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LANCASTER, SC

STATE OF SOUTH CAROLINA )

)

ORDINANCE NO. 2018-1490

COUNTY OF LANCASTER )

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### AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE APPROXIMATELY 9.625 ACRES LOCATED IN BAILES RIDGE, IDENTIFIED AS TAX MAP NO. 0005-00-090.00, FROM PLANNED DEVELOPMENT DISTRICT-5 (PDD-5) TO AVONDALE MIXED USE PLANNED DEVELOPMENT DISTRICT (PDD-27); TO AMEND VARIOUS SECTIONS OF ORDINANCE NO. 2015-1369 (PDD-27), SO AS TO REFLECT THE ADDITION OF THE APPROXIMATELY 9.625 ACRES TO PDD-27.

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

#### **Section 1.** Findings and Determinations.

The Council finds and determines that:

(a) D.R. Horton, Inc., applied to rezone approximately 9.625 acres located in Bailes Ridge, identified as Tax Map No. 0005-00-090.00, from Planned Development District-5 (PDD-5, Ordinance No. 458) to Avondale Mixed Use Planned Development District (PDD-27, Ordinance No. 2015-1369).

(b) On March 20, 2018, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of 6-0, recommended approval of the rezoning.

#### **Section 2.** Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from Planned Development District-5 (PDD-5) to Avondale Mixed Use Planned Development District (PDD-27, Ordinance No. 2015-1369) for the following property:

Tax Map No. 0005-00-090.00

#### **Section 3.** Property Included in the PDD-27 Ordinance.

Section 4 of Ordinance No. 2015-1369 (PDD-27), relating to the property zoned PDD-27, is amended to read:

“This Ordinance applies to the property known as the Avondale mixed use development property which consists of approximately ~~179.35~~ 188.975 acres (the "Property"). The Tax Map Numbers for the Property are 0005-00-093.05, 0005-00-078.00, 0005-00-083.00, 0005-00-089.01, 0005-00-089.00, 0005-00-076.00, 0005-00-077.00, 0005-00-093.04, 0005-00-092.00, 0005-00-091.03, 0005-00-091.00, 0005-00-075.01, 0005-00-075.00, 0005-00-079.01, 0005-00-090.00, and a portion of 0005-00-074.03.”

**Section 4.      Amendment of Master Plan for PDD-27.**

Section 6 of Ordinance No. 2015-1369 (PDD-27), relating to the PDD-27 Master Plan, is amended to read:

“The Master Plan for the Development, prepared by ESP Associates and dated ~~October 10, 2016~~ \_\_\_\_\_ (the “Master Plan”), is attached hereto as Exhibit A and incorporated into this Ordinance by reference.”

**Section 5.      Model Homes.**

Section 21 of Ordinance No. 2015-1369 (PDD-27), relating to model homes and other buildings, is amended to read:

“Within the boundaries of tax parcels 0005-00-093.05, 0005-00-078.00, 0005-00-083.00, 0005-00-089.01, 0005-00-089.00, 0005-00-076.00, 0005-00-077.00, 0005-00-093.04, 0005-00-092.00, 0005-00-091.03, 0005-00-091.00, 0005-00-075.01, 0005-00-075.00, 0005-00-079.01, 0005-00-090.00, and a portion of 0005-00-074.03, prior to the installation of water and sewer for the Development or any of its components, the Developer at any given time may be issued not more than eleven (11) building permits of which ten (10) may be for model single family residences for sale ("Model Homes") and one (1) for a sales office, provided that all applicable requirements of the Lancaster County Water and Sewer District are satisfied by Developer, and all applicable requirements of the South Carolina Department of Health and Environmental Control and other relevant governmental agencies are satisfied by Developer. The absence of a certificate of occupancy does not prevent developer from using the Model Home for Model Home purposes.”

**Section 6.      Village Designation.**

For the purposes of the Avondale Mixed Use Planned Development District (PDD-27, Ordinance No. 2015-1369), the 9.625 acres added to PDD-27 pursuant to Section 2 of this ordinance is included in Village \_\_\_\_\_ for all purposes of the Avondale Mixed Use Planned Development District (PDD-27, Ordinance No. 2015-1369).

**Section 7.      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 8.      Conflicting Provisions.**

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

**Section 9.      Effective Date.**


This ordinance is effective upon Third Reading.

**AND IT IS SO ORDAINED**

Dated this 14<sup>th</sup> day of May, 2018.

**LANCASTER COUNTY, SOUTH CAROLINA**

  
Steve Harper, Chair, County Council

  
Larry Honeycutt, Secretary, County Council

**ATTEST:**

  
Sherrie Simpson, Clerk to Council

First Reading: April 9, 2018  
Second Reading: April 23, 2018  
Third Reading: May 14, 2018