

**Sec. 8111-1.2.1.3 - Compliance with Other Documents**

When necessary to ensure consistency with other County Planning documents such as area plans, conditions which are more restrictive than the standards of this Ordinance may be imposed on discretionary permits.

**Sec. 8111-1.2.1.4 - Additional Standards for Overlay Zones**

In addition to the provisions of Sec. 8111-1.2.1.1, development within any overlay zone having specific development standards, pursuant to Article 9, must comply with such standards.

**Sec. 8111-1.2.1.5 - Additional Standard for Hazardous Waste Collection, Treatment and Storage Facilities and Hazardous Waste Disposal Facilities**

In addition to the provisions of Section 8211-1.2.1.1 and Section 8111.2.1.2 for any proposed development of a hazardous waste collection, treatment and storage facility or a hazardous waste disposal facility, the following additional finding must be made or be capable of being made with conditions and limitations being placed on the use:

- a. That the proposed hazardous waste collection, treatment and storage facility or hazardous waste disposal facility is consistent with the portions of the County Hazardous Waste Management Plan which identify siting criteria for hazardous waste facilities.

**(AM. ORD. 4214 - 10/24/00)**

**Sec. 8111-1.2.1.6 - Additional Standards for RPD Zone**

In addition to the provisions of Section 8111-1.2.1.1, the provisions of this Section shall apply to any Planned Development Permit for any use or development in the RPD Zone that contemplates a subdivision of the property to which the permit applies. Such a Planned Development Permit may be granted only if an application for the subdivision is approved simultaneously with the granting of the permit. (AM. ORD. 4377 – 1/29/08)

**Sec. 8111-1.2.1.7 - Additional Standards for Cultural Heritage Sites**

Where a proposed project requiring a discretionary permit is located on the same lot as a designated Cultural Heritage site, a Certificate of Appropriateness shall have been issued pursuant to the Ventura County Cultural Heritage Ordinance for the project in question prior to its approval.

**Sec. 8111-1.2.2 - Variances**

Variances are adjustments in the regulations and development standards contained in this Chapter. Variances are based on discretionary decisions and may be granted to allow deviations from ordinance regulations governing such development factors as setbacks, height, lot coverage, lot area and width, signs, off-street parking, landscaping and wall, fencing and screening standards. Variances shall be processed in accordance with the provisions of this Article. Variances may not be granted to authorize a use or activity which is not otherwise expressly authorized by the zone regulations governing the property. Except for administrative variances, variance requests shall be heard by the Planning Commission through a public hearing process. (AM. ORD. 4123 - 9/17/96)

**Sec. 8111-1.2.2.1 - Purpose**

The sole purpose of any variance shall be to enable a property owner to make reasonable use of his or her property in the manner in which other property of like character in the same vicinity and zone can be used. For the purposes of this section, vicinity includes both incorporated and unincorporated areas if

the property in question is within the sphere of influence of an incorporated area. (AM. ORD. 4123 - 9/17/96)

**Sec. 8111-1.2.2.2 - Standards for Variances**

Before any variance may be granted, the applicant must establish, and the decision-making authority must determine, that all of the following standards are met:

- a. That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography, location or surroundings, which do not apply generally to comparable properties in the same vicinity and zone; and
- b. That granting the requested variance will not confer a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone; and
- c. That strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations; and
- d. That the granting of such variance will not be detrimental to the public health, safety or general welfare, nor to the use, enjoyment or valuation of neighboring properties; and
- e. That the granting of a variance in conjunction with a hazardous waste facility will be consistent with the portions of the County's Hazardous Waste Management Plan (CHWMP) which identify specific sites or siting criteria for hazardous waste facilities.

**(AM. ORD. 4123 - 9/17/96)**

**Sec. 8111-1.2.2.3 - Burden of Proof**

The applicant shall have the burden of proving to the satisfaction of the appropriate decision-making authority that the above standards can be met.

**(AM. ORD. 4123 - 9/17/96)**

**Sec. 8111-1.2.2.4 - Administrative Variances by Planning Director Approval**

A request for a minor variance from certain types of zoning regulations may be approved by the Planning Director as an administrative variance, if the standards of Sec. 1.2.2.2 are met. The procedures of Sec. 8111-3 shall be followed. An administrative variance may be granted only in the following situations:

- a. To allow a decrease not exceeding 20 percent in required minimum setbacks; (AM. ORD. 4407 - 10/20/09)
- b. To allow walls, fences or hedges to exceed height limit regulations by a maximum of one foot in setback areas, except in the traffic safety sight area;
- c. To allow an increase not exceeding ten (10) percent for maximum building coverage, or sign area or height; and
- d. To allow one of the required parking spaces for a single-family dwelling to be provided in tandem.

**(AM. ORD. 4123 - 9/17/96)**

**Sec. 8111-1.2.2.5 - Duration**

Any variance is considered to run with the land. An expiration date may be imposed at the time the variance is granted. (AM. ORD. 4123 - 9/17/96)

**Sec. 8111-1.3 - Other Entitlements**

**Sec. 8111-1.3.1 - Tree Permit**

A ministerial or discretionary Tree Permit is required, pursuant to Sec. 8107-25 et seq., for the alteration of Protected Trees in all applicable Base Zones and Overlay Zones; see also Article 9. Ministerial Tree Permits shall be processed in the same manner as Zoning Clearances, and discretionary Tree Permits shall be processed in the same manner as Conditional Use Permits. A Tree Permit may be issued for the alteration of one or more Protected Trees as appropriate.

**Sec. 8111-1.3.2 - Film Permit**

A ministerial or discretionary Film Permit is required, pursuant to Sec. 8105-4 and 8105-5 and is subject to the standards of Sec. 8107-11. Ministerial Film Permits shall be processed in the same manner as Zoning Clearances, and discretionary Film Permits shall be processed in the same manner as Conditional Use Permits.

(REP./ADD. ORD. 4123 - 9/17/96)

**Sec. 8111-2 - Filing and Processing of Application Requests**

**Sec. 8111-2.1 - Submission of Applications**

Application requests shall be filed with the Planning Division. No application request shall be accepted for filing and processing unless it conforms to the requirements of this Chapter; contains in a full, true and correct form the required materials and information prescribed by the forms supplied by the Ventura County Planning Division; and is accompanied by the appropriate fees in accordance with the Board-adopted fee schedule. The County staff may refer any application request to an independent and qualified consultant for review and evaluation of issues beyond the expertise or staffing capabilities of the County. The costs for all such consultant work shall be borne by the applicant and are independent of the fees paid to the Planning Division for processing of the requests. (AM. ORD. 4123 - 9/17/96)

**Sec. 8111-2.2 - Applications**

Applications may be filed as provided in the following sections:

- a. Who May Apply - An application for a permit, ordinance amendment or variance may be filed by the owner of the property or his/her authorized agent, by a lessee who holds a lease with terms that permit the use applied for, or by any duly constituted government authority or agent thereof. Regardless of who is the applicant, the property owner shall sign the application. (AM. ORD. 4123 - 9/17/96)
- b. Co-applicants - All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.
- c. Modification, Suspension and Revocation - An application for modification, suspension or revocation of any variance or permit may be filed by any person listed in the preceding section, or by any person or political entity aggrieved; or by an official department, board or commission of the county affected.