

FREQUENTLY ASKED QUESTIONS

Q: When can a subdivision be reviewed over-the-counter?

A: In most cases, a plat showing 1 or 2 lots can be reviewed as a simple over-the-counter plat provided the total acreage of the lot being subdivided equals the total sum of the acreage of the 2 lots being created. Additional subdividing in a platted residential subdivision must be reviewed by Subdivision, Zoning, Open Space, Addressing, and Land Development. Subdividing which creates a total of 3 or more lots must go through a formal subdivision review by staff. Generally, subdividing of a lot on a privately maintained road cannot be approved as a simple over-the-counter plat.

Q: Do I need a surveyor to draw my plat?

A: All plats submitted for approval must bear the original signature of a South Carolina Registered Surveyor and include the surveyor's embossed seal.

Q: Where do I find the County subdivision regulations and policies?

A: The Lexington County Subdivision Ordinance, the Access Policy, and all applications are located on the County website at <https://lex-co.sc.gov/departments/community-development/subdivision-regulations-and-plat-review>. Paper copies of the forms and regulations are available on the 4th Floor of the County Administration Building. Printed regulations are available for a fee.

Q: Do I need an engineer?

A: If you are **not designing infrastructure** for the subdivision of property, then at the discretion of Land Development Management, you **may not** need a design engineer. If you **are designing infrastructure** for the subdivision of property (i.e. roads, storm drainage, water/sewer, etc.) you **do** need a design engineer.

Q: What part of the project approval process is most time consuming?

A: Stormwater design and review is the most time consuming part of the project approval process. Supplying all required information with the original submittal will greatly reduce delays.

Q: What is the Access Policy in Lexington County?

A: The Access Policy was created by the Planning Commission to guide Community Development staff as they interpret and administer the Lexington County Subdivision Ordinance relative to the manner and extent of subdivision allowed without the provision of new roads. It can be found as an addendum to the Subdivision Ordinance and is also available at <https://lex-co.sc.gov/sites/default/files/Documents/Lexington%20County/Departments/Subdivisions/AccessPolicy.pdf>

Q: How and why are private roads established?

A: The Lexington County Planning Commission's Private Road Policy outlines the requirements for establishing private roads. The reasons for requesting privately maintained roads may be a desire for a gated community, or inability to satisfy the requirements for a County road with respect to road design and/or construction, storm drainage, flood plain, etc. Requests

Requests for subdividing property utilizing privately maintained roads which do not meet the Planning Commission's Private Road Policy must include a Planning Commission Agenda Application request for a variance.

Q: What are private restrictions/covenants?

A: 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. Such covenants or restrictions must be recorded in the County Office of the Register of Deeds prior to or at the recording of the Final Plat of the subdivision, or if the subdivision is to be bonded, prior to or at the recording of the Bonded Plat. The enforcement of private deed restrictions or covenants are the sole responsibility of the developer and/or homeowners. The County cannot enforce such restrictions since they constitute a private contract between the seller and the buyer of the property.

DEVELOPMENT REVIEW and PERMIT FEES

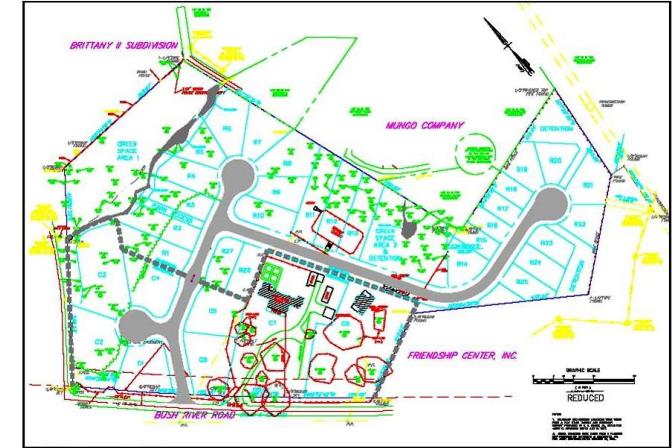
SUBDIVISION REGULATIONS

For a full schedule of Development Review and Permit fees for the Community Development Department, please see our Receptionist or go to <https://lex-co.sc.gov/sites/lexco/files/Documents/Lexington%20County/Departments/Community%20Dev/DEVELOPMENT REVIEW and PERMIT FEES - 2023-2024.pdf>

For a full schedule of Land Development Plan Review and Inspection Fees, please go to https://lex-co.sc.gov/sites/lexco/files/Documents/Lexington%20County/Departments/Community%20Dev/Land%20Development/Land_Development_Fees_24-25a.pdf

If you have any questions regarding any of these fees, please call 803-785-8121.

Please note that fees are subject to change. If you have any questions, please contact the appropriate department.



Subdivision Guidelines: Subdividing Property in Lexington County

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SUBDIVISION ORDINANCE

Lexington County defines **subdivision** as the division of a tract or parcel of land into two or more lots for the purpose (immediate or future) of sale, lease, or building development.

Lexington County Subdivision Ordinance provide standards to coordinate proposed road locations as part of subdivision with other existing or planned roads, ensure adequate and timely construction of infrastructure, and encourage the best environment for the health, safety, convenience, and prosperity of current and future residents of Lexington County.

The Subdivision Ordinance is to be used in conjunction with: Lexington County Stormwater Ordinance, Zoning Ordinance, and Land Development Manual, as well as the Access Policy and Private Road Policy of the Lexington County Planning Commission where applicable. Additional regulations of the Army Corps of Engineers, SCDOT, SCDES (previously SCDHEC), FEMA, and the County Flood Policy, etc. may also apply.

4 ELEMENTS OF INFRASTRUCTURE

The County requires that all “new” lots have the following 4 elements of infrastructure:

Access - A plat of a lot/parcel must show access to a publicly maintained road, which meets the requirements of the Planning Commission's Access Policy. In order for a newly created lot/parcel to be accessed from a private road, prior approval by the Planning Commission is required.

Water and Sewer Availability - Any lot less than 1 acre in area must be approved by the SCDES for septic system suitability or proof must be provided to show that an existing sewer service is available from a public utility. Any lot 1 acre or larger is usually not reviewed for water and sewer availability unless it is part of a multi-lot subdivision.

Storm Drainage – The storm drainage of a lot/parcel must meet the Lexington County Stormwater Management Ordinance requirements as overseen by the Community Development Department, Land Development Division.



TYPES OF PLATS

In order to receive subdivision approval each subdivision plan (or plat) needs to go through the County approval process. There are 4 types of Plat approval:

- **Summary Plat** Approval - there is no new infrastructure or change to existing infrastructure. The parcel is simply being divided into new lots. There is existing public road access or approved private road access, water/sewer supply, and usually no storm drainage plan is required.
- **Preliminary Plat** Approval - the preliminary plat shall include existing conditions of the land, proposed development of the subdivision of land (planned roads, easements, lots, major contour changes, etc.), and plan for meeting water/sewer and stormwater needs. Preliminary plats shall be submitted with an application and required fees to Development Staff and **must** be reviewed before land disturbance may begin.
- **Bonded Plat** Approval - the bonded plat is optional for developers who want to sell lots within a subdivision prior to final plat approval. By having the subdivision bonded, the County is financially guaranteed that in the event of default by the developer, funds will be available to complete infrastructure of the development.

This stage of the subdivision approval process requires that the bonded plat, a Subdivision Agreement, and a surety equal to 125% of those costs, be provided to the County for approval.

- **Final Plat** Approval - occurs when the entire infrastructure of the subdivision is completed and has passed County inspections. Upon approval, each subdivision lot is granted full privileges as individual lots/parcels and may be sold or transferred as legal properties. After recording of the approved plat in the Register of Deeds office, the subdivision is then considered to be complete.

All plats to be recorded in the Register of Deeds office must receive prior approval from the Community Development Department, acting on behalf of the Lexington County Planning Commission.



APPROVAL PROCESS

Steps to subdivision approval for 3 or more newly created lots:

1. Determine the type of subdivision: residential, commercial, or industrial.
2. Choose a subdivision name and contact the Development Administrator and request subdivision name approval.
3. Choose road names (if applicable) and have them approved by the Planning/GIS Department.
4. Request a development review meeting (DRM). Representatives from zoning, land development, landscaping, building inspections, fire services, and development can all be available to attend the DRM to answer questions and supply input on the project. We can also request that representatives from outside agencies be present, such as SCDOT.
5. Submit your subdivision application, land disturbance application, fees, erosion and sediment control plans, and **4 copies** of your preliminary plat to Community Development. Once fees are paid, Development will then begin the subdivision review process.
6. Once the preliminary plat is reviewed, revised (if necessary), and approved, then submit either a bonded plat or final plat with fees for review/approval (whichever is applicable).
7. The County will communicate with your surveyor through the approval process.
8. Once the bonded or final plat is approved, the developer can then register/record the plat with the Register of Deeds (ROD fees apply).

For simple land transfers (prior approved subdivision parcels) or subdivision of property into *two pieces*, approval can usually be given by the County on a walk-in or **over-the-counter** basis.

1. A current survey of the property showing the proposed subdivision of parcels may be reviewed as a summary plat and approved over-the-counter at the Community Development Department.
2. The land survey must show that the new lots have road access, water/sewer availability, and that no storm drainage improvements are needed.

PROPERTY TAX CONSEQUENCES

SC Law requires that when use of agricultural land changes to a non-agricultural use, a rollback in taxes must be paid. The rollback tax amount is equal to the difference between the taxes paid on the basis of the agricultural classification and the taxes that would have been paid had it not been for the agricultural classification for the preceding 5 years.

If a developer has 10 or more unsold lots in a subdivision recorded with the Register of Deeds as of 12/31 of the previous year, the market value of the lots may be discounted for tax purposes. In order to receive this discount, the property owner or his agent must make written application to the County Assessor's Office between January 1 and May 1 of the tax year in which the multiple lot discount is requested.