
STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2022-1835

COUNTY OF LANCASTER

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AN ORDINANCE

TO APPROVE A DEVELOPMENT AGREEMENT WITH CLREF III ACQUISITIONS, LLC, IN ACCORDANCE WITH UNIFIED DEVELOPMENT ORDINANCE SECTION 9.2.18 FOR A PROPOSED 1,019 SINGLE-FAMILY RESIDENTIAL UNIT CLUSTER SUBDIVISION PROJECT WITH AN OVERALL DENSITY OF 1.3 DWELLING UNITS PER ACRE LOCATED ON APPROXIMATELY 780.40 ACRES OF LAND AT AND ADJACENT TO 8275 VAN WYCK ROAD (TMS#s 0022-00-002.00, 0022-00-002.02, 0022-00-002.03, 0022-00-003.00, 0022-00-03.01).

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) CLREF III Acquisitions, LLC, (“Developer”) proposes to utilize Unified Development Ordinance (UDO), Section 9.2.18, for a Development Agreement with the intent of developing a 780.40-acre parcel of real property as a 1,019-unit single-family cluster subdivision community.
- (b) The Development Agreement has been submitted and requested by Developer pursuant to the UDO requirement that all land development projects that seek a Cluster Subdivision Overlay (CSO) for the Medium Density Residential (MDR) District be governed by a development agreement and so that Developer will have ongoing certainty of the development standards applicable to the property and to make provisions to offset the expected impacts of the development on public services.
- (c) The Development Agreement attached hereto and incorporated herein by reference as **Exhibit “1”** is authorized by the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended (the “Act”), and satisfies the terms and conditions of the Act and is also in compliance with UDO Section 9.2.18.
- (d) It is in the best interests of the County and Developer to enter the Development Agreement to set forth the terms and conditions of the development to achieve a well-coordinated, master planned development, to reasonably mitigate any project impacts to the community, and to achieve predictability to the County and the Developer on the scope and terms of the development.
- (e) The scope and terms of the planned development, as set forth in the Development Agreement, accomplish the statutory aims of the Act by providing for comprehensive, orderly planning and development within the County, thus providing benefits to the citizens of the County and providing public benefits through, among other things, the donation of funds and real property for the provision of public facilities and services described and identified in the Development Agreement.

- (g) On October 18, 2022, the Lancaster County Planning Commission held a public hearing on the proposed Development Agreement and, by a vote of 0-5 recommended denial of the Development Agreement for this project.

Section 2. Approval of Development Agreement.

The Development Agreement attached as **Exhibit “1”** is approved by the Council of Lancaster County.

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2022.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: November 14, 2022
Second Reading: November 28, 2022
Public Hearing: November 14, 2022
Third Reading: December 12, 2022

Approved as to form:

John DuBose, County Attorney