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VIA EMAIL (Noel@co.santa-barbara.ca.us)

Santa Barbara County Board of Supervisors
c/o Noel Langle
Santa Barbara County
123 Anapamu Street
Santa Barbara, CA 93101

RE: White Paper: Santa Barbara County Special Events Ordinance – History and Potential Future

Dear Honorable Board Members:

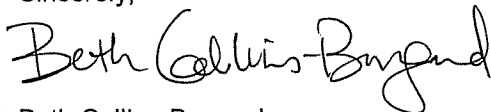
We represent land owners, business owners, and members of the special events industry in Santa Barbara County who are interested in the proposed changes to the Special Events Ordinance.

Attached please find for your consideration a document related to regulation of special events in the County titled White Paper: Santa Barbara County Special Events Ordinance – History and Potential Future.

Exhibit A to this White Paper is a proposed "Good Neighbor Special Events Ordinance" which is a modification of the version proposed by the Agricultural Advisory Committee to apply to all lands in the County. The purpose and intent of this ordinance is to create regulations applicable to all lands in the County that regulate potential impacts of special events such as noise, light, dust, traffic, and parking. Also attached is a proposed model for a Special Event Use Permit that could be used in conjunction with the proposed ordinance.

Thank you in advance for your time and consideration of this White Paper.

Sincerely,



Beth Collins-Burgard

Enclosure:

White Paper: Santa Barbara County Special Events Ordinance – History and Potential Future

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**White Paper:
Santa Barbara County Special Events Ordinance –
History and Potential Future**

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White Paper: Santa Barbara County Special Events Ordinance – History and Potential Future

This white paper addresses the pending issue of redrafting the Current County of Santa Barbara's special events regulations (Current Regulations). (See attached Exhibit B.)¹ We first briefly summarize the history of County regulation of what variously is referred to as "special events" or "temporary uses/events," describing the regulation status prior to adoption of the Current Regulations. We then address the Constitutional issues arising from the Current Regulations.

For over a year, the County has been attempting to address what many identify as "holes" in the Current Regulations. During this process, a coalition of landowners, business owners, and members of the special events industry have participated in the public process and have noticed the frustration encountered by all involved. In response, the coalition formulated and proposed an alternative approach to regulating special events in Santa Barbara County. (See attached Exhibit A). This new approach, referred to here as the "Good Neighbor Special Events Ordinance," regulates special events by controlling the impacts of those events, while at the same time requiring that events be incidental to the primary designated land use for the property.

Adoption of the Good Neighbor Special Events Ordinance would require County review under the California Environmental Quality Act (CEQA); however, as is described in the last section of this white paper, that review can be streamlined due to the existing baseline of special event activity and the standards set forth in the Good Neighbor Special Events Ordinance.

Adoption of the Good Neighbor Special Events Ordinance, could spare the County further cost associated with the fruitless task of trying to "plug holes" in the existing ordinance and potential litigation challenging the existing approach on Constitutional grounds.

I. History of County Special Events Regulation before Current Ordinance

Prior to December 2004, the County's sole ordinance addressing special events was narrowly drawn and written solely to accommodate carnivals, circuses, and similar spectacles. It allowed these activities solely in industrial and commercial zones. In general, the County did not regulate any other kind of temporary or special event. More modest events, like weddings, receptions, political and charitable fundraisers, and the like, conducted on private property, were unregulated unless a property owner

¹ In December 2004, the County adopted broad regulations for Temporary Uses/Special Events. This ordinance was modified slightly and incorporated into the current Land Use and Development Code. The Current Regulations are found in various parts of the Santa Barbara County Code. (See Land Use and Development Code §§ 35.42.260.F.4 and 9; Land Use and Development Code Art. II, Coastal Zoning Ordinance §§ 35-137.3.1d.2 and 3; 35-137.3.2.b; 35-137.3.3.a and b; 35-137.4; Montecito Land Use and Development Code §§ 35.442.180.F.3 and 6). The Current Regulations are attached as Exhibit B to this White Paper for ease of reading because they are quite lengthy.

conducted so many of them that the use no longer was considered to be incidental to the land use designated for the zone district.

The issue of incidental use generally arose following County receipt of complaints from neighboring property owners of excess noise, dust, and traffic. Only a few sites were identified as exceeding the "incidental use" threshold for conducting events. When they did, the County would investigate and give the offending party an opportunity to either reduce or cease the frequency of such activities or to apply for a Conditional Use Permit (CUP) for a formal event center, a conditionally allowable use under the zoning ordinance.

The permit granted under this pre-2004 ordinance required an application process for what was called a Director's Permit or an Events Permit. The ordinance under which the permit would be processed and granted was in Section 35-283, entitled "Carnivals, Circuses, etc." The ordinance provided that the permit "could be approved in any commercial or industrial district, but in no other districts." Despite this precise language, in practice the County issued this permit for any large event similar to a carnival or circus. These events generally were proposed on agriculturally zoned lands because the larger parcel sizes insulated the neighbors from impacts such as noise, dust, traffic, and parking. The application process included a requirement that the applicant comply with all County laws and ordinances.

The ordinance required that the Supervisor in whose District the event would be sited be notified of the application. There was no public notice or appeal process. The Director simply issued or denied the permit. Permits ordinarily were denied if the Supervisor objected. For the most part, the events approved under this ordinance occurred without serious issues. This was true until a property on Foxen Canyon Road hosted two consecutive annual "Jeep Days" events. These were commercial events advertised in Jeep showrooms and on the internet. Hundreds or thousands of people gathered for 3 days (not including set up and tear down) with their Jeeps to socialize and drive their Jeeps over specially-constructed obstacle courses that required extensive grading to prepare, then later, to restore. Attendees camped on the site in RV's, tents, or in the open, or stayed in nearby communities and traveled to and from the event activities daily. (See www.jeepbeach.com for the description of the 2012 Jeep Beach event, a 5-day affair similar to the Jeep Days once held in Santa Barbara County.)

After neighbor complaints about dust, noise, traffic, etc., the Jeep Days did not recur in Santa Barbara County and the County decided to revise the ordinance. The revised ordinance imposed a 5-day limit upon any event. Although the ordinance didn't expressly exempt them, no horseback camping groups were required by the County to obtain a permit. Most of these groups tend to locate their campsites on a different property from year to year, so violations may also have been difficult to detect. It appears that only the Rancheros obtained a CUP and that applied to specific venues, not to all properties over which the group rides. For the remainder of the ranches where the Rancheros and other similar groups camp and ride, there is no permit.

In 2004, the County created a new Section 35-283 by adopting Ordinance No. 4558 (12/7/2004), applicable to a broad range of events, not just single day events, including concerts, weddings, political fundraisers, etc. This ordinance created an express exemption in the inland area (including erection of temporary structures such as fences, booths, tents, parking of trailers) for charitable and other non-commercial functions (e.g., fundraisers, parties, receptions, weddings) where the property owner receives no remuneration, as follows: (a) parcels less than 5 acres – maximum 5 events per calendar year if the persons present at the event at any one time do not exceed 300; (b) parcels 5 acres or greater – no limit on the number of events, provided that no more than 300 attendees are present at any one time at each event. For property owners wishing to exceed these limits, a Land Use Permit could be issued to allow a property of less than 5 acres to have more than 5 events per year (with the 300 attendee limit being fixed) and to allow a larger number of attendees at events on parcels 5 acres or larger. The ordinance did not define "temporary events" and included no development standards.

The 2004 ordinance was modified slightly and incorporated into the current Land Use Development Code section 35.42.260, which defines "Temporary Use" as "use of structure or land for an event for a limited period of time where the site is not permanently altered by grading or construction of accessory facilities." These are the Current Regulations. The Current Regulations are almost identical to the 2004 ordinance and contains the same exemption as that stated for the 2004 ordinance, but no longer provides a Land Use Permit path to increasing the size or number of events. Instead, an applicant must obtain a Minor Conditional Use Permit to exceed the limits imposed by the ordinance. The Current Regulations have some limited development standards, such as a 5-day time limit for each event, compliance with all County laws and ordinances, and clearing the event-related amenities from the site upon event conclusion.

Under the Current Regulations, a "Temporary Use" would include having a group of any size (even a single person) over for dinner. There is no "floor" to the number of attendees that triggers the ordinance. County staff has not attempted to enforce the ordinance against small private parties, although individuals have been warned that they cannot hold private birthday parties for people living on the property if the County determined that the property already exceeded the maximum number of events allowed. Furthermore, since the County's system is complaint driven, if anyone chooses to complain against a neighbor for too many parties, or for receiving "remuneration" in the form of a bottle of wine brought as a hostess gift (thereby making it a commercial event), the Current Regulations must be applied as written. Staff also has opined that the Current Regulations don't apply to trail riding groups who camp on private property, but there is no such exclusion anywhere in the ordinance. In practice, none of this has been an issue because the Current Regulations allow the most frequent sites for events – parcels 5 acres or greater – to have an unlimited number of events per year, provided they do not exceed 300 attendees at any one time. Few events exceed this number and, if they do, they are on larger parcels and neighbors apparently have not complained.

A number of issues have been raised with regard to the legality and appropriateness of the County's special events regulations, prompting an inquiry into whether a wholesale revision of the Current Regulations is necessary.

II. Constitutional Problems with Current Special Events Regulations

The First Amendment to the United States Constitution states: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble. . . ." The California Constitution echoes these words and adds an express right of privacy.

The County's Current Regulations violates Constitutional rights of free speech and peaceable assembly. A federal appellate case published in 2012 addresses special events regulation in Hawaii. This case provides particularly valuable constitutional guidance because the Hawaii regulation provided a quick and simple process for obtaining a permit to conduct a special event on a public beach. Despite the simplicity of the regulation, it was declared unconstitutional because it included the right of the state to deny the permit without stating grounds for denial or to change the standards for compliance with the permit. (See *Kaahumanu v. Hawaii* (9th Dist. 2012) 682 F.3d 789, 807.)

Wedding ceremonies, whether religious or secular in nature, are considered protected expression under the First Amendment. (*Kaahumanu v. Hawaii* (9th Dist. 2012) 682 F.3d 789, 799.) Fundraising for charity is also considered protected speech. (*Riley v. National Federation of the Blind* (1988) 487 U.S. 781, 789.) Under the Current Regulations, weddings and charitable events are treated differently depending upon whether remuneration (which is not defined) is received by the landowner. The Current Regulations do not provide narrowly tailored, clear limits on an individual's right to speak or host others to speak on their property. This is unconstitutional. The proposal to "plug holes" in the Current Regulations threatens to exacerbate the unconstitutionality by prohibiting events on properties rented for 30 days or less but allowing them on properties rented for at least 31 days; prohibiting events where the owner or tenant receives remuneration (no matter how small the amount), but allowing events where the owner or tenant does not; and adding an arbitrary numeric limit to the number of events a property owner may conduct.

Regulations to restrict speech in a public forum such as on a public street or in a park must be narrowly tailored to serve a significant government interest. (*Kaahumanu v. Hawaii* (9th Dist. 2012) 682 F.3d 789, 799.) The restriction on government limiting a person's right to free speech and to freely associate with others is at least as strong on his or her private property because the most exacting standard for analyzing the propriety of regulations limiting speech in public areas should apply to regulations on speech on one's private property. (See *City of Ladue v. Gilleo* (1994) 512 U.S. 43, 58 ["A special respect for individual liberty in the home has long been part of our culture and our law ...; that principle has special resonance when the government seeks to constrain a person's ability to speak there."]; *Spence v. State of Washington* (1974) 418

U.S. 405, 411 [interests advanced to support regulation of speech in private property must be examined with "particular care"].) Furthermore, a regulation that treats commercial speech differently from non-commercial speech is unconstitutional where the interests served by the regulations are unrelated to the distinction drawn between commercial and non-commercial speech. (See *City of Cincinnati v. Discovery Network, Inc.* (1993) 507 U.S. 410, 430.)

The Current Regulations currently allow an unlimited amount of non-commercial events per year on properties of 5 acres or greater, but arbitrarily limit the number of attendees and prohibit commercial events without linking the limitations to a significant governmental interest. Land use regulation should control impacts to neighboring properties. The Current Regulations do not regulate impacts to neighbors; they arbitrarily regulate certain events based upon number of attendees and upon whether the property owner receives remuneration. A non-commercial event, such as a family wedding or a charity event, could cause impacts equal to or greater than those resulting from a commercial event. The Current Regulations arbitrarily and unconstitutionally impose limits on the right of peaceable assembly, the right of free speech, and private property rights.

The CUP requirement in the Current Regulations is too onerous and gives the County too much discretion. A permit scheme that provides unfettered discretion to a public official to grant, deny, or revoke a permit is unconstitutional because it has the potential to allow viewpoint-based discrimination. (See *City of Lakewood v. Plain Dealer Publ. Co.* (1988) 486 U.S. 750, 769-770; *Kaahumanu v. Hawaii* (2012) 682 F.3d 789, 806.) The Current Regulations allow the Director of Planning and Development to deny a special events permit and require a CUP and Coastal Development Permit when he or she determines unique or changing circumstances exist that have the potential for significant impacts on coastal resources. (Land Use and Development Code §§ 35.42.260.D.2.d; Land Use and Development Code, Art. II Coastal Zoning Ordinance § 35-137.3.1.d; Montecito Land Use and Development Code § 35.442.180.D.2.d.) "Regulations must contain 'narrow, objective, and definite standards to guide the licensing authority'...." (*Long Beach Area Peace Network v. City of Long Beach* (9th Dist. 2009) 574 F.3d 1011, 1025.) County staff does not dispute that a Minor CUP costs thousands of dollars and takes months to process, which is too onerous to justify for a single event or even a handful of events. The Current Regulations provide no standards, let alone narrow, objective, or definite ones, by which the Director may determine whether unique circumstances that have the potential to create significant impacts are present. As a result, the Current Regulations could facilitate viewpoint-based discrimination and are unconstitutional.

Plaintiffs who challenge a permit system need not show that they have been denied a permit, but only that they "have declined to speak, or have modified their speech, in response to the permitting system." (*Kaahumanu v. Hawaii* (2012) 682 F.3d 789, 796.) This would be a relatively simple showing to make for most landowners regulated by the County, particularly if a Minor CUP is required. The Current Regulations are challengeable on several fronts and nearly every landowner regulated by the County could bring a challenge.

III. Cost of CEQA Review for the Good Neighbor Special Events Ordinance

To avoid a constitutional challenge of the Current Regulations and to effectively “plug holes” in the Current Regulations, the County should consider the approach in the Good Neighbor Special Events Ordinance. Cost associated with the CEQA review of this Good Neighbor Special Events Ordinance can be minimized if the County considers the existing baseline conditions and designs the ordinance to anticipate and address potential impact areas.

CEQA requires the County to analyze the effects of any revisions to the special events regulations against a baseline of existing conditions. (See CEQA Guidelines § 15126.2 [“In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published....”].) Existing conditions include illegal activities. (See *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1452-53 [baseline conditions include illegal existing conditions]; *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1280 [same].)

As evidenced by the allegations in the public record regarding complaints concerning special events at a number of locations throughout the County, the County has been unable to control impacts on neighbors from special event activities under the Current Regulations. These events are legal under the ordinance and the environmental impacts resulting from these violations are part of the existing baseline conditions. Furthermore, the Current Regulations do not provide any limits on impacts to neighbors from special events. As long as a property owner does not receive remuneration, property owners with more than five acres can have unlimited events with unlimited impacts on their neighbors. For smaller properties, the number of events an owner can have are limited, but again there is no regulation of the impacts on neighbors from those events. These impacts also are part of the existing baseline conditions. Finally, even though the Current Regulations ban all commercial activity and parties with over 300 guests without a CUP, there are many events that occur throughout the County each week that violate this limitation. All of this special event activity is part of the County’s existing baseline.

The Good Neighbor Special Events Ordinance would improve upon current conditions and have a beneficial environmental impact because it provides detailed, objective standards for every property owner who hosts a special event – standards that will avoid environmental impacts. These objective standards are directly related to the County’s CEQA thresholds and are specially designed to avoid significant environmental impacts from events. For example, under the Good Neighbor Special Events Ordinance, noise levels could not exceed 65 decibels at the property line from 8:00 a.m. to 10:00 p.m. After that time, noise levels could not exceed 60 decibels. Similar thresholds exist for dust, lighting, and parking and traffic management. If the County believes there are additional potential environmental effects it would like to address, similar standards can be added to the objective standards in the Good Neighbor Special Events Ordinance to avoid those impacts. With this approach, any

significant environmental impacts that might result from allowing special events could be avoided by using appropriate standards and limitations to anticipate and regulate behavior.

With this proactive approach, the County could rely on a CEQA exemption for environmental review of the Good Neighbor Special Events Ordinance. If there remain areas of particular environmental concern, the County could prepare a focused EIR analyzing just those impacts. This review would not consume the time and expense that County Planning and Development staff already has invested in its attempts to revise the Current Regulations, an ordinance that doesn't meet constitutional standards as presently written.

IV. Conclusion

The County's current special events ordinance is fraught with legal problems. Compared to the cost of attempting to "plug holes" in the Current Regulations or defend the Current Regulations against a constitutional challenge, the cost of analyzing the Good Neighbor Special Events Ordinance would be minor.

We suggest that it would be to the County's advantage to stop working to revise the Current Regulations and instead consider and adopt the Good Neighbor Special Events Ordinance approach to controlling the abuses committed by a handful of property owners who are disrupting their neighbors' peaceful enjoyment of their property.

**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.

recreational camps, campgrounds, retreats, and guest ranches) may be allowed subject to a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the development complies with the applicable standards included in Subsection C below.

2. **Inland area.** Low-intensity recreational development (e.g., recreational camps, hostels, campgrounds, retreats, and guest ranches, trout farm, rifle range, and duck shooting farm) may be allowed subject to a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the development complies with the applicable standards included in Subsection C. (Standards) below.

C. Standards

1. **AG-II and AG-II CZ zones.** The following development standards shall apply to projects located in the AG-II and AG-II CZ zones.
 - a. Is in character with the rural setting.
 - b. Does not interfere with agricultural production on or adjacent to the lot on which it is located.
 - e. Does not include commercial facilities open to the general public who are not using the recreational facility.
 - d. Does not require an expansion of urban services that shall increase pressure for conversion of the affected agricultural lands.
2. **RMZ, RMZ CZ, MT-TORO and MT-TORO CZ zones.** The following development standards shall apply to projects located in the RMZ, RMZ CZ, MT-TORO and MT-TORO CZ zones.
 - a. **Retreats.**
 - (1) Groups may be assembled for periods of not to exceed 21 days.
 - (2) When retreats are located within Rural Areas as designated on the Comprehensive Plan maps, the retreat must require or benefit from a location surrounded by open land and the facility development shall be limited and subordinate to the character of the surrounding natural environment.
 - b. Rural recreation development shall not contain accommodations for recreational vehicles if located in the RMZ, RMZ CZ, MT-TORO and MT-TORO CZ zones.

35.42.255 - Small Animal Hospitals

Where allowed by Article 35.2 (Zones and Allowable Land Uses), small animal hospitals shall be designed, constructed and operated so that all animals shall be kept within a completely enclosed, soundproof building designed to eliminate outdoor odor and reduce the level of noise so that adjacent residential properties will not be adversely affected in any way by noise or odors.

35.42.260 - Temporary Uses and Trailers

- A. **Purpose and intent.** The Section provides permit requirements and development standards for temporary uses and structures, including the semi-permanent use of trailers, where allowed by Article 35.2 (Zones and Allowable Land Uses). This section also provides standards for determining which types of temporary uses are exempt from the requirement to obtain a planning permit. The intent is to give special consideration to temporary uses and structures in order to prevent adverse effects on surrounding properties and to coastal resources through the application of appropriate conditions.
- B. **Applicability.**
 1. **Does not apply to wineries or amusements regulated separately - Inland area.** Within the Inland area, this Section shall not apply to any use of property that is regulated by Section 35.42.280

(Wineries) of this Article or Chapter 6 (Amusements) of the County Code.

2. **Permits required.** Each temporary use of land including trailers identified in Table 4-10 through Table 4-15, 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 4-10 through Table 4-15 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 Permit or Land Use Permit required.** Other temporary uses that are not included in Table 4-10 through Table 4-15 may be allowed by a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.82.110 (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, and temporary shelters or structures shall receive all necessary approvals from the Director, the Public Health Department, and the County Fire Department or applicable fire protection district.
- C. **Contents of application.** An application for a temporary use shall be filed in compliance with Chapter 35.80 (Permit Application Filing and Processing).
- D. **Permit processing.**
1. **Compliance with development standards.** Permits for temporary uses and trailers subject to the provisions of this Section shall not be 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.
 2. **Exempt temporary uses within the Coastal Zone.** The temporary use of property or structures within the Coastal Zone are exempt from a planning permit 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 35.82.050 (Coastal Development Permits) and/or a Conditional Use Permit or a Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) even if the development meets all of the criteria in Subsection 2.a through Subsection 2.c 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.
3. **Timeline to approve Coastal Development Permit or Land Use Permit.** Except for trailers allowed in compliance with Subsection G. (Trailer use) below, the Director shall approve, conditionally approve, or deny an application for a Coastal Development Permit or a 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) below, a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit that allows the establishment of a temporary use of land shall not be approved (in the case of a Conditional Use Permit or Minor 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 is proposed, or his or her designated representative, has been notified of the application.
 5. **Notice.** Notice of a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit for a temporary use shall be provided in compliance with Chapter 35.106 (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 Minor Conditional Use Permit, or Land Use Permit for a temporary use shall be final subject to appeal in compliance with Chapter 35.102 (Appeals).

Table 4-10 Allowed Temporary Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	P	Permitted use, Land Use or Coastal Permit required			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (I)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	AG-I	AG-I CZ	AG-II	AG-II CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	35.42.260.F.1
Certified farmers market	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	P	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (5 or more agricultural employees)	—	—	CUP	CUP	35.42.260.G.5
Trailer (watchman during construction)	P	P	P	P	35.42.260.G.16
Trailer(dwelling after destruction of dwelling)	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.12
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.15

TEMPORARY OFFICES/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (agricultural office)	S	S	S	S	35.42.260.G.6
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.42.260.G.8
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	35.42.260.G.11
Trailer (storage as accessory to dwelling)	E	E	E	E	35.42.260.G.13
Trailer (subdivision sales office)	ZC	P	ZC	P	35.42.260.G.14

Key to Zone Symbols

AG-I	Agricultural I	CZ	Coastal Zone
AG-II	Agricultural II		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.

Table 4-11 Allowed Temporary Use and Permit Requirements for Resource Protection Zones	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use 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
	MT-GOL	MT-TORO	MT-TORO CZ	RMZ	RMZ CZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	P	ZC	P	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.12
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.15

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (mobile communications temporary facility)	ZC	ZC	—	ZC	—	35.42.260.G.11
Trailer (storage as accessory to dwelling)	E	E	E	E	E	35.42.260.G.13
Trailer (subdivision sales office)	ZC	ZC	P	ZC	P	35.42.260.G.14

Key to Zone Symbols

MT-GOL	Mountainous Area - Goleta	RMZ	Resource Management
MT-TORO	Mountainous Area - Toro Canyon	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-12 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	
	MCUP	Minor Conditional Use 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
	ALL RESIDENTIAL ZONES		

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP (2)	35.42.260.F.3
Charitable functions	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	35.42.260.F.7
Public property	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	35.42.260.F.10
Seasonal sales lots	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	35.42.260.F.12
Subdivision sales office	Coastal Zone - P Inland area - ZC	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP(3)	35.42.260.G.4
Trailer (watchman during construction)	P	35.42.260.G.16
Trailer (dwelling after destruction of dwelling)	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	35.42.260.G.12
Trailer (watchman)	MCUP	35.42.260.G.15

TEMPORARY OFFICES/STORAGE

Trailer (accessory to permanent building)	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	35.42.260.G.7
Trailer (agricultural office)	—	
Trailer (construction office, shop, storage, etc.)	S	35.42.260.G.8
Trailer (mobile communications temporary facility)	Coastal Zone - P Inland area - ZC	35.42.260.G.11
Trailer (storage as accessory to dwelling)	E	35.42.260.G.13
Trailer (subdivision sales office)	Coastal Zone - P Inland area - ZC	35.42.260.G.14

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Use not allowed in the EX-1 and EX-1 CZ zones.
- (3) Use not allowed in the PRD-CZ, SLP, MHP, MHP-CZ, and MHS zones.

Table 4-13 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 (2)				
	MCUP	Minor Conditional Use 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	C-1	C-1 CZ	C-2	C-2 CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	S	35.42.260.F.2
Certified farmers market	—	—	MCUP	MCUP	MCUP	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Mobile vendors	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.5
Parking lot sale	—	—	—	S	S	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	P	ZC	P	35.42.260.F.13
Swap meet	—	—	—	CUP	CUP	

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	P	35.4.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	—	
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.16
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.12
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.15

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (mobile communications temporary facility)	ZC	ZC	—	ZC	—	35.42.260.G.11
Trailer (storage as accessory to dwelling)	E	E	E	E	E	35.42.260.G.13
Trailer (subdivision sales office)	ZC	ZC	P	ZC	P	35.42.260.G.14

Key to Zone Symbols

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.

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Table 4-13 - Continued 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 (2)				
	MCUP	Minor Conditional Use 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
	C-V	C-V CZ	SC	PI	PI CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	S	35.42.260.F.2
Certified farmers market	—	—	MCUP	MCUP	MCUP	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Mobile vendors	—	—	—	—	—	35.42.260.F.5
Parking lot sale	—	—	S	—	—	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	ZC	P	35.42.260.F.13
Swap meet	—	—	—	—	—	

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	—	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	—	
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.16
Trailer (dwelling after destruction of dwelling)	P	P	—	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	—	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.12
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.15

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (mobile communications temporary facility)	ZC	—	ZC	ZC	—	35.42.260.G.11
Trailer (storage as accessory to dwelling)	E	E	—	E	E	35.42.260.G.13
Trailer (subdivision sales office)	ZC	P	ZC	ZC	P	35.42.260.G.14

Key to Zone Symbols

C-V	Visitor-serving Commercial	PI	Professional and Institutional
SC	Shopping center	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.

Table 4-14 Allowed Temporary Uses and Permit Requirements for the Industrial Zone	E	Allowed use, no permit required (Exempt)						
	ZC	Permitted use, Zoning Clearance required						
	P	Permitted use, Land Use or Coastal Permit required (2)						
	MCUP	Minor Conditional Use 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
	M-RP	M-RP CZ	M-1	M-2	M-CR	M-CR CZ	M-CD CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	P	P	P	35.42.260.F.1
Certified farmers market	MCUP	MCUP	MCUP	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	ZC	ZC	P	P	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	—	—	—	—	—	
Trailer (4 or less agricultural employees)	—	—	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	P	P	35.42.260.G.16
Trailer (dwelling after destruction of dwelling)	—	—	—	—	—	—	—	
Trailer (dwelling during construction of new dwelling)	—	—	—	—	—	—	—	
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.12
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.15

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	S	S	35.42.260.G.8
Trailer (mobile communications temporary facility)	ZC	—	ZC	ZC	ZC	—	—	35.42.260.G.11
Trailer (storage as accessory to dwelling)	—	—	—	—	—	—	—	
Trailer (subdivision sales office)	ZC	P	ZC	ZC	ZC	P	P	35.42.260.G.14

Key to Zone Symbols

M-RP	Industrial Research Park	M-CR	Coastal-Related Industry
M-1	Light Industry	M-CD	Coastal-Dependent Industry
M-2	General Industry	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-15 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 (2)				
	MCUP	Minor Conditional Use 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
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	—	P	—	—	35.42.260.F.1
Certified farmers market	MCUP	—	—	—	—	
Certified farmers market (incidental)	CUP	—	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	—	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	—	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	—	S	S	S	35.42.260.F.10
Seasonal sales lots	P	—	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	—	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	ZC	ZC	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	MCUP	—	—	—	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.16
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.12
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.15

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	—	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (mobile communications temporary facility)	ZC	ZC	ZC	ZC	ZC	35.42.260.G.11
Trailer (storage as accessory to dwelling)	E	E	E	E	E	35.42.260.G.13
Trailer (subdivision sales office)	ZC	P	ZC	ZC	—	35.42.260.G.14

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-15 - Continued 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 (2)				
	MCUP	Minor Conditional Use 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

Carnivals, circuses, and similar activities	—	—	—	—	—	
Certified farmers market	—	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	P	P	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	—	—	—	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.16
Trailer (dwelling after destruction of dwelling)	—	—	—	—	—	
Trailer (dwelling during construction of new dwelling)	—	—	—	—	—	
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.12
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.15

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	—	35.42.260.G.11
Trailer (storage as accessory to dwelling)	E	E	—	—	—	35.42.260.G.13
Trailer (subdivision sales office)	ZC	P	ZC	P	P	35.42.260.G.14

Key to Zone Symbols

PU	Public Works/Utilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

E. Development standards for all temporary uses. Except for trailers allowed in compliance with Subsection G. (Trailer use) below, temporary uses allowed under Subsection B. (Applicability) above shall comply with the following development standards:

- 1. Time limit.** Temporary uses shall not continue for more than five consecutive days unless otherwise specified in the approved permit or in Subsection F. (Permit requirements and development standards for specific temporary uses) below.
- 2. Compliance with regulations.** The applicant for the temporary use shall comply with all provisions

of the laws of the County, including the County Business License Ordinance and any conditions imposed in compliance with this Section or other requirements of this Development Code.

3. **Conditions of approval.** The review authority shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, and welfare. Noncompliance with any conditions of approval of a permit for a temporary use shall constitute a violation of this Development Code. Conditions may include:
 - a. Special setbacks and buffers.
 - b. Regulation of outdoor lighting.
 - c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan, including:
 - (1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement.
 - (2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.
 - (3) Appropriate signage placed onsite, placed prior to the commencement of each event, directing visitors to and indicating the location of parking areas.
 - d. Regulation of noise, vibration, odors, etc.
 - e. Regulation of the number, height and size of temporary structures, equipment, and signs.
 - f. Limitation on the hours and days of operation.
 - g. Limitation on the location where sales of goods may occur, the number of vendors, and the scope of goods to be sold.
 - h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved.
 - i. Review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district, if required.
 - j. Obtaining a County Business License if necessary.
4. **Clearing of site following event.** The area used as a temporary event shall be left in a clean and orderly manner with all structures, signs, and other material removed within three days following the cessation of the event.
5. **Additional findings.** A permit for a temporary use shall be approved only if all of the following findings, in addition to the findings required for approval of a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit in compliance with Section 35.82.050 (Coastal Development Permits), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) and Section 35.82.110 (Land Use Permits), are first made:
 - a. The site is adequate in size and shape to accommodate the proposed temporary use.
 - b. The proposed temporary use will not adversely interfere with existing uses on the subject property, and will not impede or adversely impact pedestrian access ways or vehicular circulation patterns.

F. Permit requirements and development standards for specific temporary uses.

This Section provides the permit requirements and development and operational standards for specific temporary uses of property, except for trailers allowed in compliance with Subsection G. (Trailer use) below, in addition to the permit requirements and development standards identified in Table 4-10 through Table 4-15. The temporary uses of property may include the erection of temporary structures (e.g., fences, booths, tents, or the parking of trailers) for use during the period of time that the temporary use is operating.

1. **Carnivals, circuses, and similar activities.** Carnivals, circuses, and similar activities, including amusement parlors, art and craft fairs (including the sale of antiques and art objects), Ferris wheels, menageries, merry-go-rounds, outdoor shooting galleries, penny arcades, prizefights, religious assemblies, shooting matches, tent shows, trained animal shows, turkey shoots and wrestling matches, may be allowed provided they are located on property with an agricultural, commercial or industrial zone designation.
2. **Car washes.** Car washes, located on property with a commercial zone designation, with sponsorship limited to educational, fraternal, religious, or service institutions and organizations directly engaged in civic, charitable and philanthropic efforts, may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Exempt	Limited to two days per month at each location, for each sponsoring organization.
Coastal Development Permit or Land Use Permit	Operating for more than two days per month at each location, for each sponsoring organization.

3. **Certified farmers markets, incidental.** Certified farmers markets when incidental to a conference center, fairground, meeting facility, school, or government or philanthropic institution.
4. **Charitable and other noncommercial functions.** 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, may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Exempt	For a lot that is less than five gross acres in area: Use of the lot for charitable functions does not exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Exempt	For a lot that is five gross acres or more in area: Use of the lot for charitable functions may exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Coastal Development Permit or Land Use Permit	For a lot that is less than five gross acres in area: Use of the lot for charitable functions may exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Coastal Development Permit or Land Use Permit	For a lot that is five gross acres or more in area: Use of the lot for charitable functions may exceed five times within the same calendar year. The number of persons present at the event at any one time exceeds 300.
Minor Conditional Use Permit	For a lot that is less than five gross acres in area: Use of the lot for charitable functions may exceed five times within the same calendar year. The number of persons present at the event at any one time exceeds 300.

5. **Mobile vendors.** Mobile vendors may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Minor Conditional Use Permit	Located on a lot with a CN zone designation: Limited to the sale of produce from a temporary stand.
Minor Conditional Use Permit	Located on a lot with a C-1, C-1 CZ, C-2, C-2 CZ, or CM-LA zone designation: Limited to the sale of fresh fruit, vegetables and flowers from a motor vehicle or stand not affixed to the ground.

6. **Parking lot sales.** Parking lot sales located on a lot with a C-2, C-2 CZ, C-3 or SC zone designation may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Coastal Development Permit or Land Use Permit	Limited to four parking lot sales per calendar year for any one establishment.
Minor Conditional Use Permit	In excess of four parking lot sales per calendar year for any one establishment.

a. **Additional requirements.**

- (1) The review authority shall not approve or issue the applicable planning permit unless the review authority finds that the proposed sale will not be detrimental to the public health, safety, and welfare and that adequate onsite pedestrian access and parking will exist during the proposed sale.
 - (2) The review authority may impose any reasonable conditions as necessary to protect and preserve the public health, safety, and welfare.
7. **Public assembly facilities.** Events occurring in approved convention centers, meeting halls, theaters, or other permitted public assembly facilities are exempt from the permit requirements of this Section provided the event is consistent with the uses allowed in that facility in compliance the planning permit approved and/or issued for the facility.
8. **Public property.** Events held at a County park or on other County-owned land are exempt from permit requirements when conducted with the approval of the County.
9. **Reception facilities.** Reception 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.7 (Public assembly facilities) above.
10. **Rodeos and other equestrian events.** Rodeos and other equestrian events may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Coastal Development Permit or Land Use Permit	The lot is a minimum of 10 acres in area. The event is located on a lot with an agricultural zone designation. The lot is not located within 1,000 feet of a lot with a residential zone designation. The number of spectators and participants present at the event at any one time does not exceed 300.
Minor Conditional Use Permit	None, except as may be required by the review authority.

11. **Seasonal sales lots.** Seasonal temporary sales activities (e.g., Christmas trees, Halloween pumpkins, Thanksgiving materials) not subject to the regulations of Section 35.42.050 (Agricultural Product Sales) including temporary residence/security trailers, located on non-residentially zoned land, or on residentially zoned land utilized by an institution (e.g., religious institution, educational facility), may be allowed provided they do not continue for more than 60 consecutive days.
12. **Spectator events.** Spectator entertainment facilities including concerts, outdoor movies, and live performance stages or theaters.
13. **Subdivision sales office.** Subdivision sales offices may be allowed in compliance with the following development standards:
 - a. The office shall be located on one of the recorded lots in the subdivision within which it is located or one of the recorded lots in a subdivision of the same subdivider in the immediate vicinity.
 - b. The office shall not be permanently attached to the ground and shall be of such a size that it is readily removable unless it is within a portion of a model home, other than the garage, or unless the Commission has approved its conversion to a permanent use.
 - c. During the time it is used as a sales office, it shall not be used for any purpose other than the sale of lots in the particular subdivision within which it is located or for the sale of lots in a subdivision of the same subdivider in the immediate vicinity.
 - d. The garage of a model home may be used as the sales office subject to the recordation of an agreement by the owner of the lot that the model home is located on prior to the issuance of the Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) to allow the use of the garage as a sales office specifying that sales office will be converted to a garage at the time of expiration of the Coastal Development Permit or the Land Use Permit or Zoning Clearance. The occupancy of the model home shall not be allowed until the sales office has been removed or a two-car garage is provided for the model home.
 - (1) Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner's obligations set forth in said agreement.
 - e. The Coastal Development Permit or Land Use Permit or Zoning Clearance shall expire after either the initial sale of all the lots within the subdivision in which it is located or all lots in a subdivision of the same subdivider in the immediate vicinity, or within one year after the issuance of the Coastal Development Permit or Land Use Permit or Zoning Clearance, whichever is earlier.
 - f. The Coastal Development Permit or Land Use Permit or Zoning Clearance may be extended one time by the Director for one year upon application of the subdivider for good cause shown.
 - g. If the sales office is located in a separate structure including a trailer, then an agreement shall be recorded by the owner of the lot that the sales office is located on prior to the issuance of the Coastal Development Permit in compliance with Section 35.82.050 or Land Use Permit in compliance with Section 35.82.110 or Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) to allow the construction or installation of the sales office specifying that sales office will be removed within 30 days after expiration of the Coastal Development Permit or Land Use Permit or Zoning Clearance or any extension thereof, or after notification by the Director if the Commission at any time finds that the sales office is unsightly or has become a public nuisance.

- (1) Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner's obligations set forth in said agreement.
14. **Swap meets.** Swap meets may be allowed in compliance with the following development standards:
 - a. Outdoor storage of materials or merchandise is prohibited except during hours of operation.
 - b. Signs or other advertising by the individual sellers is prohibited.
15. **Temporary dwellings during the construction of a new dwelling.** An existing structure may be used for dwelling purposes on a temporary basis during the construction on the same lot of a new principal dwelling provided:
 - a. An agreement is recorded by the owner prior to the issuance of a Coastal Development Permit in compliance with Section 35.82.050 or Land Use Permit in compliance with Section 35.82.110 for the new principal dwelling specifying that said existing structure will be removed, converted or reconverted to an allowed accessory structure within 90 following commencement of the occupancy of the newly constructed dwelling.
 - b. Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner's obligations set forth in said agreement.

G. Trailer use.

1. **Permit requirements and development standards.** This Section provides the permit requirements and development standards for specific temporary and semi-permanent uses of trailers in addition to the permit requirements and development standards identified in Table 4-10 through Table 4-15.
2. **Limitations on use.** Trailers shall only be allowed for the uses and activities described in this Section, except as otherwise expressly allowed in Article 35.2 (Zones and Allowable Land Uses).
3. **Accessory to a permanent structure.** A trailer may be used as a structure accessory to a permanent structure already on the same site in all zones for a use allowed under the provisions of the applicable zone and regulations of this Development Code, provided:
 - a. The required Minor Conditional Use Permit shall be valid for an initial period not to exceed two years.
 - b. The Minor Conditional Use Permit may be renewed for additional two-year periods subject to the restrictions of this Section and provided the request for the renewal is filed before the expiration date of the previously approved Minor Conditional Use Permit.
 - c. The cumulative time period for the Minor Conditional Use Permits and renewals shall not exceed a maximum of six years unless the review authority finds that:
 - (1) A permanent structure is under construction on the building site to contain the use and replace the trailer; or
 - (2) The permanent structure that is being constructed on the building site to contain the use and replace the trailer has an active building permit; or
 - (3) The construction of a permanent structure on the building site to contain the use and replace the trailer is authorized in compliance with a discretionary permit that has not expired.
 - d. The trailer, including any foundation, permitted in compliance with this Section shall be promptly removed upon completion of the permanent structure or after the authorized use of the trailer is discontinued.
 - e. The review authority may include, as a condition of approval of the Minor Conditional Use Permit, that a performance security, in a form acceptable to and approved by the County, be

deposited with the County to guarantee the removal of the trailer and foundation to ensure compliance with this requirement.

4. **Agricultural employee dwellings, four or fewer employees.** Trailers may be used as agricultural employee dwellings for not to exceed four employees of the owner or lessee of the land engaged full-time in agriculture on the farm or ranch on which the trailer is located in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided:
 - a. The permittee complies with the State Mobile Home Act.
 - b. The trailer complies with the setbacks and distance between structures required for structures.
 - c. The permittee documents the existing and proposed agricultural use of the lot and demonstrates a need for the trailer.
 - d. The permittee provides proof of the full-time employment of the proposed resident of the trailer. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:
 - (1) Employer's income tax return.
 - (2) Employee's pay receipts.
 - (3) Employer's DE-3 form.
 - (4) Employee's W-2 form.
 - (5) A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.
 - (6) Other option approved by the Director.
 - e. Said proof of full-time employment of the employee residing in the trailer shall also be provided every five years beginning from the issuance of the Coastal Development Permit or Land Use Permit for the trailer or, if the occupancy of the trailer changes, upon the change in occupancy and every five years thereafter. Failure to provide said proof of full-time employment shall be cause for revocation of the permits for the trailer.
 - f. The permit includes a condition that the trailer shall be removed from the premises within six months following the discontinuance of use of the premises for agricultural purposes.
5. **Agricultural employee dwelling, five or more employees.** Trailers may be used as agricultural employee dwellings for five or more employees on a lot with an AG-II zone designation to house employees engaged in full-time agriculture on farms and ranches (on or off premises) in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided that any approved Conditional Use Permit include a condition that any such trailer shall be removed from the lot within six months following the effective date of a rezoning of the lot to a zone other than the AG-II zone.
6. **Agricultural offices.** Trailers may be allowed on a lot with an agricultural zone designation primarily for the performance of duties imposed on the owner or lessee of the land by Federal, State, or County laws or regulations in connection with the agricultural activities conducted on the land, in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Exempt	For 30 days or less
Coastal Development Permit or Land Use Permit	For more than 30 days to a maximum of one year
Minor Conditional Use Permit	For more than one year

- a. All permits shall include a condition that the trailers shall be removed from the lot within six

months following the effective date of a rezoning of the lot to a zone classification other than agriculture.

7. **Air quality monitoring stations.** Trailers may be used as air quality monitoring stations for a time period that is adequate to meet the specific air quality monitoring needs of the project, as recommended by the County Air Pollution Control District and determined by the Zoning Administrator provided:
 - a. The Zoning Administrator shall approve the Minor Conditional Use Permit only if the following additional findings are first made:
 - (1) That the stations are either required or approved by the County Air Pollution Control District.
 - (2) The zone setbacks are complied with.
 - (3) The trailers are adequately screened from public view by landscaping or other measures.
 - b. The trailer, including any foundation, permitted in compliance with this Section shall be promptly removed upon completion of the permanent structure or after the authorized use of the trailer is discontinued.
 - c. The Zoning Administrator may include, as a condition of approval of the Minor Conditional Use Permit, that a performance security, in compliance with Sections 35.84.020 (Performance Guarantees) be deposited with the County to guarantee the removal of the trailer and foundation to ensure compliance with this requirement.
8. **Construction trailers.**
 - a. **Allowed uses.** Trailers used as construction offices, tool storage, or for particular work (e.g., electrical shops, cabinet shops, and other similar uses that are not used for human habitation during the night may be allowed on a building site during periods of construction of structures on the site in compliance with the following permit requirements and development standards, provided:
 - (1) Building permits have been issued for the structures being constructed on the site; and
 - (2) The trailer is removed promptly upon completion of construction.
 - b. **Permit requirements.**
 - (1) Up to three construction trailers may be located on a building site without a Coastal Development Permit or Land Use Permit.
 - (2) More than three such construction trailers per building site may be permitted with a Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) for an initial period not to exceed two years provided the Zoning Administrator finds that:
 - (a) The need for the trailers has clearly been demonstrated; and
 - (b) A time frame for their removal has been provided.
 - (3) Renewals for additional two-year periods for trailers approved in compliance with Subsection b.(2) above, may be granted through the approval of a subsequent Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) if the request is filed before the expiration date of the previously approved Minor Conditional Use Permit for the same use.
9. **Dwelling use of trailers during construction of dwellings.**
 - a. A trailer may be used as a one-family dwelling during construction of a dwelling in all zones

provided:

- (1) The use of the trailer is limited to a period of 12 months or until 30 days after the final building permit inspection has been completed by the County Building Official, or the new dwelling is occupied, whichever is earliest.
 - (a) If a trailer located on the building site has been illegally occupied, then the 12-month period shall be reduced by the period of time during which the trailer has been illegally occupied on the site.
 - (2) The building permit has been issued for the dwelling and the foundation has been inspected and approved.
 - (3) The permittee complies with the State Mobile Home Act.
 - (4) The trailer complies with the setbacks and distances between structures required for structures.
 - b. The period of time that the trailer is allowed to be used as a dwelling may be extended by the approval of a Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
- 10. Dwelling use of trailers after destruction of dwelling.** A Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) may be issued to allow the emergency use of the trailer as a dwelling if an occupied dwelling is destroyed by fire, flood, earthquake, vandalism or other calamity beyond the control of the owner, provided:
- a. The Coastal Development Permit or Land Use Permit shall only be valid for a 180-day period; and
 - b. A trailer is not illegally located on the lot.
- 11. Mobile telecommunications temporary facility.** Where unplanned or uncontrollable events cause an immediate need for service due to reasonable public health and safety concerns, a temporary facility may be allowed, in compliance with the following:
- a. The facility qualifies as a mobile telecommunications temporary facility.
 - b. The Director in consultation with the County Sheriff and Fire Departments has determined a reasonable public health and safety issue would exist without the operation of a temporary telecommunications facility.
 - c. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.
 - d. The facility would only be permitted onsite for the duration of the event or emergency, not to exceed two weeks, or other period of time, as approved by the Director.
- 12. Railroad work camp.** Trailers may be used to exclusively house employees of a railroad engaged full-time in construction or maintenance of the railroad's right-of-way provided:
- a. The trailers are located on permanently improved sites within the railroad right-of-way that are isolated from mobile home parks provided:
 - b. Trailers, including their foundations, permitted in compliance with this Section shall be promptly removed upon completion of the permanent structure or after the authorized use of the trailer is discontinued.
 - c. The Zoning Administrator may include, as a condition of approval of the Minor Conditional Use Permit, that a performance security, in compliance with Sections 35.84.020 (Performance

Guarantees) be deposited with the County to guarantee the removal of the trailer and foundation to ensure compliance with this requirement.

13. **Storage of trailers as accessory to a residential use.** Trailers may be stored on a lot, as accessory to the residential use of the lot provided all the following standards are complied with. Watercraft may be kept on the trailer that is stored on the lot.
- a. Trailers shall not be kept, parked or stored in:
 - (1) Required front setback areas.
 - (2) Parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
 - b. Trailers, including anything that is stored in or on the trailer, shall not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands, not including antennas and air conditioning units), and 40 feet in length.
 - c. Trailers, including anything that is stored in or on the trailer, shall be screened from view from abutting streets.
 - d. The trailer shall not be used for human habitation while kept, parked or stored on the lot.
 - e. Trailers holding vehicles or used to store materials shall be in compliance with Subsection 35.23.050.C (Accessory Storage).
 - f. Within the Coastal Zone, the storage of a trailer does not require a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) if the trailer will:
 - (1) Not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on or within 50 feet of a coastal bluff; and
 - (2) Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
 - (3) Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways.
14. **Subdivision sales office.** A trailer may be used as a temporary subdivision sales office in compliance with Subsection F.13 (Subdivision sales office) above.
15. **Watchman trailers.** Trailers may be used as a dwelling for a watchman for a period not to exceed five years provided:
- a. The trailer is accessory to a permanent structure or use.
 - b. The applicant complies with the State Mobile Home Act.
 - c. The trailer complies with setbacks and distances between structures required for structures.
16. **Watchman trailers during construction.** A trailer, usable for or designed for human habitation, may be maintained on a building site for use as a watchman's quarters during periods of construction of structures on the site, provided:
- a. Building permits have been issued for the structures.
 - b. Only one watchman's trailer shall be allowed on a site.
 - c. The trailer shall be promptly removed upon completion of construction of the structures or within one year from the issuance of the Coastal Development Permit or Land Use Permit for the trailer, whichever occurs first.

GENERAL REGULATIONS - Temporary Uses

- ~~be sited and designed to be compatible with the natural surroundings.~~
- ~~2. To minimize impacts on coastal visual resources, structures shall be well-screened, and depressed below grade when feasible.~~
 - ~~3. Intake and outfall lines for ocean water shall be underground unless not feasible for a particular operation, i.e., salmon culture.~~
 - ~~4. If above-ground channels or pipes are necessary, adequate provisions for lateral beach access shall be required.~~

Sec. 35-137. Temporary Uses. *(Amended by Ord. 4557, 12/7/04)*

Sec. 35-137.1 Purpose and Intent.

The purpose of this section is to provide standards for the determination of which types of temporary uses are exempt from the requirement to obtain a Coastal Development Permit or Conditional Use Permit. In addition, this section provides additional permit regulations and processing requirements for temporary uses and developments. The intent is to give special consideration to such temporary uses and developments while preventing any adverse effects to coastal resources and surrounding properties through the requirement of conditions when a permit is required.

Sec. 35-137.2 Applicability.

The provisions of this section shall apply to all temporary uses of property described within this section. Such uses shall also be subject to all the provisions set forth in Section 35-169 (Coastal Development Permits) and Section 35-172 (Conditional Use Permits), as applicable.

Sec. 35-137.3 Processing.

No permits for temporary uses subject to the provisions of this Section shall be approved or issued except in conformance with the following requirements.

1. **Exempt temporary uses.** The following temporary uses of property, as defined in this ordinance and which meet all of the criteria in a. through c. of this section, which may include, but are not limited to, the erection of temporary structures such as fences, booths, tents or the parking of trailers, are exempt from any Coastal Development Permit or Conditional Use Permit requirements:
 - a. The temporary use will not occupy any portion of a sandy beach, public park area; public pier, or public beach parking area between 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 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 of the Planning Department, and the Director determined that it meets all of the following criteria:

GENERAL REGULATIONS - Temporary Uses

- 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 sections 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 of the Planning and Development Department, or the decision-maker, may determine that temporary use shall be subject to Coastal Development Permit and/or Conditional Use Permit review, even if the development meets all of the criteria in a. through c. of this section, if the Director, or decision-maker, determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. In addition, the following temporary uses of property are exempt from Coastal Development Permit or Conditional Use Permit requirements only if the following provisions, in addition to all of the criteria in a. through c. of this section above, are met:
- 1) **Car washes.** Car washes, located on commercially zoned property, and limited to two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts, on nonresidential properties.
 - 2) **Charitable functions on property located outside the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided:
 - a) On property that is less than five acres in size, use of the subject property for such activities does not exceed five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
 - b) On property that is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
 - 3) **Charitable functions on property located within the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided the use of the subject property for such activities does not exceed three times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
 - 4) **Public assembly facilities.** Events occurring in approved convention centers,

- meeting halls, theaters or other approved public assembly facilities where the event is consistent with the uses allowed in that facility pursuant to an approved development permit.
- 5) **Public property.** Events held at a County park or on other County-owned land when conducted with the approval of the County.
 - 6) **Similar temporary uses.** Other temporary uses which, in the opinion of the Director of the Planning and Development Department, are similar to those identified in this section.
2. The following temporary uses of property, which may include the erection of temporary structures such as fences, booths, tents or the parking of trailers, require the issuance of a Coastal Development Permit pursuant to Section 35-169, regardless of whether the development meets all of the criteria in a. through c. of Section 35-137.3.1:
- a. **Car washes.** Car washes, located on commercially zoned property, operating more than two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts.
 - b. **Charitable functions on property located outside the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, where:
 - 1) The property is less than five acres in size, use of the subject property for such activities exceeds five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
 - 2) The property is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.
 - c. **Dwellings.** An existing structure may be used for dwelling purposes on a temporary basis during the construction on the same lot of a new principal dwelling provided:
 - 1) An agreement is recorded by the property owner prior to the issuance of the required Coastal Development Permit for the new principal dwelling specifying that said existing structure will be removed, converted or reconverted to a permitted accessory structure within 90 days following commencement of the occupancy of the newly constructed dwelling, and
 - 2) Said agreement shall include the granting of access to the property to Planning & Development as necessary to ensure the performance of said property owner's obligations set forth in said agreement.
 - d. **Events.** Carnivals, circuses, and similar activities, including but not limited to amusement parlors, art and craft fairs (including the sale of antiques and art objects), Ferris wheels, menageries, merry-go-rounds, outdoor shooting galleries, penny arcades, prizefights, religious assemblies, shooting matches, tent shows, trained animal shows, turkey shoots and wrestling matches, located within agricultural, commercial or industrial zoning districts, provided they do not continue for more than five consecutive days.

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- e. **Rodeos and other equestrian events.** Rodeos and other equestrian events, provided:
 - 1) The minimum lot size shall be 10 acres.
 - 2) The rodeo or equestrian event is located on property having an agricultural zoning district designation.
 - 3) The subject property is not located within 1,000 feet of any property having a residential zoning district designation.
 - 4) The number of spectators and participants present at the rodeo or equestrian event at any one time does not exceed 300.
 - f. **Seasonal sales lots.** Seasonal temporary sales activities (e.g., Christmas trees, Halloween pumpkins, Thanksgiving materials, etc.) not subject to the regulations of Section 35-131 (Agricultural Sales) including temporary residence/security trailers, on non-residentially zoned land, or residentially zoned land utilized by an institution (e.g., church, school), provided they do not continue for more than 60 consecutive days.
 - g. **Other similar temporary activity.** Any other similar activity conducted for a temporary period either outdoors, within temporary structures or within single-family residential zoning districts which, as determined by the Director, has the potential to result in an adverse effect on surrounding properties.
3. The following temporary uses of property, which may include the erection of temporary structures such as fences, booths, tents or the parking of trailers, require a Minor Conditional Use Permit approved by the Zoning Administrator pursuant to Section 35-172 and the issuance of a Coastal Development Permit pursuant to Section 35-169, regardless of whether the development meets all of the criteria in a. through c. of Section 35-137.3.1:
- a. Reception facilities that provide indoor or outdoor facilities on a commercial basis for receptions, parties, weddings or other similar gatherings.
 - b. **Charitable functions on property located outside the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, where the property is less than five acres in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.
 - c. Rodeos and equestrian events that do conform to the provisions of Section 35-137.3.2.e.
 - d. Spectator entertainment facilities including but not limited to concerts, outdoor movies, and live performance stages or theaters.
4. No Conditional Use Permit shall be approved, nor shall any Coastal Development Permit be issued, until the Supervisor of the Supervisorial District in which the use is proposed, or his or her designated representative, has been notified of the application.
5. A Coastal Development Permit requested pursuant to Section 35-137.3.2 shall be approved, approved with conditions, or denied within 30 days of submittal of a complete application for the Coastal Development Permit.

GENERAL REGULATIONS - Temporary Uses

Sec. 35-137.4 Development Standards.

Temporary uses permitted under Section 35-137.3 shall comply with the following development standards:

1. Temporary uses shall not continue for more than five consecutive days unless otherwise specified.
2. The applicant for the temporary use shall comply with all provisions of the laws of the County of Santa Barbara including, but not limited to, the County Business License Ordinance and any conditions imposed pursuant to this Article or any other such ordinance.
3. The decision-maker with jurisdiction over the proposed temporary use shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, or welfare. Noncompliance with any conditions of approval of a temporary use permit shall constitute a violation of the zoning ordinance. Such conditions may include, but shall not be limited to:
 - a. Special setbacks and buffers.
 - b. Regulation of outdoor lighting.
 - c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan. Said plan may include:
 - 1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement.
 - 2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.
 - 3) Appropriate signage placed onsite directing visitors to and indicating the location of parking areas. Signs shall be placed prior to the commencement of each event.
 - d. Regulation of noise, vibration, odors, etc.
 - e. Regulation of the number, height and size of temporary structures, equipment and signs.
 - f. Limitation on the hours and days of operation of the proposed temporary use.
 - g. If special sales are involved, limitations on the location where sales may occur, the number of vendors and the scope of goods sold.
 - h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved.
 - i. If necessary, review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district.
 - j. Obtaining a County business license if necessary.
4. All temporary electrical facilities, temporary toilet and plumbing facilities, and temporary shelters or structures shall be approved by the Building and Safety Division of Planning

GENERAL REGULATIONS - Signs & Advertising Structures/Exterior Lighting

and Development and the County Fire Department or fire protection district.

5. The area used as a temporary event shall be left in a clean and orderly manner with all structures, signs, and other material removed within three days following the cessation of the event.

Sec. 35-137.5 Additional Findings.

In addition to the findings required to be adopted by the decision-maker pursuant to Sections 35-169 and 35-172, in order to approve an application for a temporary use, the decision-maker shall also make the following findings:

1. That the site is adequate in size and shape to accommodate the proposed temporary use.
2. That the proposed temporary use would not adversely interfere with existing uses on the subject property, and would not impede or adversely impact pedestrian access ways or vehicular circulation patterns.

Sec. 35-137.6 Noticing.

1. Notice of a Coastal Development Permit approved pursuant to Section 35-137.3 shall be provided in accordance with Section 35-181 (Noticing). In addition, a copy of the approved Coastal Development Permit shall be mailed, at least 10 calendar days prior to the date on which the Coastal Development Permit is to be issued, to owners of property located within 300 feet of the exterior boundaries of the lot that temporary use is located on and to any person who has filed a written request with the Planning and Development Department.
2. Notice of projects that require a Conditional Use Permit shall be provided in a manner consistent with the requirements of Section 35-181 (Noticing).

Sec. 35-137.7 Appeals.

1. A Coastal Development Permit approved pursuant to Section 35-137.3 may be appealed consistent with the provisions of Section 35-182 (Appeals).

Sec. 35-137.8 Contents of an Application.

Application for a temporary use shall be made on forms provided by the County and shall include, in addition to all materials otherwise required pursuant to Section 35-169.3, such plans and other information as may reasonably be required by the Director of the Planning & Development Department for a complete understanding of the proposed temporary use and its consistency with the policies and development standards the certified Local Coastal Program, accompanied by an application fee as established by resolution of the Board of Supervisors.

Sec. 35-138. ~~Signs and Advertising Structures.~~

~~Signs and advertising structures are regulated by Article 1 of this Chapter 35 of the Code of Santa Barbara County and any amendments thereto.~~

Sec. 35-139. Exterior Lighting. (Amended by Ord. 4196, 5/16/95)

~~All exterior lighting shall be hooded and no unobstructed beam of exterior lighting shall be directed toward any area zoned or developed residential. No lighting shall be so designed as to interfere with vehicular traffic at any portion of a street. Additional requirements, identified in~~

immediate vicinity of their source while placing appropriate limitations and conditions on the use. The intent is to ensure compatibility with surrounding existing or permitted development and to preserve the unique aesthetic values and features of the areas involved.

B. Development standards. Spa facilities shall comply with the following standards.

1. The property shall be designated Mountainous Area on the Comprehensive Plan and located within an RMZ zone.
2. The spa shall be located on a lot or contiguous lots under one ownership containing a minimum of 300 acres.
3. The primary area of use shall be defined by the Department and shall not exceed 20 acres. The primary area is that area containing the source of the mineral spring and any buildings, or uses operated as part of the spa, but excluding access roads, utilities, and equestrian and hiking trails.
4. The spa shall not provide overnight facilities nor allow overnight use of the site.
5. The Conditional Use Permit shall establish a maximum limit on the number of persons that may use the property at one time.
6. The Montecito Commission may impose any additional conditions it deems necessary or appropriate to protect the public safety, health, and welfare.

35.442.180 - Temporary Uses and Trailers

A. Purpose and intent. The purpose of this Section is to provide permit requirements and development standards for temporary uses and structures, including the semi-permanent use of trailers, where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses). This section also provides standards for determining which types of temporary uses are exempt from the requirement to obtain a planning permit. The intent is to give special consideration to temporary uses and structures in order to prevent adverse effects on surrounding properties through the application of appropriate conditions.

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.
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, and temporary shelters or structures shall receive all necessary approvals from the Director, the Public Health Department, and the County Fire Department or applicable fire protection district.
- C. **Contents of application.** An application for a temporary use shall be filed in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- D. **Permit processing.**
1. **Compliance with development standards.** Permits for temporary uses and trailers subject to the provisions of this Section shall not be 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.
 2. **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.c 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.

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), a Coastal Development Permit, Conditional Use Permit, or Land Use Permit that allows the establishment of a temporary use shall not be 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/event is proposed, or his or her designated representative, has been notified of the application.
5. **Notice.** Notice of a Coastal Development Permit, Conditional Use Permit, or Land 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 for a temporary use is final subject to appeal in compliance with Chapter 35.492 (Appeals).

LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	AG-I	AG-I CZ	RMZ	

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

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	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	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
	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	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	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	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	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.

E. Development standards for all temporary uses. Except for trailers allowed in compliance with Subsection G. (Trailer use) below, temporary uses allowed in Subsection B. (Applicability) shall comply with the following development standards:

- 1. Time limit.** Temporary uses shall not continue for more than five consecutive days unless otherwise specified in the approved permit or in Subsection F. (Permit requirements and development standards for specific temporary uses) below.
- 2. Compliance with regulations.** The applicant for the temporary use shall comply with all provisions of the laws of the County, including the County Business License Ordinance and any conditions imposed in compliance with this Section or other requirements of this Development Code.
- 3. Conditions of approval.** The review authority shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, and welfare. Noncompliance with any conditions of approval of a permit for a temporary use shall constitute a violation of this Development Code. Conditions may include:
 - a. Special setbacks and buffers.
 - b. Regulation of outdoor lighting.
 - c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan, including:

- (1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement.
- (2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.
- (3) Appropriate signage placed onsite prior to the commencement of each event, directing visitors to and indicating the location of parking areas.
- d. Regulation of noise, vibration, odors, etc.
- e. Regulation of the number, height and size of temporary structures, equipment, and signs.
- f. Limitation on the hours and days of operation.
- g. Limitation on the location where sales of goods may occur, the number of vendors, and the scope of goods to be sold.
- h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved.
- i. Review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district, if required.
- j. Obtaining a County Business License if necessary.
4. **Clearing of site following event.** The area used as a temporary event shall be left in a clean and orderly manner with all structures, signs, and other material removed within three days following the cessation of the event.
5. **Additional findings.** A permit for a temporary use shall be approved only if all of the following findings, in addition to the findings required for approval of a Coastal Development Permit, Conditional Use Permit, or Land Use Permit in compliance with Section 35.472.050- (Coastal Development Permits), Section 35.472.060 (Conditional Use Permits) and Section 35.472.110 (Land Use Permits) are first made:
 - a. The site is adequate in size and shape to accommodate the proposed temporary use.
 - b. The proposed temporary use will not adversely interfere with existing uses on the subject property, and will not impede or adversely impact pedestrian access ways or vehicular circulation patterns.

F. Permit requirements and development standards for specific temporary uses. This Section provides the permit requirements and development and operational standards for specific temporary uses of property, except for trailers allowed in compliance with Subsection G. (Trailer use) below, in addition to the permit requirements and development standards identified in Table 4-6 through Table 4-9. The temporary uses of property may include the erection of temporary structures (e.g., fences, booths, tents, or the parking of trailers) for use during the period of time that the temporary use is operating.

1. **Car washes.** Car washes, located on property with a commercial zone designation, with sponsorship limited to educational, fraternal, religious, or service institutions and organizations directly engaged in civic, charitable and philanthropic efforts, may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Exempt	Limited to two days per month at each location, for each sponsoring organization.
Coastal Development Permit or Land Use Permit	Operating for more than two days per month at each location, for each sponsoring organization.

2. **Certified Farmers Markets, incidental.** Certified farmers markets when incidental to a conference center, meeting facility, schools, or government or philanthropic institutions.
3. **Charitable and other noncommercial functions.** 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.
4. **Public assembly facilities.** Events occurring in approved convention centers, meeting halls, theaters, or other permitted public assembly facilities are exempt from the permit requirements of this section provided the event is consistent with the uses allowed in that facility in compliance with the planning permit approved and/or issued for the facility.
5. **Public property.** Events held at a County park or on other County-owned land are exempt from permit requirements when conducted with the approval of the County.
6. **Reception and similar gathering facilities.** Reception 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.
7. **Seasonal sales lots.** Seasonal temporary sales activities (e.g., Christmas trees, Halloween pumpkins, Thanksgiving materials) not subject to the regulations of Section 35.421.060.B (Agricultural Product Sales) including temporary residence/security trailers, located on non-residentially zoned land, or on residentially zoned land utilized by an institution (e.g., religious institution, educational facility), may be allowed provided they do not continue for more than 60 consecutive days.
8. **Temporary dwellings during the construction of a new dwelling.** An existing structure may be used for dwelling purposes on a temporary basis during the construction on the same lot of a new principal dwelling provided:
 - a. An agreement is recorded by the owner prior to the issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) for the new principal dwelling specifying that said existing structure will be removed, converted or reconverted to an allowed accessory structure within 90 days following commencement of the occupancy of the newly constructed dwelling.
 - b. Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner's obligations set forth in said agreement.

G. Trailer use.

1. **Permit requirements and development standards.** This Section provides the permit requirements and development standards for specific temporary and semi-permanent uses of trailers in addition to the permit requirements and development standards identified in Table 4-6 through Table 4-9.
2. **Limitations on use.** Trailers shall only be allowed for the uses and activities described in this Section, except as otherwise expressly allowed in Division 35.2 (Montecito Zones and Allowable Land Uses).
3. **Agricultural employee dwellings, four or fewer employees.** Trailers may be used as agricultural employee dwellings on lots with an AG-I zone designation for four or fewer employees of the owner or lessee of the land engaged full-time in agriculture on the farm or ranch on which the trailer

is located in compliance with Section 35.472.060 (Conditional Use Permits) provided:

- a. The permittee complies with the State Mobile Home Act.
 - b. The trailer complies with the setbacks and distance between structures required for structures.
 - c. The permittee documents the existing and proposed agricultural use of the lot and demonstrates a need for the trailer.
 - d. The permittee provides proof of the full-time employment of the proposed resident of the trailer. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:
 - (1) Employer's income tax return.
 - (2) Employee's pay receipts.
 - (3) Employer's DE-3 form.
 - (4) Employee's W-2 form.
 - (5) A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.
 - (6) Other option approved by the Director.
 - e. Said proof of full-time employment of the employee residing in the trailer shall also be provided every five years beginning from the issuance of the Coastal Development Permit or Land Use Permit for the trailer or, if the occupancy of the trailer changes, upon the change in occupancy and every five years thereafter. Failure to provide said proof of full-time employment shall be cause for revocation of the permits for the trailer.
 - f. The permit includes a condition that the trailer shall be removed from the premises within six months following the discontinuance of use of the premises for agricultural purposes.
4. **Air quality monitoring stations.** Trailers may be used as air quality monitoring stations for a time period that is adequate to meet the specific air quality monitoring needs of the project, as recommended by the Air Pollution Control District and determined by the Montecito Commission provided:
- a. The Montecito Commission shall approve the Conditional Use Permit only if the following additional findings are first made:
 - (1) That the stations are either required or approved by the Air Pollution Control District.
 - (2) The zone setbacks are complied with.
 - (3) The trailers are adequately screened from public view by landscaping or other measures.
 - b. The trailer, including any foundation, permitted in compliance with this Section shall be promptly removed upon completion of the permanent structure or after the authorized use of the trailer is discontinued.
 - c. The Montecito Commission may include, as a condition of approval of the Conditional Use Permit, that a performance security, in compliance with Section 35.474.020 (Performance Guarantees) be deposited with the County to guarantee the removal of the trailer and foundation to ensure compliance with this requirement.
5. **Construction trailers.**
- a. **Allowed uses.** Trailers used as construction offices, tool storage, or for particular work (e.g., electrical shops, cabinet shops, and other similar uses) that are not used for human habitation

during the night may be allowed on a building site during periods of construction of structures on the site in compliance with the following permit requirements and development standards, provided:

- (1) Building permits have been issued for the structures being constructed on the site; and
- (2) The trailer is removed promptly upon completion of construction.

b. Permit requirements.

- (1) Up to three construction trailers may be located on a building site without a Coastal Development Permit or Land Use Permit.
- (2) More than three such construction trailers per building site may be permitted with a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) for an initial period not to exceed two years provided the Montecito Commission finds that:
 - (a) The need for the trailers has clearly been demonstrated; and
 - (b) A time frame for their removal has been provided.
- (3) Renewals for additional two-year periods for trailers approved in compliance with Subsection 5.b(2) above, may be granted through the approval of a subsequent Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) if the request is filed before the expiration date of the previously approved Conditional Use Permit for the same use.

6. Dwelling use of trailers during construction of dwellings.

- a. A trailer may be used as a one-family dwelling during construction of a dwelling in all zones within the Coastal Zone or within the R-1/E-1 and RMZ zones in the Inland area provided:
 - (1) The use of the trailer is limited to a period of 12 months or until 30 days after the final building permit inspection has been completed by the County Building Official, or the new dwelling is occupied, whichever is earliest.
 - (a) If a trailer located on the building site has been illegally occupied, then the 12-month period shall be reduced by the period of time during which the trailer has been illegally occupied on the site.
 - (2) The building permit has been issued for the dwelling and the foundation has been inspected and approved.
 - (3) The permittee complies with the State Mobile Home Act.
 - (4) The trailer complies with the setbacks and distances between structures required for structures.
- b. The period of time that the trailer is allowed to be used as a dwelling may be extended by the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

7. Dwelling use of trailers after destruction of dwelling. A Coastal Development Permit or Land Use Permit may be issued to allow the emergency use of the trailer as a dwelling if an occupied dwelling is destroyed by fire, flood, earthquake, vandalism or other calamity beyond the control of the owner, provided:

- a. The Coastal Development Permit or Land Use Permit shall only be valid for a 180-day period; and
- b. A trailer is not illegally located on the lot.

8. **Storage of trailers as accessory to a residential use.** Trailers may be stored on a lot, as accessory to the residential use of the lot provided all the following standards are complied with. Watercraft may be kept on the trailer that is stored on the lot.
- a. Trailers shall not be kept, parked or stored in:
 - (1) Required front setback areas.
 - (2) Parking spaces required in compliance with Section 35.436.050 (Required Number of Spaces: Residential Uses).
 - b. Trailers, including anything that is stored in or on the trailer, shall not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length.
 - c. Trailers, including anything that is stored in or on the trailer, shall be screened from view from abutting streets.
 - d. The trailer shall not be used for human habitation while kept, parked or stored on the lot.
 - e. Trailers holding vehicles or used to store materials shall be in compliance with Subsection 35.423.050.B (Accessory Storage).
 - f. Within the Coastal Zone, the storage of a trailer does not require a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) if the trailer will:
 - (1) Not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on or within 50 feet of a coastal bluff; and
 - (2) Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
 - (3) Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways.
9. **Mobile communications temporary facility.** Where unplanned or uncontrollable events cause an immediate need for service due to reasonable public health and safety concerns, a temporary facility may be allowed, in compliance with the following:
- a. The facility qualifies as a mobile telecommunications temporary facility.
 - b. The Director in consultation with the County Sheriff and Fire Departments has determined a reasonable public health and safety issue would exist without the operation of a temporary telecommunications facility.
 - c. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.
 - d. The facility would only be permitted onsite for the duration of the event or emergency, not to exceed two weeks, or other period of time, as approved by the Director.
10. **Watchman trailers during construction.** A trailer, usable for or designed for human habitation, may be maintained on a building site for use as a watchman's quarters during periods of construction of structures on the site, provided:
- a. Building permits have been issued for the structure.
 - b. Only one watchman's trailer shall be allowed on a site.
 - c. The trailer shall be promptly removed upon completion of construction of the structures or

within one year from the issuance of the Coastal Development Permit or Land Use Permit for the trailer, whichever occurs first.