UPTOWN

MASC Municipal Association of South Carolina℠

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Standard business license application to streamline process

Companies that work in multiple cities face unique circumstances as they conduct their business across the state. Different zoning ordinances, permit regulations and business licensing requirements can be confusing and make compliance with local laws difficult.

Since 1985, members of the Business Licensing Officials Association of SC and the Municipal Association's staff have been working to make it easier to do business across the state.

In late 2013, the group introduced a standard business licensing application for interested local governments. The one-page application contains all of the information most cities need to issue a license. Originally developed with contractors in mind, cities can use the standard application for any type of business working in multiple jurisdictions.

"Adopting the application is a local decision for each city to make," stressed Scott Slatton, legislative and public policy advocate for the Municipal Association. Slatton also serves as the staff liaison for BLOA.

"While using the application is strictly voluntary, we encourage cities to adopt it as a way to reduce the paperwork burden on transient business, thereby making cities more business friendly," added Slatton.

Similar to the Association's model business license ordinance, the standard business license application was created to provide cities with a best practice approach while maintaining local flexibility.

In This Issue

Public safety added to priorities

During its December meeting, the Municipal Association's board of directors added public safety to the Association's legislative priorities for the 2014 legislative session. The other three priorities are dilapidated buildings, dependable revenue sources, and quality transportation and infrastructure maintenance.

The public safety issue has been a major concern for local officials and many members of the General Assembly because of the rise in violent crime across the state.

"Gun violence, gang activity, and bond and sentencing issues are all concerns as cities and towns look at combatting violent crime," says Joe McElveen, president of the Municipal Association and mayor of Sumter.

In Columbia, Mayor Steve Benjamin convened a Task Force on Violent Crime and Bond Reform to make local and state level recommendations to address these issues. Among those recommendations are enhancing the bail process by improving the quality of the information available to judges during bond hearings and increasing the minimum fee that must be required by bail bondsmen before posting bond. The task force also recommended enhancing sentences of individuals who reoffend while out on bond for a previous serious or violent crime and improving victims assistance services by giving victims of serious or violent crime sufficient notice to attend the bond hearings.

This legislative session, several bills are making their way through the General Assembly that address various issues related to violent crime. Details and current status of these bills can be found

The standard application does not relieve the business from complying with each city's zoning or building requirements.

Here's how it works

Instead of gathering and filling out a business license application for each city in which he does work, a contractor (or other transient business owner who does work in multiple locations) can complete the standard application's business information section one time. He will submit copies of the application to participating cities along with job-specific information.

To download the standard application or to view a listing of local governments accepting the application, go to www.masc.sc (keyword: business license application).

on the Municipal Association's website (keyword: legislative tracking).

Senator Chip Campsen of Charleston and former Senator Robert Ford introduced S19 during the 2013 session. Campsen says his goal is to "stop the revolving door for repeat violent offenders. The public is very frustrated with this when criminals are released then go out and get arrested and bonded out again."

The bill would allow a court to deny bond for an individual who is charged with a serious or most serious offense while out on bond for a serious or most serious offense if the court finds there is probable cause to believe the person may have committed the crime. The bill also specifies that the bond hearing for the new charge must take place within 30 days of the arrest.

Sen. Thomas McElveen of Sumter prefiled S857 in December. He said that his bill is an effort to address recidivism. "This legislation would give prosecutors and judges a way to enhance penalties for those criminals who continue to

commit crimes while out on bond. It's a way to target the worst of the worst and keep them where they need to be–incarcerated."

McElveen's bill deals solely with sentencing enhancement after a person has been convicted of both an initial charge and a charge that occurred while out on bond for the first charge. The bill would allow a court to add to that person's sentence up to 40 percent of the maximum sentence for the offense committed while out on bond. This enhancement would also apply to an individual convicted of a lesser but similar offense.

Rep. Phyllis Henderson of Greenville introduced H4368 that focuses on gang recruitment and reflects the realities of today's growing gang activities.

She says the legislation addresses sentencing enhancements as well as the definition of a gang. "Gangs are getting more prolific and smaller and smaller to get around the definition in the law."

The bill also removes the current mandate for personal recognizance bonds in cases where a court has not found the accused poses a threat to the public or is unlikely to show up for trial. As well, the bill sets a minimum bond amount that should be required by the court when assessing crimes alleged to have been committed by criminal gang members and requires payment of the full face amount of bond in those cases rather than the traditional 10 percent.

"While any of these bills could substantially change as they go through the committee process, all are a good starting place for discussions about curbing violent crime and making our cities and towns safer," said Miriam Hair, executive director of the Municipal Association.

Statements of Economic Interest deadline changes

During the 2013 legislative session, the legislature passed S2, the Equal Access to the Ballot Act. The new law means candidates no longer file their Statement of Economic Interest with the local Municipal Election Commission.

Now, candidates must file their SEI directly with the State Ethics Commission.

The new law also changed the annual filing deadline for the Statement of Economic Interest from April 15 to March 30 at noon.

All municipal elected officials; candidates for municipal office; and chief administrative officers, regardless of the

name of the position, including city administrators or city managers, chief financial and procurement officers (or similarly titled positions) must file an annual SEI. Failure to do so or intentionally misrepresenting information is a misdemeanor and could result in a fine, jail time or both.

For more information, visit www.masc.sc (keyword: SEI).

Economic development tools

combining and syndicating tax credits

For the past five months, we have published a series of articles on how to use federal and state economic development incentives to encourage the redevelopment of historic buildings, unoccupied textile mills and abandoned buildings including vacant big box retail facilities. Each incentive is a valuable resource on its own; however, combining multiple incentives, especially when the value of the credits can be captured during the financing phase of the project, yields the biggest benefit.

As an example, consider a building listed (or eligible to be listed) on the National Register of Historic Places being redeveloped for an income-producing purpose. Federal and state historic preservation tax credits can offer a significant incentive for the developer. If the building is qualified to receive the preservation credits and it meets the vacancy and prior use requirements of the Textile Revitalization Act, Abandon Buildings Act or Retail Facilities Revitalization Act, the developer can combine the incentives of the act for which the building qualifies with the historic preservation credits.

If the project qualifies for either the Textile Revitalization Act or Abandoned Buildings Act (25 percent credit) as well as federal (20 percent) and state (10 percent) historic preservation credits and the developer elects to receive the incentives through an income tax credit option, the developer can receive a combined maximum tax credit of 55 percent of eligible rehabilitation expenses. The maximum credit is 40 percent for combining Retail Facilities Revitalization Act credits (10 percent) with historic preservation credits (30 percent).

In addition, the developer/owner can maximize the benefits of the income tax credits by transferring the credit's value to a corporation in exchange for its investing equity capital (cash). The money can be used to assist with long-term financing of the redevelopment project. Typically these investors are third parties, such as Fortune 500 companies, that can benefit from the tax credits.

This process is called syndication and gives the owner/developer immediate access to the value of the credits rather than over a period of years. In exchange for the immediate access to the capital, the dollar value of the corporate investment reflects a discounted value, such as $.90 on the dollar, compared to the face value of the tax credits.

While the process of syndicating tax credits is complicated and requires experienced legal and marketing assistance, it can be very beneficial for medium to large projects. The value derived from syndicated tax credits, in most cases, more than offsets the discounted value of the third-party investment of equity in the project and additional cost incurred for employing consultants and attorneys. The infusion of capital from tax credits can often turn a project with negative cash flow, without the benefits of incentives, into a successful project.

So how do municipalities prepare to offer developers access to these credits?

The most important step is ensuring that elected officials and staff are aware of these tax incentives and their value and are able to communicate the value of the incentives to potential developers and other partners in the redevelopment process. This topic was recently dicussed during the Advanced Municipal Economic Development course of the Advanced Municipal Elected Officials Institute of Government held in February.

The second step is identifying properties in the community that would potentially qualify for incentives, then working with the property owners and the real estate community to highlight the potential benefits of the incentives when marketing the properties.

The final step is to identify and establish a relationship with economic development consultants, such as attorneys, architects, investment bankers and syndicators, who can assist developers in attracting investors and in maximizing the benefit of these incentives.

Knowing the value of the incentives, communicating the value to developers and having consultants ready to assist are important elements to success.

For a listing of economic development tools discussed in this series, visit www.masc.sc (keyword: economic development tools).

2014 Compensation Survey results

Results from the 2014 Compensation Survey will be available on the Association's website on March 10. The online tool is an annual report of wages and salaries of South Carolina municipal employees and elected officials. A user can browse or compare specific data, such as position, salary range and budget for each city.

This year, the Association made enhancements to the reports to make them more user-friendly. In addition to listing salaries for each position, the reports now include demographic information for each city, such as number of full-time employees in each position, annual payroll, amount of cost-of-living adjustment and range of merit increases.

The reports are available in PDF format or can be exported to Excel, allowing users to sort and filter the data.

Information available through the online tool is provided annually by South Carolina municipalities.

Attracting and retaining quality employees are essential for municipalities to provide quality services to residents,

Launch of *City Connect* blog

by Reba Campbell, Municipal Association of SC

We all have our personal preferences on how we like to get information. Some people like the newspaper, others prefer email, many like social media, while others prefer tv or radio. Personal preferences also drive whether we like short bits of news or long commentary. In today's media world, all of these choices exist, but sometimes we miss things that are important because there is just too much coming at us.

At the Municipal Association, we understand that the officials we serve range in age from early 20s to their 90s. Their occupations are as varied as their ages. They gather information in different ways. Some want to search our website to answer a question, for example, while others prefer to call our staff directly. Regardless of your preference, we want to deliver information in the way that best suits you.

So…in February, the Association launched a blog, called *City Connect*, as another way to connect you with information that may be valuable to you in serving your city. Before you assume a blog will inundate you with useless political gossip, let me set out a few parameters and make a few promises to you, our reader.

We will send you the blog posts only if you ask for it or you can go directly to the blog at your leisure (www.muniassnsc. blogspot.com) and see what's been posted. Subscribe at www.masc.sc (keyword: city

connect). The blog won't inundate your inbox with meeting notices, job listings or random questions.

Rather we plan for it to connect you with information you may need but don't know we have. For instance, our website has more than 1,000 pages and more than 2,000 documents of great information on municipal topics ranging from running a meeting to recovering from a security breach. Lots of information you probably never even knew was there.

We promise this will not be a political blog, so don't come here for gossip or scandalous posts. What we will promise is a dose of quick

information–sometimes related to a national news item or maybe action in the legislature or on Capitol Hill. We might pass on an interesting article from a national publication during hurricane season and include links on our website with tips for helping your city prepare and recover from a hurricane.

We promise to keep the posts short and sweet so you can easily read them on your phone, tablet or computer. We will allow comments so feel free to give us your opinions or thoughts on the topics discussed.

So connect with the Association's new blog and see what you may have been missing.

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businesses and visitors. To do that, employees need to be fairly compensated relative to the marketplace.

The online tool allows users to review the data using several search criteria such as year, position or specific municipality. For example, a user could research the salary ranges for all public safety personnel or for just the police chiefs.

Additional search criteria options such as number of full-time employees, annual payroll and population range allow the user to research similar municipalities. For example, the user can find the salary range of all municipal clerks in cities with a population of more than 40,000.

For more information, visit www.masc.sc (keyword: compensation survey). Data from prior years (2008-2012) are available as well.

Mayors are getting by with a little help from their friends

James Cash Penney who founded J.C. Penney department stores in 1902 once said, "Cooperation proves the quality of leadership."

Fast forward 100+ years later and Penney would be impressed by South Carolina mayors as they reach across their city limits to help their region succeed while advancing their own community.

Within the past year, the mayors of Mullins, Marion, Sellers and Nichols have formed the Marion County Mayors' Coalition. The first big project they are taking on is strategic planning.

Why are they taking a regional approach to strategic planning?

"Frankly, it just makes sense," said Mullins Mayor Bo McMillan.

"I don't care if the jobs are in Marion or in Florence–all of our residents will have access to them. I believe totally in strength in numbers and in brainpower," he added.

The strategic plan that the mayors' coalition is working on involves four main goals: workforce development, job creation, product development, and marketing and communications

The Town of Sellers, which has a population of only 300 people, would never be able to afford a plan like this. "The smaller communities get left out," said Sellers Mayor Barbara Hopkins. She explained that this collaboration has helped her build a better community. "We are finally getting a new town hall,

a library and a community center," said Mayor Hopkins. "The other mayors have really supported me."

According to Mayor Bobby Davis of the City of Marion, this collaboration has had only positive feedback from residents and industry alike. "Prospects are giving us a closer look," he said.

Marion County's 22 active industrial projects illustrate Mayor Davis' point.

In the Lowcountry, the Town of Mount Pleasant, the City of Charleston and the City of North Charleston, along with the Charleston Area Chamber of Commerce, are taking a regional approach to streamline the business license process for businesses that work in multiple jurisdictions. (See related article on p. 1 regarding the standard business license application.)

Mount Pleasant Town Administrator Eric DeMoura has seen many synergies by working together. "First of all, the business community is happy to see us all coming to the table," he said.

"We're all trying to improve our services," he said. "We have so much in common that it was time to work together. Collaborating on this business licensing initiative has resulted in better relationships with the business community and stronger intergovernmental relationships within the county."

In Orangeburg, city and county councils met in December to discuss a host of mutual concerns, ranging from fire

service and annexation to litter control and taxes. While no formal action was taken, both councils agreed to work on resolving the issues and to continue the conversation.

Lake City in the Pee Dee is taking a regional approach to business development, and Mayor Lovith Anderson is encouraged by their successes to date.

"It's hard for small towns to bring in major industry," he said. "We are learning that when we pool our resources we can create a more level playing field, then all of us benefit from an industry locating in the region."

"We have a mobile workforce," he explained. "People are not necessarily working where they live. They are willing to commute."

Mayor Anderson pointed to Continental Tire's $500 million investment in Sumter County that is expected to create 1,600 jobs. "The plant is only 35 miles from Lake City, which is an easy commute," added Mayor Anderson.

It wasn't always easy. "Communication is always an issue. However, each community has similar problems and issues. We can all learn from each other," he said.

Mayor Anderson emphasized the need for regional partnerships. "What affects one small community, affects us all. In the old days, each little town competed against another. Now, we have to help each other."

Planning official education
requirements made easy

In 2003, the General Assembly amended the South Carolina Comprehensive Planning Act by adding orientation and continuing education requirements for planning and zoning officials. The requirements apply to members of the planning commission, board of zoning appeals and architectural review board, as well as staff who directly or indirectly work with these boards and commissions.

The law mandates these officials take six hours of orientation training within 365 days of their appointment and a minimum of three hours of continuing education training each year. The consequence for not meeting the training requirement is severe. An appointed official can be removed from office, and a professional employee can be suspended or dismissed. It could also be grounds for a legal challenge of official actions taken by the board or commission.

State legislators also created the SC Planning Education Advisory Committee and made it responsible for approving all orientation and continuing education training materials. The Municipal Association of South Carolina and South Carolina Association of Counties offer the only state-approved resources for orientation training.

For continuing education materials, the Advisory Committee maintains a listing of organizations on its website (http://bit.ly/1n7ngVq) that it has approved as sponsors of continuing education programs. This means the Committee has preapproved any materials coming from these sponsors.

"While the preapproval process for training materials is extremely helpful, the extensive listing of approved sponsors and how to access their materials can be daunting," explained Eric Budds, deputy executive director for the Municipal Association. "We looked at the material provided by the American Planning Association [one of the preapproved sponsors]. Not only are the materials preapproved, they are easily accessible and available in an electronic format to non-APA members. To access the materials, nonmembers must establish a login ID and account at http://bit.ly/LrIMId.

Once the account is set up, users can select a training course from the APA library (www.planning.org/store/streaming/) and choose the group viewing option. According to the Advisory Committee, all continuing education training must be conducted in a group or classroom setting.

After paying for the course, APA provides a link via email to activate the material. Once activated, the material is available for 48 hours.

A person in a position of authority with a working knowledge of the subject matter and jurisdictions in attendance must monitor the training. Additionally, the coordinator must confirm attendance and facilitate discussions. Unlike the facilitators for the orientation training, there are no education/experience requirements for continuing education coordinators.

APA staff identified 11 video programs that it believes are the most relevant for continuing education needs of planning staff and planning/land use commission members. The length of the training materials varies from one to five hours. In addition to the 11 video programs identified, APA has additional streaming products which may be of interest and meet continuing education requirements. The subject matter must fall within 12 broad topic areas listed in SC Code Sec 6-29-1340(c).

For more information, visit www.masc.sc (keyword: planning training).

Product Title	Group Viewing	Length
21st Century Planning Commission short course	$ 225	355 min
Introduction to the Planning Commission: *Part one*	$ 80	120 min
Introduction to the Planning Commission: *Part two*	$ 80	120 min
Introduction to the Zoning Board of Adjustment	$ 80	90 min
Design Review for Officials	$ 60	60 min
Creating Successful Meetings	$ 200	60 min
Informed Decisions: *A Guide to Getting Facts and Evidence*	$ 200	60 min
Site Plan Review for Officials	$ 60	60 min
Staying Out of Court by Avoiding Pitfalls	$ 200	60 min
From Soup to Nuts: *Paying for Growth*	$ 25	75 min
Great Plans, Great Communities	$ 25	60 min
Planning for Post-Disaster Recovery	No charge	150 min

Land Use/Planning

A Day in the Life of
zoning officials

Land Use/Planning

Tony Lavender of Gaffney points to seeing a project go from a set of plans on his desk to a completed development as a high point of his job.

Anthony Lavender has been with the City of Gaffney for more than 32 years. During that time he has worn many hats, including that of zoning administrator.

Lavender said that when he first started out in zoning, the zoning ordinance was just a small book with a few simple regulations. Zoning has evolved greatly through the years. Today the city has a much more comprehensive ordinance, he said.

Occasionally, property owners hear the word "zoning" and have misconceptions about what it's about, Lavender said.

"It is hard to convince a property owner that zoning is there to protect them from the adverse effects of undesirable development," he said.

Lavender said it is most rewarding to see a project go from a set of plans on his desk to a completed development.

"I get to have a hand in something that, hopefully, the community can be proud of and will be a part of this community for many years to come," he said.

While Lavender has been involved in zoning for years, City of Union Zoning Coordinator Melanie Lawson just began her job full-time in October. Previously, she worked as a family court deputy clerk.

Lawson reports seeing an uptick in commercial growth in Union during the past year, with a new Waffle House restaurant and strip mall. Residential development lags behind, however.

"It's great to see commercial growth," Lawson said. "We're a small town, and we desperately need it."

Sarah Hanson has been with the City of Goose Creek's Planning Department for six years and has served as the planning and zoning director for a little more than a year. Before coming to work for the city, she was involved in various aspects of development. She worked with one of the largest commercial developers in North Carolina, sold residential real estate and worked as a design consultant for a residential builder in Goose Creek.

These days, zoning officials place an emphasis on the impact development has on natural resources in order to complement and enhance the natural beauty in communities, Hanson said.

"I think we are more sensitive to the need for open space and gathering space in our developments as well as doing all we can to ensure today's development is thoughtfully planned and designed so it will serve our residents' long term needs," she said.

Hanson takes great interest in the design aspect of new development.

"It is humbling to know that what I do on a daily basis can have an impact on this city for generations to come, and I take that responsibility very seriously," she said. "I want that impact to be as positive as humanly possible."

Kent Prause has been with the Town of Mount Pleasant for 25 years. For the past five years, Prause has served as the planning division chief/zoning administrator.

The current trend in zoning is more regulation, Prause said.

"It has gotten more complex, more rules. As an elected official once told me, 'If people would just do the right thing (by abiding by a common code of courtesy), we wouldn't need all these rules,'" Prause said.

Prause said he enjoys resolving complex issues on the job, but that it's sometimes difficult to tell people "no" in a way that is courteous and makes them feel they are being treated fairly. People get very upset if they think zoning regulations are being applied unequally, he said.

Eileen Duffy has been the deputy director of the Planning and Zoning Department for the City of North Charleston for the past year and a half. Previously, she worked in the City of Charleston Department of Housing and Community Development.

Duffy said North Charleston has seen an increased pace of development over the last year. Because of that, it's been a challenge keeping up with the volume of permits and plats needed to facilitate the development. Still, it's rewarding to help residents and business owners get their projects completed, she said.

Brian Carter is the new assistant city administrator for the City of West Columbia, but he continues to be involved with his former duties as the city's director of planning and zoning. Carter first started with the city in 1998 and began working in zoning around 2005.

During the past five years, Carter said there has been more emphasis on how zoning codes are impacting development. Many municipalities are transitioning to a form-based approach. The approach focuses on the impact that development has on the way people experience urban spaces in relation to use, building form or

Brian Carter with the City of West Columbia enjoys meeting individuals who are starting new projects in the city.

design, overall site design, and scale. West Columbia, however, has not adopted a form-based code. Carter said that approach may not necessarily be the right fit for every community. (See related article about form-based codes on page 12.)

Technology also has made an impact on zoning. When the zoning codes were written, no one could have imagined people running computer-based businesses out of their homes, Carter explained. Codes must be amended as needed to keep up with changes in technology, he added.

Zoning has shifted away from a bureaucratic service to a more customer-friendly one, Carter said.

"Municipalities recognize that zoning is often the first point of contact for a new resident or someone opening a business," he said. "Zoning has to have a personal face and a high level of customer service."

At times, it's hard to reconcile someone's desires for their property with the zoning codes, Carter explained. Occasionally a structure or use doesn't fit into the allowed uses for the property, but the regulations are in place for a purpose.

"It can be difficult to convey the idea of there being a larger picture for our community," he said.

Carter said he always enjoys meeting people who are starting new projects in the community, whether it's a homeowner building a playhouse in his yard or a developer building a new neighborhood.

"These are good folks who are invested in their community," he said.

Kent Prause with the Town of Mount Pleasant facilitates a neighborhood plan meeting to ensure zoning regulations are applied equally.

The Biggert-Waters Flood
Insurance Reform Act of 2012

In recent months, there has been uproar over the dramatic flood insurance rates that are coming as a result of the Biggert-Waters Flood Insurance Reform Act of 2012. Many South Carolinians, especially on the coast, will feel the impact of these rate increases. However, inland residents are being affected as well.

"We have heard of several instances of homeowners now being required to have insurance when they didn't before," said Mark Williams, town administrator for Forest Acres in the Midlands.

Standard homeowner's insurance does not cover flooding. In 1968, the federal government created the National Flood Insurance Program, which is managed by the Federal Emergency Management Agency. NFIP is now the primary source for flood insurance nationwide.

What is the Biggert-Waters Flood Insurance Reform Act of 2012?

In 2012, Congress passed the Biggert-Waters Flood Insurance Reform Act. The Act extends the National Flood Insurance Program for five years, while requiring significant program reform. The law requires changes to all major components of the program, including flood insurance, flood hazard mapping, grants and the management of floodplains. Many of the changes are designed to make the NFIP more financially stable and ensure that flood insurance rates more accurately reflect the real risk of flooding.

Because of many issues of rising rates that occurred due to the Biggert-Waters Act, Congress is attempting to mitigate the impact on property owners who live in affected areas.

In late October 2013, a bipartisan group of U.S. House and Senate members introduced legislation to delay flood insurance rate increases for most of the affected properties for four years and require FEMA to complete an affordability study, which is estimated to take two years to complete. This legislation passed the U.S. Senate in

January and at press time is awaiting House action.

As a short-term fix, the 2015 spending bill that Congress passed in early February included a delay of some flood insurance rate hikes until the end of the fiscal year on September 30. This delay applies only to homeowners whose rates are subsidized because the property was built before the flood insurance rate maps were put in place, generally in the 1970s and 80s.

Why was the Biggert-Waters Flood Insurance Reform Act of 2012 passed?

Flooding has been, and continues to be, a serious risk in the United States–so serious that most insurance companies have specifically excluded flood damage from homeowners insurance. To address the need, the U.S. Congress established the NFIP as a federal program in 1968. It enabled property owners in participating communities to purchase flood insurance if the community adopted floodplain management ordinances and minimum standards for new construction. However, owners of existing homes and businesses did not have to rebuild to the higher standards, and many received subsidized rates that did not reflect their true risk. Over the years, the costs and consequences of flooding have continued to increase. For the NFIP to remain sustainable, its premium structure needed to reflect the true risks and costs of flooding. This is a primary driver for many of the changes required under the law.

Will all policyholders see changes in insurance rates as a result of Biggert-Waters?

More than 80 percent of policyholders (representing approximately 4.48 million of the 5.6 million policies in force) do not pay subsidized rates. About 20 percent of all NFIP policies pay subsidized rates. Only a portion of those policies that are currently receiving subsidized premiums will see larger premium increases of 25 percent annually starting this year, until their premiums are full-risk premiums. Five percent of policyholders–those with subsidized policies for non-primary residences, businesses and severe repetitive loss properties–will see the 25 percent annual increases immediately. Subsidies will no longer be offered for policies covering newly purchased properties, lapsed policies or new policies covering properties for the first time.

In general, which properties will be most affected by changes in rates?

Rate changes will have the greatest effect on properties located within a Special Flood Hazard Area that were constructed before a community adopted its first Flood Insurance Rate Map and have not been elevated. For many communities, the initial FIRM would have been adopted in the 1970s and 1980s. Local insurance agents will be able to provide the initial FIRM date for the community.

Many of these pre-FIRM properties have been receiving subsidized rates. Subsidies are already being phased out for non-primary residences. Under Biggert-Waters, subsidies will be phased out for businesses; properties of one to four residences that have experienced severe repetitive loss; and properties that have incurred flood-related damages where claims payments exceed the fair market value of the property. Premiums for these properties will increase by 25 percent per year until they reach the full risk rate.

Subsidies are not being phased out for existing policies covering primary residences. However, the subsidy provided to primary residences could still be lost under conditions that apply to all subsidized policies. Subsidies will be immediately phased out for all new and lapsed policies and upon sale of the property. There may also be premium changes for policyholders after their community is remapped. But that provision of the act is still under review and will be implemented in the future.

This article is reprinted in part with permission from Quality Cities, November/ December 2013. Information provided by FEMA's website, www.fema.gov/ flood-insurance-reform-act-2012.

Community Rating System

The National Flood Insurance Program's Community Rating System is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. Twenty-seven South Carolina cities and towns participate in the incentive program.

In exchange for a community's proactive efforts to reduce flood risk, policyholders can receive reduced flood insurance premiums for buildings in the community. These reduced premiums reflect the reduced flood risk resulting from community efforts toward achieving the three CRS goals:

- Reduce flood damage to insurable property
- Strengthen and support the insurance aspects of the NFIP
- Encourage a comprehensive approach to floodplain management

A community can apply for CRS participation as long as it is in good standing with the NFIP, which is determined by FEMA after conducting a Community Assistance Visit.

More information on the Community Rating System, including a guide for local officials, can be found at www.fema.gov/ national-flood-insurance-program-2/ community-rating-system.

Land Use/Planning

Form-based codes:
Building the town of yesterday and tomorrow

By Carolyn Reid, Lawrence Group

When a real estate developer is considering purchasing property, he must check the zoning regulations. The zoning code says what type of business or residence can be built there, how big the building footprint can be, how tall the building can be, how many parking spaces must be provided, and how much land must be left undeveloped, as a starting point.

The code may also require a long approval process through a number of boards and commissions. If the zoning code doesn't permit enough revenue-producing floor space to make the project viable—and the prospects for a zoning change are not encouraging—then the municipality just lost a potential taxpayer, job-creator or housing provider.

How can a municipality make sure that development regulations attract investment, rather than push it toward competitors? One method is to adopt a form-based code that will expedite the development process, provide predictability to private and public entities, support the creation of high-value development, and allow flexibility as the community grows.

What is a form-based code?

Most zoning codes are based on a model from the 1920s that emphasized the need to separate smoke-spewing industries from people's homes. While this was necessary in the 1920s to prevent children from developing black lung, today's principal places of work are offices, not factories; and the ability to walk from home to the office is coveted, not shamed.

Nonetheless, many municipal zoning codes still focus on use. As the principal control of how a community feels when you're walking down the street, development codes can do much more: form-based codes differ from conventional zoning codes by emphasizing the way buildings look from the street, rather than what is happening inside them.

Conventional zoning codes create places with very little street appeal.

Form-based codes emphasize building frontages, creating places like Baxter Village in Fort Mill.

Where a conventional zoning code may distinguish regulations for a clothing store, a bakery and a bank, a form-based code treats these all as retail storefronts. The form-based code would require a prominent sidewalk entrance and plenty of fronting windows to encourage a vibrant shopping area, then leave many of the details to the developer or business owner to determine. A form-based code would also set the expectations for the public area of the sidewalk, planting strip and the street. Both the public and private areas must be coordinated to ensure the most attractive, most functional and most walkable environment.

How do form-based codes work?

Like conventional zoning codes, form-based codes are laws that govern private development, but the regulations within them are based on protecting and enhancing public investments. A municipality's largest public space investment is the street network; the way that people experience a municipality is also via the street network.

History shows us that the most valuable, lasting real estate value has been created by building places where people stroll main streets and live on tree-lined blocks with inviting porches before modern zoning codes and cars changed the way neighborhoods were built. These streets are lined with high-quality buildings, not parking lots; they have tall trees and generous sidewalks, not gravel ditches. These streetscapes provide visual cues as to whether we're in a place to stop and explore, or to lock the doors and keep driving.


With no sidewalks and few trees, this neighborhood does not invite strolling.

Built under a form-based code, Prince Street in Beaufort has houses with porches that front a sidewalk lined with trees and streetlights.

Form-based codes prescribe building frontage types based on districts. A frontage is the side (or sides if it is a corner property) of a building that face the street, and frontage types are based on universal architectural forms that define the fronts of buildings: fences, porches, stoops, storefronts, arcades and galleries.
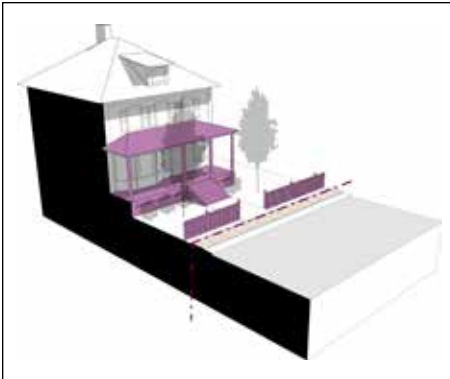
A porch and fence frontage makes for friendly residential streets and fits into many South Carolina architectural styles.
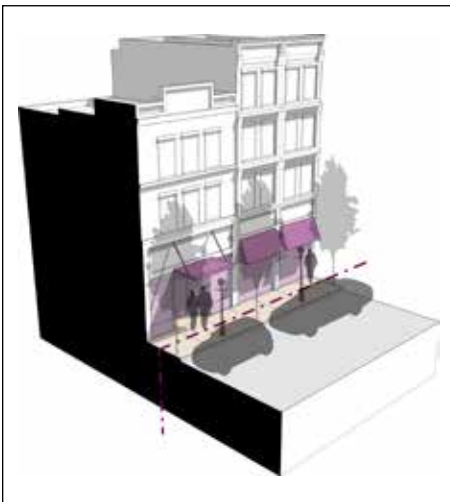
A shopfront building frontage, with large windows and awnings, is the backdrop of Main Street-style shopping districts.

Recognizing that the highest-value, longest-lasting neighborhoods are places where people feel comfortable walking, form-based codes require building frontages to be fairly close to the sidewalk to provide continuous scenery. New development may also be required to install street lights and trees along the street, framing the other side of the sidewalk. With a few exceptions to ensure that adjacent uses will make good neighbors, it is the frontage of a building that form-based codes are principally concerned. Uses behind the "frontage," like granny flats, are tools to increase density without visibly impacting the public frontage.

Main Street in Downtown Greenville is a busy shopping district full of high-quality stores and restaurants.

Determining the basis for what frontages are allowed is often determined in form-based codes by districts based on a rural-to-urban transect. The transect concept comes from ecology, where a cross-section of land–from the ocean to mountains, for example–may be grouped into habitats based on the characteristics of plants and animals that reside there. In the same way that egrets and cordgrass live symbiotically in tidal marshes, there are building forms, public spaces and streetscapes that tend to perform well together in the built environment.

For example, a public space at the edge of the city may be a large regional park with hiking trails, and nearby residences may be on large lots with a decorative fences in front. At the opposite end of the transect, a public space in the city center may be a more intimate square where markets and events take place, and surrounding residences may be four-story condominium buildings with entrances at the sidewalk.
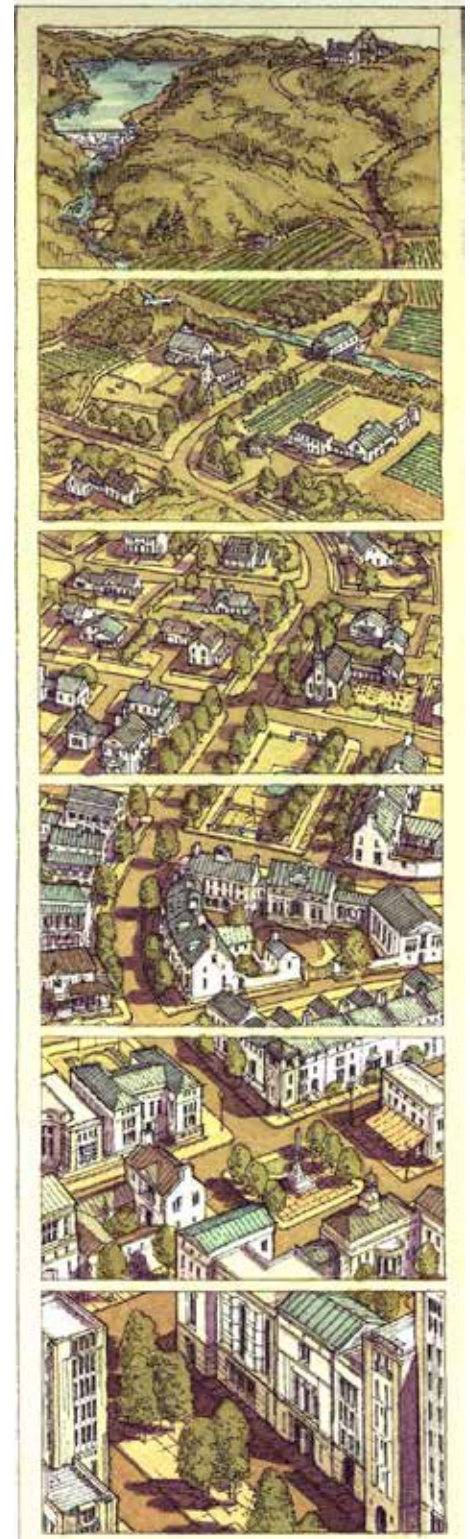
The rural-to-urban transect, illustrated above with the least-developed land at the top and the most-developed land at the bottom, can organize districts and place types in a form-based code. Image source: James Wassell via Center for Applied Transect Studies (transect.org)

Land Use/Planning

Why use a form-based code?

Form-based codes offer short- and long-term benefits to municipalities. By clarifying expectations for what the built form of development should look like, a form-based code can expedite the development process. A shorter time frame and fewer uncertainties attract developers who want to minimize risk and land-holding costs.

In the long-term, high-quality construction that creates a sense of place means lasting value. This makes form-based development flexible and resilient, as buildings can adapt to changing markets and uses over time.

There are already several examples of form-based codes in South Carolina. Spartanburg officials are using a form-based code to manage development in their entire downtown area. Beaufort has two form-based codes managing redevelopment in areas where the city is making a significant investment in new infrastructure. Greenville has seen success with a form-based code to encourage infill housing in a blighted neighborhood. Columbia is using a form-based code to manage the redevelopment of the State Hospital in the Bull Street neighborhood.

From very urban center-cities to small towns, and even in rural areas, form-based codes can ensure a more predictable development outcome for developers, neighbors and elected officials.

Lawrence Group is a building design, development and project delivery firm with professional staff in five regional offices in North America. Craig Lewis, AICP, LEED AP, CNU-A, a principal with Lawrence Group, spoke on form-based codes at the Municipal Attorneys Association's Annual Meeting. For more information about MAA, visit www.masc.sc (keyword: MAA).

Frequently asked questions | Board of Zoning Appeals
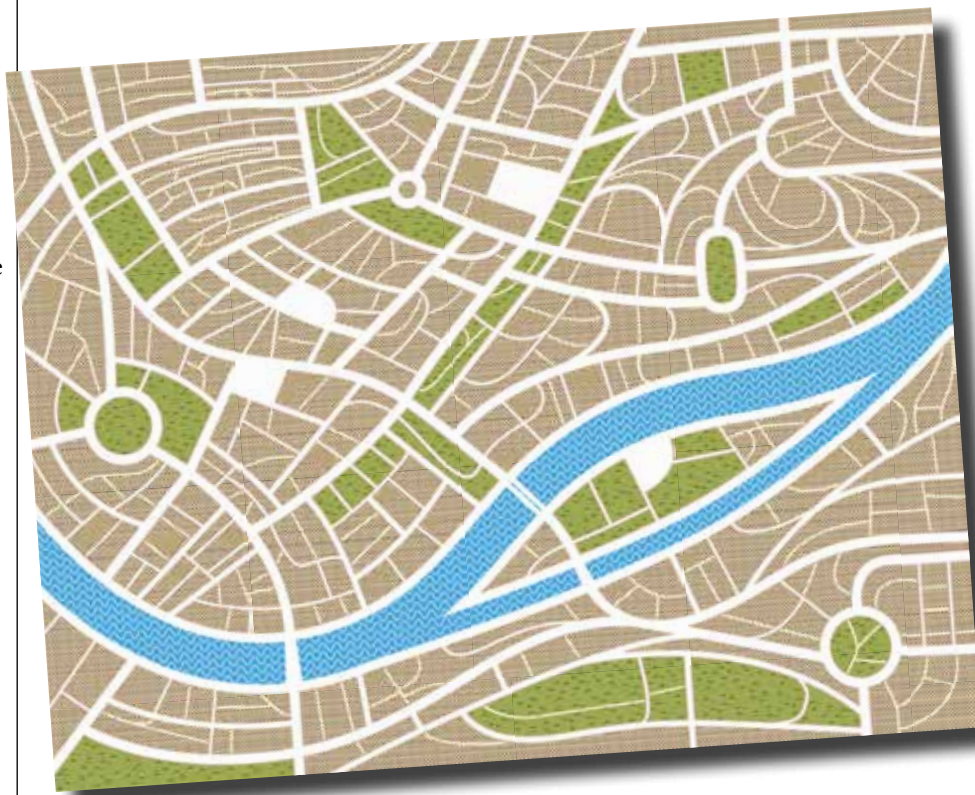
Q What is the municipal council's role in land use planning and zoning appeals?

City council's role is limited to establishing and appropriating funding for the planning function, appointing members to the land use boards and commissions, and adopting applicable land use policies and regulations. Once the council adopts the formalized policies and procedures, it cannot be involved in interpreting or enforcing the policies and laws it enacts.

Q How are zoning appeals handled?

The 1994 Comprehensive Planning Act authorizes municipal councils to create, as part of the zoning ordinance, a board of zoning appeals. The BZA is empowered to make final administrative decisions for the local government concerning the zoning ordinance as well as to rule on variance and special exception requests.

Q How should BZA members be appointed?

City council makes appointments to all land use boards and commissions including the BZA. The Planning Act provides municipal councils significant flexibility regarding BZA appointments. According to state law, the BZA can have between three to nine members appointed for overlapping terms of between three to five years. BZA members cannot hold any other public office or position in the appointing government.

Q How are decisions of the BZA appealed?

All appeals go directly to a state circuit court, not city council, for review. If council does not like how one of its policies or laws is applied, its only recourse is to modify the policy or law for future application.

Roles and responsibilities in the planning process

Governing Body

Mayor and Council
- Sets vision for city
- Adopts comprehensive plan, zoning ordinance and zoning map amendments by ordinance after a public hearing
- Appoints planning commission, board of zoning appeals and board of architectural review members

Zoning Official
- Administers/interprets zoning code
- Enforces zoning ordinances
- Issues permits
- Processes applications for variances and special exceptions
- Processes appeals
- Maintains zoning map

Planning Commission
5-12 members

Prepares and implements the council-approved comprehensive plan though zoning ordinances and regulations for the development of land

Recommends to council policies and tools to implement the town's vision

Considers zoning/rezoning requests and makes recommendations to council

Board of Zoning Appeals
3-9 members

Grants or denies applications for variances and special exceptions

Determines appeals from administrative decisions of the zoning official

Can remand a matter to the zoning official if the record is insufficient for the board's review

Board of Architectural Review
No more than 10 members

Implements zoning ordinances to preserve and protect historic and architecturally valuable districts, neighborhoods and natural scenic areas

Determines appeals from decision of the zoning official

Appeals Process

Circuit Court
Hears appeals from board of zoning appeals and board of architectural review

State Appellate Court
Hears appeals from the circuit court

Calendar

For a complete listing of training opportunities, visit www.masc.sc to view the calendar.

MARCH

11 Fire Policy Training. Surface Water Plant Training Room, Florence. Open to SC Municipal Insurance Trust members. Elective course for the Risk Management Institute.

12 Fire Policy Training. Municipal Association of SC Office, Columbia. Open to SC Municipal Insurance Trust members. Elective course for the Risk Management Institute.

12-14 Municipal Clerks and Treasurers Institute Session A. SpringHill Suites, Columbia. Topics include election administration, cost effective IT strategies, municipal accounting and human resource management.

13 Fire Policy Training. Banquet Hall, Fountain Inn. Open to SC Municipal Insurance Trust members. Elective course for the Risk Management Institute.

13 Municipal Technology Association of SC Spring Meeting. Columbia Conference Center, Columbia. Topics include email archive solutions, Microsoft cloud solutions and PCI compliance update.

19 SC Association of Stormwater Managers First Quarterly Meeting. Columbia Conference Center, Columbia. Topics include changes in the reissued MS4 permit and understanding the elicit discharges element of the new permit.

20 Municipal Elected Officials Institute of Government: Basic Budgeting and Municipal Finance. Via Web stream. Councils of Governments' offices.

30 Deadline for submitting annual Statement of Economic Interest. See related story on page 3.

APRIL

1 Parks and Recreation Liability Training. Columbia Conference Center, Columbia. Open to members of the SC Municipal Insurance and Risk Financing Fund. Elective course for the Risk Management Institute.

8 SC Association of Municipal Power Systems Member Meeting and Legislative Reception. Clarion Hotel Downtown, Columbia.

11 Municipal Court Administration Association Spring Meeting. Embassy Suites - Greystone, Columbia. Topics include an update from the South Carolina Court Adminstration, bond estreatments and reporting unclaimed funds.

23 SC Business Licensing Officials Association Spring Training and Advanced Academy. Columbia Conference Center, Columbia. Topics include business license procedures, FOIA, making the licensing process more business friendly.

30 SC Association of Municipal Power Systems Linemen Training (repeated on May 1), SCE&G Pine Island, Columbia.