

Checklist for Development Agreements

No form for a development agreement can be drafted to encompass all of the various local considerations to be addressed in a specific agreement. The following checklist should be of assistance in meeting the minimum requirements of the Development Agreement Act:

Agreement provisions:

- ☐ Time for development ___ years
- ☐ Legal description or boundary survey of property including highland acreage
- ☐ Names of legal and equitable owners
- ☐ Permitted uses, including population density, building intensities and heights
- ☐ Public facilities available and to be provided, including who will provide, when and schedule of availability. If local government is to provide, set out delivery dates tied to defined completion percentages or other defined performance standards to be met by developer.
- ☐ Reservation or dedication of land for public use
- ☐ Environmental protection provisions
- ☐ Specify local permits needed. State that failure to list a permit does not relieve developer from complying with law
- ☐ Development is consistent with comprehensive plan and land development regulations
- ☐ Conditions for public health, safety and welfare
- ☐ Historic preservation provisions
- ☐ Times for developer's completion of phases
- ☐ If more than one local government involved, specify which is responsible for overall administration of the agreement
- ☐ Provision for application of anticipated new laws
- ☐ Procedures for periodic review by zoning administrator or official
- ☐ Procedures for notice of breach and termination

Ordinance approving specific agreement:

- ☐ Draft ordinance approving agreement
- ☐ Publish newspaper notice of intent to consider agreement and public hearings, SC Code § 6-31-50
- ☐ Make copy of proposed agreement available for public inspection
- ☐ Hold public hearings (council or planning commission)
- ☐ Adopt ordinance approving agreement and authorizing the Horry County Council Chairman to sign

Execution and Recording:

- ☐ Execute agreement
- ☐ Developer records agreement in county register of deeds office
- ☐ Executed copy placed in local government public records
- ☐ Record deed if lands are dedicated for public use