

# TOWN OF MEGGETT, SOUTH CAROLINA

## Planning Commission Meeting

March 22, 2022 at 6:00 PM

### REVIEWING

- **ZREZ-12-21-001**
- **ZREZ-12-21-002**
- **ZREZ-12-21-003**



## PACKET CONTENTS

- Review & Case Histories
- Presentation
- Application(s)

## IMPORTANT DATES

Planning Commission Meeting: March 22, 2022 @ 6:00 PM

Town Council Public Hearing: March 28, 2022 @ 7:00 PM

First Reading (if approved): March 28, 2022

Second Reading (if approved): April 25, 2022

## FOIA

In compliance with the Freedom of Information Act (FOIA), a notice of this meeting and an agenda were posted and furnished to all news media and persons requesting notification. Posted notices were installed on each subject parcel 15 days prior to the meeting.

# ZREZ-12-21-001

## REVIEW & CASE HISTORY

<b>APPLICANT:</b>	F. Steven Johnson, Jr.
<b>OWNER:</b>	JFAM Partners, LLC
<b>LOCATION:</b>	7424 Little Britton Rd, Meggett, SC 29449
<b>PID / TMS#:</b>	093-00-00-008
<b>APPLICATION:</b>	Request to rezone from the Rural Conservation (RC) Zoning District to the Agricultural General (AG) Zoning District.
<b>TOTAL ACREAGE:</b>	52.813 acres
<b>HIGHLAND:</b>	20.021 acres

### ZONING HISTORY:

The subject parcel was previously part of the unincorporated area of Charleston County and was zoned AG-10 upon the adoption of the County's *Zoning & Land Development Regulations Ordinance* in November 2001. Upon request by the current owner, the parcel was annexed into the Town of Meggett in 2017 and became a part of the Rural Conservation (RC) District. There have been no previous rezoning requests for this parcel.

### ADJACENT ZONING:

The subject parcel is undeveloped and is currently used for agricultural purposes (timber). Two parcels immediately to the west are part of Unincorporated Charleston County and are zoned AG-10; the County Comprehensive Plan designates this area as "Agricultural Preservation" in their Future Land Use Plan because they have found that "the area contains soil types recognized by the U.S. Department of Agriculture as the best farmland for agricultural production. Designation of farmland preservation areas recognizes the importance of preserving Charleston County's farming resources, including individual farms and areas of productive soils, as well as a way of life valued by the community." This designation calls for limited uses and residential densities limited to one unit per 10 acres, much like Meggett's RC District. Further to the west is a 301-acre tract under a permanent conservation easement. The parcels immediately east and south of the subject parcel contain residential homes, which are owned by the applicant and immediate family members. To the north is Toogoodoo Creek, approximately 2 miles before the creek meets the Wadmalaw River.

# ZREZ-12-21-002

## REVIEW & CASE HISTORY

<b>APPLICANT:</b>	F. Steven Johnson, Jr.
<b>OWNER:</b>	Frederick S. Johnson
<b>LOCATION:</b>	7437 Little Britton Rd, Meggett, SC 29449
<b>PID / TMS#:</b>	093-00-00-020
<b>APPLICATION:</b>	Request to rezone from the Rural Conservation (RC) Zoning District to the Agricultural General (AG) Zoning District.
<b>TOTAL ACREAGE:</b>	18.85 acres
<b>HIGHLAND:</b>	7.82 acres

### ZONING HISTORY:

The subject parcel was previously part of the unincorporated area of Charleston County and was zoned AG-10 upon the adoption of the County's *Zoning & Land Development Regulations Ordinance* in November 2001. Upon request by the current owner, the parcel was annexed into the Town of Meggett in 2017 and became a part of the Rural Conservation (RC) District. There have been no previous rezoning requests for this parcel.

### ADJACENT ZONING:

The subject parcel contains a Single-Family Dwelling Unit built in 2003, a 2,400 sq ft Accessory Structure, and a private dock; it is currently on the market for sale. Two parcels to the north are still part of Unincorporated Charleston County and are zoned AG-10. This designation calls for limited uses and residential densities limited to one unit per 10 acres, much like the Town of Meggett's RC District. Further to the north is a 301-acre tract under a permanent conservation easement. The parcels immediately east and west of the subject parcel contain residential homes, which are mostly owned by the applicant and immediate family members. To the south is McLeod Creek (also known as Tom Point Creek), approximately 2 miles from where the creek mouth meets the Wadmalaw River.

# ZREZ-12-21-003

## REVIEW & CASE HISTORY

<b>APPLICANT:</b>	F. Steven Johnson, Jr.
<b>OWNER:</b>	F. Steven Johnson, Jr.
<b>LOCATION:</b>	4022 Black Lab Ln, Meggett, SC 29449
<b>PID / TMS#:</b>	093-00-00-023
<b>APPLICATION:</b>	Request to rezone from the Rural Conservation (RC) Zoning District to the Agricultural General (AG) Zoning District.
<b>TOTAL ACREAGE:</b>	1.28 acres
<b>HIGHLAND:</b>	20.021 acres

### ZONING HISTORY:

The subject parcel was previously part of the unincorporated area of Charleston County and was zoned AG-10 upon the adoption of the County's *Zoning & Land Development Regulations Ordinance* in November 2001. Upon request by the current owner, the parcel was annexed into the Town of Meggett in 2017 and became a part of the Rural Conservation (RC) District. There have been no previous rezoning requests for this parcel.

### ADJACENT ZONING:

The subject parcel contains a Single-Family Dwelling Unit built in 2007 and shares a private dock with the neighboring parcel. Two parcels to the north are still part of Unincorporated Charleston County and are zoned AG-10. This designation calls for limited uses and residential densities limited to one unit per 10 acres, much like the Town of Meggett's RC District. Further to the north is a 301-acre tract under a permanent conservation easement. The parcels east of the subject parcel contain residential homes, which are owned by the applicant and immediate family members. To the west are several large tracts of land used for agricultural purposes. To the south is McLeod Creek (also known as Tom Point Creek), approximately 2 miles from where the creek mouth meets the Wadmalaw River.

# PLANNING COMMISSION STUDY

## STAFF RESPONSE & FINDINGS

According to §10.18.4 of the Town of Meggett *Zoning & Land Development Regulations Ordinance*, the Planning Commission will study and recommend rezoning requests based on the following standards:

- A. The effect of the amendment on the property involved and surrounding properties and overall Town Plans.**
- B. The need for the change in terms of the amount of undeveloped land having the same district classification in the same general area as the property or properties for which the district re-classification is requested.**

### RESPONSE TO STANDARD (A):

The Town of Meggett Comprehensive Plan (“the Plan”) recommends these properties and the surrounding properties for “Residential” or “Agricultural” use. Two of the Subject Parcels already include Primary Dwellings and thus may be consistent with the Residential Use of the Plan.

The largest Subject Parcel is currently undeveloped and is used agriculturally. The Plan states, *“the Agricultural Future Land Use Category is intended to preserve and protect land currently in agricultural use”*; the crop currently being grown on TMS# 093-00-00-008 is timber, which requires a minimum of 5 acres, thus rezoning this parcel to a Zoning District that has less strict Density/Intensity & Dimensional Standards may be inconsistent with the intent of the Plan. Further to that effect, Sec. 3.1.6: *Land Use Element Strategies & Time Frames* states, *“Encourage preservation of large tracts of land currently in agricultural use.”* This priority is similarly stated in Sec. 3.2.4, *Economic Development Element Goal*.

In reviewing the Table of Permitted Uses (§4.10 of the ZLDR), Staff observed that only 6 of the 22 uses listed as Agricultural or Residential were different between the RC and AG Zoning Districts. The largest and most apparent difference between the two districts is the difference in allowed density; the RC Zoning District’s density requirements are over three times as strict as the density requirements of the AG District, not accounting for parcels along the OCRM Critical Line which can be as small as one acre in the AG District. Approval of the subject requests would not only be inconsistent with the purpose of creating the RC District, but it could also encourage similar requests in the future from nearby parcels; 13 out of the total 15 Petitions for Annexation accepted by the Town of

Meggett since 2017 were on or directly accessed from Little Britton Rd. Rezoning larger tracts of land into a Zoning District with less stringent density requirements, particularly in this area that historically has been used primarily for agriculture, would be inconsistent with the intent of the Comprehensive Plan.

Finally, Sec. 3.4.5: *Cultural Resources Element Strategies and Time Frames* states, “Protect rural historic landscapes from development that may be out of character with their rural qualities.” Little Britton Rd was identified in the *1992 Historical and Architectural Survey of Charleston County* as an area of historic interest that qualified for listing with the National Register of Historic Places. The survey also stated,



*Sea Island cotton, with fiber twice as long as that of upland or short-staple cotton, brought a price up to six times as high. In 1788, Mr. Kinsey Burden, using seed from the West Indies, raised a successful crop on **Little Britton Island**. The Burden family had a very profitable crop with their selected seed strains. They also pioneered the special gin required for long-staple cotton. By 1801 Sea Island cotton comprised 20% of the entire United States production. The crop demanded heavy soil additives, and planters discovered the value of salt mud and sedge, crushed oyster shells and ground cotton seed as compost.*



#### **RESPONSE TO STANDARD (B):**

The two smaller Subject Parcels, TMS# 093-00-00-020 and -023, are not undeveloped and approval of the rezoning may not conflict with the Residential Land Use priority of the Plan. The largest of the Subject Parcels, TMS# 093-00-00-008, is undeveloped and is currently used for agricultural purposes. The development potential on this one property alone could increase by over 300% if the rezoning is approved. Little Britton Rd is currently split almost 50/50 between residential and agricultural uses; if the rezoning is approved, the status quo in the area may be altered dramatically. Over the past 30 years, the area has seen a marked change from agricultural farmland to residential development. Continuing this trend is inconsistent with the Comprehensive Plan.

## RECOMMENDATION

Staff recommends the following decisions:

**WITH REGARDS TO ZREZ-12-21-001, REQUEST TO REZONE TMS# 093-00-00-008:**

Staff recommends disapproval because the request is not consistent with the Future Land Use Category of the Comprehensive Plan and is not compatible with existing uses.

**WITH REGARDS TO ZREZ-12-21-002, REQUEST TO REZONE TMS# 093-00-00-020:**

Staff recommends disapproval because the request may not be consistent with the Comprehensive Plan.

**WITH REGARDS TO ZREZ-12-21-003, REQUEST TO REZONE TMS# 093-00-00-023:**

Staff recommends disapproval because the request may not be consistent with the Comprehensive Plan.



# Town of Meggett

## Zoning Map Amendment Request

**Planning Commission Meeting: March 22, 2022 @ 6:00 PM**

**Town Council Public Hearing: March 28, 2022 @ 7:00 PM**

**First Reading (if approved): March 28, 2022**

**Second Reading (if approved): TBD**

# CASE #: ZREZ-12-21-001

*Request to rezone from the Rural Conservation (RC) Zoning District to the Agricultural General (AG) Zoning District.*

**TMS#:** 093-00-00-008

**LOCATION:** 7424 Little Britton Rd, Meggett, SC 29449

**OWNER:** JFAM Partners, LLC

**APPLICANT:** F. Steven Johnson, Jr.

**ACREAGE:** 52.813 acres

# ZONING HISTORY

- Tract C of the Ashe Point Subdivision (now identified as **TMS# 093-00-00-008**) was created in January of 1976 when the property was owned by Yvonne Gilreath. Tract C, which totaled 57.813 acres and had 27.18 acres of highland, was subdivided from a parent tract totaling 371.35 acres (318.57 acres highland). **Plat Book AF-125.**
- Under the jurisdiction of Charleston County, the parcel was originally zoned AG-10 following the recommendations outlined in the Edisto Island Land Use Plan of 1993 and the first Comprehensive Plan adopted by the County in 1999.
- A Single-Family Dwelling was built on the parcel in 1985 and the property maintained this Residential Use until 2016.
- In August of 2016, the parcel was purchased by JFAM Partners, LLC.
- Shortly after the sale, 5 acres (3.899 acres of highland) was subdivided from the 57.813 acres of Tract C, leaving a residual of 52.813 acres (20.021 acres of highland). The Single-Family Dwelling was part of the 5-acre subdivision and therefore left the Tract C residual area vacant/undeveloped. **Plat Book L16-0358.**

# ZONING HISTORY

- **TMS# 093-00-00-008** is the largest of the three parcels currently requesting to be rezoned; 20.021 acres of the overall 52.813 acres is highland.
- Several harvests under a Bona Fide Forestry Operation have taken place on the parcel since it was acquired by JFAM Partners, LLC in August of 2016. Within 7 months of acquiring the parcel, the following actions were observed:
  - In September of 2016, a 5-acre tract containing a single-family residence was subdivided from the parent tract/subject parcel. The residual tract, following the subdivision, had an established tree canopy covering roughly 95% of the highland area (estimated at 19-acres of the 20-acre total).
  - In September of 2016, the parcel was reassessed as Agricultural Timberland with the Charleston County Assessor's Office. One half of an acre was reassessed as Non-Ag Use in 2019 when a residential dock was built.
  - Between the date of acquisition (08/01/2016) and March 20, 2017, the parcel's tree canopy was reduced by an estimated 25%. As of January 2021, Staff estimates that approximately 74% of trees that were present on the parcel prior to August of 2016 have been removed; roughly 5 acres of harvestable timber are left on site.
  - No attempts at reforestation have been made since the harvesting of timber began.
  - Staff are still working with the applicant to determine if any Grand Trees were removed during the harvest. If it is determined that Grand Trees were included in the harvest, development applications and zoning permits submitted for the parcel will be deferred for a period of 5 years after the date of the last harvest per **§9.1.3.c(2)** of the *Town of Meggett Zoning & Land Development Regulations Ordinance (ZLDR)*.

# CASE #: ZREZ-12-21-002

*Request to rezone from the Rural Conservation (RC) Zoning District to the Agricultural General (AG) Zoning District.*

**TMS#:** 093-00-00-020

**LOCATION:** 7437 Little Britton Rd, Meggett, SC 29449

**OWNER:** Frederick S. Johnson

**APPLICANT:** F. Steven Johnson, Jr.

**ACREAGE:** 18.85 acres

# ZONING HISTORY

- What is now identified as **TMS# 093-00-00-020** was created in April of 1988 when the property was owned by Richard and Emily Dallamura. Tract B, which totaled 21.03 acres and had 10 acres of highland, was subdivided from a parent tract totaling 113.85 acres (77.54 acres highland). **Plat Book BS-002.**
- Under the jurisdiction of Charleston County, the parcel was originally zoned AG-10 following the recommendations outlined in the Edisto Island Land Use Plan of 1993 and the first Comprehensive Plan adopted by the County in 1999.
- A Single-Family Dwelling was built on the parcel in 2003 by the applicant's family and the property has continued to maintain this Residential Use.
- In February of 2004, Tract B was subdivided to create Tracts B-1 (1.12 acres) and B-2 (1.28 acres), leaving a residual tract of 18.85 acres (7.82 acres of highland) . **Plat Book EG-926.**

# ZONING HISTORY

## ARTICLE 4.22 WATERFRONT DEVELOPMENT STANDARDS

The following dimensions have precedence over Base Zoning District standards for subdivision on properties which contain or abut an OCRM Critical Line:

Standard [1]	RM	AG-15	AG-10	AG-8	AGR	RR-3	S-3	R-4
Min. Lot Area	1 Ac	3 Acs	1 Ac	1 Ac	1 Ac	1 Ac	½ Ac	12,000 sq ft
Min. Lot Width (ft)	200	200	175	175	125	125	100	90
Min Lot Width Average (ft)	250	250	200	200	150	135	125	100
<b>Minimum Buffers/Setbacks (ft)</b>								
OCRM Critical Line Buffer (ft)	35	35	35	35	35	35	15	15
Building Setback from OCRM Critical Line (ft)	50	50	50	50	50	50	35	35
<b>Notes:</b> Ac=Acre Min=Minimum [1]Landscape buffer standards specified in Chapter 9 may require greater setbacks.								

### §4.22.1 Minimum Lot Width (ft)

The minimum lot width (ft) is measured and maintained from the front lot line through the entire parcel to the OCRM Critical Line. All lots within a subdivision must meet the minimum lot width average. (Exception: Flag lots and lots served by cul-de-sacs). Lots fronting on cul-de-sacs shall meet the minimum lot width at the required minimum front setback. Flag lots are designed with a "flag pole" area with a minimum width of 20'. The flag pole area is not required to meet the minimum lot width nor does this area count towards the minimum lot size or area. Flag lots must meet the minimum lot width at the end of the flag pole area/base of lot. All lots within a subdivision must meet the required minimum lot width average for the zoning district within Article 4.22, Waterfront Development Standards.

A. Reductions from minimum lot width average requirements for parcels which contain or abut an OCRM Critical Line may be permitted if the Planning Director determines that one of the following criteria has been met:

1. No more than three (3) waterfront lots are being created from the original parcel and that a reduction of no more than ten percent (10%) of lot width average is required for any resulting lot; or
2. Where two lots of record (lots existing prior to April 21, 1999) have been combined, the resulting lot may be subdivided into the original configuration shown on the previously approved, recorded plat of record, even if the original lots do not meet the minimum lot width requirement of this Section, provided that the subdivision meets all other requirements of this Ordinance.

Document as of: 11/20/2001  
 Effective on: 11/20/2001, as amended

At the time of this subdivision, Charleston County allowed parcels zoned AG-10 to be subdivided at a lower density if they abutted an OCRM Critical Line and if the parcels created met the 200' Minimum Lot Width Average requirement.

Interior parcels would have to comply with the standard density requirements of the AG-10 District (1 dwelling unit per 10 acres).

# CASE #: ZREZ-12-21-003

*Request to rezone from the Rural Conservation (RC) Zoning District to the Agricultural General (AG) Zoning District.*

**TMS#:** 093-00-00-023

**LOCATION:** 4022 Black Lab Ln, Meggett, SC 29449

**OWNER:** F. Steven Johnson, Jr. and Erin Pratt Johnson

**APPLICANT:** F. Steven Johnson, Jr.

**ACREAGE:** 1.28 acres

# ZONING HISTORY

- Tract B-2/TMS# 093-00-00-023 was created in February of 2004 as a result of the subdivision of Tract B/TMS# 093-00-00-020. **Plat Book EG-926.**
- Under the jurisdiction of Charleston County, the parcel was originally zoned AG-10.
- A Single-Family Dwelling was built on the parcel in 2007 by the applicant and the property has continued to maintain this Residential Use.

# ANNEXATION

- In March of 2016, Meggett Town Council created the Rural Conservation (RC) Zoning District.

## **ARTICLE 4.3, (RC) RURAL CONSERVATION DISTRICT**

### **§ 4.3.1 INTENT**

The intent of the Rural Conservation (RC) District is:

- A. To control the intensity of development in rural areas of the town that are sensitive natural and historical resources;
- B. To preserve and protect the rural residential character of specific areas within the Town;
- C. To ensure that the cultural integrity of the area's historical resources is protected; and
- D. To protect these areas from inappropriate intensity of development and incompatible land uses.

This district shall be applied in the annexation of property to the Town as well as other areas in the future in which the property owner or Town desires to preserve the rural character of the Town.

# ANNEXATION

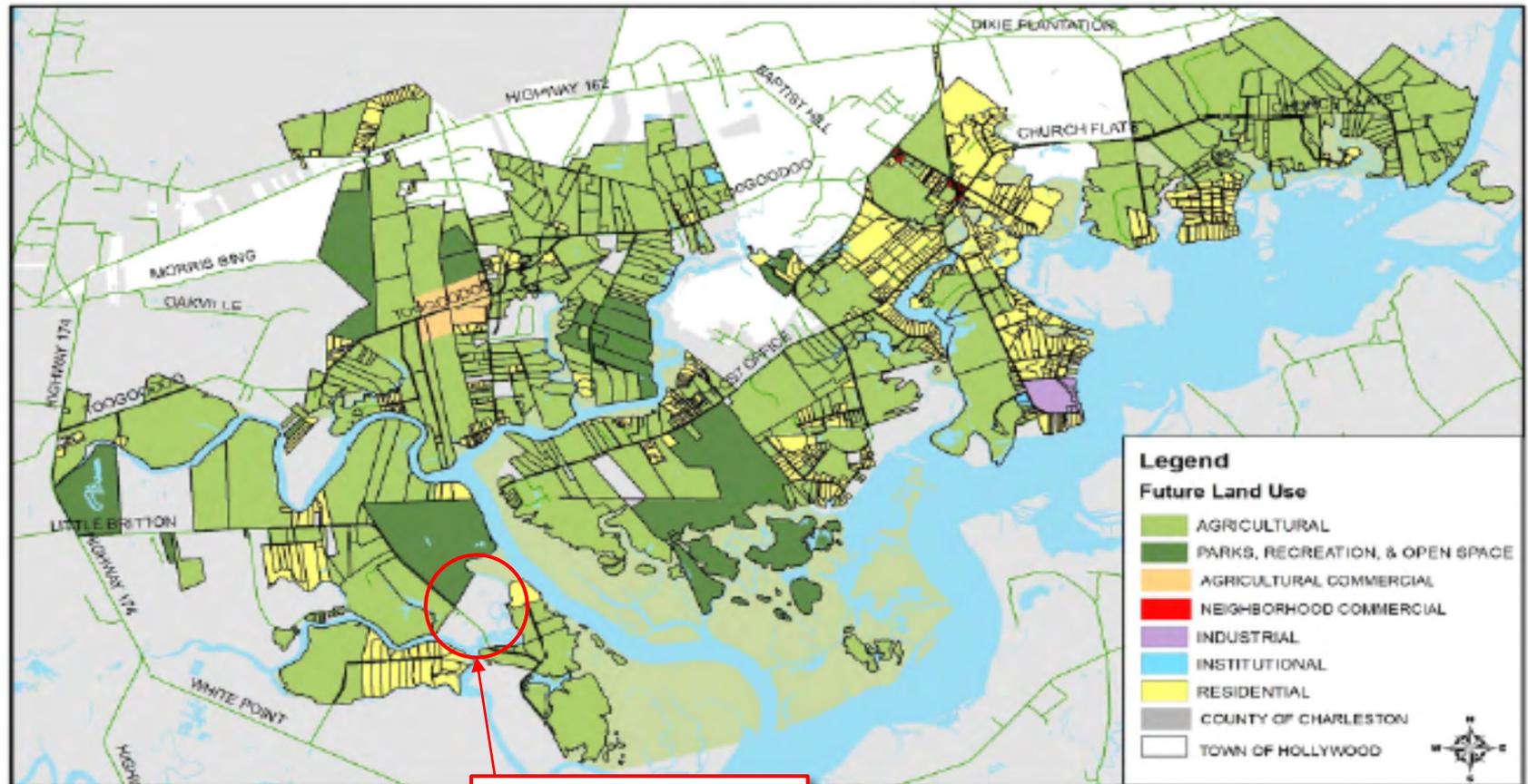
- In 2017, TMS#'s 093-00-00-008, -020, and -023 requested to annex into the Town of Meggett.
- Upon final adoption of the annexation requests, the Subject Parcels were annexed into the Corporate Limits of the Town and zoned Rural Conservation (RC) in compliance with **Article 3.6, Annexed Lands**.

## **ARTICLE 3.6, ANNEXED LANDS**

All annexed lands of the Town of Meggett will be zoned Rural Conservation (RC) District until changed by Meggett Town Council. Any use that was legally established prior to annexation by the Town of Meggett and which upon annexation by the Town of Meggett is located in a zoning district that classifies the use as a Special Exception use, Use with Conditions, or Prohibited Use, and which presently continues as an allowable use, shall not be considered a nonconforming use. Such uses shall be deemed Uses Permitted by Right as defined in this Ordinance.

# Future Land Use Map

## Town of Meggett Future Land Use

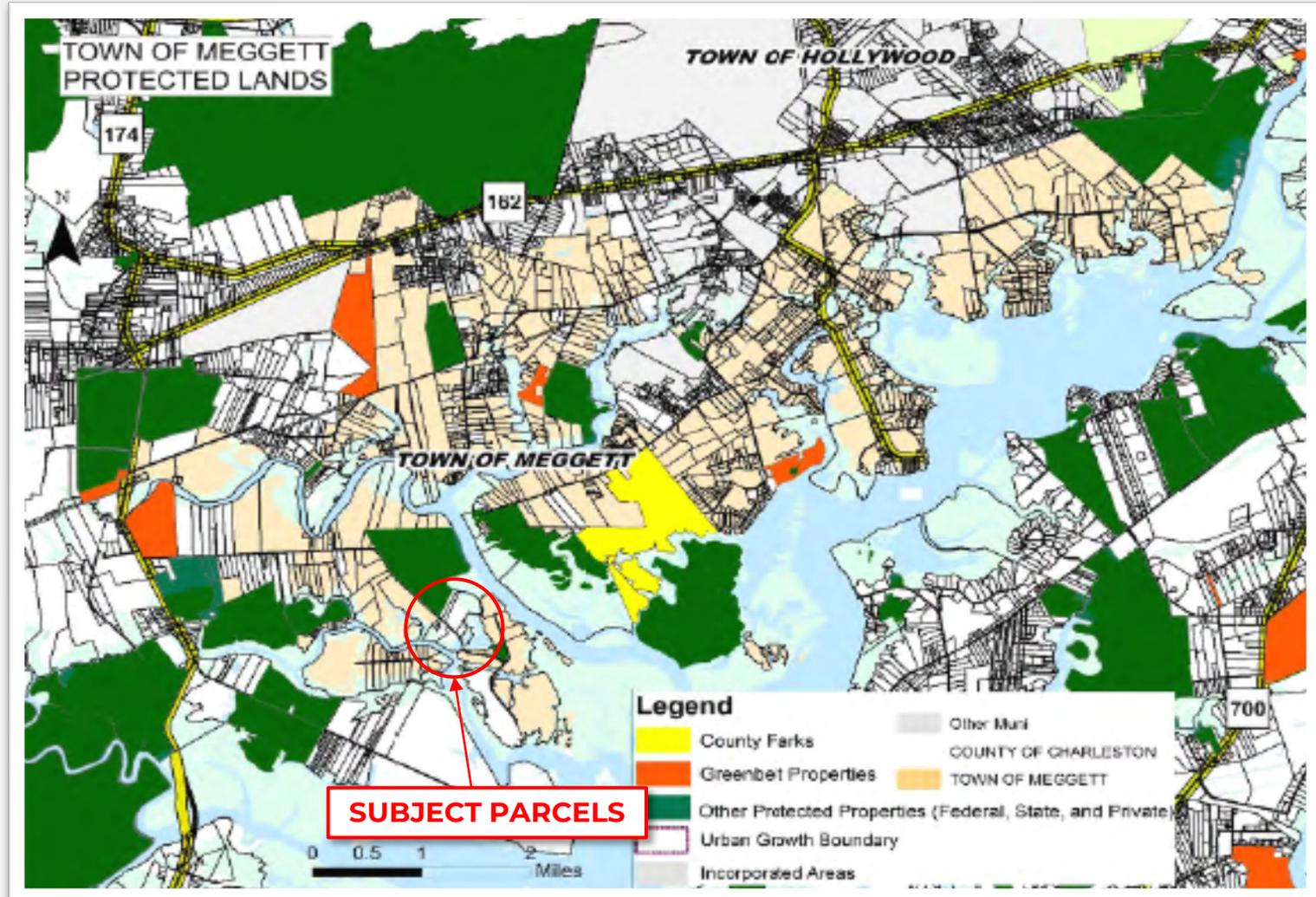


Adopted July 28, 2014

**SUBJECT PARCELS**

0 0.35 0.7 1.4 2.1 2.8 Miles

# Protected Lands Map



# Aerial View - 2001



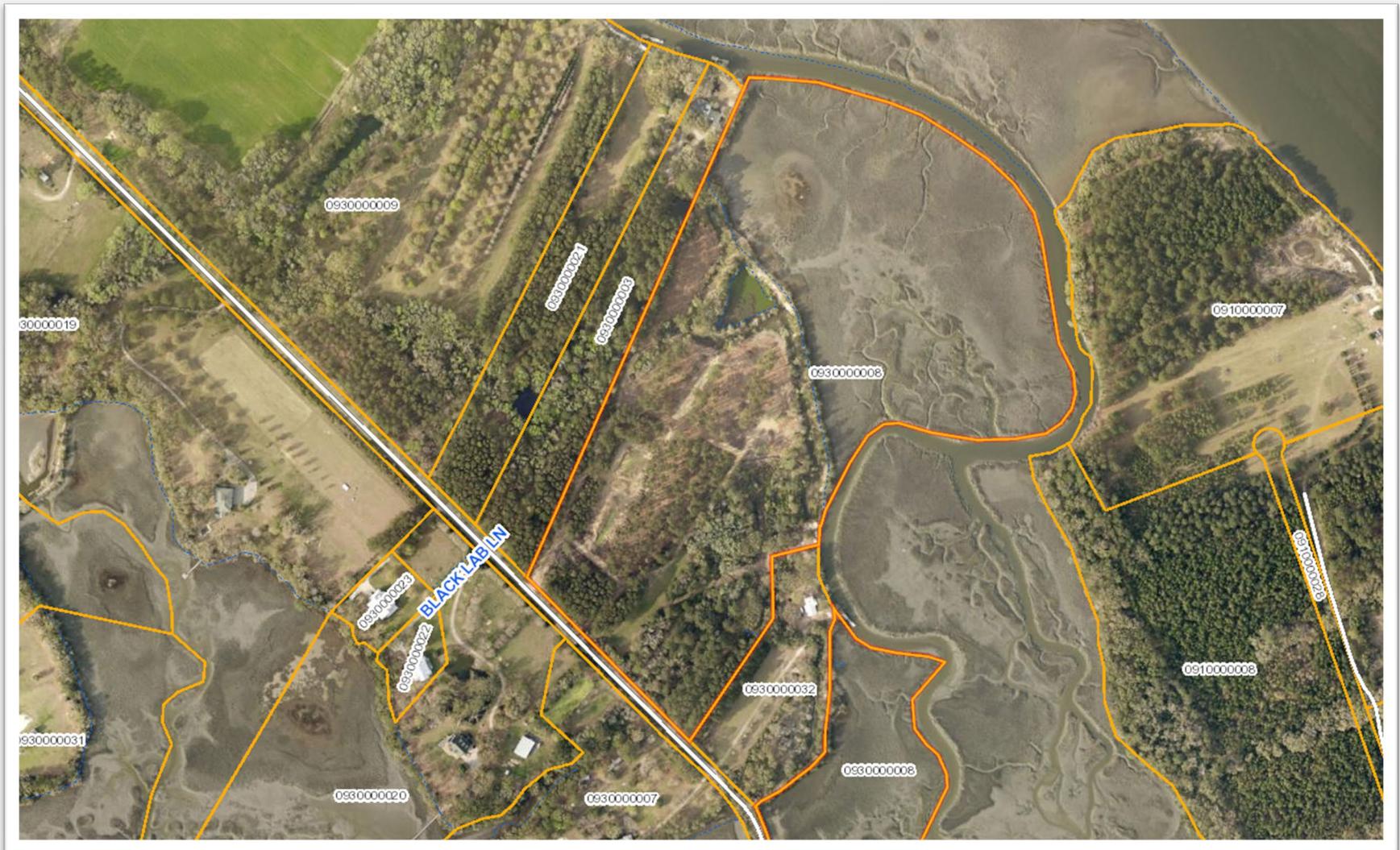
# Aerial View - 2009



# Aerial View - 2015



# Aerial View - 2017



# Aerial View - 2021



# Subject Parcels



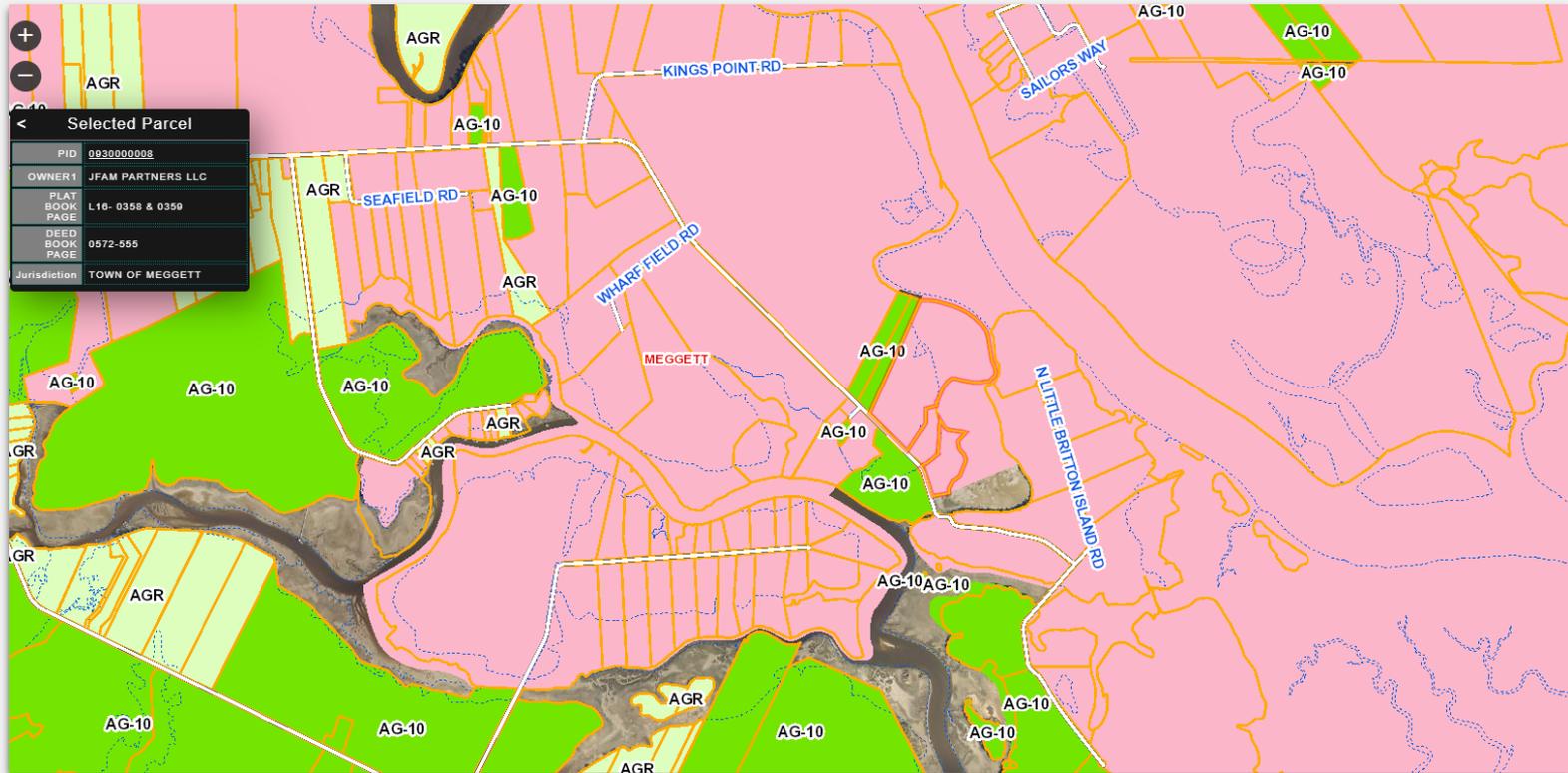
# Area Description

- **TMS# 093-00-00-008** is the largest of the three parcels currently requesting to be rezoned; 20.021 acres of the overall 52.813 acres is highland. The property is largely undeveloped, but it does have a private dock that was built in 2019.
- **TMS# 093-00-00-020** contains a Single-Family Dwelling, a pole barn (2,400 sq ft), and a private dock. It is currently on the market for sale.
- **TMS# 093-00-00-023** contains a Single-Family Dwelling and a private dock that is shared with the home next door (owned by an immediate family member of the applicant).
- Surrounding properties are a mix of parcels under the jurisdiction of either:
  - The Town of Meggett, zoned as Agricultural General (AG); or
  - Unincorporated Charleston County, zoned as AG-10.
- Surrounding properties are either being used residentially, agriculturally, or are undeveloped.

# Area Description

- Little Britton Rd contains 10 parcels similar in size to **TMS# 093-00-00-023** (under 2 acres). These parcels are located closer to SC Highway 174 and are, or previously were, zoned AGR under the jurisdiction of Charleston County. These parcels were allowed initially under County Zoning because they qualified as “settlement areas”; of the 10 parcels, 9 were created prior to 2001 and at least 4 were created prior to 1974.
- There are no parcels smaller than 7.5 acres in the immediate vicinity (aside from the parcels owned by the applicant’s family or their immediate relatives).
- A 301.1-acre tract less than 500 ft to the west of **TMS# 093-00-00-008** is under a permanent Conservation Easement held by the Lowcountry Open Land Trust. Within a 5-mile radius of the Subject Parcels, there are over 10 large tracts of land that are protected by a Federal, State, or Private Agency.
- County Tax Records show that there are approximately 71 parcels with direct access off of Little Britton Rd and of that number:
  - 33 contain residential homes;
  - 33 are used for agriculture;
  - 1 tract (75.37 acres) is used both residentially and agriculturally; and,
  - 4 are protected lands.

# Charleston County Zoning



Charleston County AG-10 Zoning allows 1 principal dwelling per 10 acres. The Charleston County Comprehensive Plan, adopted in October 2018, designates this area (specifically parcels over 30 acres in size) mainly as "Agricultural Preservation" in their Future Land Use Plan because they have found that, *"the area contains soil types recognized by the U.S. Department of Agriculture as the best farmland for agricultural production. These include areas characterized by soils classified as prime farmland, unique soils, and soils of statewide importance. Designation of farmland preservation areas recognizes the importance of preserving Charleston County's farming resources, including individual farms and areas of productive soils, as well as a way of life valued by the community."*

# Standards Comparison

## DENSITY/INTENSITY & DIMENSIONAL STANDARDS

	RC DISTRICT	AG DISTRICT	AG DISTRICT (For property acquired by descent/distribution through will or probate, or transfer by a spouse.)
<b>MAXIMUM DENSITY</b>	1 dwelling unit per 10 highland acres	1 dwelling unit per 3 highland acres [1]	1 dwelling unit per 2 highland acres [1]
<b>MIN. LOT WIDTH</b>	135 ft [1]	150 ft	130 feet [2]
<b>MINIMUM SETBACKS</b>	<b>FRONT/STREET SIDE:</b> 50 feet <b>INTERIOR SIDE:</b> 20 feet <b>REAR:</b> 30 feet <b>OCRM CRITICAL LINE:</b> 50 feet	<b>FRONT/STREET SIDE:</b> 50 feet <b>INTERIOR SIDE:</b> 20/30 feet [2] <b>REAR:</b> 20 feet <b>OCRM CRITICAL LINE:</b> 50 feet	<b>FRONT/STREET SIDE:</b> 50 feet <b>INTERIOR SIDE:</b> 20/30 feet [3] <b>REAR:</b> 20 feet <b>OCRM CRITICAL LINE:</b> 50 feet
<b>MAX BUILDING COVER</b>	30% of lot	30% of lot	30% of lot
<b>MAX HEIGHT</b>	35 feet	35 feet	35 feet
	[1] Minimum lot width for developments occurring along the OCRM Critical Line shall be 175 feet.	[1] Maximum density for developments occurring along the OCRM Critical Line shall be 1 dwelling unit per highland acre.  [2] Corner lots shall have 30' side setbacks.	[1] Maximum density for developments occurring along the OCRM Critical Line shall be 1 dwelling unit per highland acre.  [2] Minimum lot width for developments occurring along the OCRM Critical Line shall be 150 feet.  [3] Corner lots shall have 30' side setbacks.

# Allowed Land Use Comparison

Agricultural and Residential Uses in the RC and AG Zoning District are not profoundly different.

PERMITTED USE	RC	AG
<b>AGRICULTURAL USES</b>		
AGRICULTURAL PROCESSING	S	A
AGRICULTURAL SALES & SERVICE	S	S
LARGE ANIMAL PRODUCTION	C	C
CROP PRODUCTION	A	A
FORESTRY	A	A
ROADSIDE STANDS	A	A
STABLES	C	C
ANIMAL AQUACULTURE INCLUDING, BUT NOT LIMITED TO FINFISH FARMING, FISH/SHELLFISH HATCHERIES (IN PONDS OR IN ADJACENT WATERWAYS)	A	A
APICULTURE (BEE KEEPING)	A	A
CONCENTRATED ANIMAL FEEDING OPERATIONS		A
GREENHOUSE PRODUCTION AND COMMERCIAL NURSERY OPERATIONS	A	A
HYDROPONICS	A	A
LUMBER, PLANING AND SCALED SAWMILL OPERATIONS		A
SLAUGHTER HOUSE AND SEAFOOD PROCESSING AND PACKING OPERATIONS		A
COLD STORAGE OPERATIONS		A
<b>RESIDENTIAL</b>		
ACCESSORY DWELLING UNIT	A	A
DWELLING GROUP	C	C
FARM LABOR HOUSING	C	C
GROUP CARE HOME		S
MANUFACTURED HOUSING UNIT	C	C
SINGLE-FAMILY DETACHED	A	A
SINGLE-FAMILY DETACHED/MANUFACTURED HOUSING UNIT (JOINT)	C	C

# Allowed Land Use Comparison

Civic/Institutional Uses are notably different.

CIVIC/INSTITUTIONAL	RC	AG
ADULT DAY CARE		S
CEMETERIES		S
CHILD DAY CARE		S
COMMUNITY RECREATION CENTERS	S	S
COURTS & PUBLIC SAFETY	S	S
EDUCATIONAL SERVICES		S
FUNERAL HOME		
GOLF COURSES OR COUNTRY CLUBS		S
GUIDE SERVICES-HUNTING, FISHING, CANOEING, ETC.		A
MEDICAL OFFICE		S
MUSEUMS & HISTORICAL SITES	S	S
PARKS & RECREATION	S	S
POSTAL SERVICES		
RELIGIOUS ASSEMBLY	A	A
RECREATIONAL VEHICLE PARKING		S
UTILITY SERVICE, MINOR	A	A
UTILITY SERVICE, MAJOR	S	S
WASTE-RELATED USES		

Commercial Uses in the RC Zoning District are strictly prohibited unless the use was legally established prior to annexation into the Town. In the AG Zoning District, only 4 of the 40 uses listed in the table are allowed by right, 1 is allowed under conditions, 22 are allowed if granted a Special Exception by the Board of Zoning Appeals, and 13 are prohibited.

# Planning Commission Study

According to §10.18.4 of the *Town of Meggett Zoning & Land Development Regulations*, the Planning Commission will study and recommend rezoning requests based on the following standards:

**A. The effect of the amendment on the property involved and surrounding properties and overall Town Plans.**

**Staff Response:**

The Town of Meggett Comprehensive Plan (“the Plan”) recommends these properties and the surrounding properties for “Residential” or “Agricultural” use. Two of the Subject Parcels already include Primary Dwellings and thus may be consistent with the Residential Use of the Plan.

The largest Subject Parcel is currently undeveloped and is used agriculturally. The Plan states, “**the Agricultural Future Land Use Category is intended to preserve and protect land currently in agricultural use**”; the crop currently being grown on **TMS# 093-00-00-008** is timber, which requires a minimum of 5 acres, thus rezoning this parcel to a Zoning District that has less strict Density/Intensity & Dimensional Standards may be inconsistent with the intent of the Plan. Further to that effect, **Sec. 3.1.6: Land Use Element Strategies & Time Frames** states, “**Encourage preservation of large tracts of land currently in agricultural use.**” This priority is similarly stated in **Sec. 3.2.4, Economic Development Element Goal.**

# Staff Response to §10.8.4(A) Cont'd

In reviewing the **Table of Permitted Uses (§4.10** of the ZLDR), Staff observed that only 6 of the 22 uses listed as Agricultural or Residential were different between the RC and AG Zoning Districts. The largest and most apparent difference between the two districts is the difference in allowed density; the RC Zoning District's density requirements are over three times as strict as the density requirements of the AG District, not accounting for parcels along the OCRM Critical Line which can be as small as one acre in the AG District.

Approval of the subject requests would not only be inconsistent with the purpose of creating the RC District, but it could also encourage similar requests in the future from nearby parcels; 13 out of the total 15 Petitions for Annexation accepted by the Town of Meggett since 2017 were on or directly accessed from Little Britton Rd. Rezoning larger tracts of land into a Zoning District with less stringent density requirements, particularly in this area that historically has been used primarily for agriculture, would be inconsistent with the intent of the Comprehensive Plan.

Finally, **Sec. 3.4.5: Cultural Resources Element Strategies and Time Frames** states, **“Protect rural historic landscapes from development that may be out of character with their rural qualities.”** Little Britton Rd was identified in the **1992 Historical and Architectural Survey of Charleston County** as an area of historic interest that qualified for listing with the National Register of Historic Places. The survey also stated, **“Sea Island cotton was first grown in 1788 by Mr. Kinsey Burden on Little Britton Island. This type of cotton is characterized by having fibers twice as long as upland or short- staple cotton and the price was six times as high.”**

# Planning Commission Study

According to **§10.18.4** of the *Town of Meggett Zoning & Land Development Regulations*, the Planning Commission will study and recommend rezoning requests based on the following standards:

- B. The need for the change in terms of the amount of undeveloped land having the same district classification in the same general area as the property or properties for which the district re-classification is requested.**

## **Staff Response:**

The two smaller Subject Parcels, **TMS# 093-00-00-020** and **-023**, are not undeveloped and approval of the rezoning may not conflict with the Residential Land Use priority of the Plan.

The largest of the Subject Parcels, **TMS# 093-00-00-008**, is undeveloped and is currently used for agricultural purposes. The development potential on this one property alone could increase by over 300% if the rezoning is approved. Little Britton Rd is currently split almost 50/50 between residential and agricultural uses; if the rezoning is approved, the status quo in the area may be altered dramatically. Over the past 30 years, the area has seen a marked change from agricultural farmland to residential development. Continuing this trend is inconsistent with the Comprehensive Plan.

# Planning Commission Study

LITTLE BRITTON ROAD AREA IN 1989



# Planning Commission Study

LITTLE BRITTON ROAD AREA IN 2021



# Recommendation & Public Input

## STAFF RECOMMENDATION

Staff recommends the following decisions in reference to **ZREZ-12-21-001, -002, and -003**:

**With regards to the request to rezone TMS# 093-00-00-008**

Staff recommends disapproval because the request is not consistent with the Future Land Use Category of the Comprehensive Plan and is not compatible with existing uses.

**With regards to the request to rezone TMS# 093-00-00-020**

Staff recommends disapproval because the request may not be consistent with the Comprehensive Plan.

**With regards to the request to rezone TMS# 093-00-00-023**

Staff recommends disapproval because the request may not be consistent with the Comprehensive Plan.

## PUBLIC INPUT

No Public Input has been received by Staff as of March 16, 2022.

# Notifications

- Notifications were mailed to property owners located within 300-ft of the boundaries of all Subject Parcels and email notifications were sent to individuals on the Town's Interested Parties List.
- Requests were advertised in the *Post and Courier* and posted on the Town's website.
- Notification Signs were posted on each of the Subject Parcels.