

# DIVISION 10.

## PERMIT PROCEDURES.

### **Sec. 35-314. Land Use Permits.**

#### ***Sec. 35-314.1. Purpose and Intent.***

This Section establishes procedures and findings for the issuance of, and effective time periods for, Land Use Permits which are required for all uses and developments permitted under the regulations of this Article. The intent of this Section is to ensure that development proposals conform to the provisions of this Article, the Comprehensive Plan, and any conditions set by the County. *(Amended by Ord. 4228, 6/18/96)*

#### ***Sec. 35-314.2. Applicability.***

1. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, rebuilding, or demolishing of any building, structure, or improvement within the County wherein permits are required under the provisions of this Article, a Land Use Permit shall be issued by the Planning and Development Department unless other regulations of this Article specifically indicate such permit is not required or the activity is exempt from the issuance of a Land Use Permit, as provided herein. Activities which are exempt from the issuance of a Land Use Permit shall comply with applicable regulations of this Article including but not limited to use, setback, and height as well as all required provisions and conditions of any existing approved permits for the subject property. The following activities shall be exempt from the issuance of a Land Use Permit except as provided in Policy OS-O-5 (and development standards 5.1-3 of the Orcutt Community Plan, the MT-GOL (Mountainous-Goleta) Zone District, ESH-GOL (Environmentally Sensitive Habitat) Overlay District and RC-GOL (Riparian Corridor-Goleta) Overlay District: *(Amended by Ord. 4001, 2/21/92; Ord. 4111, 7/20/93; Ord. 4228, 6/18/96; Ord. 4274, 7/22/97; Ord. 4379, 11/16/99)*
  - a. Repair and maintenance activities that do not result in addition to, or enlargement or expansion of, the object of such repair or maintenance activities
  - b. Fences and walls of six (6) feet or less and gateposts of eight (8) feet or less in height located within front yard setback areas. Fences and walls of eight (8) feet or less in height and gateposts of ten (10) feet or less in height located outside of

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- front yard setback areas and not closer than twenty (20) feet from the right-of-way line of any street. *(Amended by Ord. 4001, 2/21/92)*
- c. Installation of irrigation lines not otherwise requiring a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code. *(Amended by Ord. 4228, 6/18/96).*
- d. Public Works facilities constructed by the County of Santa Barbara.
- e. Buildings or structures having an aggregate value of less than \$2,000.00 as determined by the Planning and Development Department. *(Amended by Ord. 4001, 2/21/92; Ord. 4228, 6/18/96)*
- f. The addition of solar collection systems to the roofs of existing buildings or structures.
- g. Poles, wires, underground gas pipelines less than twelve (12) inches in diameter (see Sec. 35-290., Pipelines), and similar installations erected, installed, or maintained by public agencies or public service or utility districts or companies. However, such structures shall be subject to height limitations when located in the F, Airport Approach Area Overlay District. *(Amended by Ord. 3798, 01/09/90; Ord. 4228, 6/18/96).*
- h. Decks, platforms, walks, and driveways which do not require a Grading Permit pursuant to Chapter 14 of the County Code and are not over thirty (30) inches above finish grade and not over any basement or story below. *(Amended by Ord. 3798, 01/09/90; Ord. 4001, 2/21/92)*
- i. Skylights, windows, and doors. *(Amended by Ord. 4001, 2/21/92)*
- j. Window awnings that are supported by an exterior wall and project no more than 54 inches from such exterior wall. *(Amended by Ord. 4001, 2/21/92)*
- k. Spas, hot tubs, and fish ponds that do not exceed 120 sq. ft. in total development, including related equipment, or does not contain more than 2,000 gallons of water. *(Amended by Ord. 4001, 2/21/92; Ord. 4228, 6/18/96)*
- l. One-story detached accessory buildings used as tool and storage sheds, playhouses, gazebos, pergolas and similar uses, provided such buildings do not exceed twelve (12) feet in height, the roof area does not exceed 120 square feet, and no plumbing or electrical work is required. *(Amended by Ord. 4001, 2/21/92)*
- m. Retaining walls (retaining earth only) which are not over 4 feet in height measured from the bottom of the footing to the top of the wall and do not require a Grading Permit pursuant to Chapter 14 of the County Code. *(Amended by Ord. 4001, 2/21/92)*

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- n. Structures and related development required for temporary motion picture, television and theater stage sets and scenery, and still photographic sessions, provided that such development does not require alterations of the natural environment such as removal of vegetation, grading or earthwork. *(Amended by Ord. 4001, 2/21/92)*
- o. In the RR, A-I, and A-II districts, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 500 square feet of roof area, are unenclosed on all sides, and have no plumbing or electrical facilities. *(Amended Ord. 4001, 2/21/92)*
- p. Interior alterations that do not result in an increase in the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure. *(Amended Ord. 4001, 2/21/92; Ord. 4228, 6/18/96)*
- q. Propane tanks located in residential or agricultural zone districts. *(Added by Ord. 4063, 8/18/93)*
- r. Testing and installation of a water well to serve one domestic, commercial, industrial or recreational connection. *(Added by Ord. 4085, 12/15/92)*
- s. Water wells or water systems for agricultural purposes, except in zone districts requiring a Development Plan. *(Added by Ord. 4085, 12/15/92)*
- t. Seismic retrofits to existing structures. Seismic retrofits are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure. *(Added by Ord. 4228, 6/18/96)*
- u. The replacement or restoration of conforming buildings or structures damaged or destroyed by a disaster, as determined by the Planning and Development Department. The replaced or restored structure shall conform to all applicable zone district requirements (including permitted uses), shall be for the same use, shall be in the same general footprint location, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent or 250 square feet, which ever is less. For the purposes of this Section only, bulk shall be defined as total interior cubic volume as measured from the exterior surface of the structure. If

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- the Planning and Development Department determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure shall be subject to the provisions of Section 35-329., Board of Architectural Review, if otherwise subject to such review (e.g. the site is within the D-Design Control Overlay District). *(Added by Ord. 4228, 6/18/96)*
- v. Ground or roof mounted receive only satellite dish or wireless television antenna one (1) meter in diameter or less that is used solely by the occupants of the property on which the antenna is located for the non-commercial, private reception of communication signals (e.g., television). *(Added by Ord. 4264, 6/24/97)*
- w. Demolition of structures less than 50 years old or structures that are not historically significant as determined by the Historic Landmark Advisory Commission or Planning and Development. *(Added by Ord. 4379, 11/16/99)*
2. Where a Development Plan is not required by the applicable zone district regulations, a Land Use Permit shall not be required for the following grading activities except as provided in Policy GEO-O-3 of the Orcutt Community Plan, the MT-GOL (Mountainous-Goleta) Zone District, ESH-GOL (Environmentally Sensitive Habitat-Goleta) Overlay District, and the RC-GOL (Riparian Corridor-Goleta) Overlay District: *(Amended by Ord. 4111, 7/20/93; Ord. 4228, 6/18/96; Ord 4274, 7/22/97)*
- a. Grading for farming and agricultural operations pursuant to Chapter 14 of the Santa Barbara County Code. *(Amended by Ord. 4228, 6/18/96)*
- b. Other types of grading which do not require a permit under Chapter 14 of the Santa Barbara County Code.
- c. Grading in State designated oil fields involving less than fifteen hundred (1,500) cubic yards of cut or fill on slopes of less than thirty (30) percent. Provided, however, that a land use permit shall be required for grading which: *(Amended by Ord. 4228, 6/18/96)*
- 1) Has the potential to change or adversely affect an intermittent or perennial stream or regional watercourse.
  - 2) Would adversely impact paleontological, archaeological or uniquely important cultural resources.
  - 3) Could adversely affect exceptional wildlife values.

- 4) Is proposed to be located within one mile and in the visible area of a scenic highway, public park, or area designated as recreational or open space on the Comprehensive Plan Land Use Maps.
- 5) Necessitates the removal of three or more trees. These trees must be greater than seventeen inches in circumference measured two feet above the ground.

The requirements of this Section shall not be construed to alter the provisions and regulations of Chapter 14 of the County Code. *(Added by Ord. 3530, 08/05/85; Amended by Ord. 4228, 6/18/96)*

3. For buildings and structures, not including agricultural reservoirs, that do not otherwise require a discretionary permit and are 20,000 or more square feet in size or are attached or detached additions that when together with existing buildings and structures total 20,000 square feet or more, a Development Plan as provided in Sec. 35-317. (Development Plans) shall be required prior to the issuance of any Land Use Permit. *(Amended by Ord. 4319, 6/23/98)*
4. A Land Use Permit shall be required for the following facilities:
  - a. Unless otherwise provided for in specific districts' regulations, reservoirs not exempt under Section 35-314.2.2.a that exceed 1,000 square feet and are less than 50,000 square feet of total development; *(Amended by Ord. 4228, 6/18/96)*
  - b. Water production, storage, and treatment systems and distribution lines, including but not limited to, shared water systems, community water systems, water treatment plants, water package plants and appurtenant fixtures and structures associated with water wells and water storage tanks, proposed to serve less than five domestic, commercial, industrial or recreational connections; except that in the RR, R-1/E-1, R-2, and EX-1 zone districts, a Minor CUP shall be required.
  - c. Water diversion projects.
  - d. Private flood control projects of less than 20,000 square feet of total development area.

### ***Sec. 35-314.3. Contents of Application.***

1. As many copies of a Land Use Permit application as may be required by the Planning and Development Department shall be submitted to the Planning and Development Department. Said application shall include the following:
  - a. A site plan which shall indicate clearly and with full dimensions the following information, if applicable:

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- 1) North arrow and scale of drawing.
  - 2) Site address.
  - 3) Lot dimensions and boundaries.
  - 4) All proposed and existing buildings and structures and their locations, size, height and use.
  - 5) Distance from proposed structure(s) to property lines, centerline of the street or alley, and existing structures.
  - 6) Walls and fences: location, height, and materials.
  - 7) Names and widths of streets (right-of-way) abutting the site.
  - 8) Off-street parking: location, dimensions of parking area, number of spaces, arrangement of spaces, and internal circulation pattern.
  - 9) Access: pedestrian, vehicular, service; and delineations of all points of ingress and egress.
  - 10) Signs: location, size, height, and method of illumination.
  - 11) Loading spaces; location, dimensions, and number of spaces.
  - 12) Lighting: general nature, locations, and hooding devices.
  - 13) Proposed street dedications and improvements.
  - 14) All applicable easements.
  - 15) Landscaping, if required.
  - 16) Method of sewage disposal. Show position of septic tanks and leach lines, if applicable.
  - 17) For commercial and industrial projects indicate where applicable:
    - a) Number of motel or hotel units.
    - b) Seating capacity or square footage devoted to patrons.
    - c) Total number of employees.
- b. Source of water supply.
- c. Any other information that the Planning and Development Department may require.

**Sec. 35-314.4. Processing.** (Amended by Ord. 4228, 6/18/96)

1. The Planning and Development Department shall review the Land Use Permit application for conformance with the Comprehensive Plan, this Article, and other applicable regulations, and shall decide to approve or deny the Land Use Permit. A Land Use Permit shall not be approved or issued by the Planning and Development Department until all necessary prior approvals have been obtained.

2. The decision of the Planning and Development Department on the approval or denial of a Land Use Permit shall be final, with Land Use Permits not following a previous discretionary approval being subject to appeal to the Planning Commission as provided in Sec. 35-326. (Appeals). *(Amended by City Ord. 07-06, 6/4/2007)*
3. In the case of a development which requires a public hearing and final action by the Planning Commission or the Zoning Administrator, or final action by the Director, the Planning and Development Department shall not approve or issue any subsequently required Land Use Permit within the ten (10) calendar days following the date that the Planning Commission, Zoning Administrator, or Director took final action, during which time an appeal of the action may be filed according to Section 35-327. (Appeals).
4. If a Land Use Permit is requested for property subject to a Resolution of the Board of Supervisors initiating a rezoning or an amendment to this Article, a Land Use Permit shall not be approved or issued while the proceedings are pending on such rezoning or amendment, unless the proposed uses, buildings or structures would conform to both the existing zoning and existing provisions of this Article, and the said rezoning or amendment initiated by the Board of Supervisors or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said Resolution.
5. Prior to approval of a Land Use Permit that does not follow a previous discretionary approval, the Planning and Environmental Services Department, or final decision-maker, shall establish a date for posting of public notice and commencement of the appeal period, pursuant to Sections 35-326. (Noticing) and 35-327. (Appeals). If no such date is identified, the required date of posting notice shall be the first working day following the date of approval of the Land Use Permit. For Land Use Permits following a previous discretionary approval, staff from Planning and Environmental Services shall review final plans, the final project description, and fulfillment of the project's conditions of approval for conformance with the previously granted approvals, and shall issue the Land Use Permit upon verification of such conformity and compliance. There is no noticing requirement for approval of these post-discretionary Land Use Permits, nor is there an appeal of the Land Use Permit. *(Amended by City Ord. 07-06, 6/4/2007)*
6. A Land Use Permit that does not follow a previous discretionary approval shall not be deemed effective prior to any appeal period expiring or, if appealed, prior to final action by the City on the appeal, pursuant to Section 35-327. (Appeals). No entitlement for such use or development shall be granted prior to the effective date of the Land Use Permit. For Land Use Permits following a previous discretionary approval, staff from Planning and Environmental Services shall review final plans, the final project description, and fulfillment of the project's conditions of approval for conformance with the previously granted approvals, and shall issue the Land Use Permit upon verification of such conformity and compliance. There is no noticing requirement for approval of these post-discretionary Land Use Permits, nor is there an appeal of the Land Use Permit. *(Amended by City Ord. 07-06, 6/4/2007)*

**Sec. 35-314.5. Findings Required for Approval.**

A Land Use Permit shall be issued only if all of the following findings are made:

- 1 That the proposed development conforms to the applicable policies of 1) the Comprehensive Plan and 2) with the applicable provisions of this Article and/or falls within the limited exception allowed under Section 35-306.7. *(Amended by Ord. 4228, 6/18/96)*
- 2 That the proposed development is located on a legally created lot. *(Amended by Ord. 4228, 6/18/96)*

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3. That the subject property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and such zoning violation processing fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under § 35-305 *et seq.*

**Sec. 35-314.6. Expiration.** (Amended by Ord. 4228, 6/18/96)

1. A Land Use Permit shall remain valid only as long as all provisions of this Article and the Permit are met.
2. A Land Use Permit shall expire two (2) years from the date of issuance if the use, building, or structure for which the permit was issued has not been established or commenced in conformance with the effective permit.
3. Prior to the expiration of such two (2) year period, the Director may grant one extension of one year, for good cause shown, provided that the findings for approval required pursuant to Sec. 35-314.5., can still be made.

**Sec. 35-314.7. Revocation.** (Amended by Ord. 3595, 10/06/86; Ord. 4228, 6/18/96)

Issuance of the Land Use Permit is contingent upon compliance with all conditions imposed as part of the project approval. If it is determined that development activity is occurring in violation of any or all such conditions, the Director may revoke this Permit and all authorization for development. Written notice of such revocation shall be provided to the permittee. The decision of the Director to revoke the Land Use Permit may be appealed to the Planning Commission, as provided in Sec. 35-327.

**Sec. 35-314.8. Minor Changes to Land Use Permits.** (Added by Ord. 4228, 6/18/96)

Minor changes to an approved or issued Land Use Permit shall be allowed provided that the changes substantially conform with the approved or issued permit. Such requests shall be processed as follows:

1. The Planning and Development Department may approve a minor change (e.g., interior alterations to the structure) to an approved or issued Land Use Permit subject to all of the following:
  - a. The Department determines that the minor change conforms substantially with the approved plans and the originally approved or issued permit,
  - b. There is no change in the use or scope of the development,



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- c. The minor change does not result in a change to the Planning and Development Department's conclusions regarding the project's specific conformance to development standards and findings, and
  - d. The Land Use Permit has not expired.
  - e. The minor change is exempt from review by the Board of Architectural Review pursuant to Section 35-329.3.
2. Where a minor change of an approved or issued Land Use Permit is approved, such permit shall have the same effective and expiration dates as the original Permit and no additional public notice shall be required.
  3. The determination to allow a minor change to an approved or issued Land Use Permit shall be final and not appealable.

Where it cannot be determined that the minor change materially conforms to an approved or issued Land Use Permit, subject to the above criteria, a new Land Use Permit shall be required.

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