

**ZONE CHANGE APPLICATION
ZONE VARIANCE APPLICATION**



ZONE CHANGE AND ZONE VARIANCE APPLICATION REQUIREMENTS

	Number of Copies
<input type="checkbox"/> Application Form	1
<input type="checkbox"/> Project Information Questionnaire	1
<input type="checkbox"/> Assessor’s Parcel Map (with property outlined)	1
<input type="checkbox"/> Mailing Labels (including applicant; see attached instructions)	3 sets
<input type="checkbox"/> 300' Radius Property Owners List	1
<input type="checkbox"/> Public Notice Affidavit (form attached)	1
<input type="checkbox"/> Title Report	1
<input type="checkbox"/> Plot Plan (folded)	10
<input type="checkbox"/> Zone Variance Justification Form (Zone Variance requests only; attached)	1
<input type="checkbox"/> Transparency of Plot Plan	1
<input type="checkbox"/> Hazardous Waste Site Affidavit (attached)	1
<input type="checkbox"/> Planning Application Fees (Make check payable to “City of Oxnard”)*	1
<input type="checkbox"/> Environmental Determination Fee	1
<input type="checkbox"/> Parks Development Advisory Committee (DAC) Review Fee	1
<input type="checkbox"/> Zoning Compliance Form	1
<input type="checkbox"/> Other	

NOTE: Planning Division staff will not accept incomplete application packages or poor quality graphics.

- Prepare all materials according to the instructions contained in this document.
- Do not mail application packages - submittals must be made in person.
- Direct any questions regarding application filing requirements to the Planning Division Department at (805) 385-7858.

APPLICATIONS ARE ACCEPTED BY APPOINTMENT ONLY

APPLICANT'S CERTIFICATION

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<input type="checkbox"/> Project Information Questionnaire	1
<input type="checkbox"/> Assessor's Parcel Map (with property outlined)	1
<input type="checkbox"/> Mailing Labels (including applicant; see attached instructions)	2 sets
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<input type="checkbox"/> Public Notice Affidavit (form attached)	1
<input type="checkbox"/> Title Report	1
<input type="checkbox"/> Plot Plan (folded)	10
<input type="checkbox"/> Zone Variance Justification Form (Zone Variance requests only; attached)	1
<input type="checkbox"/> Transparency of Plot Plan	1
<input type="checkbox"/> Hazardous Waste Site Affidavit (attached)	1
<input type="checkbox"/> Planning Application Fees (Make check payable to "City of Oxnard")*	1
<input type="checkbox"/> Environmental Determination Fee	1
<input type="checkbox"/> Parks Development Advisory Committee (DAC) Review Fee	1
<input type="checkbox"/> Zoning Compliance Form	1
<input type="checkbox"/> Other	

CERTIFICATION

I, _____, applicant (or representative of the applicant) for this planning permit, do hereby state that I have submitted the materials listed above, and that these materials have been completed following the instructions provided by Planning Division in the submittal requirements form for this permit.

Date

Signature

REZONING

WHAT IS REZONING?

The City's Zoning Ordinance classifies all property into various zoning classifications which control both land uses and development standards. California State Law requires zoning to be consistent with the City's General Plan. It is possible that the existing zoning which conforms to the General Plan be changed (to either a more or less intensive use) and still be consistent because the General Plan land use designations are more broadly defined. Amendments to the General Plan may also require a subsequent rezoning to provide consistency.

In reviewing a proposed change of zoning, the request will be evaluated for its consistency with the General Plan and its compatibility with the surrounding development. A rezoning will be evaluated on its community-wide benefit and enhancement of orderly growth, not whether it increases property value.

ARE THERE SPECIFIC FINDINGS FOR A REZONING?

The City must make specific findings that the proposed rezoning is:

1. Consistent with the goals and policies of the General Plan
2. Will not negatively impact service levels of public facilities

VARIANCE

WHAT IS A VARIANCE?

Each zoning district in the City's Zoning Ordinance includes various standards regarding building setbacks from the property line, building heights, lot coverage, off-street parking and other physical characteristics of development. There are occasions when the strict application of certain standards may be inappropriate because of special circumstances regarding the property. The variance procedure is intended to permit variations from the normal zoning regulations in cases where special or extraordinary circumstances occur at the property which prevent practical accommodation of the basic land use intended for the zone.

The purpose of a variance is not to permit a different land use than normally permitted in the applicable zoning district. Rather, the intent is to provide for discretion and flexibility where the strict interpretation of the zoning ordinance would result in a practical difficulty or an unnecessary hardship in carrying out the spirit and purpose of the ordinance.

Inconvenience and financial considerations are not grounds for granting a variance. Since approval of a variance takes time and expense, and must be justified by unique site conditions, you should consider redesigning the project to meet all zoning standards before submitting an application for a variance.

WHAT ARE THE SPECIFIC REVIEW CRITERIA FOR A VARIANCE?

Section 69905 and **65906** of the **California Planning and Zoning Law** states that variances from the terms of the zoning ordinance shall be granted only when:

- Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.
- Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

PROJECT APPLICATION REQUIREMENTS

In order to complete an application for a zone change or zone variance, materials illustrating and describing the intended use are required. The required materials described are intended to make review by City staff, the Planning Commission and the City Council easier, and to accurately describe the features of a proposed use or project. Please note that **all** of the required information must be provided when the application is submitted.

APPLICATIONS NOT HAVING ALL OF THE REQUIRED MATERIALS AND INFORMATION WILL NOT BE ACCEPTED BY PLANNING DIVISION STAFF.

The plans submitted for file exhibits must be prepared by a professional designer, such as an architect, landscape architect, land planner, engineer, or a drafting service unless the applicant can demonstrate an appropriate level of graphic ability.

The minimum size of any drawing is 24 inches by 36 inches, unless a smaller size is specified in this document or is approved by Planning Division.

All materials should include project address, APN#, and be dated.

APPLICATION FORM must be completed, including project address, signature and daytime phone numbers of the applicant, property owner, architect and engineer. The address (if available; otherwise use location related to streets and cross streets) and assessor's parcel number must be included on the application. One application may be used for all permit types related to a project.

PROJECT INFORMATION QUESTIONNAIRE must have all appropriate sections filled in with as much detail as possible. Be sure to sign the questionnaire on the last page.

ASSESSOR'S PARCEL MAP must be provided with the project property clearly outlined (use a marker or highlighter). Assessor's parcel maps are available at the Ventura County Assessor's Office, 800 South Victoria Avenue, Ventura, CA 93009.

MAILING LABELS are required for all projects requiring a public hearing or notification of adjacent property owners or residents. The applicant must submit the necessary information to allow the City to mail the public notices. If the City conducts the public hearing six months or more after the project application is filed, a new property owners list, mailing labels and affidavit will be required from the applicant. Planning Division staff will notify you if this happens.

The information must come from the latest Ventura County Assessor's roll, available at the Ventura County Assessor's Office, 800 South Victoria Avenue, Ventura, California (County Government Center), 805-654-2181. Most title companies prepare this information (for a fee); just make sure they use our instructions.

The mailing labels must include:

- All property owners and their corresponding assessor's parcel numbers within a 300-foot radius of the property boundaries;
- All residents (or occupants, for businesses), their addresses and their assessor's parcel numbers within a 100' radius of the exterior property boundaries;
- The applicant and any other persons the applicant wishes to receive notices of public hearings;

- Several blank labels for additional names (e.g., neighborhood councils).

The mailing labels must be typed as follows, in all capital letters:

<p style="text-align: center;">ASSESSOR'S NUMBER</p> <p style="text-align: center;">FULL NAME(S) ADDRESS ST #APT CITY STATE ZIP</p>

Sample Label (1" x 2-5/8" size)

*The Postal Service asks street suffixes and states be abbreviated (e.g., ST, PL, BL, CA, etc.) and that periods and commas not be used.

Type the mailing addresses on **1" x 2-5/8" labels** on 3-column 8½" x 11" sheets of mailing labels (available in stationery stores). Avery Stock No. 5160 (self-address labels for plain paper copiers) is the most common brand of these labels. **Other label formats are not acceptable.**

PROPERTY OWNERS LIST is a list of all property owners, their addresses and their assessor's parcel numbers within a 300-foot radius of the boundaries of the property in the permit application. This list is a photocopy of the labels described above.

PUBLIC NOTICE AFFIDAVIT is a signed statement from the applicant or applicant's agent stating the list of property owners is accurate and complete. (Use the attached form.)

PLOT PLAN (minimum size 24" x 36") must include the following information:

- Property boundaries.
- Location and width of adjacent streets, alleys and sidewalks.
- Location and use of existing and proposed structures.
- Land uses and structures within 50 feet of the property boundaries.
- North arrow; scale.
- Location map showing major streets

ZONING VARIANCE JUSTIFICATION FORM must be completed by the zone variance applicant. This form is intended to help the applicant show and the Planning Commission make specific findings required by state law and the Oxnard City Code. Please use the attached blank form.

TRANSPARENCY OF PLOT PLAN is a transparent version of the original plot plan (described above) reduced to 8½" x 11" size. Please make a photocopy of the transparency before submitting it to Planning Division to assure it will make good quality copies. Do not use smoke-colored film.

HAZARDOUS WASTE SITE AFFIDAVIT (use attached form) is a statement required by State

law indicating if the proposed project is located on a site which is included on any of the hazardous waste lists compiled by the State Office of Planning and Research. The applicant shall consult the list available at Planning Division to determine if the proposed project is included on the hazardous waste list.

APPLICATION FEES are listed in the Planning Permit Fee Schedule (attached). Please contact Planning Division to verify the amount of the fees required.

References:

City of Oxnard Zoning Ordinances (Chapters 34, 36 and 37 of the Oxnard City Code)
City of Oxnard Landscape Standards
Oxnard Fire Department, "Fire Protection Planning Guide"

City Staff Contacts:

Planning Division385-7858	Development Services..... 385-7925
Parks385-7951	Fire 385-7708
Dave Gorcey	Haywood Merricks
Solid Waste/Refuse.....385-8068	Development Services (Public Works) 385-7894
Ruben Mesa	Paul Wendt
Traffic385-7869	Recycling..... 385-8070
Jose Genovese	Stan Hakes
Sewer385-7839/7820	
Robert Montgomery	

ZONE VARIANCE JUSTIFICATION

Prior to the granting of a variance, the applicant must show and the Planning Commission must make the following findings pursuant to Section 34-158.1 of the Oxnard City Code:

1. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Explain: _____

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning regulations is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

Explain: _____

2. That granting of the variance will not be detrimental to the public interest, safety, health or welfare and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located.

Explain: _____

3. That the granting of such variance will not be contrary to the General Plan.

Explain: _____

PUBLIC NOTICE AFFIDAVIT

I, (print name) _____

hereby certify that the attached lists contain the names and addresses of all property owners as they appear on the latest available assessment roll of the County of Ventura within 300 feet of the exterior boundaries of the project property.

I certify, under penalty of perjury, that the foregoing is true and correct.

(Signed) _____

Name _____

Address _____

Phone _____

Check one: Agent Owner Other

Date _____

Permit No. _____

HAZARDOUS WASTE SITE AFFIDAVIT

I, _____ (property owner, agent, etc.)
hereby certify that I have read and understand Section 65962.5 of the California
Government Code (reprinted on reverse side) and hereby confirm that the proposed project
to be located at _____ (is*) (is not) contained on the hazardous
site lists as prepared by the State Department of Health Services, State Water Resources
Board and the California Waste Management Board.

I certify, under penalty of perjury, that the foregoing is true and correct.

(Signed) _____
Name _____
Address _____

Phone _____
Check one: Agent Owner Other
Date _____
Permit No. _____

*If the project site is on one of the lists specified by Section 65962.5, a statement must be submitted with your application indicating which list the site is on and what corrective measures will be taken to remove the site from the state list.

LISTS RELATING TO HAZARDOUS WASTES

65962.5

- (a) The State Department of Health Services shall compile and update as appropriate, but at least annually, and shall submit to the Office of Planning and Research, a list of all of the following:
 - (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.
 - (2) All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.
 - (3) All information received by the State Department of Health Services pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposal on public land.
 - (4) All sites listed pursuant to Section 25356 of the Health and Safety Code.
 - (5) All sites included in the Abandoned Site Assessment Program.
 - (6) A list of all public drinking water wells which contain detectable levels of organic contaminants and which are subject to water analysis pursuant to Section 4026.2 or 4026.3 of the Health and Safety Code.
- (b) The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the Office of Planning and Research, a list of all of the following:
 - (1) All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code.
 - (2) All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California regional water quality control board has notified the State Department of Health Services pursuant to subdivision (e) of Section 13273 of the Water Code.
 - (3) All cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to Section 13304 of the Water Code, which concern the discharge of wastes which are hazardous materials.
- (c) The local enforcement agency, as designated pursuant to Section 18501 of Title 14 of the California Administrative Code, shall compile as appropriate, but at least annually, and shall submit to the California Waste Management Board, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste. The California Waste Management Board shall compile the local lists into a statewide list which shall be submitted to the Office of Planning and Research and shall be available to any person who requests the information.
- (d) The Office of Planning and Research shall consolidate the information submitted pursuant to this section and distribute it in a timely fashion to each city and county in which sites on the lists are located.
- (e) Before a local agency accepts as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project is located on a site which is included on any of the lists compiled pursuant to this section. If the site is included on a list, the list shall be specified on the statement.
- (f) This section shall become operative on July 1, 1987.

(Added by Stats. 1986, Ch. 1048)

SOURCE: California Government Code