

Article 16. Site Plan Reviews

Sections:

Sec. 1601 - Purpose and Objectives

Sec. 1602 - Site Plan Review Application and Fee

Sec. 1603 - Action of the Zoning Administrator

Sec. 1604 - Street Dedications and Improvements

Sec. 1605 - Appeals

Sec. 1606 - Minor Revisions to Approved Site Plan Reviews

Sec. 1607 - Zoning Clearance and Building Permit

Sec. 1608 - Lapse and Extension of Site Plan Approval

Sec. 1609 - Change of Use and Change of Occupancy Requires New Zoning Permit

Sec. 1610 - Discontinued or Abandoned Uses and Zoning Permits

Sec. 1611 - Revocation of a Site Plan Review

Sec. 1612 - Action of the Board of Supervisors:

Sec. 1613 - New Application

Sec. 1601. Purpose and Objectives: Land uses listed in particular zoning districts as requiring a Site Plan Review require the applicant to file an application for a Site Plan Review in compliance with this Article. Approval of the application must be granted by the Zoning Administrator prior to the use commencing. (Mobile Home Reviews for the installation of a mobile home on a parcel are a specific category of Site Plan Review. Refer to Article 11 for additional information.)

- A. 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, provisions, and zoning standards of this Development Code 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.
- B. 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.
- C. 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.

Sec. 1602. Site Plan Review Application and Fee:

- A. **Application:** The application for a Site Plan Review shall be made to the Zoning Administrator on the appropriate "Uniform Application Form", available on-line at www.countyofkings.com/planning or from the Community Development Agency, and shall include the following information:
 - 1. **Applicant Certification:** Name, address, phone numbers, and signature of the applicant. Signatures shall be notarized when filing is done by mail or otherwise not witnessed by a representative of the Planning Division of the Community Development Agency ("Planning Division").
 - 2. **Property Owner Certification:** If the applicant is not the property owner or an agency with the power of eminent domain, the property owner(s) as shown on the latest equalized assessment roll must provide their name(s), address(es), phone number(s) and signature(s) indicating that the applicant is authorized to make an application on that property. The owner's signature(s) shall be notarized when filing is done by mail or otherwise not witnessed by a representative of the Planning Division.



3. **General Parcel Information:** Site address and the Assessor's Parcel Number (APN) of the property.
4. **Project description/Use Proposed:** Each application shall include a complete project description which provides a project overview with all applicable information including:
 - a. The type of use proposed, project sponsor's purpose and need for the project, project objectives,
 - b. Hours of operation,
 - c. Number of shifts,
 - d. Number of employees,
 - e. Number and types of vehicles used in the operation.
 - f. Surrounding land uses and setting,
 - g. Water usage requirements and storm water protection,
 - h. Fire suppression and safety proposals,
 - i. Security and maintenance information.
 - j. If construction of new facilities is proposed the project should also address grading and compaction; construction and construction schedule, and project design features.
 - k. Statement indicating the precise manner in which the project will comply with each of the applicable provisions of this Development Code together with any other data pertinent to the findings prerequisite to the granting of a use permit.
 - l. All new development proposals within a Community Service District shall contain information on municipal service capacity and infrastructure needs to evaluate whether the development can be accommodated by existing district services.
 - m. List of other permits and approvals that may be required.
5. **Site Plan Drawing:**
 - a. The application for a Site Plan Review shall include three copies of the site plan, submitted to the Zoning Administrator. In lieu of submitting paper copy site plans, applicants are encouraged to submit site plans by electronic copy, either on CD, DVD, or USB Flash Drive. Electronic submission media will become the property of the County and, part of the record, and will not be returned.
 - b. 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. The following information must be included on the site plan:
 - (1) Lot dimensions of the property.
 - (2) All buildings and structures: Location, size, height, and proposed use.
 - (3) Setback measurements of all buildings, structures, parking areas, fences, or other development features from the property lines.
 - (4) Yards and space between buildings.



- (5) Walls, fences and gates: Location, height and materials.
 - (6) Off-street parking: Location, number of spaces and dimensions of parking areas, aisles and access drives.
 - (7) Access-pedestrian, vehicular, service: Points of ingress and egress, internal circulation.
 - (8) Signs: Location, size and height.
 - (9) Loading: Location, dimensions, number of spaces, internal circulation.
 - (10) Lighting: Location and type of lighting and hooding devices.
 - (11) Street dedications and improvements.
 - (12) Landscaping: Location and type. The site plan shall provide a calculation of the total number of square feet of landscaping to be installed or rehabilitated.
 - (13) The location of any fire hydrants on the project site or nearest fire hydrant within one half mile of the site.
 - (14) On-site drainage location if the project does not connect to an off-site drainage facility.
 - (15) Such other data as may be required by the decision maker to make the required findings.
- c. The site plan shall be so prepared by the applicant to enable the Zoning Administrator to make the findings shown in Section 1603.C of this Article.
- d. **Attachments to the Site Plan Drawing.** The following drawings shall be included with the site plan drawing:
- (1) Detailed floor plan, professionally drawn to scale, required for commercial or industrial projects that involve a building on the site, either proposed or existing. The floor plan shall reflect all uses inside the building including offices, storage areas, public seating, display windows, restrooms, utility rooms, hallways, etc.
 - (2) Elevation drawings of all structures, professionally drawn to scale, required for commercial or industrial projects that involve a building on the site, either proposed or existing.
 - (3) Applications for new permanent freestanding or detached signs or off-site advertising structures, and applications with site plans where such signs are included, shall include architectural drawings of the freestanding or detached sign structure and include the dimensions of each element of the sign. The architectural drawing shall also include the aggregate structural area of the sign as described in Article 14, Section 1404.
6. **Notice, Disclosure and Acknowledgement of Permit Restriction.** 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.
7. 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 provider(s) which own the easement and the concurrence of the Public Works Director.

B. Application Fees:

- 1. Fee classifications for proposed projects.
 - a. The application shall be accompanied by a fee set by the Board of Supervisors (“Board”) sufficient to cover the



cost of processing the application under this article. All fees shall be paid at the time the application is filed and no processing shall commence until the fees are paid in full.

2. Fee classifications for projects where work has been started or a use commenced without a permit.
 - a. Prior to the issuance of a Notice of Violation: 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.
 - b. After the issuance of a Notice of Violation: 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.
 - c. 30 days after the issuance of a Notice of Violation: If the application is submitted after a use that requires a zoning permit has begun operation and 30 days or more after a Notice of Violation has been issued, the community development agency may use any lawful means prescribed in Article 24 of this Development Code to gain compliance.
3. Fee classification for an unpermitted bovine herd expansion or a bovine dairy/feedlot expansion:
 - a. Prior to the issuance of a Notice of Violation: If the application is submitted after a bovine herd expansion or a bovine dairy/feedlot facility expansion has occurred, but prior to the issuance of a Notice of Violation, the application fee shall be the normal fee that is set by the Board.
 - b. After the issuance of a Notice of Violation: If an application is submitted as a result of a bovine herd expansion or a bovine dairy/feedlot facility expansion which was not properly permitted through the Site Plan Review or Conditional Use Permit process in accordance with the *Dairy Element* of the *2035 Kings County General Plan* prior to the expansion, the application fee shall be double the normal fee that is set by the Board. The dairy/feedlot owner or operator shall submit an application (excluding the technical report) with the required filing fee within 30 days of the date of the Notice of Violation. The application shall include a letter from a qualified consultant documenting that the consultant has been retained by the dairy/feedlot owner or operator to prepare the technical report package. The letter from the consultant shall include an estimated technical report submission date. A complete and correct technical report shall be submitted for the expansion within six months of submitting the application.
 - c. 30 days after the issuance of a Notice of Violation: If the bovine dairy/feedlot owner or operator fails to submit an application form with the required filing fee for the unpermitted expansion along with a letter from a consultant, hired by the dairy/feedlot owner or operator, within 30 days of the Notice of Violation or fails to submit the required technical report within six months of the date of submitting the application, the Community Development Agency may use any lawful means prescribed in Article 24 of this Development Code to gain compliance.
4. In compliance with Article 1, Section 112 of this Development Code, if the County determines that a project may incur extraordinary costs, the County may require the applicant to indemnify the County for those extraordinary costs associated with processing such project, or from legal challenges to its actions.

Sec. 1603. Action of the Zoning Administrator: The Zoning Administrator shall review the application and site plan for the proposed project as follows:

A. Zoning Administrator consultation with outside agencies:

1. For non-dairy related projects, the Zoning Administrator shall consult, as necessary depending on the project proposal, with representatives of the following agencies by forwarding a “Project Review - Consultation Notice” requesting comments on the proposed project:

Kings County Public Works Department (EAC)



Kings County Health Officer, Environmental Health Division EAC)

Kings Mosquito Abatement District (for projects with basins) (EAC)

Kings County Assessor

Kings County Fire Department

Kings County Building Official/Code Compliance Division

Kings County Economic Development Corporation

Kings County Association of Governments (if project has the potential for causing adverse air quality, transportation, and climate change impacts)

Kings County Museum Advisory Committee (if project involves removal, destruction, or alteration of proposed or designated historic sites or County landmarks)

Kings Area Rural Transit

Kings River Conservation District (for construction on property that abuts the Kings River or its levees)

Central Valley Flood Protection Board (for construction on property that abuts the Kings River or its levees)

City of Avenal, Corcoran, Hanford or Lemoore (if the project is within the sphere of influence)

Municipal Airport (if project is within the airport area of influence)

Community Service District/Public Utility District (if project is within the district)

San Joaquin Valley Air Pollution Control District

California Regional Water Quality Control Board District 5 (if project results in any generation of wastewater)

California Department of Fish and Wildlife

Caltrans, District 6 (if project is within one mile of a State Highway or Interstate 5)

U.S. Fish and Wildlife Service

Any other agency as determined by the Zoning Administrator

2. For new bovine dairy projects or the expansion of an existing bovine dairy, including dairy calf and heifer raising facilities, agency consultation shall be as shown in Section 412 of this Development Code.
- B. Within 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. As part of the Site Plan Review approval or rejection, the Zoning Administrator shall include any comments and requirements received from the agencies noted above if they are received within the prescribed timeframe noted in the Project Review - Consultation Notice.
- C. In approving the site plan, the Zoning Administrator shall find that:
1. The proposed use is consistent with the General Plan;
 2. The proposed use complies with all applicable standards and provisions of this Development Code and the purposes of the district in which the site is located.



3. The site plan includes all applicable information required by Section 1602.A.5 above.
- D. The approved site plan, with any requirements shown thereon or attached thereto, shall be dated and signed by the Zoning Administrator. One copy of the said site plan and requirements shall be mailed to the applicant and one copy shall be mailed to the property owner.
- E. **Similar Use Findings:** The Zoning Administrator may approve a use not specifically listed in a particular zoning district if the following similar use findings can be made:
1. That the characteristics of, and the activities associated with, the proposed use are similar to one or more of the uses listed and will not involve a greater intensity than other uses listed.
 2. That the use will be compatible with the other uses allowed in the district.
 3. That the use will be consistent with the purpose of the applicable district.
 4. That the use will be consistent with the General Plan and any other specific plan.

(Ord. No. 668-1-16, §18, 1/12/16)

Sec. 1604. Street Dedications and Improvements: In principle, 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. Since changes occur in the local neighborhood due to increases in vehicular traffic generated by facilities requiring a Site Plan Review the following dedications and improvements may be deemed necessary by the Zoning Administrator and may be required for 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 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. Ensure all facilities meet the required setback distances from the 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 1604.C, all new roads shall be dedicated and improved in compliance with the requirements



of Section 1604.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 1604.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 General Plan requires the use of city improvement standards in city fringe areas. Where it is determined by the Community Development Agency 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.

Sec. 1605. Appeals: 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:

- A. Appeal to Planning Commission (“Commission”): Appeals shall be filed within eight days following the mailing of notices of such decision.
 - 1. The appeal shall be filed with the Community Development Agency which will date stamp the appeal form.
 - 2. The appeal shall be accompanied by a fee set by the Board of Supervisors sufficient to cover the cost of processing the appeal as prescribed in this Article.
 - 3. The appeal shall be placed on the agenda of the Commission's first regular meeting after the Zoning Administrator's decision which allows noticing requirements to be met.
 - 4. Documentary evidence in the case of an appeal of a decision by the Zoning Administrator must be submitted to the Community Development Agency at least five days prior to the scheduled date of the appeal hearing.
 - 5. The Commission shall review the Site Plan Review and, after a public hearing, shall approve, approve with conditions, or disapprove, based on the findings listed in Sections 1603.C above.
 - 6. The decision of the Commission shall be final unless appealed to the Board of Supervisors.
- B. Appeal to Board of Supervisors (“Board”): Within eight days following the date of a decision of the Planning Commission on an application for, or extension of, a Site Plan Review, the applicant or any other directly affected person or party person may appeal the Commission's decision in writing, setting forth his or her reason for such appeal to the Board. The appeal shall state specifically in writing wherein it is claimed that there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record.
 - 1. The appeal shall be filed with the Community Development Agency which will date stamp the appeal form and then forward the original appeal form to the Clerk of the Board of Supervisors.
 - 2. The appeal shall be accompanied by a fee set by the Board of Supervisors sufficient to cover the cost of processing the appeal and providing notice as prescribed in this article.
 - 3. The appeal shall be placed on the agenda of the Board's first regular meeting after the Commission’s decision which allows noticing requirements to be met.
 - 4. The appeal of a decision of the Planning Commission is limited to the issues and evidence submitted to the Commission during the original public comment period and public hearing. Only those issues reviewed by the



Commission in their decision may be appealed to the Board. New issues raised and evidence submitted, after the close of the Commission's public hearing shall not be considered by the Board for an appeal.

- C. An appeal may be withdrawn before the time that the review authority issues a decision. The applicant or the applicant's representative shall notify the Community Development Agency in writing that they wish to withdraw the appeal.
- D. No person shall seek judicial review of a County decision on a planning permit or other matter in compliance with this Development Code until all appeals to the Commission and Board have been first exhausted in compliance with this Development Code.

Sec. 1606. Minor Revisions to Approved Site Plan Reviews:

- A. Minor revisions to an approved Site Plan Review which has already been issued and do not significantly change the substance of the permit may be issued at the written request of the applicant to resolve or change information in the already approved zoning permit (i.e. assigning a new address to the facility if the access road location to the facility changes necessitating a new address, provided the change does not affect a State highway or the level of service of a County road).
- B. The decision as to whether the request for revision would require submission of a new Site Plan Review application is at the sole and absolute discretion of the Zoning Administrator. Revision requests by the applicant shall be accompanied by the fee set by the Board of Supervisors for "Site Plan Review Resubmittal".

Sec. 1607. Zoning Clearance and Building Permit: The purpose of the zoning clearance approval process is to quickly determine compliance between a development project seeking a building or related permit with the provisions of this Code and the approved Site Plan Review or Conditional Use Permit. A zoning clearance is an "over-the-counter" review and approval of an application that is usually accomplished at the same time that a building permit application is submitted. The zoning clearance of the project is signified by a stamp placed on the building plans and initialed and dated by the Zoning Administrator or representative as noted below:

- A. Before a building permit shall be issued for any building or structure proposed as part of the approved site plan, the application is checked to ensure the final site plan is consistent with height, setback, parking, and other zoning standards or requirements for the specific zone district in which it is located and as specified in the SPR or CUP. 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.
- B. Minor alterations to an approved site plan may be allowed and shall constitute not more than a 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.
- C. If an application is found to not be consistent with one or more zoning standards, the applicant will be required to modify the site plan and/or building plans or design in order to be consistent with the zoning requirements, or the application must be resubmitted as a Variance or other discretionary action.
- D. No unique conditions of approval or development standards may be attached to a zoning clearance, although standard conditions or development requirements may be attached.
- E. 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, the Commission or the Board.

Sec. 1608. Lapse and Extension of Site Plan Approval:

- A. A site plan approval shall lapse and shall become void 12 months following the date on which approval by the Zoning



Administrator, or Planning Commission or Board of Supervisors became effective unless:

1. By requirements or conditions of the site plan a greater or lesser time period is specified, or
 2. Prior to the expiration of 12 months, either,
 - a. 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
 - b. Commencement of the activity if a building permit is not required.
 3. In the case of new bovine dairies, or new dairy calf and heifer raising facilities, or in the case of existing dairies or the expansion of bovine dairies, or dairy calf and heifer raising facilities, an initial three year period may be granted if requested by the applicant at the time of application due to the length of time necessary for the applicant to obtain required permits from the Regional Water Quality Control Board and the San Joaquin Valley Air Pollution Control District.
- 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 findings as though the extension were a new application, based on the standards, requirements and conditions in place as of the date the extension is requested. The Zoning Administrator may grant, grant with additional requirements or conditions, or deny an application for extension of a site plan.
- C. A site plan that is extended for an additional period of time may be appealed in the same manner as the original site plan approval in compliance with Section 1605 above. A request for extension of a site plan that is denied by the Zoning Administrator may also be appealed in compliance with Section 1605 above.

(Ord. No. 668-1-17, §60, 3/28/17)

Sec. 1609. Change of Use and Change of Occupancy Requires New Zoning Permit:

- A. If the change in operation within a structure or at a site constitutes a change of occupancy classification under the California Building Code, a new Site Plan Review/Conditional Use Permit shall be required regardless of the period of time which has passed since the previous permitted use has ceased operation.
- B. A change in operation within a structure or at a site for the purposes of determining whether a new Site Plan Review or Conditional Use Permit is required shall be through a change of use/compliance inspection processed through the Building Division of the Community Development Agency. Each time that a use changes which has been previously permitted through a Conditional Use Permit or through a Site Plan Review, a change of use/compliance inspection shall be required to document the change in the permitted use, to determine whether or not a change of occupancy classification will occur and/or if a new zoning permit is required for the new use.
- C. If the Community Development Agency determines that all of the conditions or requirements of the current zoning permit were not complied with or requirements contained in this Development Code have changed significantly, the Zoning Administrator, at his/her determination, may require a new zoning permit regardless of change of occupancy classification.

Sec. 1610. Discontinued or Abandoned Uses and Zoning Permits: The provisions of this article shall not require a new Site Plan Review or Conditional Use Permit for the change in operation within a structure or at a site for the same or similar activity unless the original activity has discontinued operations and vacated the site or abandoned the use for more than six months.

- A. The Zoning Administrator's interpretation of whether a new use or operation of an activity is the same or a similar use or activity is final unless modified by the Planning Commission or the Board of Supervisors.
- B. Challenges to the Zoning Administrator's interpretation as to whether a new use or operation of an activity is the same or similar as a previous use shall be submitted and processed as Conditional Use Permits.



Sec 1611. Revocation of a Site Plan Review: When any applicable provision of this Development Code 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 Development Code or standard or requirement. If the permit holder fails to comply with the Development Code 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.

- A. Written notice of the hearing shall be mailed or delivered to the permit holder not less than 10 days prior to the date of the hearing by either personal service of a copy of the notice on the permit holder or by sending a copy of the notice by certified or registered mail, return receipt requested, to the permit holder of the Site Plan Review. The notice shall state the reason or reasons why action is being taken for revocation of the Site Plan Review. Notice shall also be mailed to the property owner of the subject real property, if the property owner is not the permit holder.
- B. At the hearing, the Planning Commission shall hear all relevant testimony concerning the Site Plan Review and the provisions of the Development Code which allegedly have not been complied with and the standards or requirements which were imposed. If the Commission finds that any of the applicable provisions of the Development Code 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.
- C. If the Site Plan Review is revoked by the Commission, the permit holder may within eight days following the date of the decision of the Commission, appeal the decision to the Board of Supervisors. Upon the making of the decision by the Commission to revoke the Site Plan Review, the use permit shall be automatically suspended.
- D. If an appeal is filed or if the Board initiates a review of the decision to revoke the Site Plan Review, the suspension shall remain in effect during the course of the appeal or review. If no appeal is filed within said eight day period as provided herein, and if the Board within said eight day period does not initiate proceedings to review the decision of the Commission as provided in Section 1605 of this Development Code the decision of the Planning Commission shall be final and conclusive.
- E. The appeal shall be filed with the Community Development Agency who will date stamp the appeal form and then forward the original appeal form to the Clerk of the Board of Supervisors. The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission or wherein the decision is not supported by the evidence in the record. Appeals must be based on evidence in the record.
- F. Within five days after the filing of an appeal, the Zoning Administrator shall transmit to the Clerk of the Board of Supervisors:
 - 1. The Site Plan Review application.
 - 2. The minutes of the public hearing on the application, if any.
 - 3. The report of the Zoning Administrator.
 - 4. The findings and decision of the Planning Commission on the Site Plan Review.
 - 5. The report of the Zoning Administrator on the failure of the appellant to comply with the provisions of the Development Code or with the conditions or requirements of the Site Plan Review, the minutes of the hearing on the matter or revocation and the findings and decision of the Commission on the matter of revocation of the Site Plan Review.
- G. Notice of the hearing of the appeal shall be given by the Clerk of the Board of supervisors not less than ten days prior to the time when the appeal will be considered by the Board of Supervisors, by mailing, postage prepaid, a notice of the time and place of the hearing to the applicant.
- H. Unless waived by the affected person(s), the hearing of the appeal shall be scheduled for the Board's first regular meeting after the filing of the appeal which allows noticing requirements to be met.



Sec. 1612. Action of the Board of Supervisors:

- A. When a decision of the Zoning Administrator on a Site Plan Review application or on an application for extension of a Site Plan Review, or on the revocation of a Site Plan Review is brought before the Board of Supervisors, either on appeal or on its own motion:
1. The Board may affirm, reverse or modify the decision of the Zoning Administrator.
 2. The Board may not reverse or modify a decision of the Zoning Administrator granting or denying an application for a Site Plan Review or an application for an extension of a Site Plan Review unless the Board, on the basis of the record transmitted by the Zoning Administrator, is able to make the findings prerequisite to the granting of a Site Plan Review as prescribed and set forth in Section 1603.C above.
- B. A Site Plan Review application or an application for extension of a Site Plan Review which has been the subject of an appeal to the Board of Supervisors or which has been the subject of review by the Board, shall become effective three days after the date on which the application for the Site Plan Review or the application for extension of the Site Plan Review is granted and approved by the Board.
- C. The revocation of a Site Plan Review which has been the subject of an appeal to the Board of Supervisors or which has been the subject of review by the Board shall become effective three days after the decision of the Board to revoke the Site Plan Review.
- D. The decision of the Board shall be final and effective on the day of action, unless otherwise required by state law.
- E. The Clerk of the Board of Supervisors shall within three days after the date of the decision of the Board, give written notice of the decision, by mail, to the applicant and/or appellant (if the applicant is not the appellant) and to the Zoning Administrator.

Sec. 1613. New Application: 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 12 months from the date of revocation of the use permit.



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