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STAFF REPORT

TO: Town Council

FROM: Justin Westbrook, Community Development Director

SUBJECT: Zoning Map Amendment (ZA-26-08) – Berkeley County

DATE: September 22, 2026

Background: The applicant, Berkeley County, has applied for a Zoning Map Amendment (ZA-26-08) for originally seven (7) parcels (TMS# 142-03-01-002, -003, -004, 006, -007, -008 & -009). Since the application was submitted, the property owner has combined all seven (7) parcels into one (1) parcel. At the time of this writing, Staff is unsure of which TMS number will remain; however, the recombination plat was recorded (Instrument #2026033449) with Berkeley County – Register of Deeds on September 11, 2026. The applicant is seeking the new parcel to be zoned from **Single-family Residential (R-1)** and **Transitional District (TD)** to **General Commercial (C-2)**.

Existing Zoning: The subject parcels are currently in the **Single-family Residential (R-1)** and **Transitional District (TD)** Zoning District. Per the Town's Zoning Ordinance, the **Single-family Residential (R-1)** zoning district is intended as:

> *"…single-family residential areas with detached units with low to medium population densities."*

Per the Town's Zoning Ordinance, the **Transitional District (TD)** zoning district is intended to:

> *"…accommodate commercial and professional offices uses typically found in single family areas. District land uses will preserve the area's existing residential character, while permitting commercial uses that are not major traffic generators. Buildings originally constructed for residential use may be used as such by right."*

	Adjacent Zoning	Adjacent Land Use
North	R-2	Open Space – Single-Family Detached Dwelling
	C-2	Berkeley County Facilities
South	TD	Various
East	C-2	Berkeley County Facilities
West	R-1	Single-Family Detached Dwelling

Existing Site Conditions: The subject parcel is approximately 0.058 acres (~2535.83 square feet), which appears to be occupied by a single-story building. The subject parcel fronts Newell Street, with approximately 32-feet of road frontage.

Proposed Zoning Request: The applicant has requested to rezone the subject parcel to the **General Commercial (C-2)** Zoning District. Per the Town's Zoning Ordinance, the **General Commercial (C-2)** Zoning District is intended to:

> *"…accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office and service establishments and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics."*

Although the proposed County Courthouse will not introduce traditional retail or commercial uses, Staff recommends rezoning the newly consolidated parcel for two primary reasons. First, the original seven tracts were a mix of zoning districts—six were **Single-Family Residential (R-1),** and one was **Transitional District (TD)**. Leaving a newly combined parcel with split zoning goes against standard planning practices, and establishing a single zoning designation corrects this issue. Second, the new Courthouse will sit directly adjacent to existing County support services and buildings that are already zoned **General Commercial (C-2)**. Rezoning this newly combined parcel to **General Commercial (C-2)** ensures consistency with the surrounding County campus and proactively prevents future split-zoning complications should the County choose to combine all its adjacent properties down the road.

Density: The subject parcel consists of approximately 17.21 acres. Per the Zoning Ordinance, the maximum lot coverage for **General Commercial (C-2)** zoning district is 60%. While most of the original seven (7) parcels have been developed as single-family residential detached dwellings, the proposed plan is for the new parcel to be redeveloped as the County's new Courthouse, which is currently seeking a Special Exception through the Board of Zoning Appeals for a "government facility" use.

Transportation: Staff, in partnership with the County, is currently seeking a Traffic Impact Analysis (TIA) for the subject parcel. All recommendations from the Traffic Engineer will be considered and vetted prior to the approval of all required permits.

Environmental: Staff will ensure all environmental concerns are addressed by the Zoning Ordinance, Stormwater Ordinance, and all other Town adopted policies and procedures. Any delineation of, or impact to, wetlands will coincide with the required regulations from the US Army Corps of Engineers, and all wetlands will see a 20-foot buffer. Any increase in impervious area would be required to meet the standards of the Town's Stormwater Design Standards Manual.

Consistency with Plans: Adopted in 2024 as part of the Town's Comprehensive Plan, the Future Land Use Map identifies the subject parcel as "Rural-Town Transitional Residential". The Plan calls for this land-use to be designated for:

"Intended to protect the rural character of the neighborhoods while also recognizing the proximity to commercial and transportation services. Generally, streets do not follow the common grid-like pattern although some sections do follow common suburban street patterns."

While the requested zoning district does not appear to be congruent with this designation of the Future Land Use Map, Staff believes the zoning change request is for future development but with continued County use and development. It is important to note, the development of the property is not subject to the rezoning request, the County could develop the Courthouse and future facilities without rezoning the subject parcel, however, good housekeeping practices within the Town's Zoning Map allow for future recombination of parcels and potentially adding facilities and County services, the zoning designation is inconsequential due to the high unlikelihood the property ever is sold by the County and commercial is developed.

The subject parcel appears to be within the aforementioned "Mixed Use Overlay", which the Plan defines as:

"A 250 ft mixed-use buffer (500 ft in total width) along select roadways is intended to allow for a mixture of higher density residential and low intensity service-based commercial land uses. This overlay provides flexibility for the Town to expand economic opportunities beyond the traditional downtown or strip mall type commercial corridors. Common commercial uses could include professional or medical offices, salons, corner stores, and other uses that provide daily services to local residents."

The primary intent behind the above-mentioned overlay is to expand service opportunities within the Town's corporate limits. By rezoning the subject parcels **General Commercial (C-2)**, the Town's service opportunities are expanded by the development of the land for the future Courthouse and potential additional County facilities to serve our residents along a major thoroughfare.

The Comprehensive Plan also lays out various goals and implementation strategies to help in decision making for land use requests. Staff believe the applicant and request generally follow the following policies listed in the plan.

1. Maintain a sustainable community by ensuring current infrastructure has the capacity to accommodate for current and future growth.
6. Provide high-quality public services, infrastructure, facilities, and programs that meet the needs of current and future residents

Staff does not believe that any of the various goals and implementation strategies conflict with the request.

Procedural Issues: As part of any Zoning Map Amendment, the request must be at least two (2) acres, or an extension of an existing district boundary, or additional C-1 zoning contagious to existing commercial. In this case, the subject parcel is adjacent to the **General Commercial (C-2)** zoning designation allowing the request to be permissible.

Staff Analysis: Staff believes that the designated future land use, while not consistent with the requested zoning district, should be considered. The future of the property has a path forward without the rezoning request, that is conducive to the Mixed-Use Overlay and two (2) goals and implementation strategies from the

Comprehensive Plan. This lends credibility to the requested zoning district, that while unnecessarily, the County being the end user essentially nullifies any future commercial development the Comprehensive Plan may have conflict with.

Staff Recommendation: After analysis of the materials provided, Staff **recommends approval** to the Town Council in considering the requested General Commercial (C-2) zoning district designation for the subject parcel.

Planning Commission Recommendation: The Planning Commission heard the request at their September 22nd meeting. The Planning Commission voted to **recommend approval** for the request.

Attachments: *Location Maps (Aerial, Zoning, Future Land Use Map)*
SIGNED - Application (Berkeley County - 1)(20260811)
SIGNED - Application (Berkeley County - 2)(20260811)
RECORDED – Recombination Plat (#2026033449)
DRAFT – Recombination Plat (20260901)