-the-Counter Plat approval process shall not be used for further subdividing of lots within an existing subdivision or more than one simple subdivision per 12 months.

3.50 General Requirements

- 3.51 A record of all actions on subdivision plats shall be maintained as a public record upon Freedom of Information Act requests. This shall include the grounds for approval or disapproval and any conditions attached to the action.

3.60 Appeal of Action

- 3.61 Staff action, if such action is authorized, for either approval or disapproval of a subdivision may be appealed to the Lexington County Planning Commission by any party in interest. The Planning Commission shall act on the appeal within 60 days. Action of the Planning Commission is final.

Appeal of the decision of the Planning Commission in such cases may be taken to Circuit Court within 30 days after actual notice of the decision.

ARTICLE 4 - PLAT REQUIREMENTS

4.10 Preliminary Plat

The Preliminary Plat shall meet the minimum standards of design set forth in the Land Development Manual. In general, at least the following shall be included:

4.11 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.

4.12 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; cemeteries, burial grounds, and other cultural resources; and existing sewers, water mains, drains, culverts, or other underground facilities.
- b. Topographic contours may be required by the Community Development Director, Public Works Director, or their designee.

4.13 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 single-family residential use, location of lots which may obtain building permits at Preliminary Plat, and major contour changes in areas where substantial fill or cut 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 use.
- d. Provide flood statement, and show floodplain(s), wetland(s), and water quality buffer(s), if applicable.
- e. DHEC approval to construct water distribution and sanitary sewer systems and/or DHEC permits to construct for the installation of individual wells and/or septic tanks for each applicable lot.

4.20 Bonded Plat

The Bonded Plat shall conform substantially to the approved Preliminary Plat and also meet the minimum standards of design set forth in the Land Development Manual. In general, at least the following shall be included in addition to the information required on the Preliminary Plat.

4.21 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. This shall include the radius, central angle and tangent distance for the center lines of curved streets. Curved property lines shall show the arc or chord distance radii.
- c. All dimensions to the nearest one hundredth (0.01) of a foot and angles to the nearest minute.
- d. Location and description of all monuments.

4.22 Information to accompany Bonded Plat

- a. Lexington County approved engineer's cost estimate.
- b. Subdivision Agreement.
- c. Surety.
- d. DHEC approval to construct water distribution and sanitary sewer systems and/or DHEC permits to construct for the installation of individual wells and/or septic tanks for each applicable lot.
- e. Written statement from the water provider of ownership, operation and maintenance of water service facilities, to include fire hydrants and fire protection flows.

4.23 Certifications

A certification by the owner is required on all Bonded Plats. Information that must be included in this certification can be obtained from the Development Administrator, or his/her delegated representative, and should be executed on all applicable plats prior to the recording of the document.

4.30 Final Plat

The Final Plat shall conform substantially to the approved Preliminary Plat and/or Bonded Plat and also meet the minimum standards of design set forth in the Land Development Manual. In general, at least the following shall be included in addition to the information required on the Preliminary Plat.

4.31 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. This shall include the radius, central angle and tangent distance for the center lines of curved streets. Curved property lines shall show the arc or chord distance radii.
- c. All dimensions to the nearest one hundredth (0.01) of a foot and angles to the nearest minute.
- d. Location and description of all monuments.

4.32 Information to Accompany Final Plat

- 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 to operate water distribution and sanitary sewer systems and/or DHEC permits to construct for the installation of individual wells and/or septic tanks for each applicable lot.
- f. SC Department of Transportation encroachment permits for any driveways or roads accessing a state-maintained road.
- g. Written statement from the water provider of ownership, operation, and maintenance of the water service facilities, to include fire hydrants and fire protection flows.

4.33 Certifications

Various certifications by the owner are required on all Final Plats. In addition, projects that require County acceptance of public road and storm drainage improvements or projects that lie within a municipality shall require certifications by staff of Lexington County and the affected municipality.

Information that must be included in these certifications can be obtained from the Development Administrator, or his/her delegated representative, and should be executed on all applicable plats prior to the recording of the document.

ARTICLE 5 - GENERAL REQUIREMENTS OF THE SUBDIVISION

The subdivider shall observe the following requirements and principles of land subdivision.

5.10 Conformance to Right-of-Way Plan

All proposed subdivisions shall conform to the Right-of-Way Plan, or applicable portion thereof, which has been adopted by the Planning Commission.

5.11 Whenever a tract to be subdivided embraces any part of an Arterial, Collector or other road designated on the Right-of-Way Plan such part of the proposed road or right-of-way shall be platted in the location and the width indicated on the Plan.

5.20 Flood and Drainage Requirements

5.21 Flood Requirements

All development shall be subject to the provisions of the Lexington County Stormwater Management Ordinance and the Flood Damage Prevention Ordinance. All variances pertaining to the Flood Damage Prevention Ordinance shall be presented before the Planning Commission.

5.22 Drainage Requirements

General drainage requirements are located in the Lexington County Stormwater Management Ordinance and the Flood Damage Prevention Ordinance. Specific design criteria are included in the Lexington County Land Development Manual.

5.221 A drainage easement of sufficient width, as determined by the Director of Community Development, or his/her designee, shall be placed along all drainage ways. No structures shall be built within such easements without the permission of the Director of Public

Works, or his/her designee. In those instances where the natural drainage way is too large in size to be adequately protected by an easement, the subdivider shall designate the property as a reserve parcel on the subdivision plat. Such parcel shall be indicated on the Preliminary and Final Plats as: "Reserve Parcel: Not a legal building site."

5.30 Roads

The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area. All proposed streets shall be in accordance with the specific guidelines of the County for acceptance into its maintenance system, in alignment with existing planned or platted streets with which they are to connect, and shall be consistent with the following:

5.31 Road Names and Addressing

The selection of names for roads within subdivisions and the addresses assigned thereto shall be completed in accordance to the Addressing Ordinance and Road Naming Ordinances for Lexington County, and the guidelines developed for their implementation. The Addressing and Road Naming Ordinance is administered by the Lexington County Planning and GIS Department.

5.32 Street Signs

The subdivider shall install required traffic control and street name signs. The location and design of such signs shall be approved by the Director of Public Works, or his/her designee. Street name signs shall be installed at all intersections within a subdivision.

5.33 Street Layout

5.331 The street layout may include minor streets of considerable continuity, approximately parallel to and on each side of each major thoroughfare to avoid lots fronting on such thoroughfares.

5.332 The subdivision design must include a turn-around on some roads based on total length and number of lots. In general, there shall be a turn-around or intersection for every 2000 feet in a subdivision. This restriction may be waived or amended by the Director of Public Works, or his/her designee, as conditions warrant. More restrictive criteria apply to private, unpaved road subdivisions, as described in the Land Development Manual and the Private Road Policy.

5.333 When alleys are proposed within a residential subdivision, they should be designed for the primary purpose of carrying service traffic and provide a safe intersection with other roads as applicable.

- 5.334 All streets and alleys shall intersect at right angles (90 degrees) or as nearly thereto as possible. No street shall intersect any other street at an angle of less than 75 degrees (angle of intersection to be measured at the junction of the street center lines).
- a. The center lines of not more than two streets shall intersect at any one point.
 - b. Street jogs are to be avoided, but, where unavoidable, street jogs at intersections shall have a center line off-set of not less than 150 feet.
- 5.335 All specifications regarding the installation of County roads within a subdivision shall be determined by the Director of Public Works, or his/her designee, which shall approve all materials and construction practice, pavement and right-of-way widths, grades, vertical and horizontal curves, and any other design requirements for roads not specifically noted in these regulations.
- 5.336 Wherever a tract to be subdivided is proposed to ingress and egress from or onto an existing road of exceptional vertical or horizontal fluctuation, the Director of Public Works, or his/her designee, taking into account traffic volume and speed, shall determine the appropriate point or points for such ingress and egress.
- 5.337 Traffic calming measures such as road width or layout, speed humps, or islands on streets proposed to be county-maintained may be developed only upon approval of County Council.

Such measures in private road subdivisions may be considered with the approval of the Director of Public Works, or his/her designee.

5.40 Lots

The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated, and shall be consistent with the following standards:

- 5.41 Every lot shall have access to an approved road.
- 5.42 Minimum lot sizes shall be determined through compliance with the Lexington County Building Code Ordinance, Lexington County Zoning Ordinance, and regulations of the State Department of Health and Environmental Control, which govern the use of individual wells and septic tanks.
- 5.43 Each proposed lot for residential use shall include plans for the development of a private driveway serving said lot. Driveways shall be

located, designed and constructed in accordance with the Lexington County Zoning Ordinance and the Land Development Manual to ensure adequate sight distance and corner clearance.

5.50 Subdivision Name

Subdivision names are subject to the approval of the Development Administrator, or his/her delegated representative. 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.

5.51 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 zoning and building permits.

5.60 Improvements

The following improvements are required in all subdivisions in addition to the other requirements stipulated in this Ordinance and according to the provisions listed for each:

5.61 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 State Department of Health and Environmental Control.

5.62 Waste Disposal

All lots within a subdivision shall be provided a sanitary means of waste disposal approved by and installed according to the specifications of the State Department of Health and Environmental Control.

5.63 Hydrants

All subdivisions which have water systems 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 Lexington County. The installation of the hydrants shall also meet the minimum requirements of the water service provider, if they are more restrictive.

5.64 Optional Improvements

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

5.641 Curbs and Gutters

Curbs and gutters, where not specifically required by the Land Development Manual as a drainage control device, may be installed along the streets in a subdivision according to the specifications of the Lexington County Land Development Manual and may be accepted by the County for maintenance as a part of the street system.

5.642 Sidewalks

Sidewalks may be installed by the subdivider within the subdivision, provided they meet published standards, including but not limited to, Americans with Disabilities Act (ADA). Engineered drawings submitted as part of the review process must include any proposed sidewalks. The location of sidewalks with respect to the right-of-way and the perpetual maintenance of sidewalks shall be in accordance with County policy. The location of sidewalks must be indicated on Preliminary, Bonded, and Final Plats and conform to provisions of the Lexington County Land Development Manual.

5.643 Street Trees and Furniture

If the subdivider wishes to include trees or furniture along the street to enhance the appearance of the subdivision, such trees or furniture shall be indicated on the Preliminary Plat. The location of trees and/or furniture, as well as the specimen of trees, shall be approved by the Director of Public Works, or his/her designee, to ensure that there will be no future conflict with the vision of motorists, pedestrians, etc., or with utilities. Street tree plantings should conform to applicable sections of the Lexington County Landscape and Open Space Ordinance.

5.644 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 Plat.

5.645 Street Lighting

Street lights may be installed by the subdivider, provided that:

- a. If such lights are placed within the street right-of-way, they shall not be a part of the total improvements in such right-of-way accepted by the County for maintenance; and,
- b. The location of all proposed street lights must be indicated on the Preliminary Plat. Such lights are subject to the Light and Glare provisions of the Lexington County Zoning Ordinance.

5.646 Crosswalks

The subdivider may incorporate public crosswalks into the design, provided that:

- a. Such crosswalks are indicated on the Preliminary Plat, Bonded Plat, and Final Plat; and,
- b. Such crosswalks are constructed according to the standards of the Lexington County Land Development Manual and/or other published standards, such as but not limited to, ADA, and approved by the Director of Public Works, or his/her designee.

5.647 Bike Trails and Pedestrian Ways

The subdivider may wish to delineate trails and paths through the subdivision for bicyclists or pedestrians. Such trails shall be perpetually maintained by the subdivider or a form of Homeowners Association. These proposed trails and paths must be indicated on the Preliminary Plat and Final Plat.

5.70 Variance from the Requirements of this Ordinance

A variance may be granted by the Lexington County Planning Commission where it can be shown that there are extraordinary hardships in the way of complete compliance with this Ordinance.

5.71 Standards for Variances

The following standards for variances must be considered by the Lexington County Planning Commission when deliberating a variance request:

- a. There are extraordinary and exceptional conditions pertaining to the property or properties.
- b. These conditions do not generally apply to other properties in the vicinity.
- c. Because of these conditions, the application of this Ordinance to the particular property or properties would effectively prohibit or unreasonably restrict the utilization of the property or properties.
- d. The authorization of this variance would not be a substantial detriment to adjacent property or the quality of life for the residents of the County.
- e. When deliberating a variance request, financial hardships, alone, cannot be considered for the basis of a variance.

5.72 Extent of Relief Granted

The Lexington County Planning Commission shall only hear variance requests associated with design criteria and may grant less relief when deliberating a variance request, but not more relief than formally requested by the applicant. The Planning Commission may also consider other design alternatives and/or considerations when deliberating variance requests.

5.73 Resubmittal of Variance Requests

A variance request which has been wholly or partially denied cannot be resubmitted within 12 months from the date of the previous corresponding application. Resubmittal means application for relief from the same or similar kinds of requirements for the same activity on the same property. The Lexington County Planning Commission may publicly discuss concerns and publicly direct the applicant to present revisions to address the concerns at a subsequent regularly scheduled Planning Commission meeting for further consideration.

5.80 Appeal of Staff Action

Staff action(s), if such action(s) is authorized for either approval or disapproval of provisions contained within this Ordinance may be appealed to the Lexington County Planning Commission by any party of interest. The Planning Commission shall act on the appeal within 60 days of the request.

5.90 Application for Appeal or Variance

A written application for an appeal or variance shall be filed with the Development Administrator, or his/her designee, by the property owner, his/her designated agent, or the aggrieved party. Copies of the application, and accompanying information, shall be transmitted to the Director of Planning and GIS to provide the Commissioners. A fee established by County Council shall accompany every application, if applicable.

5.100 Public Notice

Fifteen (15) days prior to the scheduled Planning Commission meeting, property owners directly affected by a Private Road Policy variance request associated with an existing private road shall be notified by the Development Administrator, by standard mail, of the proposed variance request and the time, date, and place of the meeting. The public notices are limited to those residing on or legally accessing the existing private road.

5.110 Appeal of a Decision of the Planning Commission

Any person or party with a substantial interest in a decision of the Lexington County Planning Commission regarding an appeal or variance of this Ordinance may appeal any decision of the Planning Commission to the Circuit Court. Such appeal shall be filed with the Circuit Court within 30 days after the final vote on the matter is taken during the Planning Commission meeting for which the appeal or variance is heard.

ARTICLE 6 - 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 developer.

6.10 Preliminary Plat

- 6.11 Prior to Preliminary Plat submission, the tract shall be considered as a legal building site under single ownership and shall be accorded all rights and privileges for development as a single unit of land with regard to the Lexington County Land Development Manual, building permits and the transfer of ownership.
- 6.12 At the time of Preliminary Plat submission, the intent of the subdivider is officially recognized. No building permits may be issued until such time as the Preliminary Plat is approved. No ownership transfer, save of the entire tract, shall be recognized until Bonded or Final Plat approval is received. The subdivider may apply for a land disturbance permit to perform incidental site preparation prior to approval of the Preliminary Plat.
- 6.13 Upon the granting of Preliminary Plat approval, addresses, tax map numbers, and building permits may be issued for lots within the subdivision, provided the developer completes an application to receive addresses and tax map numbers at Preliminary Plat, records a restrictive covenant declaration with the Lexington County Register of Deeds Office adhering to the current policy, and abides by all provisions set forth in the application and other applicable ordinances. There is a limitation to five building permits under Preliminary Plat, per development. Building permits may be issued only for lots which front on an existing publicly maintained road, or on a road under construction that can accommodate emergency vehicles and noted on plats for approval.
- 6.131 Preliminary Plat approval shall grant approval to the subdivider for the installation of all improvements within the subdivision and he may proceed to install roads, water lines, sewer lines, and the like, in accordance with the Preliminary Plat.

6.20 Bonding

In lieu of completing the physical development and installation of the required improvements prior to Final Plat approval and recording, County Council may accept a subdivision 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 subdivision agreement and surety.

- 6.21 The nature of the surety and procedures shall be as determined by the County Council to ensure that, in the event of default by the developer,

funds will be used to install the required improvements at the expense of the developer.

6.211 A Subdivision Agreement document will be executed for all bonded projects and surety shall be posted in the form of a letter of credit, certified check, or cash in an amount equal to 125 percent of the cost of the improvement.

6.22 The bonding of a subdivision project prior to Final Plat approval shall authorize the sale, conveyance or transfer of lots within the subdivision, in addition to the use of the lots as legal building sites.

6.221 One reduction of the bond (surety) amount prior to Final Plat approval may be accomplished upon the recommendation of the Director of Community Development, or his/her designee, based upon portions of the public improvements being adequately installed. Additional bonding information can be found in the Land Development Manual.

6.23 A Final Plat is required to be submitted for approval after the Bonded Plat, when the infrastructure has been completed.

6.30 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.

6.31 County acceptance for maintenance of the required public improvements shall occur upon recording of the Final Plat. All improvements to be accepted by the County for public maintenance shall be indicated as such on the Final Plat.

ARTICLE 7 - COVENANTS

- 7.10** The subdivider may desire to restrict the use of lots within the subdivision, guarantee a minimum building floor area, control the use of fencing or landscaping, or in other ways control the development of the subdivision by recording covenants or deed restrictions applicable to every lot within the subdivision.
- 7.11 Such covenants or restrictions shall not violate any law existing within the County or the State of South Carolina.
- 7.12 Such covenants or restrictions should be recorded before or at the recording of the Final Plat of the subdivision, or, if the subdivision is bonded, at the time of the acceptance of the bond by the County.
- 7.13 Enforcement of covenants and deed restrictions is solely the responsibility of the developer and/or homeowners. County staff cannot legally enforce this private contract.

ARTICLE 8 - LEGAL STATUS

8.10 Violation and Penalty

8.11 In accordance with the laws of the State of South Carolina, no subdivision plat for development within the jurisdiction of this Ordinance may be filed or recorded in the Office of the Register of Deeds, and no building permit may be issued until the plat or plan bears the stamp of approval and is properly signed by the designated authority.

8.111 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.

8.12 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 Lexington 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.

8.13 After notification of the adoption of this Ordinance, the Office of the Register of Deeds for Lexington County shall not accept, file, or record any subdivision plat which has not been approved by the Planning Commission as required under this Ordinance.

8.131 Should any public official violate these provisions he/she shall, in each instance, be subject to the same penalty as provided in Section 8.111 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.

8.20 Enforcement

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

8.30 Conflict with Other Laws

In interpreting and applying the provisions of this Ordinance, the requirements shall be considered as the minimum requirements for the subdivision of land within the jurisdiction of Lexington County. It is not the intent of this Ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes 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 this Ordinance shall prevail.

8.31 All ordinances and resolutions regulating the subdivision of land adopted prior to the effective date of this Ordinance are hereby repealed.

8.40 Separability

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance 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.

8.50 Amendment

Amendments may be proposed by Lexington County Council or the Lexington County Planning Commission. This Ordinance may be amended in the same manner as adopted, after a public hearing, giving at least a 30-day notice of the time and place by publication in a newspaper of general circulation in the County.

8.60 Effective Date

This Ordinance shall take effect and be enforced from and after November 30, 2021, the public welfare demanding it; provided, however, this Ordinance shall not apply to any subdivision or part thereof as to which design approvals have heretofore been obtained from the appropriate governmental agencies. Upon enactment of an amendment by County Council, the Development Administrator, or his/her delegated representative, shall immediately cause said amendment to be inserted into the text of this Ordinance.

APPENDIX - STANDARDS AND POLICIES

The following Standards and Policies, while not a part of the official text of the Lexington County Subdivision Ordinance, are furnished as applicable guidelines to be used in conjunction with the Subdivision Ordinance as stated in Section 1.10 of said Regulations.

Table of Contents

I. Installation of Fire Hydrants in New Subdivisions.....25
II. Private Road Policy26
III. Access Policy.....32
IV. Road Section Criteria for Private Roads.....46

Lexington 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 percent 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

Fire Hydrant Installation, Maintenance and Operation Agreement

The developer shall construct and install all necessary fire hydrants, and associated equipment to provide adequate water flows for fire protection. Upon completion and acceptance of the fire hydrant system, the water service provider shall operate and maintain the fire hydrant system. A signed agreement between the developer and water service provider shall be provided to the Development Manager, or his/her designee, prior to Bonded Plat Approval.

Effective Date: November 13, 2002; Amended November 30, 2021



Lexington County Planning Commission

County Administration Building (803) 785-1454
212 South Lake Drive, Suite 302 Lexington, South Carolina 29072

Private Road Policy

[November 30, 2021]

PRIVATE ROAD SUBDIVISIONS - NEW CONSTRUCTION:

“Private road subdivisions” shall follow the same submission and platting procedures as outlined in the Lexington County Subdivision Ordinance for standard subdivisions. The Lexington County Planning Commission is authorized by those regulations to approve such a project only upon its satisfaction as to the physical and legal provisions for maintenance of the roads in the subdivision. The Commission requires a review of the **PRELIMINARY PLAT**, engineering plans, and documents by the staff of Lexington County to determine compliance with all applicable County Ordinances. The road layout, road design, and storm drainage design shall conform to the requirements in the Lexington County Land Development Manual implemented by the Director of Community Development, or his/her designee. A Land Disturbance Permit is required for this construction. Alternative designs utilizing narrower roads and reduced rights-of-ways can be found within the publication called *Road Section Criteria for Private Roads*.

A new private road accessing an unpaved County road or unpaved private road may be unpaved but shall be constructed to the same standard as a paved County road. The maximum number of lots accessing any unpaved private road(s) is determined by provisions of the Land Development Manual but in no case shall be more than 10 lots.

ROAD AGREEMENT: A road maintenance agreement draft 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 3 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 Planning Commission.

BONDED PLAT: A developer may request a Bonded Plat Approval prior to Final Plat Approval by following the bonding requirements in the Subdivision Ordinance and the Lexington County Land Development Manual. The approved Road Maintenance Agreement shall be executed and recorded with the approved Bonded Plat.

FINAL PLAT: “Final Plat Approval” is granted on the same basis as a standard subdivision with the addition of the Road Maintenance Agreement (if not previously recorded with the Bonded Plat).

NEW PRIVATE ROAD SUBDIVISIONS – EXISTING SURFACES PROPOSED:

The following are the minimum standards for private roads utilizing existing unpaved or paved (but not to County standard) surfaces:

- a. For unpaved roads, access must be from an existing publicly or privately maintained unpaved road unless the subdivision is being proposed to settle family affairs, or a hardship situation, and the road is existing with less than 10 lots using it. If the access is from another existing unpaved private road, the total lots on both roads combined must be 10 or less.
- b. Maximum road length shall be 2000 feet.
- c. Minimum road right-of-way or easement width shall be based on the following: three lots, 20 feet minimum; 4 to 10 lots, 30 feet to 50 feet minimum. In all instances when accessing a State maintained paved road, the right-of-way or easement at the intersection of the State right-of-way must conform to SC Department of Transportation requirements.
- d. There shall be a maximum of 10 lots using the roadway for access in familial subdivisions only; other subdivisions must comply with the ADT requirements of the Land Development Manual but in no case shall be more than 10 lots.
- e. The following road criteria must be met:
 - * The geometric layout shall be considered safe by the Director of Public Works, or his/her designee.
 - * 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 stormwater will be directed away from the roadway.
 - * A sufficient area for turning around near the end of the road if available should be included.
 - * The appropriate signage shall be installed at the expense of the subdivider.
 - * Non-paved “through roads,” which connect existing roads, are not allowed.
- f. A Road Maintenance Agreement shall be required. It must be initiated and signed by the property owner wishing to subdivide and any other property owners willing to sign.

If these standards 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 existing surfaces must demonstrate the ability to ensure road, utility, and storm drainage maintenance, and to accommodate access by service vehicles, school buses, and emergency vehicles. Special considerations may be given if the subdividing is being ordered by a Probate Judge to settle an estate.

Plat review and approval procedures for newly established private roads using existing surfaces are the same as those for new construction of private roads. The Road Maintenance Agreement should be modified to suit the particular needs of the project. For instance, in family situations the collection of escrow, annual dues, and association formation may be omitted.

SUBDIVIDING ON AN EXISTING PRIVATE ROAD: The subdividing of a parcel on an existing private road, whether in a subdivision or not, shall be subject to the above minimum standards for existing surfaces and may be subject to a review of additional items by the staff and/or Planning Commission. Some of those issues are as follows:

1. If the existing private road or subdivision pre-dates 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 or a separate RMA must be executed to include the subdivider's property. Such action shall be considered a pre-requisite to the implementation of any approvals granted by the staff or the Planning Commission.
4. The total number of allowed lots in the subdivision will be addressed at this time, if not previously considered.

CONDITIONS OF APPROVAL: Private road subdivision approval granted by the Commission or staff will remain valid for up to five (5) years from the date of issuance for the subdivider to begin the approval process. An approval is transferable to a subsequent landowner(s) within the 5 year period provided that all conditions of the approval are met.

Planning Commission's approval of the subdividing of a lot or lots does not exempt any private Covenants and Restrictions, which prohibit the subdividing of a lot or lots.

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 of 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 Lexington 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 Lexington 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 Lexington County standards, it will not be the responsibility of Lexington 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 ensure 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 Lexington 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.

Access Policy – Effective: November 30, 2021

LEXINGTON COUNTY PLANNING COMMISSION ACCESS POLICY

PURPOSE:

THIS ACCESS POLICY IS ESTABLISHED TO GUIDE THE COMMUNITY DEVELOPMENT STAFF AS THEY INTERPRET AND ENFORCE THE LEXINGTON COUNTY SUBDIVISION REGULATIONS RELATIVE TO THE MANNER AND EXTENT OF SUBDIVISION ALLOWED WITHOUT THE PROVISION OF NEW ROADS. THIS POLICY WILL BE IMPLEMENTED BY THE STAFF WITH ANY PROPOSED VARIANCES IN THIS POLICY PRESENTED TO THE PLANNING COMMISSION FOR A VOTE.

THIS POLICY HAS ALSO BEEN ESTABLISHED TO ENSURE THOUGHTFUL SUBDIVISION THAT DOES NOT NEEDLESSLY BURDEN EXISTING ROADS. IT TAKES STEPS TO ENSURE THAT LANDOWNERS HAVE ACCESSIBLE, MAINTAINABLE DRIVEWAYS. FACTORS SUCH AS ELEVATION, DRAINAGE, SLOPE, DIRECTION, VELOCITY, AND QUANTITY OF WATER WILL BE TAKEN INTO ACCOUNT IN DETERMINING THE SUITABILITY OF A FLAG LOT OR ACCESS EASEMENT. IN ADDITION, THE ABILITY FOR TWO VEHICLES TO SAFELY PASS OR AN EMERGENCY VEHICLE TO TRAVERSE THE ROAD WILL BE CONSIDERED.

A PRIMARY CONCERN WILL BE MINIMIZING POTENTIAL DAMAGE TO A PUBLIC ROAD RIGHT-OF-WAY. THE MAINTAINABILITY OF THE FLAG LOT OR ACCESS EASEMENT SERVING AS A DRIVEWAY WILL BE A SECONDARY CONCERN.

CRITERIA:

ON THE FOLLOWING PAGES ARE THE SPECIFIC CRITERIA OF THIS 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.

AS INDICATED ABOVE, IN ADDITION TO THE SPECIFIC ACCESS CRITERIA, THE STABILITY AND MAINTENANCE OF THE DRIVEWAY WILL BE ADDRESSED DURING STAFF REVIEW. THE SLOPE, SOIL, TYPE, AND LENGTH OF THE DRIVEWAY WILL BE TAKEN INTO CONSIDERATION, AS WELL AS THE VOLUME, VELOCITY, AND DIRECTION OF THE STORMWATER RUNOFF.

DRIVEWAYS MEETING THIS ACCESS POLICY WILL TYPICALLY BE DESIGNED WITH A MAXIMUM SLOPE OF 5-10 PERCENT, BASED ON THE SOIL TYPE AND DEMONSTRATED WATER VELOCITY. IF THE REQUIRED SLOPE CANNOT BE MET, STABILIZATION MEASURES WILL BE REQUIRED WHEREVER POSSIBLE. THE ACCESS SHOULD SLOPE AWAY FROM ANY INTERSECTING PUBLICLY-MAINTAINED ROAD.

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 ROAD 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 SEE APPROACHING TRAFFIC FROM BOTH DIRECTIONS WITHOUT OBSTRUCTION.

REV. 6/10/2009

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. AN APPROVED ENCROACHMENT PERMIT FOR SUCH ACCESS MUST BE SUBMITTED TO THE COUNTY OF LEXINGTON PRIOR TO THE APPROVAL OF A SUBDIVISION PLAT. THERE SHALL BE A MINIMUM OF 50 FEET PROVIDED FOR ACCESS ALONG STATE MAINTAINED ROADS. THIS 50 FOOT ACCESS MAY TAPER TO A LESSER WIDTH AS ALLOWED BY THE ACCESS POLICY.

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, PO BOX 191
COLUMBIA, SC 29202-0191

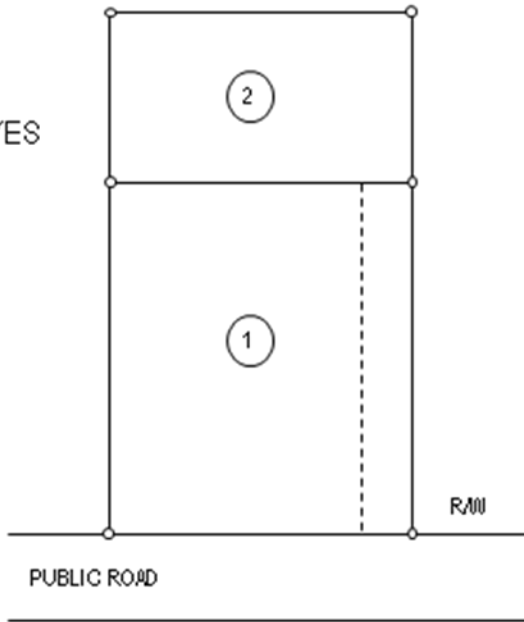
www.scdot.org

FOR INFORMATION ON ENCROACHMENT PERMITS, PLEASE CONTACT:
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
DISTRICT ONE ENGINEERING
1400 SHOP ROAD
COLUMBIA, SC 29201
(803) 737-6660

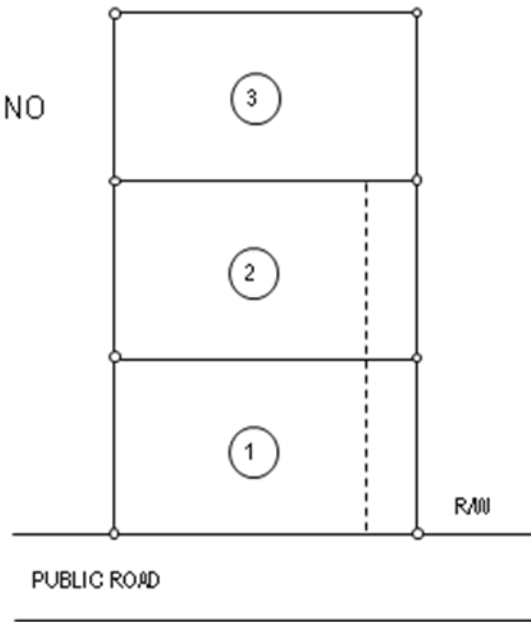
2.

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



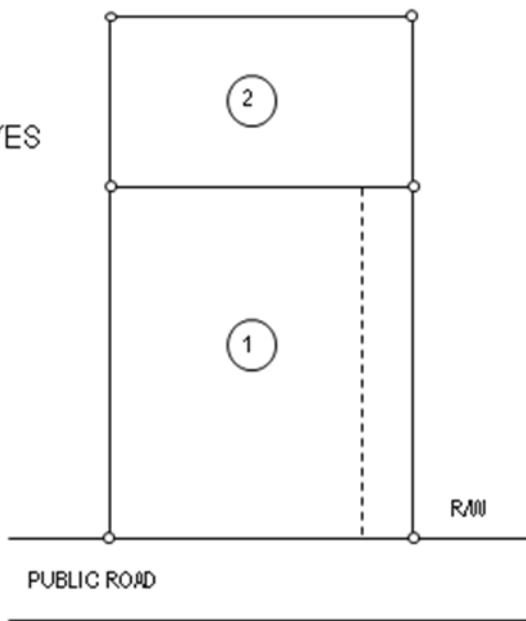
NO



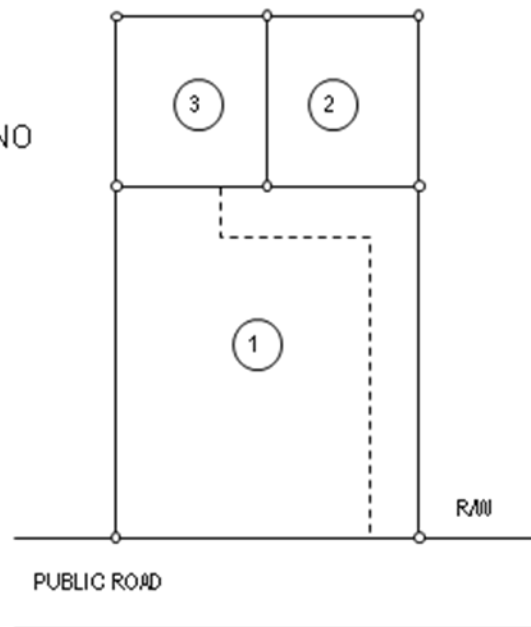
3.

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

YES



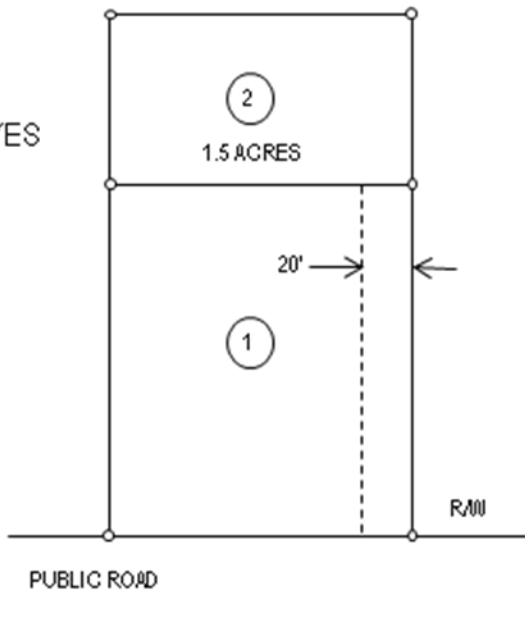
NO



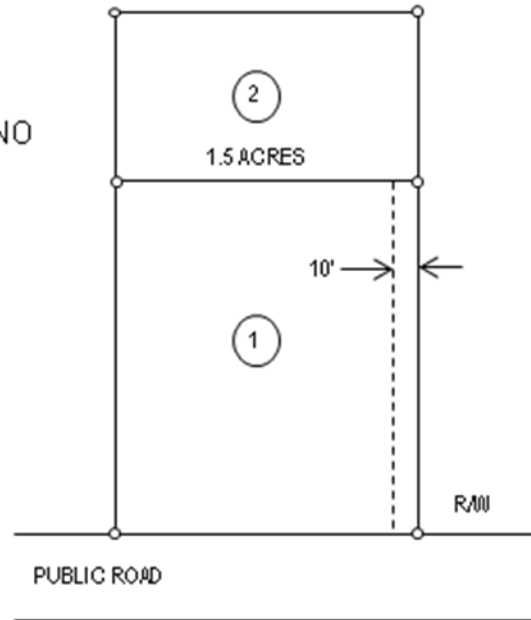
4.

AN ACCESS EASEMENT SERVING A LANDLOCKED PARCEL LESS THAN 2 ACRES SHALL BE AT LEAST 20 FEET WIDE ALONG ITS ENTIRE LENGTH.

YES



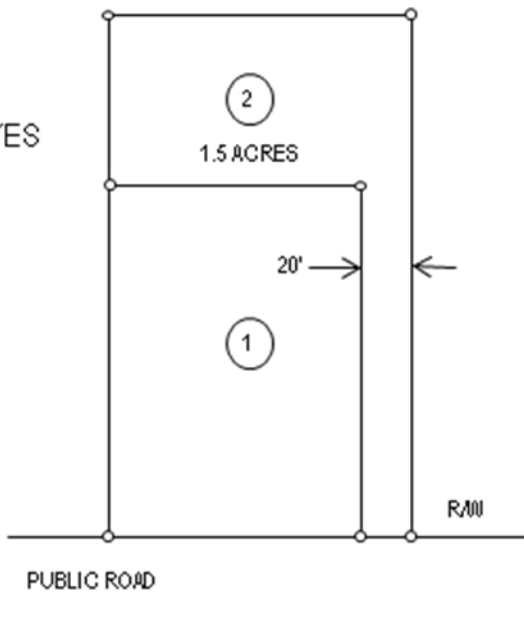
NO



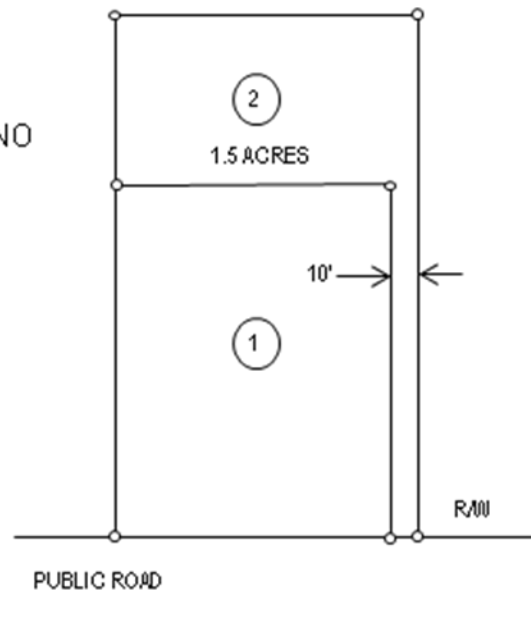
5.

THE DRIVEWAY PORTION OF A FLAG LOT SERVING A PARCEL LESS THAN 2 ACRES SHALL BE AT LEAST 20 FEET WIDE ALONG ITS ENTIRE LENGTH.

YES



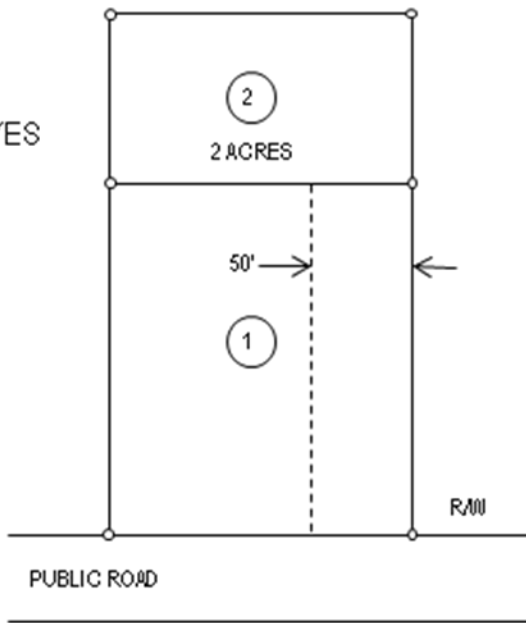
NO



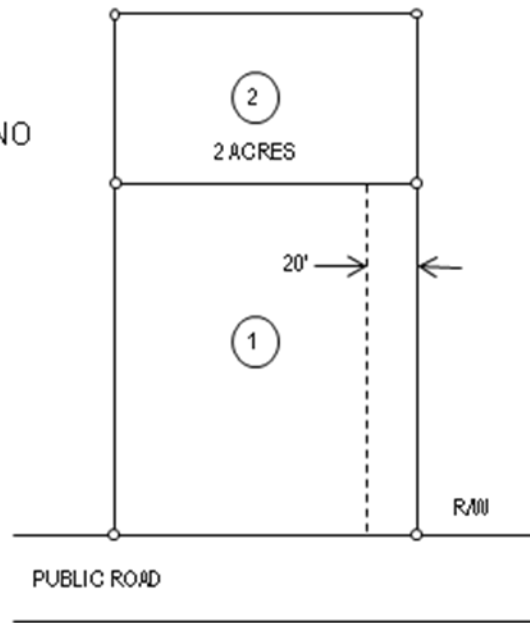
6.

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

YES



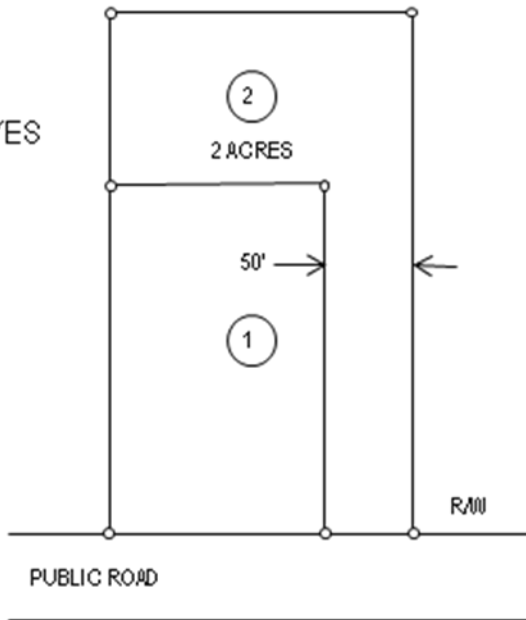
NO



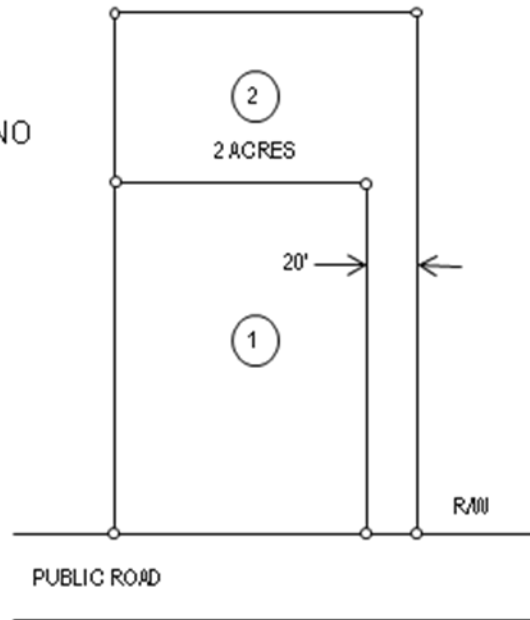
7.

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

YES



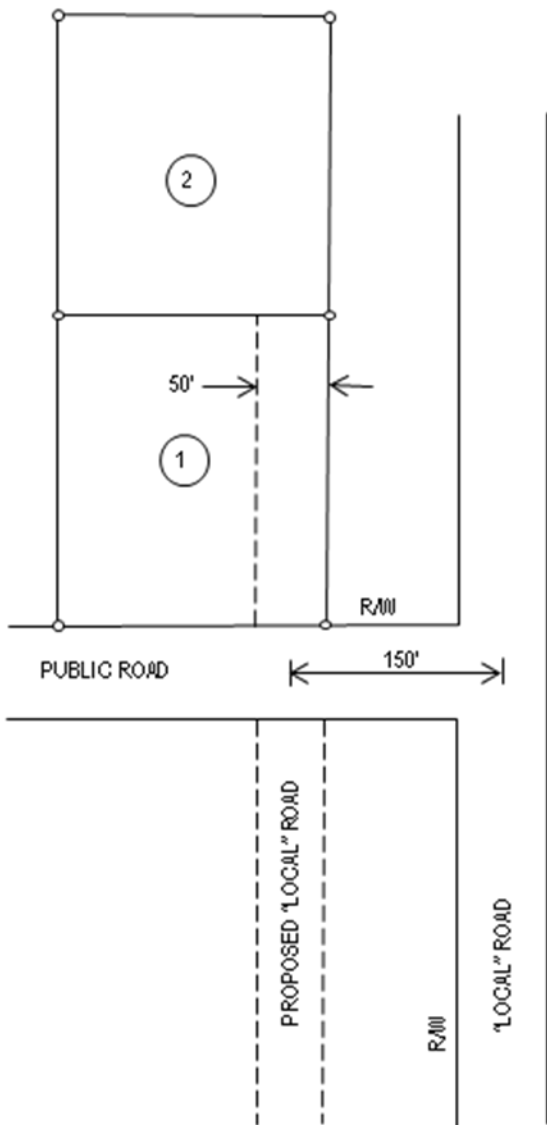
NO



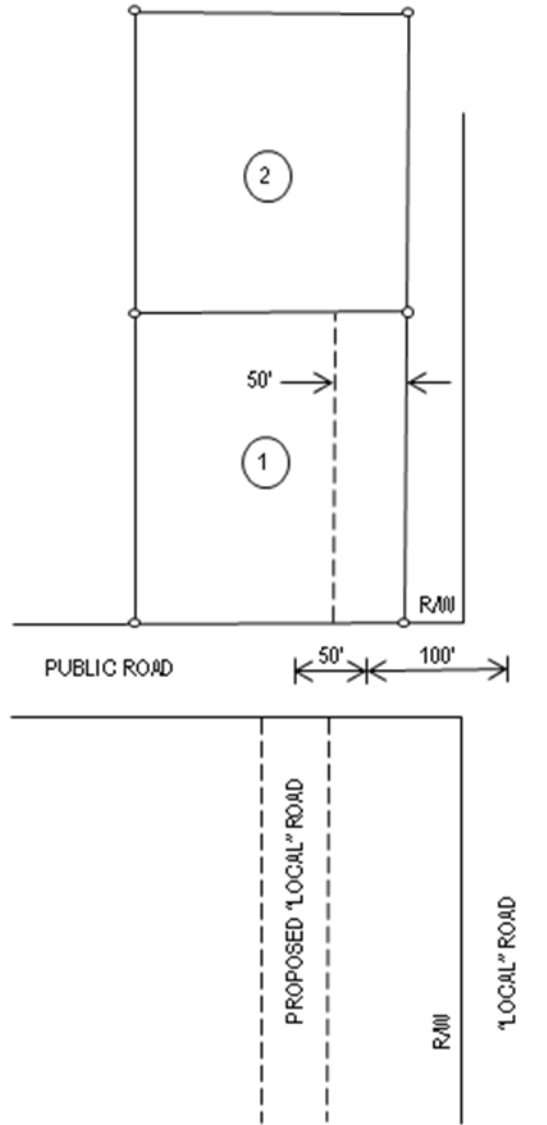
8.

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

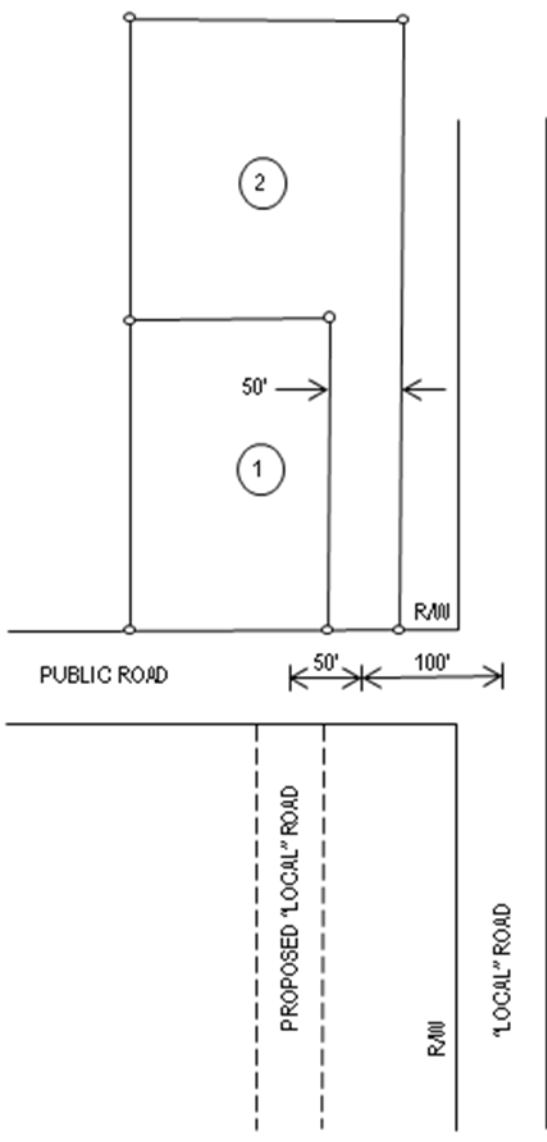
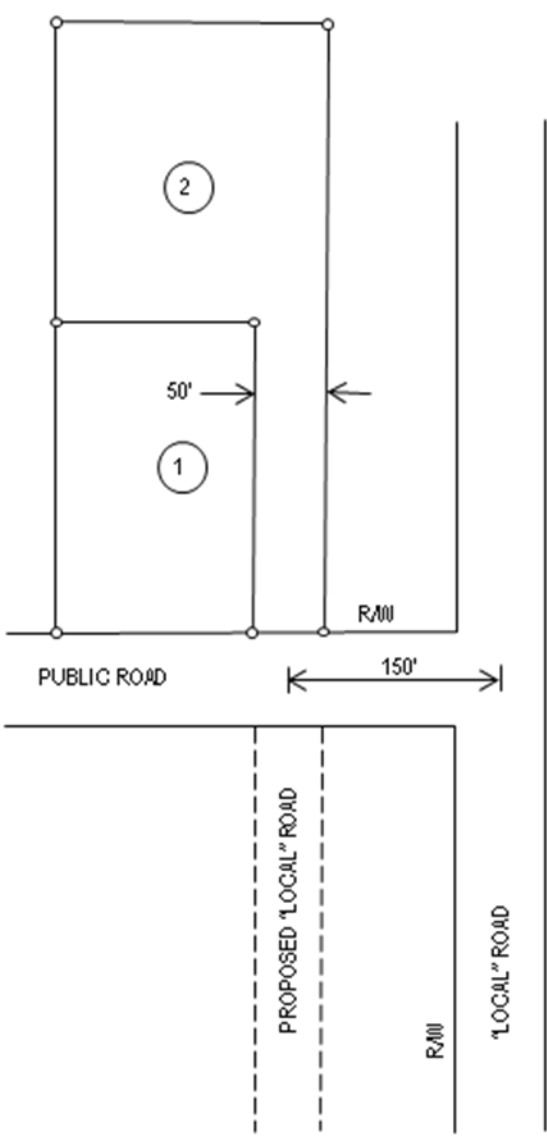


9.

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

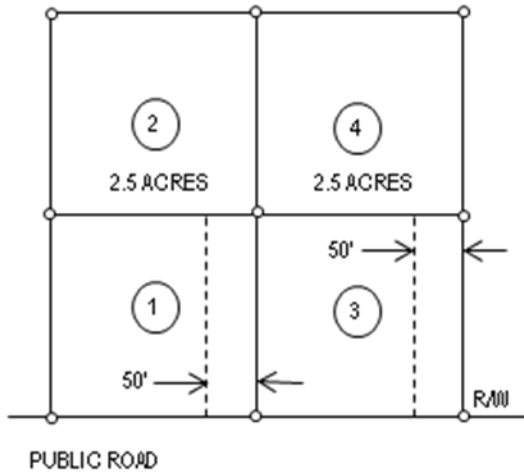
NO



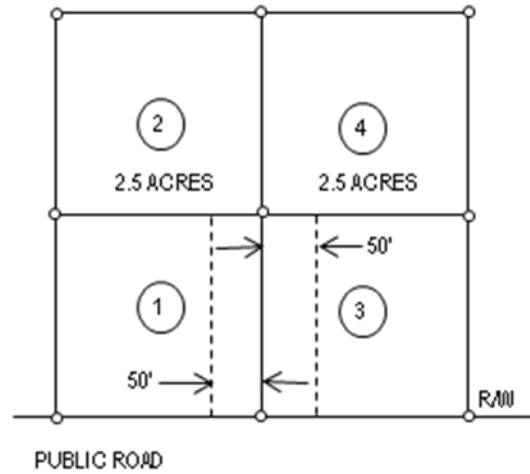
10.

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

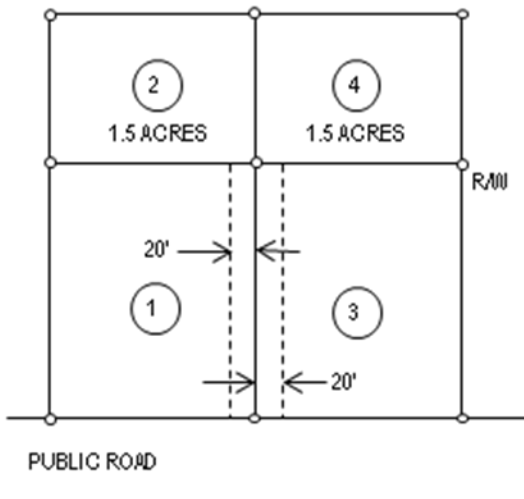
YES



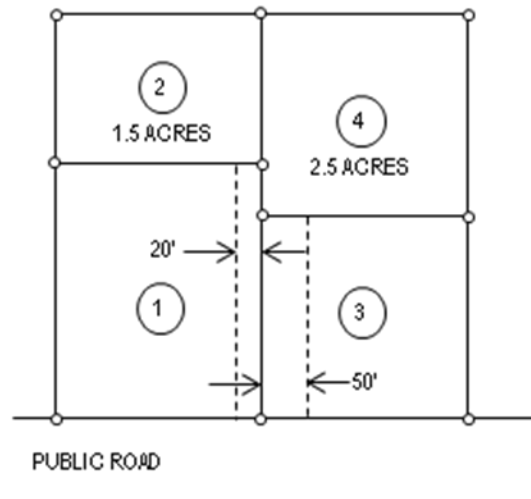
NO



YES



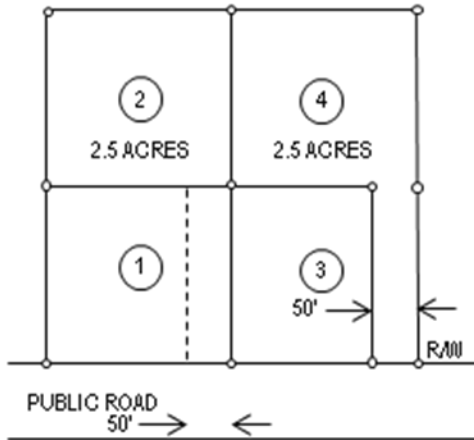
NO



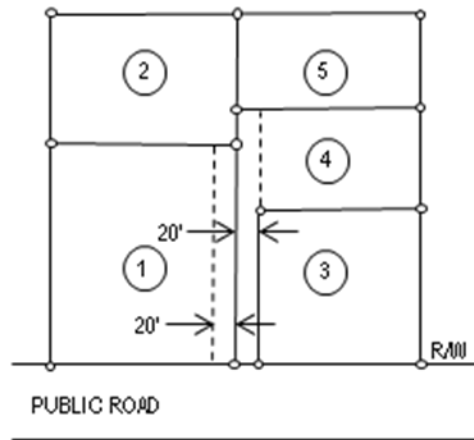
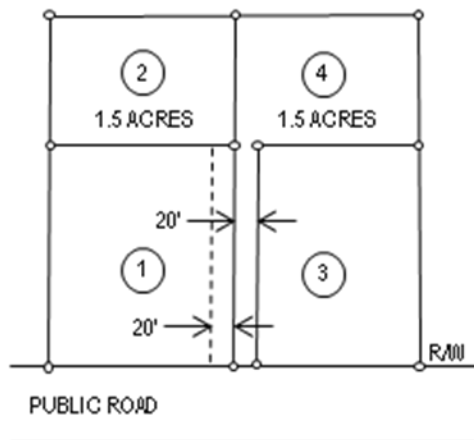
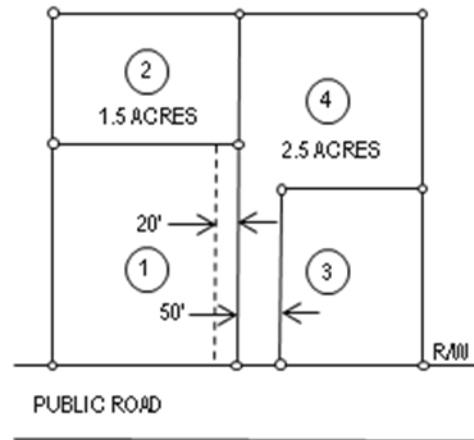
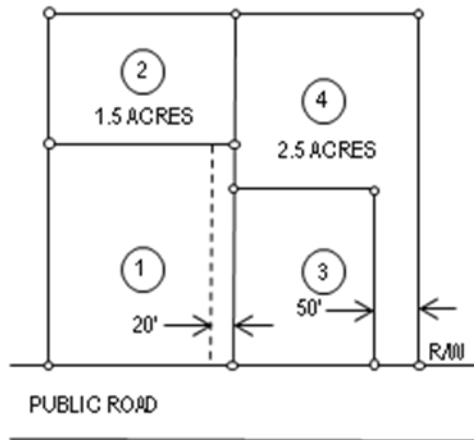
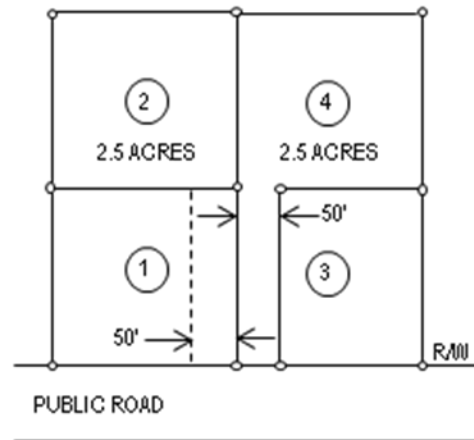
11.

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



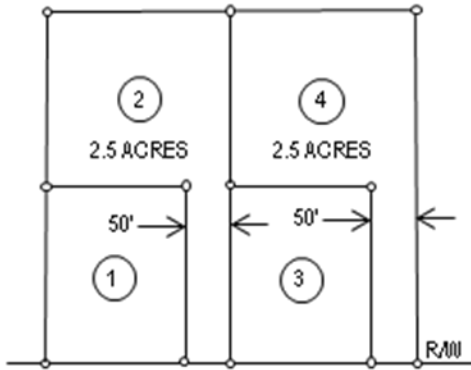
NO



12.

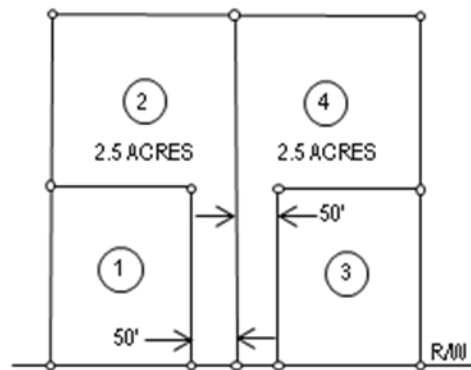
THE DRIVEWAY PORTION OF A FLAG LOT MAY NOT BE CONTIGUOUS TO THE DRIVEWAY PORTION OF ANOTHER FLAG LOT UNLESS BOTH FLAG LOTS ARE LESS THAN 2 ACRES EACH. THE DRIVEWAY PORTION OF FLAG LOTS SO PAIRED MAY NOT SERVE AS ACCESS EASEMENTS FOR OTHER PARCELS.

YES

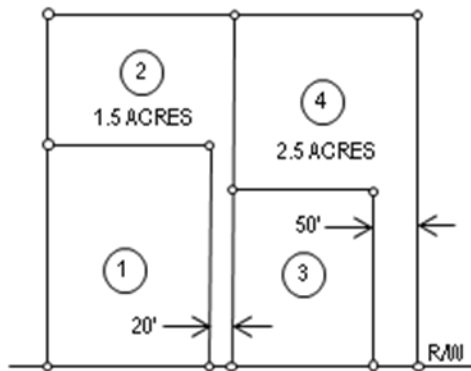


PUBLIC ROAD

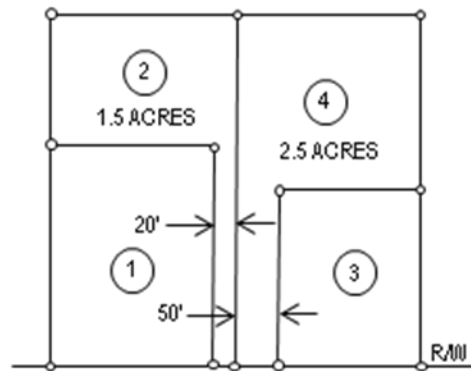
NO



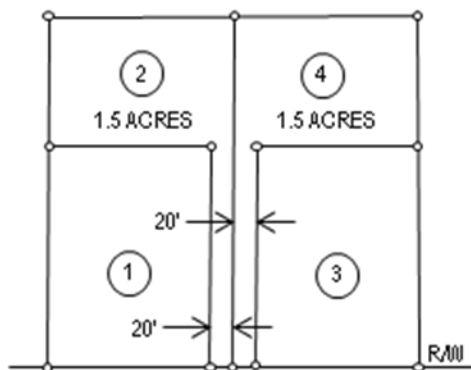
PUBLIC ROAD



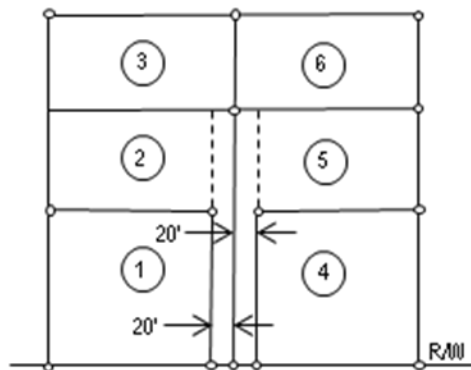
PUBLIC ROAD



PUBLIC ROAD



PUBLIC ROAD

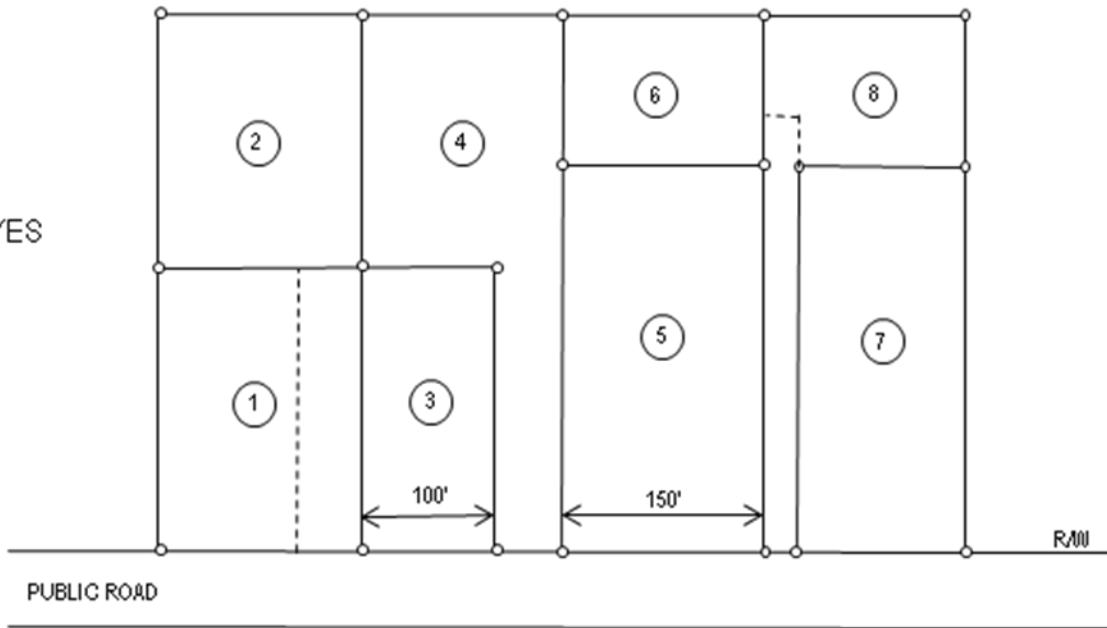


PUBLIC ROAD

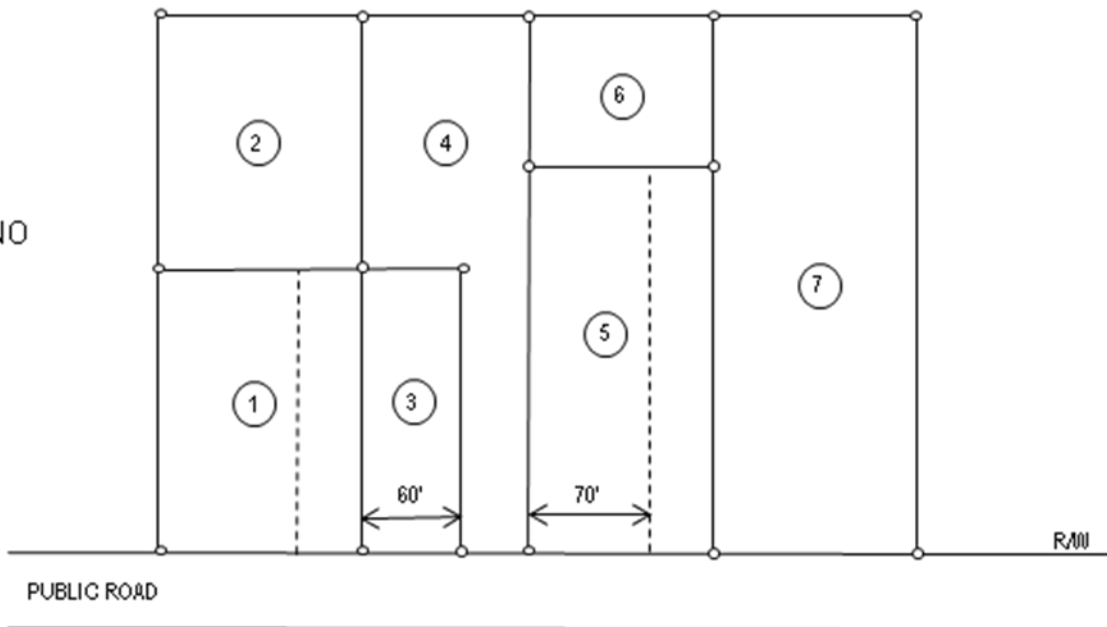
13.

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



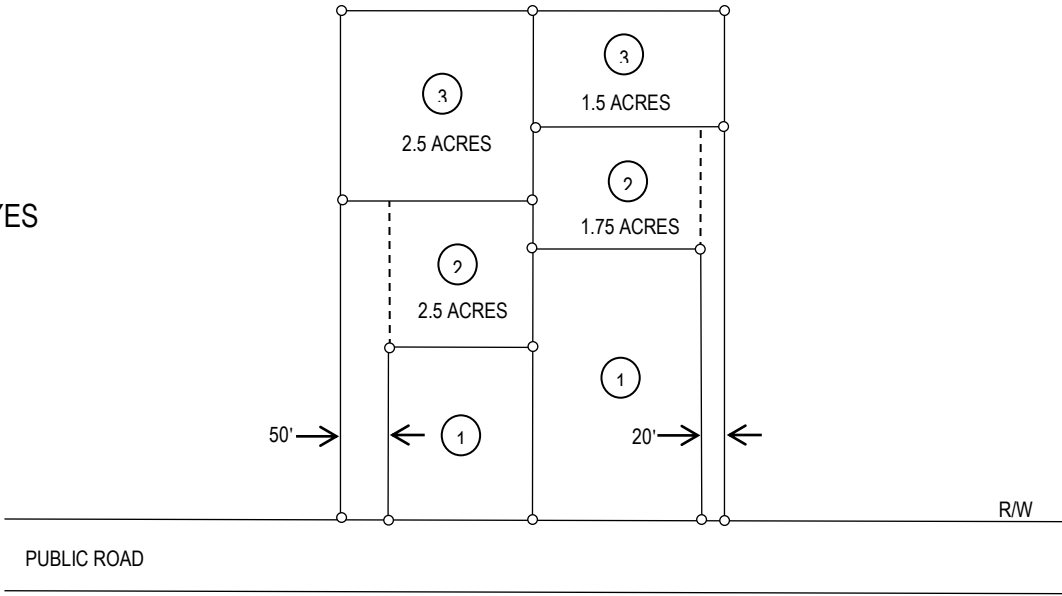
NO



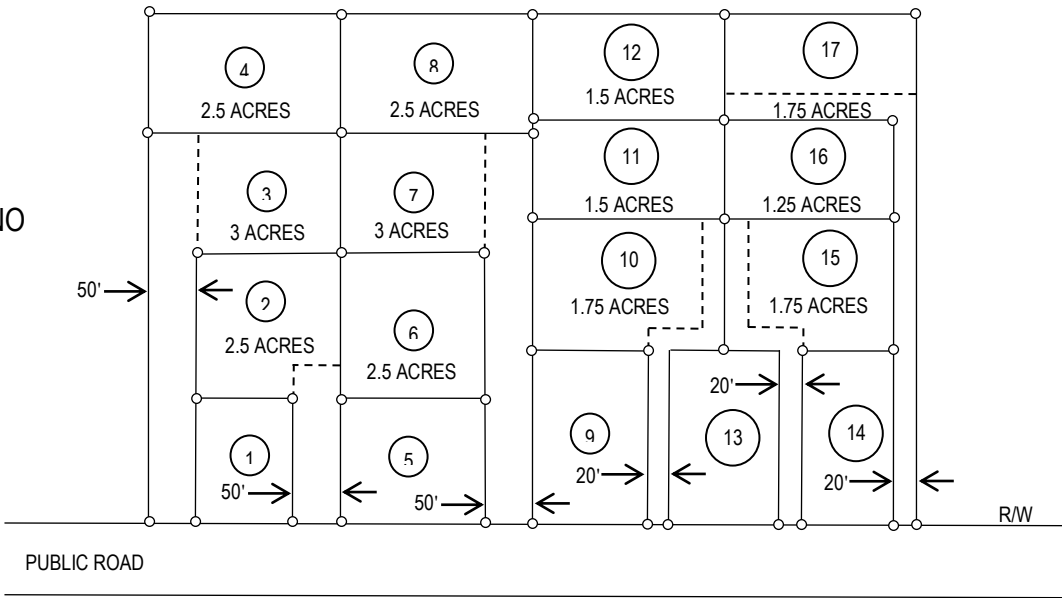
14.

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

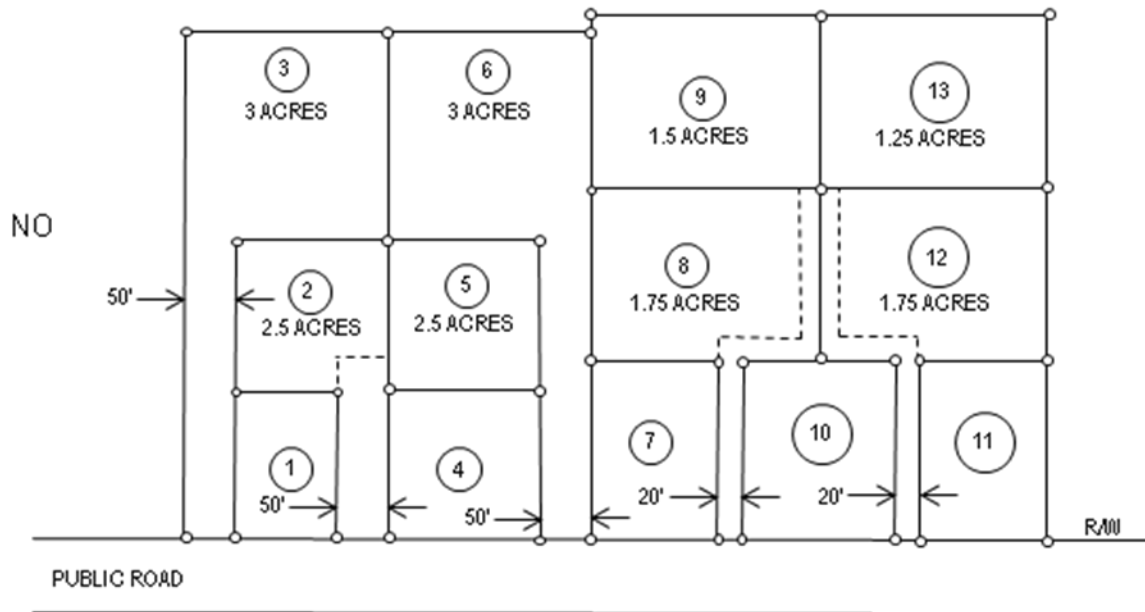
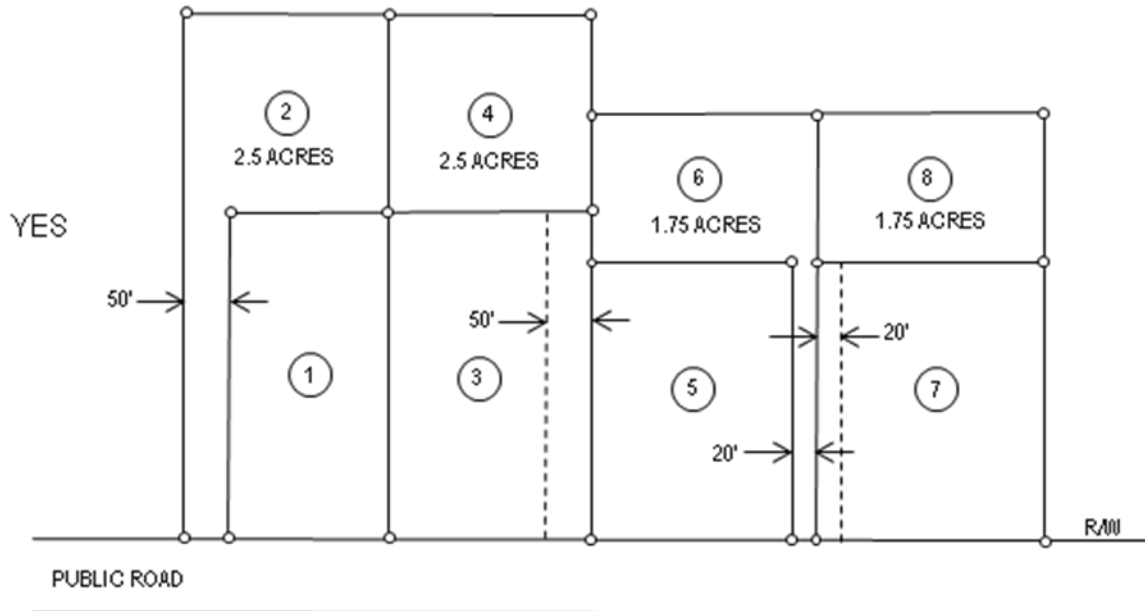


NO



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.

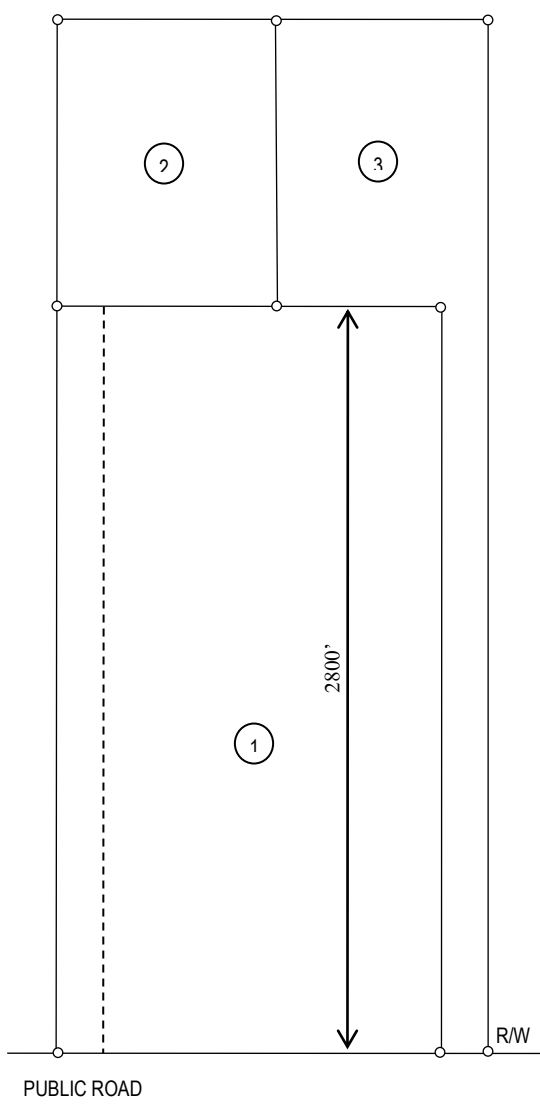
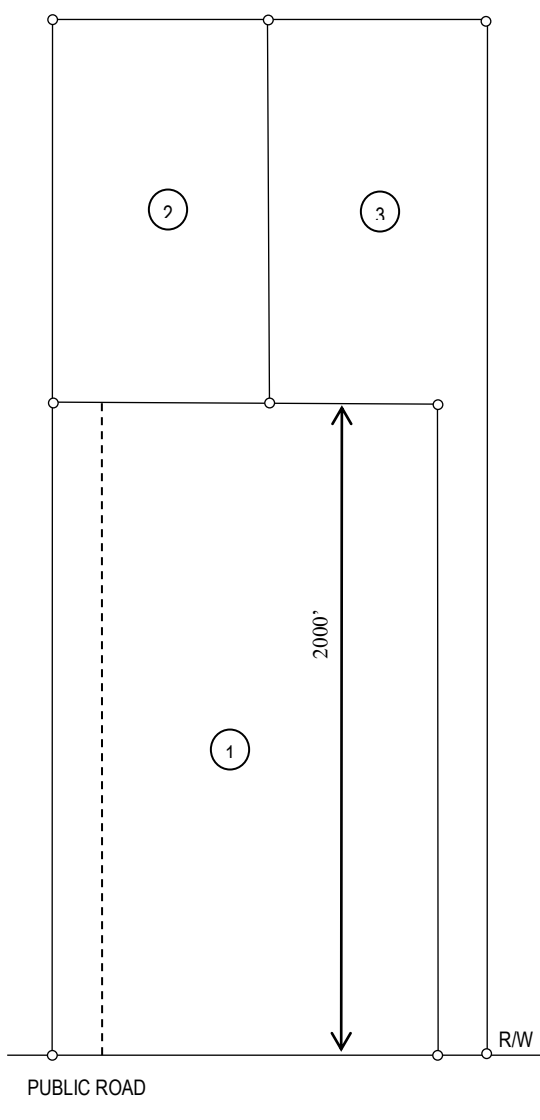


16.

NEITHER AN ACCESS EASEMENT NOR A DRIVEWAY PORTION OF A FLAG LOT SHALL EXCEED 2000 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



LEXINGTON COUNTY PLANNING COMMISSION

Road Section Criteria for Private Roads

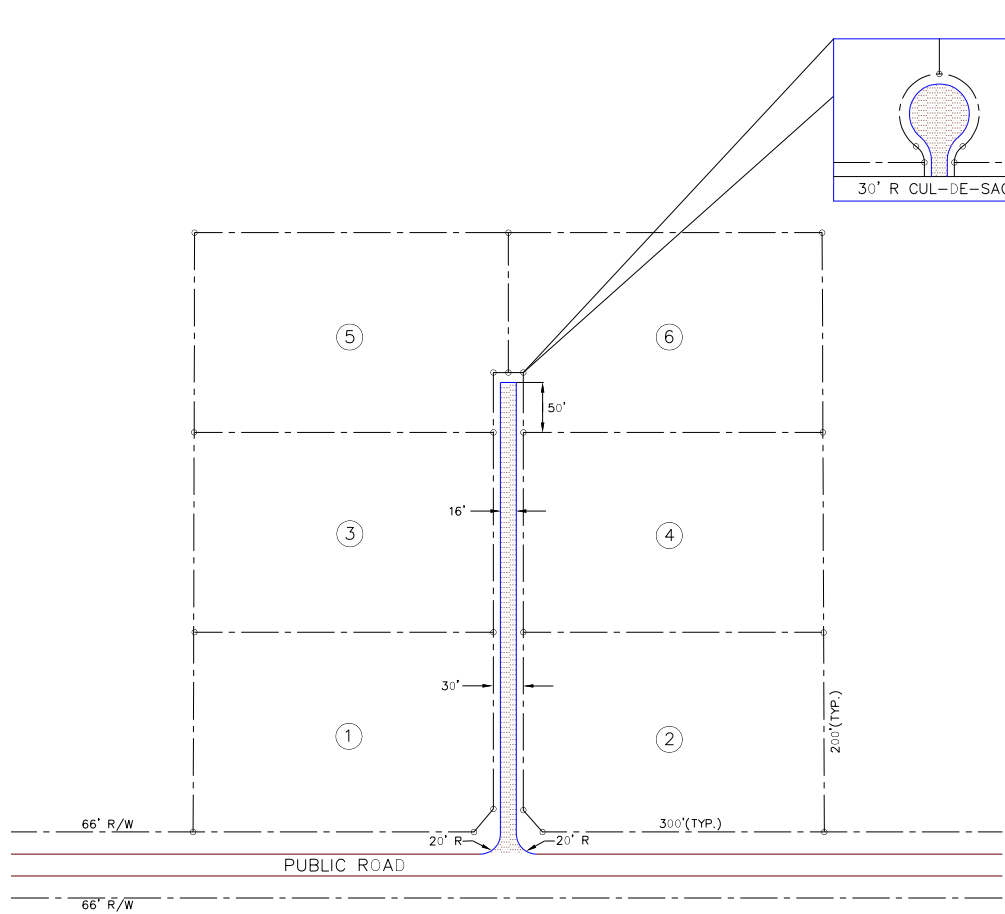
Recognizing that different road widths and designs may be desirable for different circumstances, the Lexington County Planning Commission has set forth the attached criteria as acceptable standards for road width, right-of-way, and riding surface on private roads within the unincorporated area of Lexington County.

Several factors must be taken into account when selecting a road design. They include safe passage by emergency vehicles, adequate parking (on or off-street), type of sidewalk, type of curbing, use of traffic-calming devices, length of road, average daily traffic (ADT), and accommodation of utilities and storm drainage.

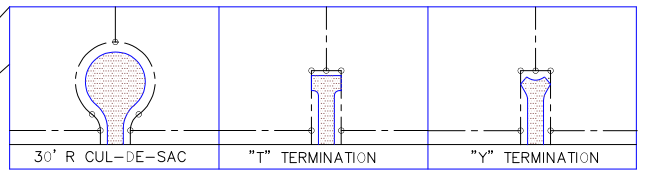
Maximum design considerations such as length, ADT, etc. are included on the attached road section examples, as applicable.

Private roads that meet these criteria may be approved the Public Works Director, or his/her designee, of Lexington County. Any proposed roads that do not meet these criteria may be submitted to the Planning Commission for their consideration.

Additional requirements for private roads may be found in the Planning Commission's Private Road Policy.



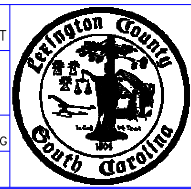
OPTIONAL

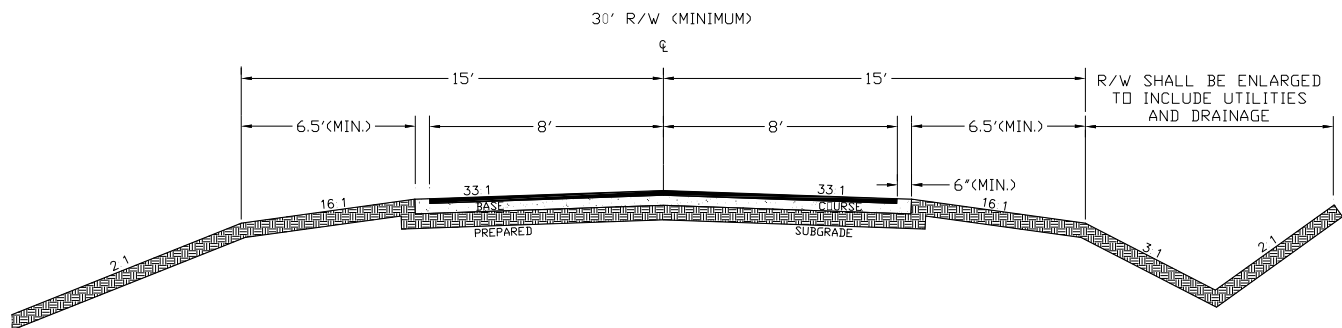


NOTES

- 1. MAXIMUM LENGTH = 600'
- 2. END OF ROAD MUST BE VISIBLE FROM PUBLIC ACCESS
- 3. THREE TIER DEEP MAXIMUM


LEXINGTON COUNTY PLANNING & DEVELOPMENT	
RESIDENTIAL 3-TIER	
SCALE: NTS	DWG# FLAGL.DWG
DATE: 9/11/98	L.R.: NONE

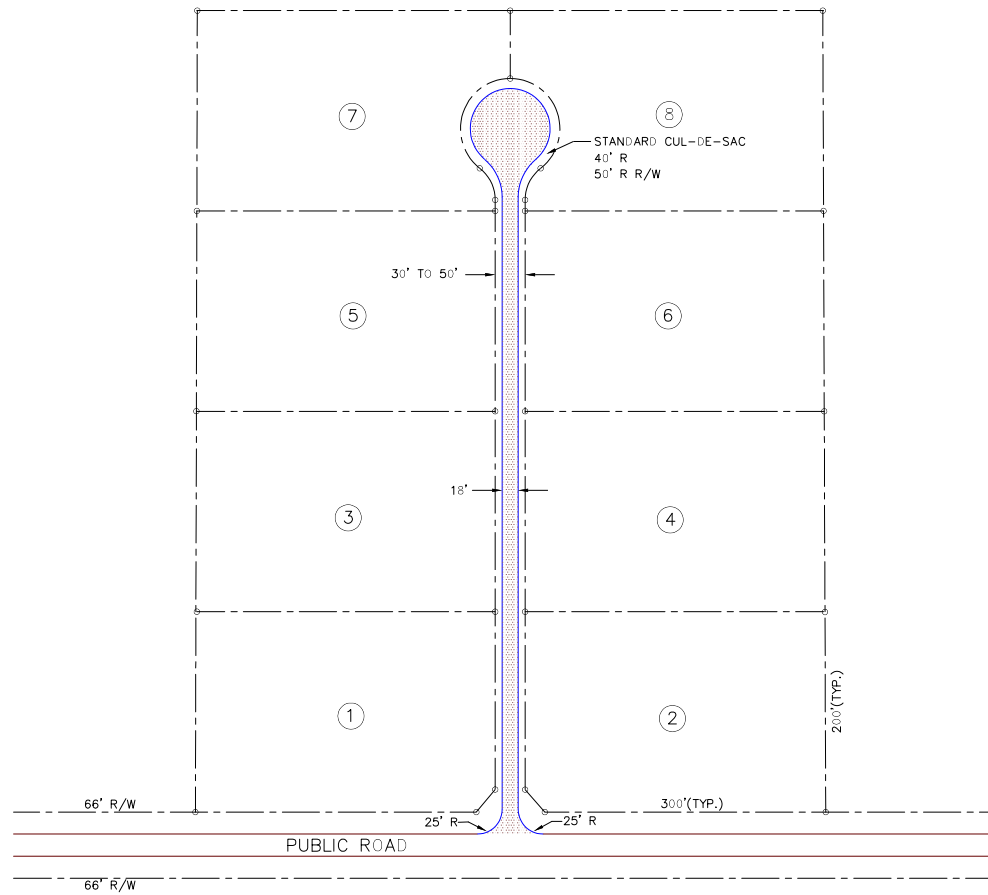




NOTE: MAXIMUM LENGTH = 600'

1A

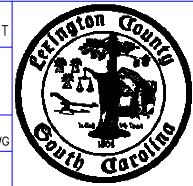
LEXINGTON COUNTY PLANNING & DEVELOPMENT		
RESIDENTIAL 3-TIER		
SCALE: NTS	DWG# A-15.DWG	
DATE: 8/28/98	L.R.: NONE	

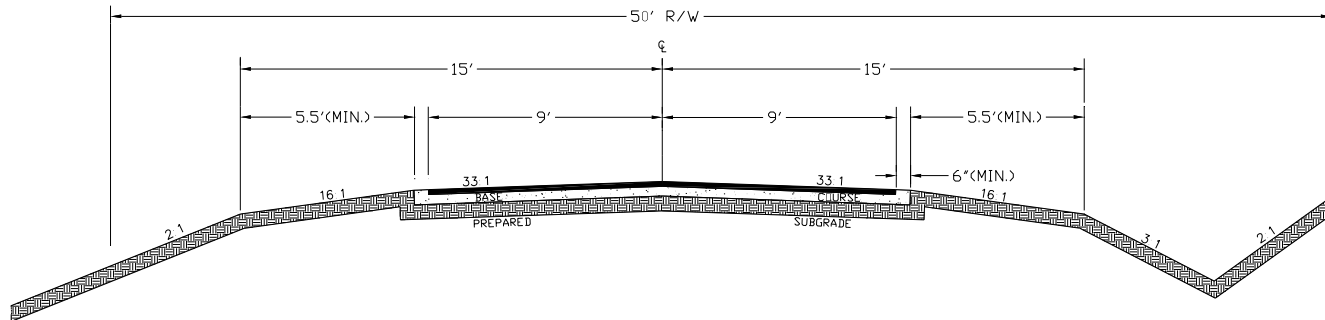


NOTE: FOR ROADS WITH ADT OF 250 OR LESS. (25 LOTS)

2

LEXINGTON COUNTY PLANNING & DEVELOPMENT	
RESIDENTIAL ≤ 250 ADT	
SCALE: NTS	DWG# FLAGL.DWG
DATE: 9/11/98	L.R.: NONE

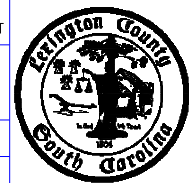


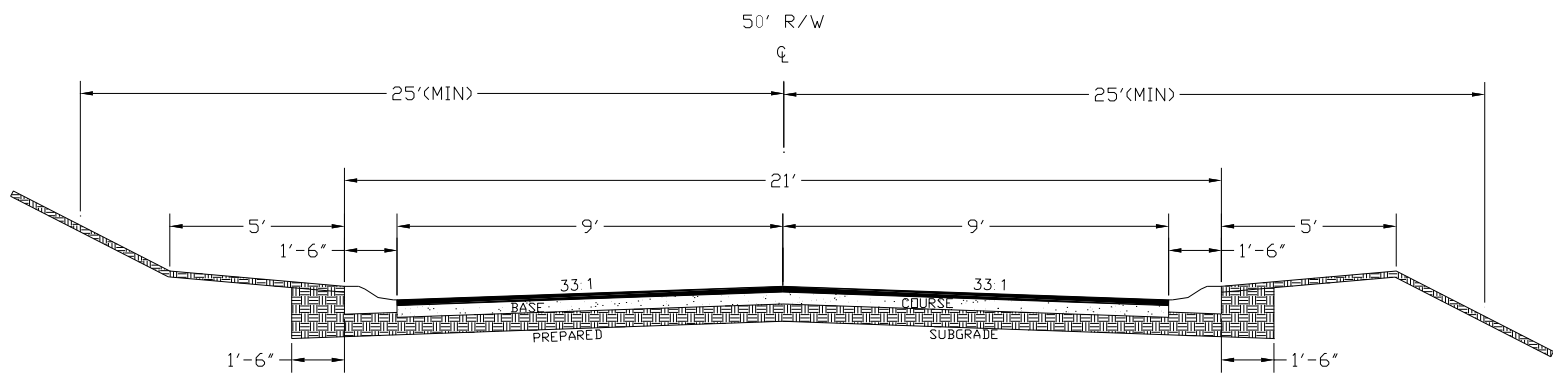


NOTE: FOR ROADS WITH ADT OF 250 OR LESS.

2A

LEXINGTON COUNTY PLANNING & DEVELOPMENT	
RESIDENTIAL ≤ 250 ADT	
SCALE: NTS	DWG# A-15.DWG
DATE: 8/28/98	L.R.: NONE



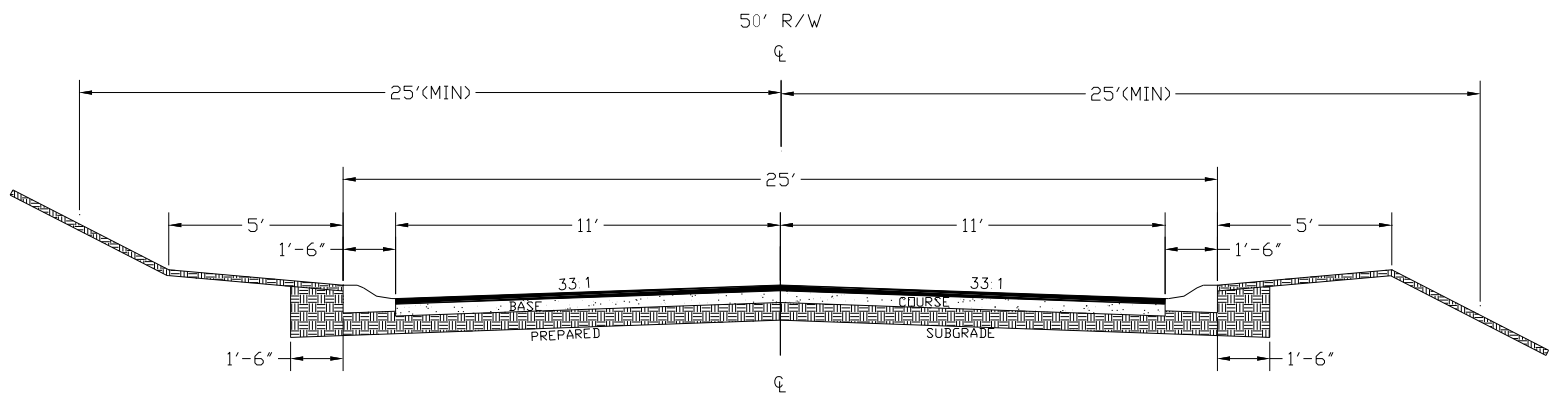


NOTE: FOR ROADS WITH ADT OF 250 OR LESS.

2B

LEXINGTON COUNTY PLANNING & DEVELOPMENT	
RESIDENTIAL WITH 18" ROLLED CURB ≤ 250 ADT	
SCALE: NTS	DWG#: A-4.DWG
DATE: 8/28/98	L.R.: NONE



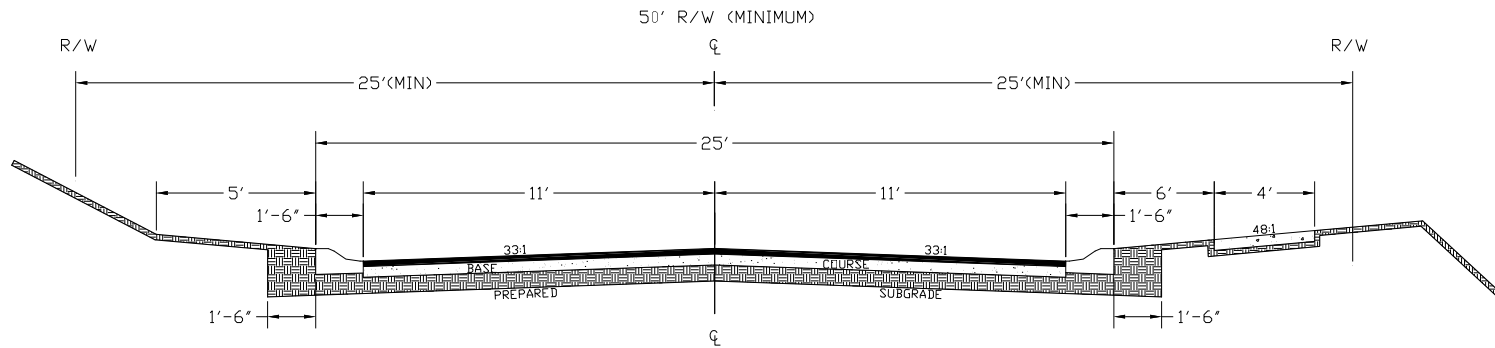


NOTE: FOR ROADS WITH ADT OF 251 TO 2000. (25-200 LOTS)

3A

LEXINGTON COUNTY PLANNING & DEVELOPMENT	
RESIDENTIAL WITH 18" ROLLED CURB	
SCALE: NTS	DWG#: A-4.DWG
DATE: 8/28/98	L.R.: NONE



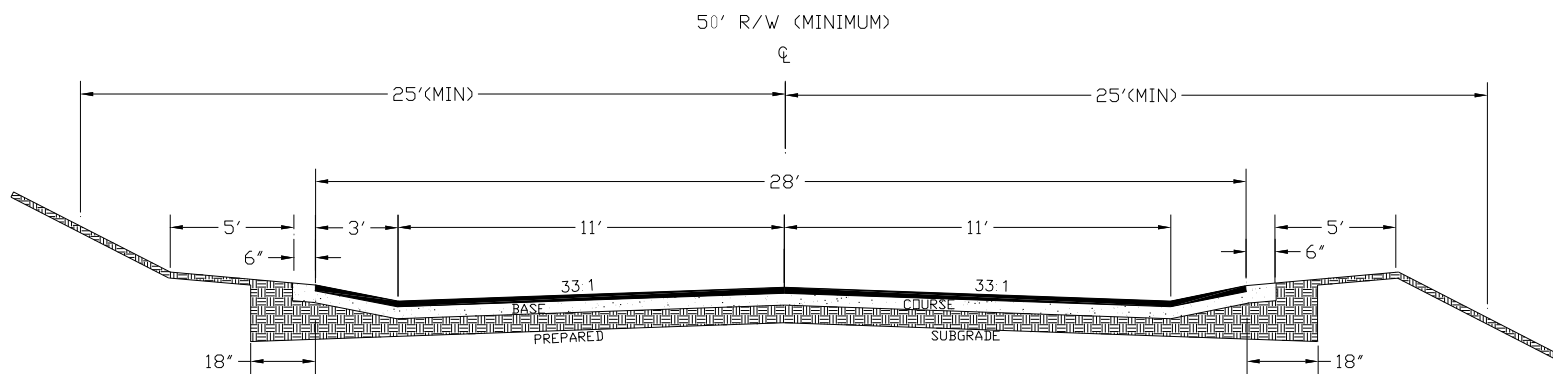


NOTE: FOR ROADS WITH ADT OF 251 TO 2000. (25-200 LOTS)

3A (W/ SIDEWALKS)

LEXINGTON COUNTY PLANNING & DEVELOPMENT	
RESIDENTIAL 18" ROLLED CURB WITH 4' SIDEWALK	
SCALE: NTS	DWG# A-7A.DWG
DATE: 8/28/98	LR: NONE

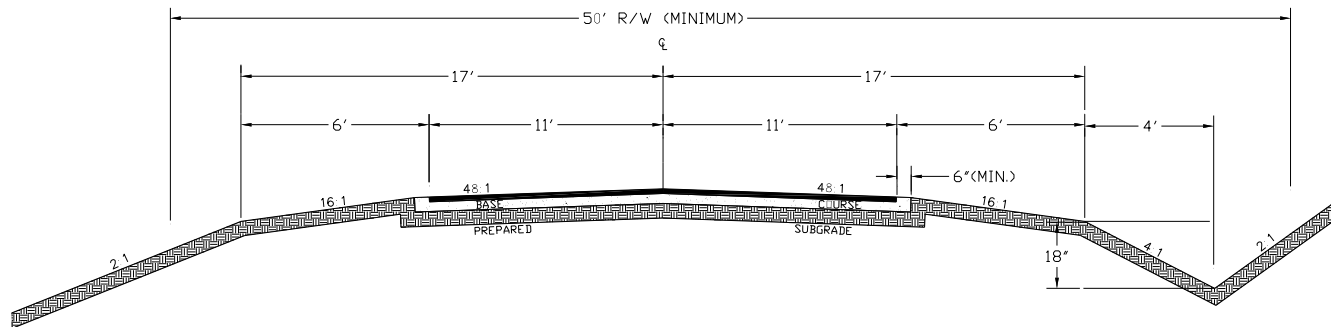




3B

LEXINGTON COUNTY PLANNING & DEVELOPMENT	
RESIDENTIAL WITH VALLEY GUTTER	
SCALE: NTS	DWG# A-4C.DWG
DATE: 8/28/98	L.R. NONE

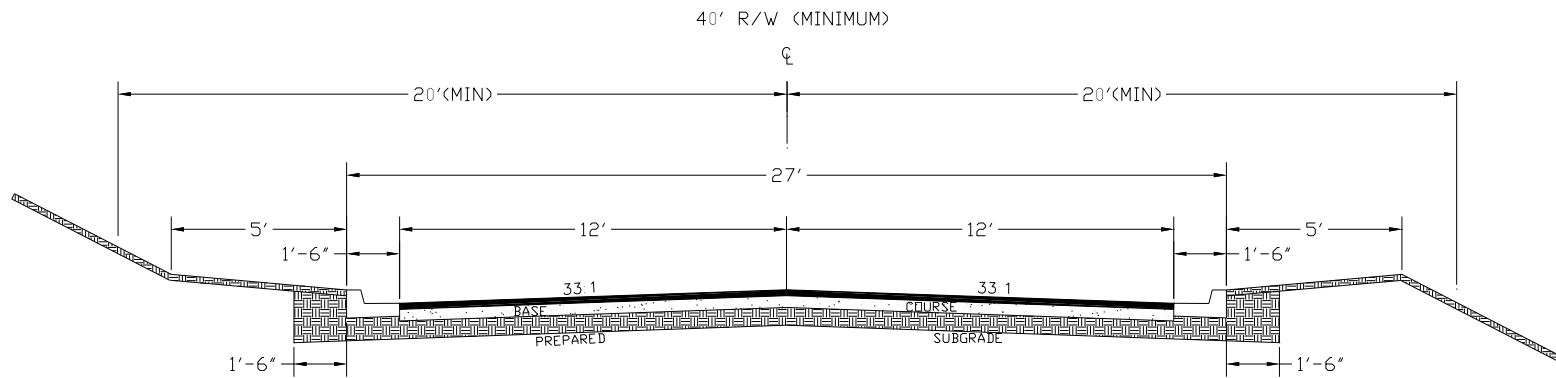




3C

LEXINGTON COUNTY PLANNING & DEVELOPMENT	
RESIDENTIAL WITH DITCH	
SCALE: NTS	DWG# A-15.DWG
DATE: 8/28/98	LR: NONE





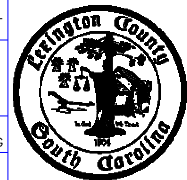
NOTES:

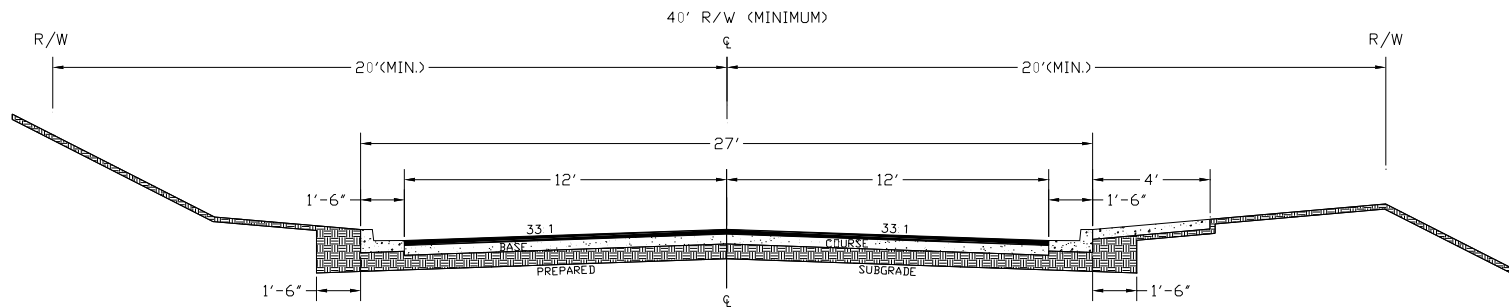
1. FOR 2000 ADT AND GREATER
2. NO ONSTREET PARKING
3. NO DIRECT LOT ACCESS*
4. MULTIPLE ACCESS POINTS REQUIRED

* DRIVE COURT IS ALLOWED.
MAXIMUM LENGTH 600'

4

LEXINGTON COUNTY PLANNING & DEVELOPMENT	
RESIDENTIAL COLLECTOR LIMITED ACCESS STREET (18" BARRIER CURB)	
SCALE NTS	DWG# A-4B.DWG
DATE 8/28/98	L.R. NONE





NOTES

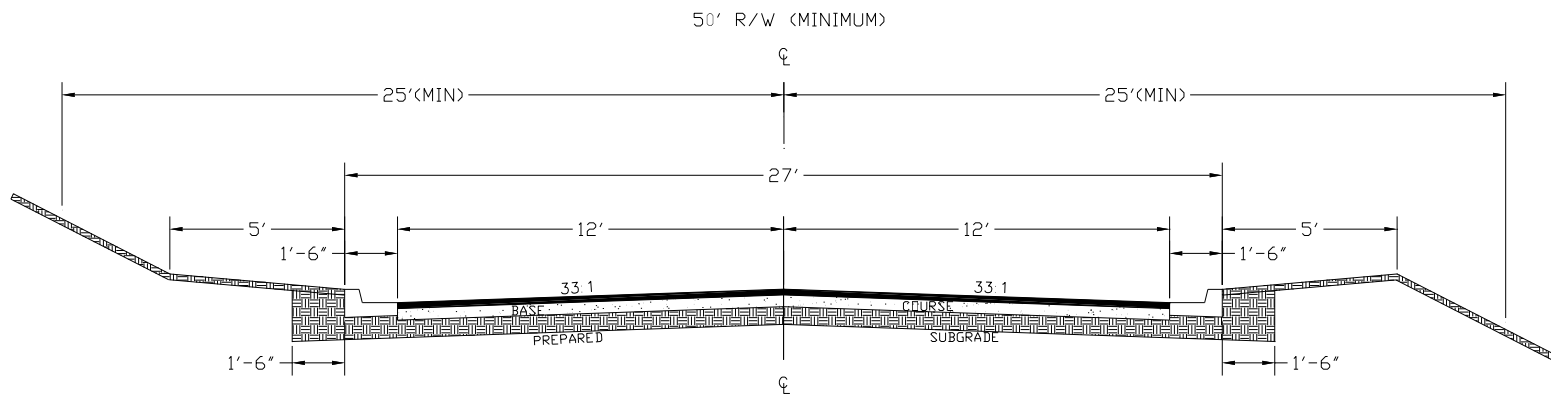
1. FOR 2000 ADT AND GREATER
2. NO ONSTREET PARKING
3. NO DIRECT LOT ACCESS*
4. MULTIPLE ACCESS POINTS REQUIRED

* DRIVE COURT IS ALLOWED.
MAXIMUM LENGTH 600'

4 (W/ SIDEWALKS)

LEXINGTON COUNTY PLANNING & DEVELOPMENT	
RESIDENTIAL COLLECTOR WITH 4' SIDEWALK	
SCALE: NTS	DWG# A-11A.DWG
DATE: 8/28/95	L.R.: NONE





5

LEXINGTON COUNTY PLANNING & DEVELOPMENT	
LIGHT COMMERCIAL/ INDUSTRIAL COLLECTOR (18" BARRIER CURB)	
SCALE: NTS	DWG# A-4B.DWG
DATE: 8/28/95	L.R.: NONE

