

ARTICLE 11:

ENTITLEMENTS – PROCESS AND PROCEDURES

(REP./REEN. ORD. 3730 - 5/7/85) (REP./REEN. ORD. 4092 - 6/27/95)

Sec. 8111-0 - Purpose

The purpose of this Article is to establish procedures for the processing of land use entitlements, including permits and variances and for modification, suspension, or revocation of any permit or variance, and appeals thereto.

Sec. 8111-1 - Entitlements

Entitlements authorized by this Chapter include the following:

Sec. 8111-1.1 - Ministerial Entitlements and Modifications

These entitlements, and modifications thereto, are granted based upon determinations, arrived at objectively and involving little or no personal judgment, that the request complies with established standards set forth in this Chapter. Such will be issued by the Planning Director or his/her designee without a public hearing. (AM. ORD. 4377 – 1/29/08 – grammar)

Sec. 8111-1.1.1 - Zoning Clearance: Purpose Of

A Zoning Clearance certifies that a proposed use of land or structures, or construction or demolition of structures, is consistent with the provisions of this Chapter and any applicable conditions of any previously issued entitlement, and the use or structure may be inaugurated. Where no other Planning Division issued entitlement is required, a Zoning Clearance also serves as an entitlement granted for as long as the subject use or structure is in compliance with the applicable requirements of this Chapter. More than one Zoning Clearance may be required and issued for the same property and one Zoning Clearance may be issued for multiple purposes.

- a. Zoning Clearance: Applicability Of - A Zoning Clearance is required prior to any of the following actions occurring. To be valid, it must specify for which of the following purposes it is being issued:
- (1) Inauguration of construction or demolition of a structure, unless exempted pursuant to Sections 8105-4 and 8105-5;
 - (2) Inauguration of a use of land, structures, or facilities, including a change of use where a new use replaces an existing one, unless exempted pursuant to Sections 8105-4 and 8105-5;
 - (3) Issuance of a Certificate of Occupancy pursuant to the Ventura County Uniform Building Code; and
 - (4) Maintenance, alteration, demolition, improvement, reconstruction and the like of any Cultural Heritage Site enumerated in Sec. 8107-32.2; or any site which is potentially eligible to become a designated Cultural Heritage Site as described in the Ventura County Cultural Heritage Ordinance. A Certificate of Appropriateness issued pursuant to the Cultural Heritage Ordinance shall function as a Zoning Clearance for minor work done to a Cultural Heritage Site. Such work includes building exterior surface modifications, re-roofing, installation of new windows and the like for which a zoning clearance is not required for non-coastal cultural heritage sites.

(ADD. ORD. 4220 - 12/5/00)

- b. Zoning Clearance: Issuance Of - A Zoning Clearance shall be issued if the proposed use of land, structures, or construction:
- (1) Is permissible under the present zoning on the land and complies with the standards of Division 8, Chapter 1 and 2 of the Ordinance Code;
 - (2) Is compatible with the policies and land use designations specified in the General Plan;
 - (3) Complies with the applicable terms and conditions of any applicable permit or other entitlement granting the use in question, and the decision granting said permit is considered "effective" pursuant to Sec. 8111-4.4;
 - (4) Is not located on the same lot where a violation exists of standards found in said Chapters 1 and 2 or of any Ventura County Ordinance regulating land use, such as the Ventura County Building Code or any grading ordinance, or of the terms of an existing permit covering the lot, unless the Zoning Clearance is necessary for the abatement of the existing violation;
 - (5) Is not being requested by or for the same party that owes the County fees or billings, fines, civil penalties, or forfeitures associated with this Chapter;
 - (6) Is consistent with portions of the County Hazardous Waste Management Plan which identify specific sites or siting criteria for hazardous waste facilities;
 - (7) Is located on a legal lot;
 - (8) Is being undertaken by an owner and/or tenant, who, along with the associated contractors and agents, are in compliance with the Ventura County Business License Tax Ordinance;
 - (9) Is determined to be consistent with conditions and requirements established by the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS06339 and the Ventura Stormwater Quality Management Ordinance No. 4142 and as these permits and regulations may be hereafter amended; and
 - (10) Has, in the case of a designated or potentially eligible Cultural Heritage Site been issued a Certificate of Appropriateness or is otherwise authorized to proceed with the project in compliance with that ordinance. Any Zoning Clearance requested for a designated historic site issued a Planned Development permit pursuant to Sec. 8107-32 et seq must also comply with the provisions of that permit.

(ADD. ORD. 4220 - 12/5/00; AM. ORD. 4291 - 7/29/03)

- c. Zoning Clearance: Expiration Of - Zoning Clearances shall expire in accordance with the following schedule unless specifically indicated otherwise on the Zoning Clearance or specifically indicated elsewhere in this chapter:
- (1) Zoning Clearances issued for the inauguration of construction or demolition of structures and facilities are valid for 180 days. If the structure or facility has received a building permit and has lawfully commenced construction at the site within this 180 day period, the Zoning Clearance is valid until the structure or facility is completed so long as diligent efforts have been made to complete the work. If the

structure or facility has received all other required County entitlements, including a finalized building permit or Certificate of Occupancy, the Zoning Clearance serves as entitlement for the subject structure or facility so long as it is consistent with this Chapter or the conditions of a previously issued entitlement.

- (2) Zoning Clearances issued for uses of land, structures or facilities are valid for 180 days. If the use has received all other required County entitlements including a finalized building permit or Certificate of Occupancy within this 180 day period, the Zoning Clearance serves as an entitlement for the subject use so long as it is consistent with this Chapter or the conditions for a previously issued entitlement.
- (3) Zoning Clearances authorizing issuance of a Certificate of Occupancy pursuant to the Ventura County Uniform Building Code are valid for 180 days. If occupancy has occurred within 180 days, the Zoning Clearance serves as an entitlement for the subject use so long as it is consistent with this Chapter or the conditions of a previously issued entitlement.
- (4) Zoning Clearances issued after the effective date of this section of the Ordinance are invalid unless one of the purposes listed in Section 8111-1.1.1a is clearly stated thereon.

(AM. ORD. 4216 - 10/24/00)

Sec. 8111-1.1.2 - Zoning Clearance with Waivers

Various uses and structures as noted in Sections 8105-4 and 8105-5 may be allowed with a Zoning Clearance if the surrounding property owners and/or residents sign "waivers" concurring with the proposed use or structure. The wording of the waiver shall be determined in accordance with good planning practices by the Planning Director, unless otherwise specified in the Zoning Ordinance, and shall address such issues as the nature and operation of the use or structure, ordinance provisions to be waived, duration of the waiver, extensions, revocation provisions, and the number of parties required to be notified and to sign. Unless otherwise specified in the waiver, a waiver shall be considered completely signed when signatures have been obtained from all of the property owners of the affected property(s) or their authorized agents, and one adult resident from each legal dwelling unit on the affected property(s). (AM. ORD. 4123 - 9/17/96 - grammar; AM. ORD. 4216 - 10/24/00)

Sec. 8111-1.2 - Discretionary Entitlements

These entitlements and modifications thereto are granted following determinations that require the exercise of judgement or deliberation, as opposed to merely determining that the request complies with a set of standards.

Sec. 8111-1.2.1 - Discretionary Permits

- a. Planned Development (PD) Permit - A Planned Development Permit is a permit based upon a discretionary decision that is required prior to initiation of specified uses and structures which are allowed as a matter of right, but which are subject to site plan review and which may be conditioned in order to assure compliance with the requirements of this Chapter and with the purposes of the applicable zone. Planned Development Permits may be granted by the Planning Director or his/her designee through an administrative hearing process, or by the Planning Commission or Board of Supervisors through a public hearing process.

In the case of a use or development that also contemplates a subdivision of property located within the RPD Zone, the Planned Development Permit shall