

## ARTICLE 23. AMENDMENTS

### Sec. 2301. Purpose.

As the General Plan of Kings County is put into effect over the years, there will be a need for changes in district boundaries and other regulations of this ordinance. As the general plan is reviewed and revised periodically, other changes in the regulations of this ordinance may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this article and Section 65860 of the Government Code of the State of California.

(Ord. No. 269.65, § 166, 10-28-08)

### Sec. 2302. Initiation.

A change in the boundaries of any district may be initiated by the owner of the property within the area for which a change of district is proposed or the authorized agent of the owner filing an application for a change in district boundaries as prescribed in section 2303. If the area for which a change of district is proposed is in more than one ownership, at least fifty per cent (50%) of the property owners or their authorized agents or the owners of not less than sixty per cent (60%) of the land area included in the application or their authorized agent, shall join in filing the application.

A change in boundaries of any district, or a change in a district regulation, off-street parking or loading facilities requirement, general provision, exception or other provision may be initiated by resolution of the planning commission or by action of the board of supervisors in the form of a request to the commission that it consider a proposed change, provided that in either case the procedure prescribed in Sections 2304 through 2309 of this Article shall be followed.

(Ord. No. 269.65, § 167, 10-28-08)

### Sec. 2303. Application and fee.

A property owner desiring to propose a change in the boundaries of the district in which his property is located or his authorized agent may file an application with the Planning Commission for a change in district boundaries on a form prescribed by the Commission which shall include the following data:

- A. Name, address and signature of the 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.
- B. 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.
- C. A public utility company or other agency with powers of eminent domain may make an application without the owner's authorization.
- D. Address, description and Assessor's Parcel Number of the property.
- E. An application shall not be deemed complete until the public review requirements pursuant to the *California Environmental Quality Act (CEQA)*, Public Resources Code Section 21000, et seq, have been completed.

The application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site, showing the location of streets and property lines and the names and last known addresses of the recorded legal owners of all properties shown on the drawing.

The application shall be accompanied by a fee set by the Board of Supervisors sufficient to cover the cost of processing the application as prescribed in this Article.

(Ord. No. 269.65, §§ 168 and 169, 10-28-08)

**Sec. 2304. Public hearing; notice.**

The county planning commission shall hold at least one public hearing on each application for a change in district boundaries and on each proposal for a change in district boundaries or of a district regulation, off-street parking or loading facilities requirement, general provision, exception or other provision of this ordinance. Such hearing shall be held within forty-five (45) days from the date the application is complete

Notice of the public hearing shall be given as set forth in Article 18, Section 1803 of this ordinance.

(Ord. No. 269.33, § 48, 9-21-82; Ord. No. 269.44, § 42, 7-29-97; Ord. No. 269.65, § 170, 10-28-08)

**Sec. 2305. Hearing.**

At the public hearing, the Planning Commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the Zoning Ordinance prescribed in Section 101 and how or why the proposed change is consistent with the stated purposes and application intended for the zone classification proposed.

The Commission may review proposals for the use of the property for which a change in district boundaries is proposed or plans or drawings showing proposed structures or other improvements, in the light of the fact that under the provisions of this ordinance a change in district boundaries cannot be made conditionally and the owner of the property is bound only to comply with the regulations prescribed in this ordinance.

**Sec. 2306. Investigation and report.**

The zoning administrator shall make an investigation of the application or the proposal and shall prepare a report which shall be submitted to the Planning Commission.

**Sec. 2307. Action of the planning commission.**

Within forty-five (45) days following the close of the public hearing or hearings, the Planning Commission shall make a specific finding as to whether the change is required to achieve the objectives of the Zoning Ordinance prescribed in Section 101 and whether the change would be consistent with the purposes and intended applications of the zone classification proposed. The Commission shall transmit a report to the Board of Supervisors recommending that the application be granted or denied or that the proposal be adopted or rejected, together with one (1) copy of the application, resolution of the Commission or request of the Board of Supervisors, the scale drawing of the site and the surrounding area and all other data filed therewith, the minutes of the public hearing, the report of the zoning administrator and the findings of the Commission.

**Sec. 2308. Action of the board of supervisors.**

Upon receipt of the resolution and report of the Planning Commission, the Board of Supervisors shall hold at least one (1) public hearing as required by law, give notice as prescribed in Section 2304 above, review the application or proposal and consider the resolution and report of the Commission and the report of the zoning administrator.

The Board of Supervisors shall make a specific finding as to whether the change is required to achieve the objectives of the Zoning Ordinance. If the Board of Supervisors finds that the change is required, it shall enact an amendment to this ordinance. If the Board of Supervisors finds that the change is not required, it shall deny the application and reject the proposal.

Ord. No. 269.65, § 172, 10-28-08

**Sec. 2309. Special zoning exceptions; alternate procedure for action of the planning commission and board of supervisors.**

When an application is filed for a change in district boundaries, the Planning Commission, as an alternate procedure, may recommend to the Board of Supervisors the granting of a special zoning exception which will permit said application (or his or her assignee) to develop or use said property in accordance with said application and the provisions of this Section.

- A. Before a special zoning exception may be granted, the Commission or Board may require the applicant to submit additional information relative to his proposal in the manner required in the filing of an application for a conditional use permit under the provisions of Section 1903 of this ordinance. In any event, the provisions of Sections 2301 through 2308 and Sections 2310 and 2311 shall apply in addition to the provisions of this Section.
- B. The Planning Commission may recommend and the Board of Supervisors may grant a special zoning exception subject to any of the conditions prescribed in Section 1908 and in accordance with the provisions of Sections 1912, 1913 and 2103.
- C. Upon being granted a special zoning exception by the Board of Supervisors, the applicant shall develop his property in accordance with approved plans and conditions imposed under the provisions of this Section and within a time fixed by the Board of Supervisors in granting said exceptions, or within one (1) year from the date of the granting said exceptions where another time is not fixed by the Board of Supervisors, or within any extension of said period.
- D. Upon the development and use of property in accordance with the provisions of Paragraph C. of this Section, the district or part thereof for which the special zoning exception was granted shall be thereupon rezoned, altered, amended and established in accordance with the original application, or as set forth in the order of the Board of Supervisors made at the time said zoning exception was granted.
- E. In the event the applicant (or his assignee) fails to develop and use his or her property in accordance with the provisions of Paragraph C. of this Section, the application will be deemed to have been denied as of the date of the granting of said exception.

**Sec. 2310. Change of zoning map.**

A change in a district boundary shall be indicated on the zoning map with a notation of the date and number of the ordinance amending the map.

**Sec. 2311. New application.**

Following the denial of an application for a change in a district boundary, no application for the same or substantially the same change shall be filed within one (1) year of the date of denial of the application.

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