

# Temporary Uses (Special Events) Ordinance Amendments

County Land Use and Development Code  
Montecito Land Use and Development Code  
Article II Coastal Zoning Ordinance

*County Board of Supervisors  
April 2, 2013*



# Existing Regulations (Montecito)

- All agricultural/residential property

Event Type	Permit Requirement	# Allowed Per Year	Maximum # Of Attendees
Charitable/ Noncommercial	Exempt	3	300
Commercial	Conditional Use Permit	Determined by Permit	Determined by Permit

# Existing Regulations (outside Montecito)

- Agricultural/residential property (less than 5 acres)

Event Type	Permit Requirement	# Allowed Per Year	Maximum # Of Attendees
Charitable/ Noncommercial	Exempt	5	300
Charitable/ Noncommercial	Land Use Permit	More than 5	300; additional attendees allowed with Minor CUP
Commercial	Minor Conditional Use Permit	Determined by Permit	Determined by Permit

# Existing Regulations (outside Montecito)

- Agricultural/residential property (5 acres and larger)

Event Type	Permit Requirement	# Allowed Per Year	Maximum # Of Attendees
Charitable/ Noncommercial	Exempt	Not limited	300; additional attendees allowed with LUP
Commercial	Minor Conditional Use Permit	Determined by Permit	Determined by Permit

# 1/16/2013 Montecito PC Recommendation

- Maintain existing requirements for charitable & other noncommercial events.
- Add 1 additional charitable & other noncommercial event where the number of attendees may exceed 300 with a Special Event Use Permit.
- Establish new exemption for charitable & other noncommercial events with 75 or fewer attendees.
- Specify that special events associated with short-term rentals are commercial events that require permits.
- Prohibit all commercial events except in commercial zones.

## 2/6/2013 County PC Recommendation

- Maintain existing permit requirements for charitable & other noncommercial events.
- Establish new exemption for charitable & other noncommercial events with 75 or fewer attendees.
- Specify that special events associated with short-term rentals are commercial events that require permits.
- Keep existing Minor CUP requirement for commercial events.



# Purpose of amendments

- Maintain the character of agriculturally and residentially zoned property.
- Specify that events associated with short-term rentals are not an accessory or incidental use exempt from permits.
- Allow for better enforcement of permit requirements.

## What these ordinances do not do

- Prohibit short-term or long-term property rentals.
- Prohibit charitable & other noncommercial events incidental to non-transient use of property.
- Require permits for private parties hosted by owners/non-transient tenants if 75 or fewer guests.
- Prohibit commercial events if permits are obtained.



## What these ordinances do

- Maintain the character of agricultural & residential zones.
- Specify when events are incidental to a primary use.
- Keep existing permit requirements for charitable & other noncommercial events.
- Regulate events associated with short-term rentals.
- Keep existing Minor CUP requirement for commercial events on agricultural & residential land.

## What these ordinances do

- Continue treating charitable & other noncommercial events differently from commercial events.
  - Unlimited commercial events are inconsistent with the primary purposes of agricultural and residential zones.
  - Such events can overwhelm the character of agricultural and residential zones due to the economic incentive to hold events.
  - Charitable/noncommercial events not associated with short-term rentals are self-limiting as there is no economic incentive.

# Recommendations

- Make the findings for approval (Attachments A, D & G).
- Determine that these ordinance amendment are CEQA Exempt (Attachments B, E & H).
- Adopt the ordinances (Case Nos. 12ORD-00000-00002, -00003 & -00004 (Attachments C, F & I).

# Proposed Regulations (Montecito)

- All agricultural/residential property

Event Type	Permit Requirement	# Allowed Per Year	Maximum # Of Attendees
Charitable/ Noncommercial	Exempt	Not limited	75
Charitable/ Noncommercial	Exempt	3	76 - 300
Charitable/ Noncommercial	Special Event Use Permit	1	More than 300
Commercial	Conditional Use Permit	Determined by Permit	Determined by Permit

# Proposed Regulations (outside Montecito)

- Agricultural/residential property (less than 5 acres)

Event Type	Permit Requirement	# Allowed Per Year	Maximum # Of Attendees
Charitable/ Noncommercial	Exempt	Not limited	75
Charitable/ Noncommercial	Exempt	5	76 - 300
Charitable/ Noncommercial	Land Use Permit	More than 5	300; additional attendees allowed with Minor CUP
Commercial	Minor Conditional Use Permit	Determined by Permit	Determined by Permit

# Proposed Amendments

- Add a purpose and intent statement to Subsection F.4 (Charitable and other noncommercial events) specifying that:
  - The purpose is to allow charitable and other noncommercial events that are accessory, ancillary and incidental to the residential use of the lot by an owner or non-transient tenant.
  - The intent is to not allow events associated with short-term rentals as charitable and other noncommercial events that are exempt from permits.



# Proposed Amendments

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

# Proposed Amendments

- Exempt charitable & other noncommercial events (incidental to non-transient use of property) with 75 or fewer guests from the limitation on the allowed number of events per year.
  - **Applicability.** The restriction on the maximum number of events allowed with a calendar year ... shall not apply to charitable and noncommercial events where the total number of attendees at the event, not including event staff, is 75 or fewer.

# Proposed Amendments

- Proposed definitions:
  - **Charitable Event.** An event or activity that is held by or sponsored for the sole benefit of a nonprofit organization(s) established for the purpose of promoting philanthropic goals and social well-being including charitable, educational, religious, or other activities serving the public interest or common good.
  - **Calendar Year.** A period of a year beginning on January 1<sup>st</sup> and ending on December 31<sup>st</sup>.

# Proposed Amendments

- **Event.** Any gathering of individuals, whether on public or private property, assembled with a common purpose, and usually for a specified period of time, including ceremonies, competitions, festivals and parties.
- **Incidental Use.** A use of a lot and/or structure, or portion of a lot and/or structure, that is subordinate to the principal use of the lot and/or structure, and is developed or operated so as to not significantly alter or adversely affect the appearance, character or operation of the principal use of the lot or structure located on the lot.

# Proposed Amendments

- **Nonprofit Organization.** An organization chartered for other than profit-making activities. Also known as a not-for-profit organization.
- **Remuneration.** Compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of real property and/or portion thereof, including any structures located thereon.

# Proposed Amendments

- The following standards would apply to all charitable & other noncommercial events:
  - The owner/tenant shall not receive any remuneration associated with the event except for reimbursement of actual and direct costs including site clean-up following the event.
  - Charitable and other noncommercial events associated with short-term rentals are only allowed with a Minor Conditional Use Permit.
  - The duration of an event is limited to 24 hours, not including set-up, breakdown and clean-up.



# Proposed Amendments

- The following standards would apply to all charitable events:
  - The event shall be held by or sponsored for the sole benefit of a charitable non-profit organization.
  - 100 percent of the net proceeds collected for the event, after operational expenses are met, are remitted to the sponsoring charitable organization(s).

# Proposed Amendments

- The following standards would apply to all other noncommercial events:
  - There shall not be any payment such as admission fees, membership fees, etc.
  - Filming for commercial purposes is not allowed.
  - Product promotions are not allowed.
  - Public advertising is not allowed.