

ATTACHMENT P: MONTECITO COUNTY PLANNING COMMISSION RESOLUTION 13-03

**RESOLUTION OF THE SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE BOARD)
OF SUPERVISORS THE ADOPTION OF AN AMENDMENT)
TO SECTION 35-2, THE SANTA BARBARA COUNTY) RESOLUTION NO.: 13 - 03
MONTECITO LAND USE AND DEVELOPMENT CODE,)
OF CHAPTER 35, ZONING, OF THE COUNTY CODE,) CASE NO.: 12ORD-00000-00003
AMENDING DIVISION 35.4, MONTECITO STANDARDS)
FOR SPECIFIC LAND USES, AND DIVISION 35.10,)
GLOSSARY, TO IMPLEMENT NEW REGULATIONS AND)
MAKE OTHER MINOR CLARIFICATIONS,)
CORRECTIONS AND REVISIONS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Montecito Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code; and
- B. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 12ORD-00000-00003) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, to implement new regulations and make other minor clarifications, corrections and revisions.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Montecito Community Plan, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will (1) serve to clarify the existing regulations regarding temporary uses and the use of property for special events, including clarifying existing language regarding the short term rental of property as it relates to allowable temporary uses of property, without compromising community values, environmental quality, or the public health and safety, (2) implement new regulations that apply to the use of property for temporary uses (special events), including the adoption of a new discretionary permit type known as a Special Event Use Permit that would allow one additional charitable or other noncommercial event where the number of attendees may exceed 300, and (3) make other minor clarifications, corrections and revisions.
- E. This Montecito Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the California Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the California Government Code, this Montecito Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Montecito Planning Commission, based on the findings included as Attachment A of the Montecito Planning Commission Staff report dated January 9, 2013.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Montecito Planning Commission.

PASSED, APPROVED AND ADOPTED this January 16, 2013 by the following vote:

AYES: Burrows, Gottsdanker, Overall
NOES: Eidelson, Phillips
ABSTAIN:
ABSENT:

(Signed copy on file)

SUE BURROWS

Chair

Santa Barbara County Montecito Planning Commission

ATTEST:

(Signed copy on file)

DIANNE MEESTER BLACK

Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By *(Signed copy on file)*
Deputy County Counsel
Deputy County Counsel

EXHIBITS:

1. 12ORD-00000-00003

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES AND DIVISION 35.10, GLOSSARY, TO CLARIFY EXISTING REGULATIONS AND IMPLEMENT NEW REGULATIONS REGARDING THE USE OF PROPERTY FOR TEMPORARY USES (SPECIAL EVENTS), AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 12ORD-00000-00003

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection B, Applicability, of Section 35.442.180, Temporary Uses and Trailers, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

B. Applicability.

1. ~~**Does not apply to amusements regulated separately — Inland area.**~~ Within the Inland area, this Section shall not apply to any use of property that is regulated by Chapter 6 (Amusements) of the County Code.

Does not apply to amusements or filming activities regulated separately. This Section shall not apply to any use of property that is regulated by the following:
 - a. Chapter 6 (Amusements) of the County Code.
 - b. Chapter 14C (Film Permit Office) of the County Code.
2. **Permits required.** Each temporary use of land including trailers identified in Table 4-6 through Table 4-9 below, may be allowed in compliance with the approval of the applicable permit identified in the table.
3. **Similar temporary events/uses.**
 - a. **Exempt from permit requirements.** Other temporary uses that are not included in Table 4-6 through Table 4-9 may be allowed without the requirement for a permit when the Director determines that the proposed temporary use:
 - (1) Is similar to those identified in this Section as being exempt from permit requirements; and
 - (2) The proposed temporary use does not have the potential to result in an adverse effect on surrounding properties.
 - b. ~~**Coastal Development or Land Use Permit required.**~~ Other temporary uses that are not included in Table 4-6 through Table 4-9 may be allowed by ~~a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits)~~ or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) if the Director determines that the proposed temporary use is similar to those uses allowed by a ~~Coastal Development Permit or Land Use Permit.~~
4. **Other approvals required.** All temporary electrical facilities, temporary toilet and plumbing facilities, temporary use of public roads, temporary use of County facilities and temporary shelters

or structures shall receive all necessary approvals from the Community Services Department, the Director, the County Fire Department or applicable fire protection district, the General Services Department, the Public Health Department, the Public Works Department and the Sheriff and the County Fire Department or applicable fire protection district.

Table 4-6 Allowed Temporary Uses and Permit Requirements for Agricultural and Resource Management Zones	E Allowed use, no permit required (Exempt) ZC Permitted use, Zoning Clearance required P Permitted use, Land Use or Coastal Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed			
	PERMIT REQUIRED BY ZONE			Specific Use Regulations
LAND USE (1)	AG-I	AG-I CZ	RMZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions events	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	35.442.180.F.4
Public property	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	CUP	CUP	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	35.442.180.G.10
Trailer (after destruction of dwelling)	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	35.442.180.G.5
Trailer (mobile communications temporary facility)	ZC	—	ZC	35.442.180.G.9
Trailer (storage as accessory to dwelling)	E	E	E	35.442.180.G.8

Key to Zone Symbols

AG-I	Agriculture I	CZ	Coastal Zone
RMZ	Resource Management		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.

Table 4-7 Allowed Temporary Uses and Permit Requirements for Residential Zones	E ZC P CUP S —	Allowed use, no permit required (Exempt) Permitted use, Zoning Clearance required Permitted use, Land Use or Coastal Permit required Conditional Use Permit required Permit determined by Specific Use Regulations Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions events	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.10
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	35.442.180.G.9
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.

Table 4-7 - Continued Allowed Temporary Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	P	Permitted use, Land Use or Coastal Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions events	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.10
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	35.442.180.G.9
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

Key to Zone Symbols

DR	Design Residential	CZ	Coastal Zone
PRD	Planned Residential Development		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions

Table 4-8 Allowed Temporary Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	P	Permitted use, Land Use or Coastal Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	

TEMPORARY EVENTS

Car washes	S	S	S	S	35.442.180.F.1
Certified farmers market	CUP	CUP	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions events	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	P	P	35.442.180.F.8
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.10
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	35.442.180.G.9
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

Key to Zone Symbols

CN	Neighborhood Commercial	CV	Visitor Serving Commercial
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Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

Table 4-9 Allowed Temporary Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	P	Permitted use, Land Use or Coastal Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU CZ	REC	REC CZ	TC CZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions events	E	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	P	P	—	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	CUP	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	P	35.442.180.G.10
Trailer (after destruction of dwelling)	—	—	P	P	—	35.442.180.G.7
Trailer (during construction of new dwelling)	—	—	P	P	—	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.442.180.G.5
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	—	35.442.180.G.9
Trailer (storage as accessory to dwelling)	—	—	E	E	—	35.442.180.G.8

Key to Zone Symbols

PU	Public Utilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

SECTION 2:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection D, Permit processing, of Section 35.442.180, Temporary Uses and Trailers, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

D. Permit processing.

- Compliance with development standards.** ~~Permits Applications for permits~~ for temporary uses and trailers subject to the provisions of this Section shall not be approved or conditionally approved ~~or issued~~ except in compliance with the requirements of this Section and other applicable development standards of this Development Code. Temporary uses that are exempt from a planning permit shall still comply with any applicable development standards of this Development Code.
- ~~Exempt temporary uses within the Coastal Zone.~~ The temporary use of property or structures within the Coastal Zone are exempt from a planning permit in compliance with Table 4-6 through Table 4-9 provided the temporary use complies with all of the following:

- a. ~~The temporary use will not occupy any portion of a sandy beach, public park area, public pier, or public beach parking area between the Memorial Day weekend and Labor Day unless either:~~
 - (1) ~~The period of the use will be of less than one day in duration, including set up and take down; or,~~
 - (2) ~~The location is remote with minimal demand for public use.~~
- b. ~~A fee will not be charged for general public admission and/or seating if the temporary use will occupy any portion of a sandy beach, public park area, public pier, or public beach parking area where no fee is currently charged for the use of the same area, or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use.~~
- c. ~~The proposed temporary use has been reviewed in advance by the Director and the Director determined that it meets all of the following criteria:~~
 - (1) ~~The temporary use will result in no adverse impact on opportunities for public use of, or access to, the area due to the proposed location and/or timing of the event either individually or together with other temporary events scheduled before or after the particular event.~~
 - (2) ~~There will be no direct or indirect impacts from the temporary use and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources pursuant to the policies and section of the certified Local Coastal Program.~~
 - (3) ~~The temporary use has not previously required a Coastal Development Permit to address and monitor associated impacts to coastal resources.~~
- d. ~~The Director may determine that a temporary use shall be subject to a Coastal Development permit in compliance with Section 35.472.050 (Coastal Development Permits) and/or a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) even if the development meets all of the criteria in Subsection 2.a through Subsection 2.e above, if the Director determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources.~~

2. **Referral to other County departments.** After receipt of an application for a temporary use, the Department shall refer the application to other County departments and districts that may be involved in the review of the application including the Community Services Department, the County Fire Department or applicable fire protection district, the General Services Department, the Public Health Department, the Public Works Department, Sheriff and the Treasurer-Tax Collector.
3. **Timeline to approve Coastal Development Permit or Land Use Permit.** Except for trailers allowed in compliance with Subsection G. (Trailer use), the Director shall approve, conditionally approve, or deny an application for a ~~Coastal Development Permit or Land Use Permit~~ within 30 days of submittal of a complete application to the Department.
4. **Notification of Supervisor.** Except for trailers allowed in compliance with Subsection G. (Trailer use), an application for a Coastal Development Permit, Conditional Use Permit, or Land Use Permit or Special Event Use Permit that allows the establishment of a temporary use shall not be approved or conditionally approved ~~(in the case of a Conditional Use Permit) or issued (in the case of a~~

~~Coastal Development Permit or Land Use Permit~~) until the Supervisor of the Supervisorial District in which the temporary use/ or event is proposed, or his or her designated representative, has been notified of the application.

5. **Notice.** Notice of an application for a Coastal Development Permit, Conditional Use Permit, ~~or~~ Land Use Permit or Special Event Use Permit for a temporary use shall be provided in compliance with Chapter 35.496 (Noticing and Public Hearings).
6. **Appeal.** The action of the review authority to approve, conditionally approve, or deny a ~~Coastal Development Permit~~, Conditional Use Permit, ~~or~~ Land Use Permit or Special Event Use Permit for a temporary use is final subject to appeal in compliance with Chapter 35.492 (Appeals).

SECTION 3:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection F.3, Charitable and other noncommercial functions, of Subsection F, Permit requirements and development standards for specific temporary uses, of Section 35.442.180, Temporary Uses and Trailers, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

3. **Charitable and other noncommercial functions events.** ~~The use of a lot for charitable and other noncommercial functions where the owner or tenant of the lot receives no remuneration, including fundraisers, parties, receptions, weddings and other similar gatherings, is exempt from permit requirements, however, the following development standards shall apply:~~
 - a. ~~The use of the lot for charitable functions does not exceed three times within the same calendar year.~~
 - b. ~~The number of persons present at the event at any one time does not exceed 300.~~

The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial events, including private gatherings of family and friends, may be allowed in compliance with the following requirements.

- a. **Purpose and intent.** The purpose and intent of this Subsection F.3 is to allow an owner or non-transient tenant to use private property for charitable and other noncommercial events as a temporary use that is incidental and subordinate to the residential use of the property provided the property is used in compliance with the following permit requirements and development and operational standards. Additionally, the intent is to not allow events associated with the short-term rental of property as charitable or other noncommercial events.

(1) For the purposes of this Subsection F.3:

- (a) Non-transient tenant means any person who uses or possesses, or has the to use or possess, a lot or portion thereof, including any structures located on the lot, for a period of 31 consecutive calendar days or more, counting portions of calendar days as full days.
- (b) Short-term rental of property means the possession or use of a lot or any portion thereof, including any structures located on the lot, for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days, and including rentals that are subject to the payment of a transient occupancy tax in compliance with County Code Chapter 32 (Taxation).

- b. Applicability.** Subsection F.3.c (Permit requirements and development and operational standards) shall not apply to charitable and other noncommercial events where the total number of attendees at the event, not including event staff, is 75 or fewer.
- c. Permit requirements and development and operational standards.** The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial events may be allowed in compliance with the following permit requirements and development and operational standards.

<u>Lot Size</u>	<u>Maximum Number of Events (1)</u>	<u>Maximum Number of Persons (2)</u>	<u>Permit Requirement</u>
<u>All lots</u>	<u>3</u>	<u>300</u>	<u>Exempt</u>
<u>All lots</u>	<u>1</u>	<u>More than 300</u>	<u>Special Event Use Permit (3)</u>

Notes:

1. This number represents the maximum number of events that may be held on the lot within the same calendar year.
2. This number represents the maximum number of event attendees, not including event staff, present at the event at any one time.
3. See Subsection F.3.d.

(1) All charitable and other noncommercial events. The following apply to all charitable and other noncommercial events.

- (a) The owner or tenant of the lot on which the event occurs shall not receive any remuneration associated with such event or use, and there may not be any charge, fee, payment or other compensation for the use of the lot on which the event occurs, except that an owner or tenant may be reimbursed for actual and direct costs incurred by the owner or tenant associated with allowing the lot to be used for an event including providing site clean-up following the event.
- (b) Charitable and other noncommercial events associated with the short-term rental of property are only allowed on lots with a commercial zone designation.
- (c) The duration of the event shall not exceed a single 24-hour period, except that event set-up, breakdown, and clean-up may occur outside of this period.

(2) Charitable events. The following apply to all charitable events.

- (a) The event shall be held by or sponsored for the sole benefit of a charitable nonprofit organization(s).
- (b) 100 percent of the net proceeds collected for the event, after operational expenses are met, are remitted to the sponsoring charitable organization(s).

(3) Other noncommercial events. Other noncommercial events that are not allowed as a charitable event may be allowed provided there is no commercial component including:

- (a) The payment of any fee such as admission fees, membership fees, etc.
- (b) Filming for commercial purposes.
- (c) Promoting a product.
- (d) Public advertising.

(4) Political fundraising events. Subsection F.3.c(3) does not apply to fundraising events whose sole purpose is to solicit money or pledges for political campaigns.

d. Special Event Use Permit procedures.

- (1) Contents of application.** An application for a Special Event Use Permit shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- (2) Processing.** After receipt of an application for a Special Event Use Permit, the Department shall:
 - (a) Provide notice of the application in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - (b) Review the application in compliance with the California Environmental Quality Act.
 - (c) Refer the application to the Special Event Coordinator of the Community Services Department for review and recommendation to the Director.
- (3) Notice and action of the Director.** A public hearing shall not be required; however:
 - (a) Notice of the pending decision of the Director on the application for the Special Event Use Permit shall be given at least 10 days before the date of the Director's decision in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - (b) The Director may approve, conditionally approve, or deny the Special Event Use Permit.
 - (c) The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- (4) Findings required for approval.** A Special Event Use Permit application shall be approved or conditionally approved only if the Director first makes all of the following findings:
 - (a) The findings required for approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).
 - (b) Adequate temporary parking to accommodate vehicular traffic generated by the temporary use is available either on-site or at alternate locations acceptable to the Director.
- (5) Prior to commencement of special event.** The issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) shall be required prior to the commencement of the special event authorized by the Special Event Use Permit.

SECTION 4:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection F.6, Reception and similar gathering facilities, of Subsection F, Permit requirements and development standards for specific temporary uses, of Section 35.442.180, Temporary Uses and Trailers, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

9. **Reception and similar gathering facilities (commercial).** Reception and similar gathering facilities providing indoor or outdoor facilities that are accessory and incidental to the principal use of the property on a temporary, commercial basis for receptions, parties, weddings, or other similar gatherings that are not included in Subsection F.4 (Public assembly facilities), above.

SECTION 5:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to amend the existing definitions of “Charitable Function” to read as follows:

Charitable Function Event. An event or activity ~~whose primary purpose is of a charitable or noncommercial nature~~ that is held by or sponsored for the sole benefit of a nonprofit organization(s) established for the purpose of promoting philanthropic goals and social well-being including charitable, educational, religious, or other activities serving the public interest or common good.

SECTION 6:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to add the following definitions of “Calendar Year,” “Event,” Nonprofit Organization” and “Remuneration” to read as follows:

Calendar Year. A period of a year beginning on January 1st and ending on December 31st.

Event. Any gathering of individuals, whether on public or private property, assembled with a common purpose, and usually for a specified period of time, including ceremonies, competitions, festivals and parties.

Incidental Use. A use of a lot and/or structure, or portion of a lot and/or structure, that is subordinate to the principal use of the lot and/or structure, and is developed or operated so as to not significantly alter or adversely affect the appearance, character or operation of the principal use of the lot or structure located on the lot.

Nonprofit Organization. An organization chartered for other than profit-making activities. Also known as a not-for-profit organization.

Remuneration. Compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of real property and/or portion thereof, including any structures located thereon.

SECTION 7:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35. Zoning, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 8:

Except as amended by this Ordinance, Division 35.4 and Division 35.10 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 9:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

SALUD CARBAJAL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel