



## Spartanburg County Planning Commission

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

### **PRIVATE ROAD POLICY**

*Adopted December 16, 2019*

Persons desiring to establish private roads for the purpose of subdividing property shall follow the procedures outlined below. If the requirements of this Policy are met, the project can proceed without Planning Commission review. Projects proposed with standards other than those contained herein must receive a variance from the Commission. Proposed designs must demonstrate the ability to ensure road, utility, and storm drainage maintenance, and to accommodate access by service vehicles, school buses, and emergency vehicles. Private roads can be constructed with either a gravel or paved surface. There are a limited number of allowed lots that can be located along a private road with a gravel surface.

**PRELIMINARY PLAT:** Subdivisions utilizing private roads shall follow the same submission and platting procedures as outlined in the Spartanburg County Subdivision Regulations for standard subdivisions. However, since the roads are proposed as privately maintained, the review process is altered slightly. The Spartanburg County Planning Commission is authorized by the Subdivision 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 by the Spartanburg County staff of the preliminary plat drawings and documents required herein to determine compliance with the following guidelines. The road(s) and storm water drainage system(s) shall be maintained by a homeowner's association in a manner described in a Restrictive Covenants for Road and Storm Water System Maintenance which shall be approved by County staff and then recorded in the Register of Deeds Office along with the subdivision plat.

#### Requirements for Both Paved and Gravel Private Roads

1. Roads shall be designed by a registered professional engineer so that maintenance costs to future residents are minimized. Engineering drawings and any supporting documents must be submitted to Spartanburg County for review.
2. Road names, signs, and layout are outlined in the Spartanburg County Subdivision Regulations, Stormwater Ordinance, Spartanburg County Road Naming and Property Numbering Ordinance, Roads and Bridges Ordinance/Public Works Departmental Policy, and/or the Administrative Policies and Procedure for Subdivision Regulations.
4. Road right-of-way shall not conflict with existing public or private right-of-way (utility, rail, road, etc.).
5. Minimum street intersection spacing for public streets shall be observed. When an offset in alignment of a street occurs, a distance of at least one hundred and twenty-five (125) feet shall separate opposing streets from centerline to centerline.
6. Access management as outlined within the Spartanburg County Subdivision Regulations shall be observed.

### Road Design for Private Paved Roads

1. The geometric layout/design of a private paved road shall conform to the minimum standards required by the Department of Public Works. Private paved roads must be designed to meet the standards of Spartanburg County for sub-base, base, road width, pavement materials, and storm water drainage. No private paved road shall be constructed with less than six inches of compacted stone and one and a half inches of asphalt surface.
2. Within a private paved road subdivision, there are no limits on the number of lots.
3. Roads across pond dams are prohibited.
4. An encroachment permit is required in accordance with the Spartanburg County Subdivision Regulations.
5. Roads and storm drainage systems must be certified for compliance by the project engineer (see attached Certificate of Compliance for Private Paved Road Subdivisions).

### Road Design for Private Gravel Roads

1. The geometric layout/design of a private gravel road shall conform to the minimum standards required herein.
2. A private gravel road cannot connect to another private road or on both ends to publicly maintained roads.
3. The first 15 feet of the private gravel road connecting to a County-maintained road shall have a paved surface consisting of at least two inches of compacted asphalt. A private gravel road connecting to a State-maintained road shall follow the requirements of the South Carolina Department of Transportation.
4. The maximum road length shall be 1,500 feet.
5. There shall be no more than 8 lots with one dwelling unit per lot using the roadway for access. There may be a separate, common parcel to be used for storm water management purposes only which shall be marked as such on the plat.
6. Lots taking access from the public road shall not appear on the private road plat and will not be a part of the Restrictive Covenants for Road and Storm Water System Maintenance or the Home Owners' Association.
7. Roads across pond dams are prohibited.
8. Road right-of-way shall be of sufficient width to allow adequate maintenance of any proposed road to include associated utilities and storm drainage systems. For a private gravel road, this will require a minimum 40-foot width on the road right-of-way and cul-de-sacs shall have a minimum 80-foot diameter right-of-way.
9. A private gravel road must have at least a 20-foot-wide driving surface with a 4-inch compacted stone base and height clearance of at least 13.5 feet.
10. An encroachment permit is required in accordance with the Spartanburg County Subdivision Regulations.
11. Roads and storm drainage systems must be certified for compliance by the project engineer (see attached Certificate of Compliance for Private Gravel Roads).

### Special Plat and Deed Requirements for Private Roads

1. The Final Plat for a paved or gravel private road shall have prominently printed in capital letters at least 3/8" in height upon the plat the following:

"THE PRIVATE ROAD, STORM WATER CONVEYANCE SYSTEMS AND ANY

ASSOCIATED RIGHTS-OF-WAY OR EASEMENTS SHOWN ON THIS PLAT SHALL NOT BE OWNED, MAINTAINED OR SUPERVISED BY SPARTANBURG COUNTY AND SHALL NOT BE APPROVED FOR FUTURE MAINTENANCE BY SPARTANBURG COUNTY."

2. The Final Plat for a gravel private road shall have prominently printed in capital letters at least 3/8" in height upon the plat the following:

"THERE SHALL BE A MAXIMUM OF EIGHT (8) LOTS WITH ONE (1) DWELLING UNIT PER LOT PLUS ONE UNINHABITED STORM WATER ONLY LOT (IF REQUIRED), AND LOTS SHALL NOT BE FURTHER SUBDIVIDED UNLESS ALL OTHER REQUIREMENTS OF SPARTANBURG COUNTY'S PRIVATE ROAD POLICY ARE MET."

3. Incorporation of these restrictions by reference in deeds of the property shall constitute in each deed a covenant running with the land as follows and shall be approved by Planning Staff prior to recordation.

"As part of the consideration it shall be the duty of the grantee to maintain the private road and storm water conveyance systems and any associated right-of-way easements shown upon the plat referred to and this shall be covenant running with the title".

"The private road and storm water conveyance systems and any associated right-of-way easements shown upon the plat shall not be owned, maintained, or supervised by Spartanburg County and shall not be approved for future maintenance by Spartanburg County.

**EXISTING SUBDIVISIONS WITH PRIVATE ROADS:** An existing subdivision which has a privately-maintained road, whether paved or gravel and which seeks to expand, shall conform to the following:

1. The standards contained in this policy must be met.
2. If there is no existing Road Maintenance Agreement or Deed Restrictions providing for perpetual road maintenance, such a document will be required and must be executed by  $\frac{3}{4}$  of the existing owners.
3. If there is an existing Road Maintenance Agreement, Deed Restrictions, or other Home Owners' Association document providing for road maintenance, that document must be amended to include the additional property/lot(s).
4. Such action shall be considered a pre-requisite to the implementation of any approvals granted by the Planning staff or the Planning Commission.

**Restrictive Covenants for Road and Storm Water System Maintenance:** Restrictive Covenants for Road and Storm Water System Maintenance must be approved before a "Preliminary Plat Approval" can be given to a project. The Planning Staff can provide a sample Restrictive Covenants for Road and Storm Water System Maintenance which can be modified to suit the particular needs of a project, such as basing the maintenance costs 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 the Restrictive Covenants for Road and Storm Water System Maintenance. The developer should also note that the document must contain certain provisions, which are considered essential by the Commission: 1. formation of a Homeowners' Association, 2. method by which the maintenance of any road(s) will be carried out in perpetuity, and 3. method by which maintenance of any storm water system will carried out in perpetuity. The Planning Commission also requires that a property owners' association be chartered with the Secretary of State for South Carolina for the purpose of implementing this agreement and that bylaws be developed for the operation of that association.

**FINAL PLAT:** “Final Plat Approval” of a “private road subdivision” can be given only after completion of the following items. This approval is required before the plat of the project can be recorded in the Office of the Register of Deeds and any property can be conveyed. The Restrictive Covenants for Road and Storm Water System Maintenance must be recorded with the plat at which time the Planning and Development Department will require verification that the restrictions are being placed on the property owners accessing the road.

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

### **CHANGING A PRIVATE ROAD TO A COUNTY-MAINTAINED ROAD**

Any road being proposed for County maintenance must be taken to the County Planning Commission for approval and, if approved, brought up to the County’s road standards as required by the Public Works Department. County staff members cannot approve or accept roads for maintenance.

# CERTIFICATE OF COMPLIANCE

## FOR THE CONSTRUCTION OF A PRIVATE GRAVEL ROAD DEVELOPMENT IN ACCORDANCE WITH THE SPARTANBURG COUNTY PRIVATE ROAD POLICY

Pursuant to the Spartanburg County Private Road Policy, I hereby certify that the privately maintained road in the subdivision known as \_\_\_\_\_

\_\_\_\_\_, Map Reference # (PIDN) \_\_\_\_\_

meets the construction requirements as follows:

Specifically:

The design and construction of the private road and storm water conveyance systems and any associated right-of-way easements shown upon the above-named plat as presented to Spartanburg County meets all the requirements found in the Spartanburg County Public Works Departmental Policy, the Storm Water Ordinance, the Roads and Bridges Ordinance, and the Spartanburg County Private Road Policy, including:

1. Road has a minimum 20-foot new driving surface.
2. Road has a minimum of 4 inches of compacted stone base.
3. Road has a cleared 40-foot right-of-way.
4. Road has a height clearance of a minimum of 13.5 feet.
5. Road, cul-de-sac and drainage have been constructed in accordance with the plan approved by the Spartanburg County Public Works Department, Engineering Division.
6. Regulation road name and traffic control signs have been installed.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
S.C. Professional License Number

**SEAL**

## CERTIFICATE OF COMPLIANCE

### FOR THE CONSTRUCTION OF A PRIVATE PAVED ROAD DEVELOPMENT IN ACCORDANCE WITH THE SPARTANBURG COUNTY PRIVATE ROAD POLICY

Pursuant to the Spartanburg County Private Road Policy, I hereby certify that the privately maintained road in the subdivision known as \_\_\_\_\_, Map Reference # (PIDN) \_\_\_\_\_ meets the construction requirements as follows:

Specifically:

1. The design and construction of the private road and storm water conveyance systems and any associated right-of-way easements shown upon the above-named plat as presented to Spartanburg County meets all the requirements found in the Spartanburg County Public Works Departmental Policy, the Storm Water Ordinance, the Roads and Bridges Ordinance, and the Spartanburg County Private Road Policy.
  
2. Regulation road name and traffic control signs have been installed.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
S.C. Professional License Number

**SEAL**