

**RESOLUTION R-2012-031**

*Establishing Procedures for Processing Development Agreements  
In the City of Columbia, South Carolina*

WHEREAS, S.C. Code § 6-31-10, et seq. (1976, as amended), the South Carolina Local Government Development Agreement Act (Act), authorizes the governing body of a city to enter into land development agreements to provide certainty to the development approval process so as to avoid wastes of economic and land resources and to ensure the provision of adequate public facilities to accommodate development; and,

WHEREAS, S.C. Code § 6-31-30 (1976, as amended) provides that a city council may establish procedures and requirements to consider and enter into development agreements; and,

WHEREAS, the City Council of the City of Columbia, South Carolina, in recognition of the potential growth with which the City may be faced and of the circumstance that development agreements may be an appropriate means of evaluating and addressing growth, has determined it to be in the public interest to establish a procedure to be utilized in the City as and when development agreements are requested; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Columbia, South Carolina, this 27th day of March, 2012, that the following procedure be used to consider and enter into development agreements in the City of Columbia:

1. A developer, as defined in the Act, shall consult with the City Manager, or such staff as he shall designate, to discuss the propriety of a development agreement for a contemplated development.
2. Unless otherwise designated by the City Manager, the developer shall be responsible for submitting a draft of a proposed development agreement. The draft must include the mandatory provisions of § 6-31-10 of the Act, and such other provisions to which City staff and the developer may have discussed. If a Planned Unit Development (PUD) is proposed as part of the development agreement, it must include such information as is required by the Zoning Ordinance of the City of Columbia, the Columbia Land Development Regulations, and other submittal requirements as may be in effect.
3. The developer and designated City staff shall consult and review the agreement and make such modifications as deemed appropriate. All costs of professional review of the documents, including consultants and attorneys, shall be the responsibility of the applicant. The City Manager may require a non-refundable deposit toward such fees and costs in his discretion.
4. The agreement must be reviewed and approved as to form by the City Attorney.
5. When the agreement is ready for consideration by City Council, a public hearing will be noticed, at least seven (7) days in advance thereof, in a newspaper of general circulation in the City and Lexington and Richland Counties. The notice must specify the location of the property subject to the development agreement, the development uses proposed on the property, the place where a copy of the proposed development agreement can be obtained and/or reviewed, and otherwise comply with the provisions of § 6-31-50 of the Act, as the same may from time to time be amended.
6. At the first public hearing, the date, time and place of a second public hearing shall be announced.

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7. A second public hearing will be held by the City Council, and it must be noticed at least fourteen (14) days in advance in a newspaper of general circulation in the City and Lexington and Richland Counties. The notice shall include the items and requirements of subsection 5 hereof.

8. If a development agreement is found by the City Council to be in the interest of the City, an ordinance approving and authorizing the development agreement shall be enacted. At its election, City Council may give first reading to such an ordinance at the first public hearing.

This resolution shall be effective as of final reading approval by City Council, provided that any development agreement application previously filed with the City before that date will only be subject to such of the public notice timing provisions as remain; i.e., if the first public hearing has already been scheduled and announced, the seven day notice shall not be applicable, but the fourteen day notice for the second public hearing shall.

Requested by:

City Manager \_\_\_\_\_

  
MAYOR

Approved by:

  
City Manager

Approved as to form:

  
City Attorney

ATTEST:  
  
City Clerk

Introduced: 3/27/2012  
Final Reading: 3/27/2012