

Article 21. Changes of Zoning District Boundary and Development Code Text Amendments

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Sec. 2101. Purpose and Objectives: As the 2035 Kings County General Plan is put into effect over the years, there will be a need for changes in district boundaries and other regulations of this Development Code. As the General Plan is reviewed and revised periodically, other changes in the regulations of this Development Code may be warranted. Such changes and 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.

Sec. 2102. Initiation of a Change of Zoning District Boundary:

- A. 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 2104 below.
- B. A change in boundaries of any district may also be initiated by resolution of the Planning Commission (“Commission”) or by action of the Board of Supervisors (“Board”) 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 2106 through 2110 of this Article shall be followed.

Sec. 2103. Initiation of a Development Code Text Amendment: A request for an amendment to the text of this Development Code may be initiated by any interested person as well as the Board of Supervisors, the Planning Commission, or the Zoning Administrator. An application for a Development Code text amendment shall include information as prescribed in Section 2104 of this Article.

Sec. 2104. Application and Fee:

- A. Property owners desiring to propose a change in the zoning district boundaries or any interested person desiring to propose a change to the text of this Development Code may file an application with the Planning Commission on a form prescribed by the Commission which shall include the following data:
 1. **Applicant Certification:** Name, address and signature of the applicant or the property owner as shown on the latest equalized assessment roll.



2. **Property Owner Certification:** Name, address and signature of the property owner, as shown on the latest equalized assessment roll if the applicant is not the property owner and when an amendment is specifically related to an individual property.
 3. **Certification by Additional Property Owners:** Name, address and signature of all additional persons with an ownership interest, when an amendment is specifically related to an individual property, as shown on the latest equalized assessment roll.
 4. All signatures shall be notarized when filing is done by mail or the signature is not witnessed by a representative of the Community Development Agency. A public utility company or other agency with powers of eminent domain may make an application without the owner's authorization.
 5. Address, description and Assessor's Parcel Number (APN) of the property.
 6. The application for a change of Development Code text shall contain a detailed explanation of the change of text requested as well as the reason for the proposed change.
- B. The application for a change of zoning district boundaries shall be accompanied by an accurate scale drawing of the site.
- C. Application fees:
1. 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.
 2. If, pursuant to Article 1, Section 112 of this Development Code, 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. 2105. 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. 2106. Notice of Public Hearing: The Planning Commission shall hold at least one public hearing on each application for a change in district boundaries and on each proposal for an amendment to the text of this Development Code. Such hearing shall be held within 45 days from the date the application is complete. Notice of the public hearing shall be given as set forth in Government Code Section 65854 and Article 19, Section 1903 of this Development Code.

Sec. 2107. Public Hearing:

- A. 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 Development Code prescribed in Article 1, Section 105 of this Development Code and how or why the proposed change is consistent with the stated purposes intended for the zoning classification proposed.
- B. The Commission may review accompanying 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 Development Code 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 Development Code.
- C. When the Board of Supervisors has requested the Commission to study and report upon an amendment to this Development Code which is within the scope of Government Code Section 65853 and the Commission fails to act upon such report within a reasonable time, the Board may, upon written notice, require the Commission to render its report within 40 days. Upon receipt of the written notice the Commission, if it has not done so, shall conduct a public hearing. Failure to report to the Board within 40 days shall be deemed to be approval of the proposed amendment.



Sec. 2108. Action of the Planning Commission:

- A. Within 45 days following the close of the public hearing or hearings, the Commission shall make a specific finding as to whether the change is in the public interest and will achieve the objectives of the Development Code prescribed in Article 1, Section 104 of this Development Code and whether the change would be consistent with the purposes and intended applications of the zoning classification proposed.
- B. Within 90 days following the close of the public hearing, the Commission shall transmit a written report to the Board of Supervisors recommending that the application be granted or denied or that the proposal be adopted or rejected. The report shall include the following:
 - 1. One copy of the application.
 - 2. The resolution of the Commission or request of the Board.
 - 3. The scale drawing of the site and the surrounding area, and all other data filed with the site plan.
 - 4. The minutes of the public hearing.
 - 5. The report of the Zoning Administrator.
 - 6. The findings of the Commission,
 - 7. Reasons for the recommendation concerning the proposed amendment.

Sec. 2109. Action of the Board of Supervisors: Upon receipt of the resolution and report of the Planning Commission, the Board shall hold at least one public hearing as required by law, give notice as prescribed in Section 2106 above and Government Code Section 65856, review the application or proposal and consider the resolution and report of the Commission and the report of the Zoning Administrator.

- A. The Board shall make a specific finding as to whether the change is in the public interest.
- B. Pursuant to Government Code Section 65857, the Board may approve, modify or disapprove the recommendation of the Commission, provided that any modification of the proposed ordinance or amendment by the Board not previously considered by the Commission during its hearing shall first be referred to the Commission for report and recommendation. The Commission shall not be required to hold a public hearing thereon. Failure of the Commission to report within 40 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed modification.
- C. If the Board finds that the change is in the public interest, it shall enact an amendment to this Development Code by ordinance, pursuant to Government Code Section 25120, et seq. except that Government Code Section 25131 shall not apply to any amendment to this Development Code that changes any property from one zone to another or imposes any regulation listed in Government Code Section 65850 not previously imposed or removes or modifies any such regulation.
- D. Effective Date of an approved Development Code amendment: Except in the case of an urgency measure adopted pursuant to Government Code Section 65858, a Development Code amendment becomes effective on the 30st day following the adoption of the amendment by the Board.
- E. If the Board finds that the change is not in the public interest, it shall deny the application and reject the proposal.

Sec. 2110. 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 Commission, as an alternate procedure, may recommend to the Board 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 Article 17 of this Development Code. In any event, the provisions of Sections 2101 through 2109 and Sections 2111 and 2112 shall apply in addition to the provisions of this Section.
- B. The Commission may recommend and the Board may grant a special zoning exception subject to any of the conditions prescribed in Section 1707 and in compliance with the provisions of Sections 1712, 1713 and 1604 of this Development Code
- C. Upon being granted a special zoning exception by the Board, 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 in granting said exceptions, or within 12 months from the date of the granting said exceptions where another time is not fixed by the Board, 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 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. 2111. Change of Zoning Map: A change in a district boundary shall be indicated on the Official Zoning Map with a notation of the date and number of the ordinance amending the map.

Sec. 2112. 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 12 months of the date of denial of the application.

