

ARTICLE 21. SITE PLAN REVIEW

Sec. 2101. Purposes and application.

The purpose of the site plan review is to enable the zoning administrator to make a finding that the proposed development is in conformity with the intent and provisions of this ordinance and as a guide for the issuance of building permits. The site plan review shall be deemed to be part of the conditional use permit and planned unit development process. The provisions of this Article shall apply to any use listed within a particular zoning district as a permitted use subject to site plan review.

Development of uses requiring site plan review are ministerial projects, and as such, they are exempt from environmental review under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and the Kings County CEQA Implementation procedures.

Compliance with the provisions of this article shall not be deemed to be in lieu of satisfaction of federal, state, regional, special district, or other county regulatory requirements.

(Ord. No. 269.18, § 28, 9-5-78; Ord. No. 269.33, § 43, 9-21-82; Ord. No. 269.40, § 1, 10-4-94; Ord. No. 269.45, § 7, 6-23-98; Ord. No. 269.46, §§ 6 and 7, 10-20-98; Ord. No. 269.47, § 5, 1-12-99; Ord. No. 269.54, § 15, 7-30-02; Ord. No. 269.63, § 45, 4-25-06)

Sec. 2102. Site plan review application and fee.

A. The application for a site plan review shall be made to the Zoning Administrator on the Uniform Application Form which shall include the following data:

1. Name, address and signature of applicant, and the property owner as shown on the latest equalized assessment roll if the applicant is not the property owner. Signatures shall be notarized when filing is done by mail or not witnessed by Planning Department representatives.
2. A signed statement on the application or attached to it, that the applicant is the owner of the property or is the authorized agent of the owner. If the applicant is not the property owner, the owner must also sign and date the application, and indicate that the applicant is authorized to make an application on that property. The owner's signature shall be notarized when filing is done by mail or not witnessed by Planning Department representatives.
3. A public utility company or other agency with powers of eminent domain may make an application without the owner's authorization.
4. Address or other unique identifier and Assessor's Parcel Number (APN) of the property.
5. The application for a site plan review shall include five (5) prints of the site plan, submitted to the zoning administrator. The site plan shall be drawn to scale in a neat and legible manner on paper a minimum of 8½ by 11 inches to a maximum of 24 by 36 inches in size. The scale must be large enough to show all details clearly and with full dimensions. Site plans for commercial and industrial projects shall be professionally drawn or to the satisfaction of the zoning administrator. The following information must be included on the site plan:
 - a. Lot dimensions of the property.
 - b. All buildings and structures: Location, elevation, size, height, proposed use.
 - c. Yards and space between buildings.
 - d. Walls, fences and gates: Location, height and materials.
 - e. Off-street parking: Location, number of spaces and dimensions of parking areas, aisles and access drives.
 - f. Access-pedestrian, vehicular, service: Points of ingress and egress, internal circulation.
 - g. Signs: Location, size and height.
 - h. Loading: Location, dimensions, number of spaces, internal circulation.
 - i. Lighting: Location and general nature, hooding devices.
 - j. Street dedications and improvements.
 - k. Landscaping: Location and type.
 - l. Such other data as may be required by the zoning administrator to make the required findings.
- m. Attach a "Source Reduction, Recycling, and Reuse Plan" to each application for new or modified site plan. Such a plan shall include:

- (1). A list of waste products that the proposed use will generate;
 - (2). Methods that will be used to reduce the amount of waste generated (i.e., recycling, reuse, etc.); and
 - (3). The method by which the remaining wastes will be disposed of, including evidence that the waste material will be properly handled (contracts with waste haulers and/or waste management companies).
6. Applications for new bovine dairies, or dairy calf and heifer raising facilities, and expansion of existing bovine dairies, or dairy calf and heifer raising facilities, shall be approved through the site plan review process if the application meets all of the specified criteria of the Dairy Element of the Kings County General Plan. The applicant shall submit one (1) paper copy of the application and Technical Report with the remaining twenty-one (21) copies submitted on CD's. The paper copy shall have original signatures affixed where signatures are required.
 7. When an application is submitted for an outdoor festival, carnival or circus, additional information shall be provided by the applicant as follows:
 - a. Whether or not the outdoor festival, carnival or circus, will be exclusively devoted to religious worship.
 - b. The owner, area and shape of the premises on which it is planned to conduct the outdoor festival, including any land to be used for parking or other uses incidental to the outdoor festival, carnival or circus.
 - c. The date or dates and the hours during which the festival, carnival or circus, is to be conducted.
 - d. An estimate of the maximum number of customers, spectators, participants and other persons expected to attend the outdoor festival, carnival or circus, for each day it is conducted, together with detailed information supporting such estimate.
 - e. A detailed explanation of the applicant's program and plans to supply security protection, water supply and facilities, food supply and facilities, sanitation facilities, medical and first aid facilities and services, vehicle parking space, vehicle access and on-site traffic control.
 - f. The number of loudspeakers and sound equipment to be used, their locations, and the intensity of the sound, in decibels, at the boundaries of the premises.
 - g. The names and addresses of all persons who will act as security guards during the outdoor festival, carnival or circus.
 - h. If it is proposed or expected that spectators or participants will remain overnight, the arrangements for illuminating the premises and for camping or similar facilities.
 - i. Provisions for clean-up of the premises and removal of rubbish after the event has concluded.
 - j. A written consent to the entry at any time in the course of his or her duties of any peace officer, employee of the Kings County Planning Department, county engineer, fire marshal, sheriff, county health officer, or any other county officer or employee in the performance of his or her duties.
 - k. The location of all toilets, medical, drinking and other facilities shall be shown on the required site plan.
 - l. The agreements or contracts which show what doctors, first aid attendants and ambulances will be available at the outdoor festival, carnival or circus.
 - m. An agreement signed by the applicant that, within seventy-two (72) hours after the conclusion of the outdoor festival, carnival or circus, he will clean up the premises and remove all trash and debris therefrom. Such agreement shall be secured by a performance bond, letter of credit, cash deposit or deposit of a negotiable instrument acceptable to the County Director of Finance in a total amount of not less than five thousand dollars (\$5,000.00).
 - n. If such outdoor festival, carnival or circus is not exclusively devoted to religious worship and music incidental thereto, an agreement signed by the applicant and by the owner of the subject premises that they will reimburse all owners and occupants of property adjoining the subject premises for all damages of any kind to such owners or occupants or to their property caused by the applicant, owner of the subject premises, or by any person attending the outdoor festival, carnival or circus, which damage would not have occurred had the outdoor festival, carnival or circus not been held, and a performance bond, letter of credit, cash deposit, deposit of a negotiable instrument acceptable to the County Director of Finance, or a policy of Commercial General Liability insurance in the amount of not less than one million dollars (\$1,000,000.00).
 - o. The security instruments required by subparagraph (n) above shall be assigned to the County of Kings for its own benefit and for the benefit of all persons to whom the applicant or owner may become liable because of the agreement required by said paragraph (n) or arising from the holding of the outdoor festival, carnival or circus.
 - p. An applicant for of an outdoor festival, carnival or circus who deposits with the tax collector and assigns to the county savings and loan certificates or shares in lieu of, or in addition to, the undertaking or policy of

insurance required by subparagraph (n) above, also, at the same time shall file with the tax collector an agreement in writing in which he agrees that the county may satisfy either in whole or in part, from such certificates or shares, any final judgment or any judgment upon which execution may issue, the payment of which is, or would have been guaranteed by the undertaking required by this section.

The permitting authority may specify the details of the above as requirements or conditions of approval for the permit.

B. Fee classifications.

1. The application shall be accompanied by a fee set by the board of supervisors sufficient to cover the cost of processing the application pursuant to this article.
2. If the application is submitted after a use that requires a zoning permit has begun operation, but prior to the issuance of a Notice of Violation, the application fee shall be the normal fee that is set by the board of supervisors.
3. If the application is submitted after a use that requires a zoning permit has begun operation, and a Notice of Violation has been issued, the application fee shall be double the normal fee that is set by the board of supervisors.
4. If the application is submitted after a use that requires a zoning permit has begun operation and thirty (30) days or more after a Notice of Violation has been issued, then a conditional use permit shall be required and shall be accompanied by a fee pursuant to Section 1903.B. of this Ordinance and Administrative Citations and fines may be issued as allowed by Section 1A of the Kings County Code of Ordinances.
5. If an application for a conditional use permit is not filed within thirty (30) days after receiving notification, to either obtain a conditional use permit or cease the unauthorized activity, the application fee shall be double the normal fee required pursuant to Section 1903.B. of this Ordinance and Administrative Citations and fines may be issued as allowed by Section 1A of the Kings County Code of Ordinances.

C. Within fifteen (15) working days after the application for a site plan review has been certified as complete by the zoning administrator, the zoning administrator shall issue an approval of the site plan review, or reject the site plan review application if it fails to meet the required standards. In approving the site plan, the zoning administrator shall find that:

1. The proposed use complies with all applicable provisions of this ordinance.
2. The following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected and there will be no adverse effect on surrounding property:
 - a. Facilities and improvements.
 - b. Vehicular ingress, egress and internal circulation.
 - c. Setbacks.
 - d. Height of buildings.
 - e. Location of service.
 - f. Walls.
 - g. Landscaping.
3. Proposed lighting is so arranged as to reflect the light away from adjoining properties.
4. Proposed signs will not by size, location, color or lighting interfere with traffic or limit visibility.
5. Any use involving a business, service or process not completely enclosed in a structure shall be screened according to the requirements of Article 16, Section 1605.
6. No process, equipment or materials shall be used which, are found by the zoning administrator, to be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any undue risk of fire or explosion.
7. The proposed use and structure will be harmonious with existing structures and land in the vicinity.
8. When an application is for a temporary mobile home or manufactured home for the purpose of housing a qualifying infirm relative or immediate family members who are 62 years of age or older, the owner of the property shall be required to sign and record at their expense, a *Notice, Disclosure and Acknowledgement of Permit Restriction* to ensure that all parties are aware that the mobile home or manufactured home shall be removed once the qualifying individual no longer resides in the temporary mobile home or manufactured home.
9. When an application is submitted for the installation of a swimming pool within a utility easement, the zoning administrator may grant the application only upon the receipt of waivers granted by the utilities supplying service in the area and the concurrence of the county director of public works.
10. **TRANSFERS OF TITLE:** When an application is being considered for a transfers of title between spouses, parents and children, grandparents and grand children, or between siblings; divisions of land may be permitted in

the AL-10, AG-20, AX, and AG-40 zone districts for sites of not less than one (1) acre subject to the following requirements or conditions:

- a. Under this provision, a person who is actively engaged in farming the subject land may receive no more than one (1) lot of less than the required minimum area pursuant to this Ordinance.
- b. Under this provision:
 - (1) When land proposed to be divided pursuant to section 2102.C.10.(a) above:
 - (a) The owner(s) and the recipient(s) must both sign and record a "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" to continue farming the parcels as a single unit at the time the Parcel or Final Map, or parcel map waiver, for such divisions is recorded.
 - (b) the parcel that is transferred must be for the exclusive use of the recipient of the parcel for the recipient's principal residence, and not for the transfer or sale of, or the use of, any other person so long as any restrictions on the conveyance of the parcel exist which are required as requirements or conditions of the action creating the parcels.
 - (2) For land restricted by a Land Conservation Contract pursuant to the California Land Conservation Act of 1965:
 - (a) Pursuant to section 2102.C.10.(b)(1) the owner and the recipient must execute a revision to the land conservation contract between the owner and the County which states the intended purpose of conveying the parcel to, and for the exclusive use of, the recipient for the recipient's principal residence.
 - (b) Pursuant to Section 2102.C.10.(b)(1) the owner will retain the remainder of the property and no further conveyance is intended.
 - (3) Failure to comply with the terms of subparagraph 2102.C.10.(b)(1) above may result in the County imposing a penalty by taking one or more of, including but not limited to, the following actions:
 - (a) Loss or rescission of entitlement to development or building permits, thereby prohibiting new or replacement construction, or improvements to existing structures.
 - (b) An action pursuant to Article 1.5 (Merger of Parcels) of Chapter 3 of the Subdivision Map Act, or other action pursuant to Chapter 7 (Enforcement and Judicial Review) of the Subdivision Map Act.
 - (c) Rescission of the land conservation contract revision.
 - (4) Relief from the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" may be considered in the case of the death, divorce, long term illness, permanent disability, or bankruptcy of a party to the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" who wants to convey the parcel. Relief may be granted through the application and approval of a new site plan review accompanied by documentation of the listed extenuating circumstances, and the zoning administrator makes findings that the documentation is true and correct, and constitutes a hardship not foreseen at the time the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" was recorded. The restriction in the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" shall be come null and void at such time as the territory is annexed to a city.
 - (5) Time limit of the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" shall be for a minimum of ten (10) years from the date the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" is recorded; however, the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" for land restricted by a Land Conservation Contract pursuant to the California Land Conservation Act of 1965 shall remain in effect for ten (10) years or as long as the Land Conservation Contract is in force on the parcel, whichever is the longer time period.
 - (6) The terms of the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" described in paragraphs 2102.C.10.(b)(1) above shall not apply to the parcel if it is acquired by a lender pursuant to a bona fide involuntary foreclosure or similar involuntary process of law, including but not limited to a deed in lieu of foreclosure.
 - (7) The parent parcel, before a division pursuant to section 2102.C.10.(a) must contain at least nominally 10 acres in the AL-10 zone district, 20 acres in the AG-20 zone district, and 40 acres in the AX and AG-40 zone districts, unless the zoning administrator makes all of the following findings:
 - (a) The division is for a transfer of the new parcel to a relative listed in section 2102.C.10.(a)., for their principal residence.
 - (b) The parent parcel of the new parcel that is less than the minimum site area is jointly managed with one or more other parcels, one of which has at least the minimum site area required in the zone district within which it is located.

- (c) The exception will potentially reduce the loss of agricultural land on one or more parcels which are at least the minimum area required for that zone district.
 - c. Under this provision, the new parcel shall:
 - (1) Have an area of not less than one (1) acre.
 - (2) Have a width of not less than one hundred twenty-five (125) feet and a depth of not less than one hundred fifty (150) feet.
 - (3) Comply with local and state standards for domestic water supply and sewage disposal facilities.
 - (4) Comply with other regulations of the appropriate Agricultural (A) District of this Ordinance and all county improvement standards required by law or county policy.
 - (5) Have a tentative parcel map, or an In-lieu of Tentative Parcel Map, application filed and approved by the county and record a Final or Parcel Map showing the division and appropriate public dedications.
 - d. The restrictions in this section of the Ordinance shall apply only to land within the unincorporated territory of Kings County, however, land in cities or other counties may be used for the necessary acreage for the joint management agreement.
- 11. **FARM HOME RETENTION:** When an application is being considered for retention of a farm home, and the area immediately around it, divisions of land may be permitted in the AL-10, AG-20, AX, and AG-40 zone districts for sites of not less than one (1) acre subject to the following requirements or conditions:
 - (a) Retain no more than one (1) farm home, which is owned by and is the actual residence of the applicant. An applicant who has moved directly from the subject residence to an assisted care living arrangement, and still owns the residence, qualifies for the actual residence requirement.
 - (b) The parent parcel must have been in the divider's continuous possession for the seven (7) years preceding the date of the application for the division, or for land that is restricted by a Land conservation Contract pursuant to the California Land Conservation Act of 1965, the land must be in the divider's continuous possession the minimum time period stated in the law, which is the greater time period.
 - (c) The parent parcel, before a division pursuant to this subsection must contain at least nominally ten (10) acres.
 - (d) The remainder parcel shall be at least seven and one-half (7½) acres in area.
 - (e) Under this provision, the new parcel shall:
 - (1) Have an area of not less than one (1) acre.
 - (2) Have a width of not less than one hundred twenty-five (125) feet and a depth of not less than one hundred fifty (150) feet.
 - (3) Comply with local set back standards for domestic water supply and sewage disposal facilities.
 - (4) Have a tentative parcel map, or an In-lieu of Tentative Parcel Map, application filed and approved by the county and record a Final or Parcel Map showing the division and appropriate public dedications.
- 12. **FARM HOME FINANCING:** When an application is being considered for a division for purposes of financing a farm home, or an agriculturally related construction project, divisions of land may be permitted in the AL-10, AG-20, AX, and AG-40 zone districts for sites of not less than one (1) acre subject to the following requirements or conditions:
 - (a) Under this provision a person who is actively engaged in farming the subject land may:
 - (1) Create for farm home financing purposes no more than one (1) lot, which must be for the person's principal residence.
 - (2) Create lots for farm related project construction financing purposes, which shall be used for agriculturally related construction projects for the land farmed by the owner in the vicinity, and the use must be in compliance with the terms of this Ordinance and uses listed in the appropriate Agricultural (A) district regulations. This subparagraph may not be used for residential purposes, except for agricultural employee housing.
 - (b) In the case of a division for financing, instead of recording a Final or Parcel Map, a parcel map waiver shall be recorded, and upon completion of the terms of the financial agreement, contract, trust deed, or similar instrument, the parcels shall rejoin as a single parcel; except in the case that a lender acquires the parcel into excess status pursuant to a bona fide involuntary foreclosure or similar involuntary process of law, including but not limited to a deed in lieu of foreclosure, in which case a Parcel or Final Map shall be recorded.
 - (c) Land upon which a division for farm home financing, or agricultural facilities construction financing is proposed, does not have to be owned for any specific period of time, however, a parcel created for financing purposes may not be sold or transferred by the parcel owner to anyone else as a separate parcel from the parent parcel. This prohibition shall not apply to the parcel created for financing if it is acquired into excess status by a lender pursuant to a bona fide involuntary foreclosure or similar involuntary process of law, including but not limited to a deed in lieu of foreclosure.

- (d) Under this provision, the new parcel shall:
 - (1) Have an area of not less than one (1) acre.
 - (2) Have a width of not less than one hundred twenty-five (125) feet and a depth of not less than one hundred fifty (150) feet.
 - (3) Comply with local set back standards for domestic water supply and sewage disposal facilities.
 - (4) Have a tentative parcel map filed and approved by the county with the appropriate public dedications, and record a Parcel Map Waiver in lieu of a Final or Parcel Map.
- 13. **AGRICULTURAL SERVICE ESTABLISHMENT DIVISION:** When an application is being considered for a division for purposes of separating a legally established agricultural services establishment for sale, lease, or financing, the division may be permitted in the AL-10, AG-20, or AG-40 zone district for sites of not less than one (1) acres subject to the following requirements or conditions:
 - (a) In the AL-10 zone district, the agricultural service establishment shall have been legally established prior to, and shall have been in continuous operation since, October 4, 1994.
 - (b) The parcel remaining after the division without the agricultural service establishment on it shall meet at least one of the following requirements:
 - (1) Meets the requirements of the AL-10, AG-20, or AG-40 zone district,
 - (2) If merged with another parcel in the AL-10, AG-20, or AG-40 zone district, and the new merged parcel meets the requirements of the AL-10, AG-20, or AG-40 zone district, or
 - (3) If merged with a parcel in another zone district and the parcel can be found to be consistent with the general plan designation of the parcel it merges with, and a zone district boundary change pursuant to Article 23 of this Ordinance is accomplished.
- 14. **NEW OR EXPANDING BOVINE DAIRY:** When an application is submitted for a new bovine dairy or the expansion of an existing bovine dairy, including dairy calf and heifer raising facilities, in the AG-20 or AG-40 zone districts, or the expansion of an existing bovine dairy, including dairy calf and heifer raising facilities, in the AX zone district, the following findings shall be made by the zoning administrator before issuing a site plan review:
 - a. That the zoning administrator has documented the results of consultation with representatives of the County Agricultural Commissioner, the county farm and home advisor, the County Health Officer, the Kings Mosquito Abatement District, the Central California Regional Water Quality Control Board and the Kings County Farm Bureau Dairy Committee before issuing a site plan review.
 - b. Said site plan review may be issued only if the zoning administrator is able to make a finding that the Technical Report accompanying the site plan review application demonstrates that the dairy project will meet or exceed all applicable goals, objectives, policies, and standards of the Dairy Element of the Kings County General Plan and provides a level of mitigation meeting or exceeding the mitigation measures in the Program EIR prepared for the Dairy Element.
- 15. **SECOND DWELLING UNITS:** When an application is submitted for a “second dwelling unit” in the R or the RM zone districts the following findings shall be made by the zoning administrator before issuing a site plan review:
 - a. That a second dwelling unit is either a site built structure, a manufactured home as defined by Section 18007 Health and Safety Code, or an efficiency unit as defined by Section 17958.1 Health and Safety Code.
 - b. That the second dwelling unit meets all of the following standards:
 - (1) Floor Area: A second dwelling unit permitted by this section shall not exceed one thousand two hundred (1,200) square feet of floor area if separated from the existing single-family detached residence. If attached to the existing single-family residence, the floor area of the second unit shall not exceed thirty (30) percent of the existing living area of the existing single-family detached residence.
 - (2) A manufactured home shall not be less than eight (8) ft. wide by forty (40) ft. long and 320 sq. ft. in floor area.
 - (3) An efficiency unit shall not be less than 150 sq. ft. in floor area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code.
 - (4) Location: A second dwelling unit shall be located either to the side or to the rear of the existing single-family detached residence and shall be either attached to the existing single-family detached residence or be separated from the existing single-family detached residence by not less than ten feet or the separation as allowed by the Uniform Building Code, whichever is the more restrictive (greater).
 - (5) Access: Doorway access shall be provided either to the side or rear of the second dwelling unit. Direct doorway access to the front yard by the second dwelling unit shall be prohibited.
 - (6) Owner Occupancy: Either the existing single-family detached residence or the second dwelling unit shall be occupied by the owner of the property.

- (7) Off-Street Parking: At least one additional off-street parking space shall be provided for the second dwelling unit, and must comply with Sec. 913 and 1013 respectively.
 - (8) Utility Services: Second dwelling units shall be provided with water, sewer and other utilities as determined by the building official. Where water and sewer service is provided by a city or community or public service district the site plan review application shall include a letter from the agency providing the services that the agency will allow connection to their systems. Where private water well and/or individual septic tank/leach fields are used the site plan review application shall be accompanied by a plan prepared and signed by a Professional Engineer designed to Kings County Standards, including the required setbacks from neighboring water wells and septic tank/leach line systems.
 - (9) Architectural Appearance: A second dwelling unit shall be designed and constructed so as to blend with the single family detached residence and be architecturally similar in appearance in order to match the existing single-family detached residence in terms of design, construction, height, roofing, siding materials and color.
 - (10) Compliance with Other Regulations for the R District: Except as specifically set forth in this Article and the standards set forth in this section, all second dwelling units regulated pursuant to this Article shall meet all of the requirements of the R District in which the second dwelling unit is located including without limitation requirements regarding fences, walls and hedges; site area, frontage width, and depth of sites; coverage; yard requirements; height of structures; distances between structures; signs; and general provisions and exceptions.
16. **STORAGE OF A MOBILE HOME:** When an application is submitted for storage of a mobile home in the Agricultural (A) zone districts the following findings shall be made by the zoning administrator before issuing a site plan review:
- a. The mobile home being stored shall meet all of the following standards:
 - (1) Only one (1) mobile home may be stored on a property at any one time, and the site plan review shall apply to only one specific mobile home (the permit is not transferable to another mobile home);
 - (2) The mobile home shall not be occupied at any time while it is being stored, and a sign at least one foot square with one inch block letters shall be posted on the door(s) with the statement “DO NOT OCCUPY”;
 - (3) The owner of the property upon which the mobile home is stored shall post and maintain a bond of sufficient value, in favor of Kings County, to abate the mobile home if it is either occupied while on the property, dismantled while on the property and left for scrap, or is not removed at the end of one year (or two years if an extension is granted);
 - (4) The owner of the property upon which the mobile home is stored shall sign (under penalty of perjury) and record a statement that states that the mobile home shall not be occupied and shall allow the County to abate the mobile home using the bond to pay for the abatement if it is occupied, dismantled while on the property and left for scrap, or is not removed at the end of one year (or two years if an extension is granted);
 - (5) The mobile home may be stored for a maximum of one (1) year with an option for a maximum of one (1) one (1) year extension approved by the zoning administrator. The extension must be requested in writing prior to the expiration of the first one (1) year period;
 - (6) The stored mobile home shall only be for a mobile home owned by the owner of the property or the lawful tenant in residence of the property, and shall not be associated with any commercial enterprise or third party;
 - (7) The stored mobile home shall comply with the following requirements:
 - (a) It shall meet all applicable setback and yard requirements of this ordinance;
 - (b) It shall be stored to the side or rear of a permitted or conditional use on the site;
 - (c) It shall be located in such a manner that is not conspicuous that it is being stored on the site, shall blend into its surroundings, be maintained free from an oxidized color, and shall appear neat, clean, and in good repair from any public roadway or neighboring property;
 - (d) If the mobile home is a double-wide mobile home or is otherwise transported in separate sections, the sections shall be stored side by side in the same location to minimize the visual impact of the uninstalled mobile home;
 - (e) It shall have a State insignia of approval and the mobile home shall be maintained so as to retain the State insignia approval, and shall be currently licensed by the State;
 - (f) The undercarriage and wheels shall remain on the mobile home while it is stored;
 - (g) No temporary or permanent utility connections shall be installed;

- (h) It shall not be used as a storage unit or for the storage of any goods, merchandise, property, junk, etc.; and
 - (i) It shall comply with all state and local regulations;
 - (8) Mobile home storage shall not be allowed on “Williamson Act” contracted land.
17. **OPEN AIR BARBEQUE FACILITY:** When an application is submitted for a open-air barbeque facility, the following findings shall be made by the zoning administrator before issuing a site plan review:
- a. An open-air barbeque facility shall be sponsored by an on-site permanent retail business whose principal use is the retail sale of food, packaged or prepared.
 - b. If the sponsoring business does not have an available restroom, authorization from a business within 200 feet must be provided in writing for employee(s) of open-air barbeque facility to use their restroom facilities.
 - c. The open-air barbeque facility and the mobile food preparation unit shall not be located in any landscape areas or fire lanes and must not obstruct the safe view for traffic or vehicle ingress and egress in and out of the site. There must be a defined walkway available for pedestrians. The mobile food preparation unit shall be situated in such a way that individuals waiting to be served shall not block fire lanes or access to the primary business or impede vehicular traffic.
 - d. The entire open-air barbeque facility including, without limitation, any related customer area and the location of the mobile food preparation unit shall be limited to a site area no greater than the equivalent of two regular sized adjacent parking spaces or a maximum of 360 sq. feet.
 - e. A maximum of one table and four chairs or one picnic table may be placed in the open-air barbeque facility site area for use by customers. The placement of the table and chairs is to be shown on the site plan. Note: One additional parking space shall be required if on-site seating is provided.
 - f. If the Zoning Administrator determines that the use negatively impacts parking for the sponsor business, additional parking spaces may be required for the open-air barbeque facility.
 - g. An adequate waste container shall be furnished for the use of customers. Such container shall be of easily cleanable construction, furnished with a tight-fitting cover, and shall be kept clean.
 - h. An open-air barbeque facility shall be for a single specific location on a specific site only. The relocation of an Open-air barbeque facility on or off the site will require a new site plan review application and filing fee.
 - i. A mobile food preparation unit shall be portable with attached wheels for convenient movement, relocation and storage.
 - j. The mobile food preparation unit shall have a well maintained painted or factory finish. All equipment, furniture, sun screens, and other ancillary items used in conjunction with the mobile food preparation unit shall be well maintained and clean.
 - k. Shade structures and sun screens are to be portable with fabric covers and shall not exceed ten (10) feet in height.
 - l. The use of portable generators shall not be allowed and there shall be no connections to any electrical or plumbing source.
 - m. The open-air barbeque facility hours of operation shall not exceed the hours of operation of the sponsor.
 - n. There shall be no sale of merchandise other than food items prepared on site by the open-air barbeque facility.
 - o. If the “sponsoring” business moves from the site or closes, the open-air barbeque facility must become affiliated with another business at the site. A letter of authorization from the new “sponsor” and/or property owner must be submitted to the Planning Department.
 - p. When the open-air barbeque facility is closed, the mobile food preparation unit may remain in place or it may be removed from the site each day and returned to its approved location the next business day. If the open-air barbeque facility remains closed for 7 consecutive days or more, the mobile food preparation unit and all associated items shall be removed or stored out of sight. If the open-air barbeque facility remains closed for six (6) months or longer a new site plan review shall be required before the use can resume.
 - q. The applicant shall provide a copy of their Kings County food vending permit (if such permit is required) at time of application and shall ensure that the food vending permit remains valid for the life of the use.
 - r. Except as specifically set forth in this Article, an open-air barbeque facility use shall meet all of the standards, including yard requirements, for the zone district in which it is located.
18. **OUTDOOR FESTIVALS, CARNIVALS AND CIRCUSES:** When an application is submitted for an outdoor festival, carnival or circus, the following findings shall be made by the zoning administrator before issuing a site plan review:
- a. That all required information listed in Article 21, Section 2102.A.17. has been submitted with the application and has been reviewed and accepted by the Zoning Administrator.

- b. The applicant and the property owner shall ensure clean-up of the premises and removal of rubbish, trash and debris within seventy-two (72) hours after the conclusion of the outdoor festival. Cleanup shall also include rubbish, trash and debris blown onto or deposited on adjacent properties as a direct result of the outdoor festival.
- c. All temporary toilets, medical, drinking and other facilities be removed from the site within seventy-two (72) hours after the conclusion of the outdoor festival.
- d. Outdoor festivals, carnivals, circuses or similar events shall be limited to four (4) days in any one calendar year on any one site.

In making the above findings, the zoning administrator shall consult with the county director of public works to assure that approvals will be consistent with established legislative policies relating to traffic safety, street dedications and street improvements.

D. The approved site plan, with any requirements or conditions shown thereon or attached thereto, shall be dated and signed by the zoning administrator. One (1) copy of the said site plan and requirements or conditions shall be mailed to the applicant and one (1) copy shall be mailed to the property owner.

E. Reserved.

(Ord. No. 269.1, § 32, 6-21-66; Ord. No. 269.4, § 56, 6-3-70; Ord. No. 269.18, § 29, 9-5-78; Ord. No. 269.33, § 44, 9-21-82; Ord. No. 269.38, § 11, 9-25-90; Ord. No. 269.40, § 1, 10-4-94; Ord. No. 269.41, § 15 and 16, 1-9-96; Ord. No. 269.42, § 15, 5-7-96; Ord. No. 269.43, § 35, 1-21-97; Ord. No. 269.44, §§ 38, 39 and 40, 7-29-97; Ord. No. 269.46, § 5, 10-20-98; Ord. No. 269.47, § 4, 1-12-99; Ord. No. 269.48, § 6, 10-5-99; Ord. No. 269.49, §§ 3, 12, 13 and 14, 12-7-99; Ord. No. 269.54, §§ 16, 17 and 18, 7-30-02; Ord. No. 269.56, § 56, 9-10-03; Ord. No. 269.59, § 18, 11-9-04; Ord. No. 269.60 § 5, 1-11-05; Ord. No. 269.62, § 26, 10-25-05; Ord. No. 269.63, § 46 through 53, 4-25-06; Ord. No. 269.64, §§ 63 through 73, 10-16-07; Ord. No. 269.65, §§ 147 through 152, 10-28-08)

Sec. 2103. Street dedications and improvements.

It is found that changes occur in the local neighborhood due to increases in vehicular traffic generated by facilities requiring a site plan review and upon the principle that such developments should be required to provide necessary street dedications, improvements, and maintenance as near as practicable in proportion to such increased vehicular traffic, but should not be required to provide such street facilities for non related traffic, the following dedications and improvements may be deemed necessary by the zoning administrator and may be required by him as a condition to the approval of any site plan.

A. Developments bordering or traversed by an existing street.

If the development borders or is traversed by an existing street, the applicant may be required to:

- 1. Dedicate up to two-thirds (2/3) of the right-of-way width of a minor or collector street in order to widen a bordering minor or collector street when such street has a substandard width.
- 2. Dedicate all necessary rights-of-way in order to widen a traversing minor or collector street to its ultimate width established by the county as the standard for such minor or collector street.
- 3. Dedicate all necessary rights-of-way to widen a bordering or traversing major street to the standards of width required for a collector street under paragraphs 1 and 2, above.
- 4. Set back all facilities the required distances from ultimate property lines along a major street as shown on any master or official plan of streets and highways.
- 5. Install curbs, gutters, and sidewalks, along one side of a bordering or along both sides of a traversing minor, collector or major street.
- 6. Install utilities and drainage facilities to the full extent of the service requirements generated by the development.
- 7. Grade and improve bordering minor or collector streets from curb to the center line of the ultimate right-of-way.
- 8. Grade and improve traversing minor or collector streets from curb to curb.
- 9. Grade and improve the parking lane and one traffic lane adjacent to the development along a bordering major street.
- 10. Grade and improve both parking lanes and the two outside traffic lanes of a traversing major street.

B. Except as provided in section 2103.C, all new roads shall be dedicated and improved in accordance with the requirements of section 2103.A.

C. Where a frontage road is provided and improved along a major street in accordance with county standards, the dedications and curb, gutter, grading and paving requirements of section 2103.A, shall not be required.

D. All improvements shall be to county standards existing at the time the site plan is approved and shall be installed at the time of the proposed development, except in those areas where the Kings County General Plan requires the use of city

improvement standards in city fringe areas. Where it is determined by the planning director that it is impractical to put in any or all improvements at the time of the proposed development, an agreement to make such improvements may be accepted in lieu thereof. In any event, the applicant shall enter into an agreement with the county for the provision of improvements before a building permit may be issued, at which time there shall be money deposited with the county or a performance bond posted with the county, in an amount equal to the estimated cost of the improvements, to guarantee the making of such improvements.

- E. Notwithstanding paragraphs A through D above new streets or roads necessary to serve new development may be required to form a maintenance assessment district to provide for on-going maintenance of the street or road if it is not accepted in to the County's maintained road system.

(Ord. No. 269.40, § 1, 10-4-94; Ord. No. 269.45, § 8, 6-23-98)

Sec. 2104. Building permit.

- A. Before a building permit shall be issued for any building or structure proposed as part of the approved site plan, the zoning administrator shall certify in writing that the proposed building location is in conformity with the site plan and requirements or conditions approved by the zoning administrator, planning commission or board of supervisors. Before a building may be occupied, the building official shall certify that the site has been developed in conformity with the site plan, requirements and conditions approved by the zoning administrator, planning commission or board of supervisors.
- B. Minor alterations to an approved site plan may be allowed and shall constitute not more than a ten percent (10%) increase in area of a use/structure, or up to a 2,500 square foot increase in area of a use/structure, whichever is less.
 - 1. The Zoning Administrator may approve a minor alteration to an approved site plan, as defined above, when checking building plans for consistency to determine if they are substantially consistent with an approved zoning permit.
 - 2. For alterations of an approved site plan that are not substantially consistent with an approved zoning permit, the applicant will be required to submit an application for a new zoning permit.

(Ord. No. 269.33, § 45, 9-21-82; Ord. No. 269.64, § 74, 10-16-07; Ord. No. 269.65, §§ 154, 10-28-08)

Sec. 2105. Lapse and extension of site plan approval.

- A. A site plan approval shall lapse and shall become void one (1) year following the date on which approval by the zoning administrator, or planning commission or board of supervisors became effective unless, by requirements or conditions of the site plan a greater or lesser time period is specified, or prior to the expiration of one (1) year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site which was the subject of the site plan approval, or commencement of the activity if a building permit is not required.
- B. A site plan may be extended for additional periods of time by the zoning administrator, provided that prior to the expiration of the time period granted, an application for the extension of the site plan is filed with the zoning administrator. The zoning administrator must make all of the same findings as though the extension was a new application, and be based on the standards, requirements and conditions in place as of the date the extension was requested. The zoning administrator may grant, grant with additional requirements or conditions, or deny an application for extension of a site plan.
- C. The site plan that is extended for an additional period of time may be appealed in the same manner as the original site plan approval pursuant to Section 2108.

(Ord. No. 269.49, § 15, 12-7-99; Ord. No. 269.56, § 57, 9-10-03; Ord. No. 269.63, § 54, 4-25-06; Ord. No. 269.64, § 75, 10-16-07)

Sec. 2106. Revocation of a site plan review.

When any applicable provision of this Ordinance or when any standard or requirement of a site plan review has not been complied with, the Zoning Administrator shall notify the permit holder of the site plan review and shall give said person(s) a reasonable period of time within which to comply with said Ordinance or standard or requirement. If the permit holder fails to comply with the Ordinance or with said standard or requirement within such period of time, the Zoning Administrator shall give written notice to the permit holder that a hearing will be held by the Planning Commission on the matter of the revocation of the site plan review.

Notice of said hearing shall be given not less than ten (10) days prior to the date of the hearing by either personal service of a copy of said notice on the permit holder or by sending a copy of the notice by certified or registered mail, return receipt requested, to said permit holder. The notice shall state the reason or reasons why action is being taken for revocation of the permit.

At said hearing, the Planning Commission shall hear all relevant testimony concerning the site plan review and the provisions of the Ordinance which allegedly have not been complied with and the standards or requirements which were imposed. If the Planning Commission finds that any of the applicable provisions of the Ordinance have not been complied with or that any of the standards or requirements imposed have not been complied with, then the site plan review shall be revoked.

If the site plan review is revoked by the Planning Commission, the permit holder may within eight (8) days following the date of the decision of the Planning Commission, appeal the decision to the Board of Supervisors.

Upon the making of the decision by the Planning Commission to revoke the site plan review, said use permit shall be automatically suspended. If an appeal is filed or if the Board of Supervisors initiates a review of the decision to revoke the use permit the suspension shall remain in effect during the course of the appeal or review. If, within said eight (8) day period, no appeal is filed, and if the Board of Supervisors within said eight (8) day period does not initiate proceedings to review the decision of the Planning Commission as provided in Section 2106 of this Ordinance, the decision of the Planning Commission shall be final and conclusive.

Following the revocation of a site plan review, no application for a use permit for the same or substantially the same use on the same or substantially the same site shall be filed within one year from the date of revocation of the use permit; provided, however, that such time period shall not apply to applications which have been denied without prejudice.

(Ord. No. 269.43, § 36, 1-21-97; Ord. No. 269.65, §§ 155, 10-28-08)

Sec. 2107. Site plan review approval to run with the land.

A site plan review approved pursuant to the provisions of this article shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the site plan approval unless the use is abandoned or discontinued for a period of time exceeding six (6) months pursuant to Article 17, Section 1711.E.

(Ord. No. 269.63, § 55, 4-25-06; Ord. No. 269.65, §§ 156, 10-28-08)

Sec. 2108. Appeals.

- A. Appeal to planning commission. The applicant or any other directly affected person or party may appeal the decision of the zoning administrator in writing, setting forth his or her reason for such appeal to the commission. Such appeal shall be filed with the zoning administrator within eight (8) days after the mailing of notices of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting after the zoning administrator's decision. The commission shall review the site plan and shall approve, approve with conditions or disapprove, based on the findings listed in section 2102.C. The decision of the commission shall be final unless appealed to the board of supervisors.
- B. Appeal to board of supervisors. The applicant or any other directly affected person or party may appeal the commission's decision in writing, setting forth his or her reason for such appeal to the board of supervisors. Such appeal shall be filed with the clerk of the board within eight (8) days after the commission decision. The appeal shall be placed on the agenda of the board's next regular meeting after the appeal is filed. The board shall review the site plan and shall approve, approve with conditions or disapprove, based on the findings listed in section 2102.C. The decision of the board shall be final.
- C. The appeal shall be accompanied by a fee set by the board of supervisors sufficient to cover the cost of processing the appeal as described in this Article. The board of supervisors may, but is not required to, refund the appeal filing fee if the board of supervisors determines that the appeal has merit due to their finding that an error was made in the record that was not the fault of the appellant.

(Ord. No. 269.40, § 1, 10-4-94; Ord. No. 269.52, § 3, 10-17-00; Ord. No. 269.56, §§ 58 and 59, 9-10-03)

Sec. 2109. Reserved.

(Ord. No. 269.42, § 16, 5-7-96; Ord. No. 269.63, § 56, 4-25-06)

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