

ORDINANCE NO. 2026-7

AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY REVISING SECTION 21.2.1.2 (ZONING MAP) OF SAID CODE; PROVIDING FOR A CHANGE IN THE DISTRICT BOUNDARIES OF THE CITY ZONING MAP FOR 1338 SUNNYSIDE DRIVE (TMS R13907-01-09) AND 1346 SUNNYSIDE DRIVE (TMS R13907-01-11) FROM PDD (PLANNED DEVELOPMENT DISTRICT) TO R-1 (LOW DENSITY RESIDENTIAL).

WHEREAS, the Mayor and Council of the City of Forest Acres deem it necessary to amend the Zoning Map of the City of Forest Acres, State of South Carolina, in order to alter district lines for the purpose of changing the zoning;

NOW, THEREFORE, pursuant to the power vested in the Council of the City of Forest Acres by virtue of Section 6-29-760, Code of Laws of South Carolina, 1976, as amended;

BE IT ORDAINED BY THE CITY COUNCIL, City of Forest Acres:

Section 1. That the Code of Ordinances of the City of Forest Acres be amended by revising Section 21.2.1.2 (Zoning Map) of the Unified Development Ordinance, so as to amend the boundaries of the Zoning Map in order to change the existing zoning from a Planned Development District (PDD) to a Low Density Residential District (R-1), on those certain pieces, parcels or lots of land designated as follows:

1338 Sunnyside Drive (Richland County Tax Map No. R13907-01-09)

1346 Sunnyside Drive (Richland County Tax Map No. R13907-01-11)

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Effective date. The effective date of this ordinance shall be immediately upon its passage.

ORDAINED AND ADOPTED under the Corporate Seal of the City of Forest Acres, State of South Carolina, this 9th day of June, 2026.


MAYOR

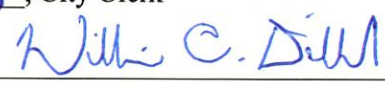

COUNCILPERSON


COUNCILPERSON


COUNCILPERSON


COUNCILPERSON

ATTEST: , City Clerk

Approval of City Attorney as to form: 

Person Requesting Ordinance: City Administrator

Public Hearing: March 10, 2026

First Reading: May 12, 2026

Second Reading: June 9, 2026

Planning Commission Recommendation: Approval

PROTECTING OLD-GROWTH FOREST DURING PDD-TO-R-1 REZONING

City of Columbia Precedent for Forest Acres

Forest Acres, South Carolina

February 2026

THE SITUATION

A property in Forest Acres currently zoned as a Planned Development District (PDD) is being recommended for rezoning to R-1 (Low-Density Residential, Single-Family). The property contains **approximately 300 years of undisturbed old-growth forest** associated with the Gills Creek watershed and its wetlands.

Once rezoned to straight R-1, **there is no requirement preventing a developer from clear-cutting the entire forested area outside the 50-foot jurisdictional buffers** established by the Forest Acres Stormwater Buffer Ordinance (Section 21-215). The existing Tree Protection ordinance (Section 21.152) was designed for individual significant trees during construction—not for preserving intact old-growth forest ecosystems.

The ask: Forest Acres should adopt generally applicable protections—modeled on what the City of Columbia already does—before approving this rezoning. These are not parcel-specific conditions. They are uniform standards that apply to all similarly situated development.

WHY THIS IS NOT CONTRACT ZONING

Contract zoning means striking a deal with a specific landowner: “We’ll approve your rezoning if you agree to X.” That is illegal in South Carolina because it bargains away the police power.

Everything in this report proposes the opposite: **generally applicable regulations** that apply uniformly to every development in a given district, overlay, or situation. The City of Columbia has used every one of these tools. They have survived legal scrutiny because they are codified in the UDO and apply the same way to every property.

Contract Zoning (Illegal)	Generally Applicable Standard (Legal)
“We’ll rezone your lot to R-1 if you preserve 5 acres of trees.”	“All development in R-1 must retain 30% of existing tree canopy.” (Applies to everyone.)
Negotiated privately with one developer.	Adopted by ordinance after public hearing. Applies citywide or district-wide.
Conditions exist only in a private agreement.	Conditions are in the UDO text, enforceable by the Zoning Administrator.

WHAT COLUMBIA ALREADY DOES: FIVE SPECIFIC EXAMPLES

1. Tree Canopy Cover Retention Standards

Columbia UDO § 17-5.4(D), Table 17-5.4(D)(1)

Columbia requires every development site to **retain a mandatory percentage of existing tree canopy**. The percentage varies by zoning district and is set out in a table in the UDO. This standard applies the same way to every developer in the district—no negotiations, no one-off deals.

How it works: Before any land disturbance, the developer must survey existing tree canopy (all healthy trees 8"+ diameter). The UDO specifies what percentage must be retained. Priority retention areas include buffer yards and areas near waterways.

Key protection: Existing canopy required to be retained "may be removed from a development site only if the landowner demonstrates development on the site cannot be located and designed to allow for a beneficial use." This is a high bar.

Anti-circumvention: If a commercial timber operation occurs on a parcel, development applications submitted within 3 years trigger enhanced review. This prevents clear-cutting under a forestry exemption followed by immediate development.

Forest Acres action: Adopt a tree canopy retention table in the new UDO. Set the R-1 percentage at a level that protects meaningful forest cover—Columbia's model provides the template.

2. Transitional/Conservation (T/C) District

Columbia UDO § 17-3, T/C District

Columbia maintains a dedicated **Transitional/Conservation (T/C) District** whose stated purpose is "to provide land on the edge of the City that is undeveloped or developed at a very low density and to conserve land."

Columbia routinely applies this district to environmentally sensitive land along waterways. In the **November 2023 Circleview Road annexation case** (Planning Commission Packet ANNEX-2023-0023), staff recommended T/C zoning with Floodplain and Floodway Overlay districts for the portions of the property adjacent to streams, while the buildable upland received RSF-3 (residential single-family) zoning.

Forest Acres action: Instead of rezoning the entire parcel to R-1, split-zone the property: R-1 on the developable uplands and a conservation classification on the forested/wetland portions. This is standard practice in Columbia.

3. Floodplain and Floodway Overlay Districts

Columbia UDO OV-FP (Floodplain Overlay) and OV-FW (Floodway Overlay)

Columbia maps **Floodplain Overlay (OV-FP)** and **Floodway Overlay (OV-FW)** districts on every property within FEMA-designated flood zones. These overlays impose development restrictions on top of whatever the base

zoning is. They appear on the official zoning map. They apply to every property in the mapped area, not just one parcel.

In the June 2023 Planning Commission case (ANNEX-2023-0008), a 10-acre property was rezoned to Planned Development with portions within both OV-FP and OV-FW. The overlay restrictions automatically applied without any parcel-specific negotiation.

Forest Acres action: Forest Acres already has the Stormwater Buffer Ordinance (§ 21-215), but it could strengthen protections by creating a mapped Gills Creek Conservation Overlay—authorized by SC Code § 6-29-720(C)(5)—that applies expanded tree canopy and buffer requirements to all parcels within the Gills Creek corridor. This is an overlay zone, not a parcel-specific condition.

4. Protected Tree / Tree Removal Permit System

Columbia UDO § 17-5.4

Columbia's UDO prohibits cutting, relocating, removing, or destroying any **"protected tree" (8 inches diameter at breast height or larger)** without a Tree Removal Permit. This is a citywide standard that applies in every zoning district.

The **Columbia Tree and Appearance Commission** serves as the advisory body. It reviews policies affecting tree planting, removal, and preservation on both public and private property; advises on the Columbia Landscape and Tree Fund; and oversees the city's urban forestry master plan.

Forest Acres action: Strengthen the existing Tree Protection ordinance (§ 21.152) in the new UDO to require a Tree Removal Permit for any protected tree (8"+ DBH), with review by a designated advisory body. This mirrors Columbia's approach and applies uniformly to all development.

5. Open Space and Natural Feature Protection in Planned Developments

Columbia UDO PD (Planned Development) District Standards

Every Planned Development in Columbia must meet district standards that explicitly require the development to **"protect natural features and the environment."** PD master plans routinely include conservation set-asides, tree canopy preservation areas, and buffer enhancements beyond the minimums. These are requirements of the district itself—not negotiated side deals.

In the January 2025 **Piney Woods** case (Planning Commission Packet ANNEX-2024-0026), Columbia staff reviewed a PD rezoning with specific attention to how the site plan addressed natural features and environmental protection as required by the PD district standards.

Forest Acres action: If a PDD-to-R-1 rezoning strips away the conservation conditions that existed under the PDD, those protections should be replaced by generally applicable UDO standards (canopy retention, overlay, protected tree permit) before the rezoning is approved.

SOUTH CAROLINA STATUTORY AUTHORITY

Every tool described above is authorized by the SC Local Government Comprehensive Planning Enabling Act. Forest Acres does not need special legislation or a novel legal theory—these mechanisms are routine.

Tool	SC Code Authority	Columbia Uses It?
Tree canopy retention	§ 6-29-720(A)(6) (tree preservation in site plans)	Yes – UDO § 17-5.4(D)
Conservation district	§ 6-29-720(A) (regulate use, density, development of land)	Yes – T/C District
Overlay zone	§ 6-29-720(C)(5) (overlay zones)	Yes – OV-FP, OV-FW
Tree removal permits	§ 6-29-720(A)(6) (tree preservation)	Yes – UDO § 17-5.4
Split zoning	§ 6-29-710 (zoning map authority)	Yes – Circlevue Rd case

SC Code § 6-29-710(B) explicitly states that zoning purposes include “to protect and preserve scenic, historic, or ecologically sensitive areas.” A 300-year-old forest along Gills Creek is precisely the kind of ecologically sensitive area the statute contemplates.

WHAT WE ASK OF THE ZONING COMMITTEE

We are not asking for contract zoning, a development agreement, or any parcel-specific deal. We are asking for three things:

1. **Do not recommend the PDD-to-R-1 rezoning until the new UDO includes a tree canopy retention standard.** Columbia already requires this. Forest Acres can adopt the same approach. Once it is in the UDO, it will apply to this property and every other property equally.
2. **Consider a conservation overlay for the Gills Creek corridor.** This is authorized by SC Code § 6-29-720(C) (5) and follows Columbia’s overlay model. It protects the entire corridor, not one parcel.
3. **If the rezoning proceeds, split-zone the property.** Rezone the developable uplands to R-1 and the forested/wetland areas to a conservation classification, as Columbia does with T/C zoning along waterways.

Bottom line: The City of Columbia has adopted every one of these tools. They are in the UDO. They apply to everyone. They are not contract zoning. Forest Acres can follow Columbia’s lead and protect this irreplaceable old-growth forest without any legal risk.

REFERENCES

- City of Columbia UDO, Article 17 (effective Aug. 30, 2021) – planninganddevelopment.columbiasc.gov/code-of-ordinances/
- Columbia UDO § 17-5.4(D), Tree Canopy Cover Retention Standards – *Table 17-5.4(D)(1)*
- Columbia T/C District description – planninganddevelopment.columbiasc.gov/wp-content/uploads/2021/01/TC.pdf
- Columbia Planning Commission Packet, ANNEX-2023-0023 (Circleview Road, Nov. 9, 2023)
- Columbia Planning Commission Packet, ANNEX-2023-0008 (June 8, 2023)
- Columbia Planning Commission Packet, ANNEX-2024-0026 (Piney Woods, Jan. 9, 2025)
- Columbia Tree and Appearance Commission – boards.columbiasc.gov/columbia-tree-and-appearance-commission/
- Forest Acres Zoning Ordinance, Chapter 21 – forestacres.net/sites/default/files/uploads/Business/current-zoning-ordinance.pdf
- Forest Acres Stormwater Buffer Ordinance (§ 21-215, Ord. 2015-4) – forestacres.net/sites/default/files/uploads/Government/planning-and-zoning/stormwater-buffer-ordinance-final.pdf
- SC Code Title 6, Chapter 29 (Local Government Comprehensive Planning Enabling Act) – scstatehouse.gov/code/t06c029.php
- SC Code § 6-29-720 (zoning districts, techniques, tree preservation authority)
- F. Patrick Hubbard, “A Guide to South Carolina Zoning Law,” 75 SC L. Rev. (2024) – sclawreview.org/article/a-guide-to-south-carolina-zoning-law/
- SC Association of Counties, “Guide to Land Use Planning” (2017 ed.)

CITY OF FOREST ACRES)
CITY COUNCIL)

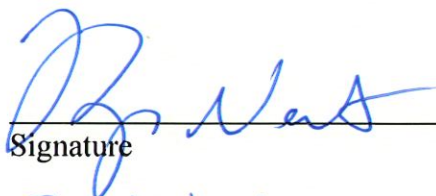
**STATEMENT OF POTENTIAL
CONFLICT OF INTEREST**

The undersigned hereby declares a conflict or potential conflict of interest in connection with a matter pending before the City Council of the City of Forest Acres, as described below, and submits this statement to the presiding officer to be attached to the minutes of the meeting.

Meeting date: 3/10/2026

Matter under consideration: Sewer Easement (City Hall Property)
Items 4.f and 11.a.ii

Nature of potential
conflict of interest: Professional relationship with
requesting property owner.



Signature
Ryan Newton

Print Name