



**BERKELEY COUNTY**  
PLANNING AND ZONING DEPARTMENT  
Alison Simmons, AICP, Director  
P.O. Box 6122  
1003 Highway 52  
Moncks Corner, SC 29461  
Main: 843.719.4095

## MEMORANDUM

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*To: Citizens, Stakeholders, and Staff*

*Re: Policy for the Deferral of Requests During the Public Process and Resubmittal Of Previously-Defeated Requests*

*From: Alison Simmons, AICP, Planning and Zoning Director*

*Date: March 7, 2019*

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Article 22 of the Berkeley County Zoning and Development Standards Ordinance sets forth the process for a property owner or his/her authorized agent to request an amendment to the "Official Zoning Map" of his/her real property that is located within Unincorporated Berkeley County. This is also referred to as a "request for rezoning".

Article 21 sets forth the process for a property owner or his/her agent to submit requests for variance, special exception, and administrative appeal to the Board of Zoning Appeals (BZA) for consideration.

Chapter 59, The Land Development and Subdivision Regulations, sets for the process for a property owner or his/her agent to submit requests for waivers and administrative appeals to the Planning Commission for consideration.

After an applicant applies for a request and pays all applicable fees, the Department then posts the subject property with "public meeting signage", prepares staff reports, and compiles and disseminates agenda packets in preparation for the Planning Commission or BZA meeting in which the item is scheduled to be considered.

It has come to our attention recently that, because the Ordinance is silent on the procedures for deferral after a request has been applied for, applicants have been routinely-deferring requests after public meeting agendas have been published. Last-minute deferrals not only present a burden to the stakeholders who travel to Moncks Corner to attend the public meeting as advertised, but also the staff who have expended time and resources to prepare materials for the meeting.

### **Policy for Deferral of Requests Submitted for Consideration by a County Body:**

To remedy this moving forward and to establish clear and consistent parameters for applicants, staff, and stakeholders, the Department, together with the Administration, has enacted the following policy for requests for deferrals.



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## M E M O R A N D U M

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- After an applicant submits a request **but before the item is published in a public meeting agenda**, he/she may request a one-time deferral in writing for an undefined period of time. The applicant's rezoning will not be scheduled for consideration by the appropriate County body until he/she requests in writing that it be placed on the Agenda within the prescribed deadline for the respective public meeting. Public meeting agenda deadlines are available at the Department. Any request to place an item on an agenda that is received after the deadline will be placed on the next available meeting agenda.
- If the applicant seeks deferral after the item has been published in a public meeting agenda, **he/she shall request "deferral" in person or proxy at the scheduled public meeting**. The County body considering the request for deferral shall determine if the applicant possesses a compelling reason to defer the request. Otherwise, the item will be entertained and acted upon by the appropriate County body.
  - If the applicant is seeking deferral from the Planning Commission or BZA, **in order for the request to be considered at a subsequent meeting, full payment of the original application fee is required to cover the administrative expense of signage, materials, and staff time necessary to prepare for the meeting**.

### **Resubmittal of Previously-Defeated Requests**

If a request is ultimately defeated (denied) by a County body, the applicant shall not submit the same request for consideration for a period of 12 months from the date that the item was previously-defeated. If the applicant submits new information within the 12-month timeframe that the Zoning Administrator determines may affect the outcome of a previously-submitted request, the Zoning Administrator, at his/her discretion, may place the request on the next available meeting agenda upon submittal of an application and payment of applicable fees within established application deadlines.



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Please do not hesitate to contact Alison Simmons, Planning and Zoning Director, at 843.719.4095 or [Alison.Simmons@BerkeleyCountySC.Gov](mailto:Alison.Simmons@BerkeleyCountySC.Gov) should you have any questions about this policy.

Alison Simmons, AICP

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Les Blankenship, Esquire

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Hon. Johnny Cribb

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CC: John O. Williams, County Attorney  
Planning Staff  
Members of Berkeley County Council, Planning Commission, and BZA