COMMITTEE REPORT

April 25, 2012

**H. 3604**

Introduced by Reps. J.E. Smith, Brady, Agnew, R.L. Brown and Whipper

S. Printed 4/25/12--S.

Read the first time May 18, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Concurrent Resolution (H. 3604) to encourage the South Carolina Council of Governments to adopt ordinances intended to enable the retrofitting of shopping malls and shopping centers into dense, walkable, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LARRY A. MARTIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Transportation (SCDOT)

SCDOT indicates there is no fiscal impact to the agency with the adoption of this bill.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **CONCURRENT RESOLUTION**

TO ENCOURAGE THE SOUTH CAROLINA COUNCIL OF GOVERNMENTS TO ADOPT ORDINANCES INTENDED TO ENABLE THE RETROFITTING OF SHOPPING MALLS AND SHOPPING CENTERS INTO DENSE, WALKABLE, MIXED‑USE TOWN CENTERS, AND TO ENCOURAGE OTHER MEASURES TO PROMOTE A HUMAN HABITAT THAT IS HOSPITABLE AND ACCESSIBLE TO MORE SOUTH CAROLINIANS WHILE LESSENING ENVIRONMENTAL IMPACTS ON THE STATE.

Whereas, the State of South Carolina aspires to retrofit its inventory of automobile dependent settlement patterns into compact, walkable, diverse, and transit ready communities that are more socially equitable, consume less petroleum, and generate fewer greenhouse gases; and

Whereas, the public servicing of automobile dependent settlement patterns disproportionately consumes the tax base of South Carolina municipalities; and

Whereas, the Baby Boom Generation, the largest demographic group among South Carolina residents, will not be well served by being able to live only in automobile dependent suburban areas; and

Whereas, the Millennial Generation, the second largest group and the most important to the future workforce of South Carolina, has shown a preference to urban areas; and

Whereas, the existing investment in automobile dependent settlement patterns must not be allowed to become uncompetitive and thereby lose value; and

Whereas, the current financial crisis has opened certain real estate assets in South Carolina to transformation and that principle among them are underperforming malls and shopping centers; and

Whereas, shopping malls are sizeable greyfield sites large enough to sustain a rebalancing of investment on open parking lots, and that rebalancing the site entails the addition of dwellings, offices, hotels, schools, and civic structures, with the result being town centers; and

Whereas, town centers may revitalize the housing subdivisions around them that might otherwise become obsolete; and

Whereas, retail nodes have been overbuilt and much of the land they occupy is under single ownership and open to repurposing; and

Whereas, such retail nodes are located along arterial roads with a great deal of established right of ways, convertible to urban complete street capacity; and

Whereas, retail locations are usually well placed regionally for service by streetcar and bus rapid transit, as emerging transportation options; and

Whereas, South Carolina’s focus on arterial highways has helped rural mobility, but has not supported the finer grained urban street networks that encourage vital modes like walking, cycling, and transit; and

Whereas, the immediate neighbors would be less inclined to oppose the redevelopment of a retail node than new greenfield development or densification by infill; and

Whereas, the South Carolina Council of Governments are urged to:

(1) draft policy and corresponding model ordinances intended to enable the retrofitting of shopping malls and shopping centers into dense, walkable, mixed‑use town centers;

(2) establish protocols that encourage the incorporation of the model policy and ordinances into municipal zoning codes and subdivision regulations;

(3) incorporate the associated policies into the updates or amendments of local comprehensive plans;

(4) develop urban complete streets in cooperation with the South Carolina Department of Transportation to serve these centers with a balanced, diverse set of travel modes; and

(5) develop a set of legal incentives including, but not limited to, permitting by rights, replacing traffic impact exactions, and other state mandated assessments with a fair mobility fee, creating special state taxing districts for public improvements to sites, and funding for design and construction of the parking and transit infrastructure. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the South Carolina General Assembly, by this resolution, encourage the South Carolina Council of Governments to draft model ordinances intended to enable the retrofitting of shopping malls and shopping centers into dense, walkable, mixed‑use town centers, and to encourage other measures to promote a human habitat that is hospitable and accessible to more South Carolinians while lessening environmental impacts on the State.

Be it further resolved that a copy of this resolution be forwarded to the South Carolina Council of Governments.

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