

**GOOD NEIGHBOR SPECIAL EVENTS ORDINANCE
APPLICABLE IN SANTA BARBARA COUNTY
December 18, 2012**

The following ordinance is proposed to regulate all temporary special events throughout the County of Santa Barbara. The proposed ordinance is to regulate and prevent impacts from these special events. This ordinance language is proposed to replace Land Use Development Code §§ 35-137.3.1.d.2 and 3; 35-137.3.2.b; 35-137.3.3.a and b and b; 35-137.4; and 35.42.260.4 and 9 and Montecito Land Use and Development Code §§ 35.442.180.F.3 and 35.442.180.F.6.

Sec. 35-___ Temporary Uses – Special Events

Sec. 35-___ Purpose and Intent. The purpose and intent of this ordinance is to create regulations applicable to all lands in the County that address potential impacts of special events such as noise, light, dust, traffic, and parking. The purpose and intent of this ordinance also is to provide for event uses that are incidental to the primary use of the land. All event activities described below shall be incidental to the primary use of the land and shall not displace or impede the primary use. All applicable fire, health, and safety ordinances and regulations shall apply.

Sec. 35-___ Applicability.

The provisions of this section shall apply to all special events held in the County. Such uses shall be subject to all the provisions set forth herein, as applicable.

Sec. 35-___ Definition of Special Event. "Special event" is the temporary use of property for functions, including but not limited to fundraisers, parties, receptions, weddings and other similar celebrations with more than 75 guests in attendance at any one time during a 24-hour period. Any event conducted where 75 or fewer total guests are in attendance at any one time during a 24-hour period is a gathering, not a special event, and shall be exempt from regulation and no development standards or other requirements shall be imposed under this ordinance.

Sec. 35-___ Processing.

No special events subject to the provisions of this Section shall occur except in conformance to the following requirements. No permits for special events subject to the provisions of this Section shall be approved or issued except in conformance to the following requirements.

Sec. 35-___ General Requirements Applicable to All Special Events

For any of the following events, the landowner or occupant hosting or allowing the event to occur shall ensure that all of the following General Requirements Applicable to All Special Events (General Requirements) are met throughout the event:

1. No later than seven (7) days prior to the commencement of the event, the landowner or event sponsor shall provide written notice to all neighboring property owners, using the most current owner's name and address on the Assessor's tax records. Such notices shall advise the recipients of the date and time of the event commencing and ending and an operating telephone number that neighboring property owners can use to reach the event sponsor during and at least one week following the event to advise of any problems or complaints associated with the event. The notice shall also include the phone number for the Sheriff in case a noise complaint during the event is not addressed by a call to the event sponsor.
 - (a) A "neighboring property owner" for properties outside the urban limit line is defined as (i) properties located within a one-half mile radius of the portion(s) of the parcel upon which special event activities will occur, including both the site upon which

people will be gathering and all parking areas, sanitary facilities, catering set-up areas, and other areas directly related to the event ("event site") and (ii) all property owners whose lands abut a public road serving, and located within one mile of, any entrance road used to access the event site by guests or staff.

- (b) A "neighboring property owner" for properties inside the urban limit line is defined as all owners of property located within a 300-foot radius of the exterior boundaries of the premises hosting the special event.
2. Noise levels generated by the special event shall not exceed levels of 65 decibels (Leq) from 8:00 a.m. to 10:00 p.m. and 60 decibels (Leq) from 10:00 p.m. to 8:00 a.m. at any property line that lies at the exterior boundaries of the event premises.
 3. No dust generated by event activities shall be allowed to travel beyond the exterior boundary of the event premises.
 4. Within the urban limit line or on properties smaller than 20 acres, no event set up or clean up shall occur on Sunday earlier than 10:00 a.m. or Saturdays before 8:00 a.m.
 5. All parking shall be provided onsite except that parking may be provided off-site in any of the following locations.
 - (a) A public lot owned or operated by a public agency.
 - (b) A public lot operated on a privately owned commercially zoned property, provided that the property owner or lessee of the property has consented to the use of property for the event parking.
 - (c) A lot on a church, educational, or other similar institution's property, provided that the property owner or lessee of the property has consented to the use of the property for the event parking.
 - (d) Privately owned property, provided that the owner or lessee of the property has consented to the use of the property for the event parking and the parking activity meets all of the following standards:
 - (i) No dust generated by parking shall travel beyond the exterior boundary of the property used for parking.
 - (ii) No vehicles are parked closer than 50 feet of a residence owned by a party other than the owner or lessee of the property upon which parking is occurring.
 6. A traffic monitor shall be on duty throughout all periods during the event that guests are arriving and departing in personal vehicles to prevent congestion and stacking of vehicles on public roads or private access roads shared with property owners other than the owner of the event site. No traffic monitor shall be required if all guests, other than those displaying handicapped stickers or placards on or in their vehicles, arrive and depart via shuttle. For special events with more than 1,000 people, the traffic monitor shall be a retired, off-duty, or on-duty Sheriff's Deputy, City Police officer, or California Highway Patrol officer.

7. Lighting shall meet all of the following specifications:

- (a) The general purpose of this specification is to protect and promote public health, safety and welfare, the quality of life, and the ability to view the night sky and control light shining from a parcel onto neighboring parcels and onto public rights-of-way. These specifications establish standards for special event lighting in order to accomplish the following:
- (b) Purpose and Intent:
 - (i) To protect against direct light glare and excessive lighting; and,
 - (ii) To provide safe lighting levels at events; and,
 - (iii) To protect the ability to view the night sky; and,
 - (iv) To minimize light trespass to neighboring parcels, public right of ways, and areas of the affected parcel not used for the special event.
- (c) General Lighting Requirements:
 - (i) All exterior lighting shall be full cutoff fixtures with light source fully shielded.
 - (ii) Maximum height of any lamp in any fixture shall not exceed 25 feet measured from the average ground elevation where the event is to be held.
 - (iii) No glare shall be visible when viewed from adjoining parcels and public right of ways.
 - (iv) Light trespass on adjacent parcels or public right of ways shall be one candle foot or less measured at ground level at the limit line of adjacent parcels or public right of ways.
 - (v) Average illumination shall not exceed 30 foot candle unless a higher amount is required for health, safety and welfare, subject to the following exceptions:
 - (1) Luminaries that have a maximum output of 260 lumens (approximately 20 watts incandescent) per fixture may be unshielded provided the fixture has an opaque top to prevent up lighting. Light may not trespass onto properties owned by third parties.
 - (2) Luminaries that have a maximum output of 1000 lumens (approximately 60 watt incandescent) may be partially shielded, provided the lamp is not visible and the fixture has an opaque top to prevent up lighting. Light may not trespass onto properties owned by third parties.
 - (3) Flood Lights with external shielding may be angled, provided that no light escapes above a 25 degree angle measured from the vertical line from the center of the fixture extended to the ground. Light may not trespass onto properties owned by third parties. Flood lights with directional shielding should be encouraged.
 - (4) Holiday lights are exempt, as long as they are not flashing or otherwise sequenced.
 - (5) Any lighting within a temporary structure, such as a tent or canopy, are exempt, provided that the structure fully shields all lamps.
 - (6) Hand held battery operated luminaries (i.e. flashlights) are exempt.

- (7) Vehicular lights and all temporary emergency lighting needed by fire and police departments, or other emergency service, shall be exempt.
- (d) Exceptions to General Lighting Requirements: An exception or relaxation of the terms of the General Lighting Requirements shall be made by the Director under a permit for an SEUP if without the exception or relaxation, because of conditions peculiar to the property and not the result of the actions of the owner or operator of the premises, strict application of this article would result in unnecessary and undue hardship or compromise the health, safety and welfare of the attendees of the event.

Sec. 35-___ Exemption for touring. This ordinance does not apply to touring activities on agricultural and mountainous lands such as individual or group bicycling, horseback riding, walking, jogging, running, touring, or hiking activities, which shall be exempt from regulation as a temporary event or special event regardless of the number of participants except that touring shall be subject to the noise regulation stated above.

Sec. 35-___ Special Events on Lands Outside the Urban Limit line

1. Special events must be incidental to the primary zoning use on the property. To ensure that special events on lands zoned for agricultural use are incidental to the primary use, which shall be agricultural production, and any secondary residential use of the land, an active agricultural operation must exist on any agricultural property used for special events and special events activities shall not displace or impede agricultural activities on the land.
2. The Property owner must comply with all applicable General Requirements during all set-up, clean up, and break down of event amenities and throughout the event. Furthermore, depending on the size of the premises and the number of guests, the following Additional Operating Standards are required.
 - (a) Premises¹ that Comprise 500 or More Total Acres
 - (i) For events with 76-150 total guests in attendance at any one time, no event activity shall be conducted closer than 50 feet from an exterior property line of the premises or public road, except that parking during daylight hours may occur closer than 50 feet from a public road.
 - (ii) For events with more than 151 total guests in attendance, no event activity shall be conducted closer than 500 feet from an exterior property line of the premises or public road, except that parking during daylight hours may occur closer than 500 feet from a public road.
 - (b) Premises that Comprise 100 to Less than 500 Total Acres
 - (i) For events with 76-150 total guests in attendance at any one time, no event activity shall be conducted closer than 50 feet from an exterior property line

¹ For the purposes of this ordinance, the term "premises" shall refer to the parcel or parcels upon which event activities (including people gathering, parking areas, sanitary facilities, catering set-up areas, and other areas directly related to the event, but not public roads or access roads shared with other property owners) are conducted, and all other abutting or adjacent parcels owned, leased or otherwise controlled by the owner or operator of the parcel or parcels upon which the event activities are conducted.

of the premises or public road, except that parking during daylight hours may occur closer than 50 feet from a public road.

- (ii) For events with 151 to 1000 total guests in attendance at any one time, no event activity shall be conducted closer than 500 feet from an exterior property line of the premises or public road, except that parking during daylight hours may occur closer than 500 feet from a public road.
- (iii) For events with more than 1,000 guests, see the permit requirements set forth in Section ____ below.

(c) Premises that Comprise 40 to Less than 100 Total Acres

- (i) For events with 76-150 total guests in attendance at any one time, no event activity shall be conducted closer than 50 feet from an exterior property line of the premises or public road, except that parking during daylight hours may occur closer than 50 feet from a public road.
- (ii) For events with more than 151-500 total guests in attendance at any one time, no event activity shall be conducted closer than 300 feet from an exterior property line of the premises or public road, except that parking during daylight hours only may occur closer than 300 feet from a public road.
- (iii) For events with more than 500 guests, see the permit requirements set forth in Section ____ below.

(d) Premises that Comprise 5 to Less than 40 Total Acres

- (i) For events with 76-150 total guests in attendance at any one time, no event activity shall be conducted closer than 50 feet from an exterior property line of the premises or public road, except that parking during daylight hours may occur closer than 50 feet from a public road.
- (ii) For events with more than 151-300 total guests in attendance at any one time, no event activity shall be conducted closer than 300 feet from an exterior property line of the premises or public road, except that parking during daylight hours only may occur closer than 300 feet from a public road.
- (iii) For events with more than 300 guests, see the permit requirements set forth in Section ____ below.

(e) Premises that Comprise Less than 5 Total Acres

- (i) Refer to regulations applicable to properties within the urban limit line of the corresponding size.

Sec. 35-____ *Special Events on Lands Inside the Urban Limit line*

1. Special events must be incidental to the primary zoning use on the property. Given the relatively small size of property within the urban limit line, to ensure that special events are incidental to the primary use, a property owner shall not have more than 12 special events in a year and each event must be at least 30 days apart. In Montecito, a property owner shall not have more than 3 special events in a year.

2. The Property owner must comply with all applicable General Requirements throughout the event and during all set-up, clean up, and break down of event amenities. Furthermore, depending on the size of the premises and the number of guests, the following Additional Operating Standards are required.
 - (a) Premises that Comprise 5 or More Total Acres
 - (i) For events with 76-150 total guests in attendance at any one time, no event activity shall be conducted closer than 25 feet from an exterior property line of the premises or public road, except that parking during daylight hours only may occur closer than 25 feet from a public road.
 - (ii) For events with 151 – 300 total guests in attendance at any one time, no event activity shall be conducted closer than 20 feet from an exterior property line of the premises or public road, except that parking during daylight hours may occur closer than 20 feet from a public road.
 - (iii) For events with more guests, see the permit requirements set forth in Section ____ below.
 - (b) Premises that Comprise 1/2 an Acre to Less than 5 Total Acres
 - (i) For events with 76-150 total guests in attendance at any one time, no event activity shall be conducted closer than 15 feet from an exterior property line of the premises or public road, except that parking during daylight hours only may occur closer than 15 feet from a public road.
 - (ii) For events with more guests, see the permit requirements set forth in Section ____ below.
 - (c) Premises that Comprise Less than 1/2 Total Acres
 - (i) For special events with more than 76 total guests, see the permit requirements set forth in Section ____ below.

Sec. 35-____ Special Events Use Permit

1. A property owner must apply to the Director of Planning & Development for a Special Events Use Permit (SEUP) if the owner cannot comply with the requirements of this section or if the special event will have more than a certain number of guests.

SEUP Required	
Type of Property	Number of Guests
<i>Lands Outside the Urban Limit line</i>	
500 or More Acres	No limit
100 to Less than 500 Acres	Over 1,000
40 to Less than 100 Acres	Over 500
5 to Less than 40 Acres	Over 300
Less than 5 Acres	See limits below
<i>Lands Inside the Urban Limit line</i>	

Over 5 Acres	Over 300
0.5 to 5 Acres	Over 150
Less than 0.5 Acres	Over 75

2. The Director's decisions on any SEUP application shall not be appealable by any party, including the applicant. This includes decisions regarding conditions of approval.
3. Properties That Receive Complaints Regarding Special Events
 - (a) The Planning and Development Department shall keep public records of complaints about special events. If complaints supported by evidence of a violation of public nuisance laws or the requirements of this section are received by the County within any 12 month period regarding two events on a single premises, the property owner must apply for a SEUP for all future special events for the next 12 months.
4. If the Director denies issuance of a SEUP or the applicant disagrees with the SEUP's conditions of approval, the applicant shall be entitled to apply for a Minor Conditional Use Permit for the proposed event(s).

Sec. 35-___ Special Events Lighting Definitions

1. Unless otherwise defined in the section, the following definitions for Lighting Specifications are applicable to this section:

Unless specifically defined below, words and phrases used in this specification shall be interpreted as to give them the meaning they have in common usage and to give this specification its most reasonable application.

- (a) Area Light: Light that produces over 1800 lumens.
- (b) Average Foot-candle: The level of light measured at an average point of illumination between the brightest and darkest areas measured at ground surface.
- (c) Candela: Unit of luminous intensity.
- (d) Eighty-Five Degree Full Cutoff Type Fixtures: Fixtures that do not allow light to escape above an 85 degree angle measured from a vertical line from center of the lamp extended to the ground.
- (e) Exterior Lighting: Fixture that is installed, located or used in such a manner to cause light rays to shine outside.
- (f) Fixture: The assembly that holds the lamp and its various components in a lighting system.
- (g) Foot Candle: Illumination produced on a surface one foot from a uniform point source of one candela.
- (h) Full Cutoff Fixture: Fixture as installed that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

- (i) Glare: Intense light that results in discomfort and/or a reduction of visual performance and visibility. In this specification, glare is the ability to see the lamps directly or through reflection.
- (j) Holiday Lighting: Festoon type lights limited to small individual lamps and/or fixtures on a string or lamp cord where the spacing of lamps are three inches or greater and where the output per lamp is no greater than 15 lumens.
- (k) Lamp: The source of light, commonly referred to as a light bulb.
- (l) Light Pollution: Any adverse effect of manmade light, including but not limited to, light trespass, up-lighting, the uncomfortable distraction of the eyes, or any manmade light that diminishes the ability to view the night sky.
- (m) Light Trespass: Light falling where it is not needed or wanted.
- (n) Lumen: A unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One foot candle is one lumen per square foot.
- (o) Luminaire: A light fixture – see Fixture definition.
- (p) Partially Shielded: The lamp of the fixture is shielded by translucent siding and the lamp is not visible directly or indirectly, but may be viewed as a glow.
- (q) Shielded: When the light emitted from the lamp in a fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The lamp is not visible and no light is emitted from the sides of the fixture. Also considered a "Full Cutoff Fixture."
- (r) Temporary Lighting: Lighting that is intended to be used for a special event for seven days or less.
- (s) Up Lighting: Lighting that is directed in such a manner as to shine light rays above the horizontal plane
- (t) Wattage: Wattage is a measure of energy use and has no bearing on light output.