

**SECTION 16.V: SPECIAL USE PERMIT - ASSEMBLAGE OF PEOPLE
FOR EDUCATIONAL AND/OR ENTERTAINMENT PURPOSES**

(Added by Ord. No. 3416, effective 11 9-10)

PURPOSE

It is the intent of this Section to reasonably regulate the locating of assemblage of people by Special Use Permit in order to promote the health, safety, and general welfare of the citizens of the County of Tulare, and to prevent adverse secondary effects of the assemblage of people from occurring within the County. It is the intent of this Section to prevent impacts which could be brought about by the location of assemblage of people facilities in proximity to one another or proximity to other incompatible uses, such as agricultural operations and/or residences. It is not the intent of this ordinance to regulate individual and private assemblage of people where no compensation, fund raising, or exchange of value for the one-time activity has occurred. It is, therefore, the purpose of this section to establish reasonable and uniform regulations in order to allow a commercial activity reliant on an out- door/agricultural setting, or urban setting, to be conducted without negative impact to surrounding uses and/or residents. This Section establishes a Special Use Permit process for those activities defined herein as occurring on the same parcel more than four times per calendar year and which occur within the zone districts which do not otherwise allow said use as of right. Modifications from these regulations may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth herein.

DEFINITIONS

16.V.01 Agri-Tourism: Any income-generating use conducted on a working farm or ranch for the enjoyment and education of visitors. This includes the interpretation of the natural, cultural, historical, and/or environmental assets of the land and the people working on it.

Assemblage of People: For purposes of this Section 16.V, Assemblage of People means a temporary gathering together of any number of persons, at any location, at any single time when rent or compensation of any form is paid for use of a venue for educational, entertainment or commercial purposes.

Auction: A public sale in which property or items of merchandise are sold one by one to the highest bidder.

Educational (assemblage): Any use where the primary goal of those assembled is to promote the acquisition of knowledge in order to enrich the cultural experience of those engaged in the activity.

Entertainment (assemblage): Any use where the primary goal of those assembled is to promote amusement, enjoyment, pleasure, recreation, diversion, relaxation, and other similar uses.

Exhibition: A public display pertaining to the work of artists or artisans, the products of farms or factories, the skills of performers, or objects of general interest.

Special Event: Any temporary use, generally lasting from a few hours to a few days, conducted or sponsored by an organization, entity, association, or group involving a display, demonstration, performance, exhibition, or amusement which includes, but is not limited to, festivals, concerts carnivals, arts and craft shows, fireworks displays, sporting events, socials, parties, parades, rallies, and other similar uses.

PERMITTED ZONES

16.V.02 Assemblage of people for educational or entertainment purposes in a building, structure, or open area not otherwise approved for assemblage under this Ordinance shall be allowed in the following zones:

- A. The F, RC, CO, C-1, C-2, C-3, M-1 and M-2 Zones shall include, but shall not be limited to, auto shows, boat shows, art shows, exhibitions, auctions, agri-tourism, company retreats and picnics, and special events or celebrations such as weddings and reunions.
- B. The A-1, AF, AE, AE-10, AE-20, AE-40 and AE-80 Zones shall include, but shall not be limited to, agri-tourism, company retreats and picnics, and special events or celebrations such as weddings and reunions. In no case shall auto shows, boat shows or art shows be allowed in agricultural zones.

MINIMUM PARCEL SIZE

16.V.03 The minimum parcel size permitted for the assemblage of people if located outside the Rural Valley Lands Plan shall be at least the minimum acreage of the zone in which the parcel is located. If located inside the Rural Valley Lands Plan, it shall be at least the minimum acreage of the zone in which the parcel is located, or ten (10) acres, whichever is greater.

DEVELOPMENT STANDARDS

16.V.04 Development Standards shall apply to all approvals and conditional approvals based upon the Planning Area in which the property is located. If the property is located inside the Rural Valley Lands Plan Planning Area, the "Development Standards - Assemblage of People - Rural Valley Lands Plan" shall apply. If the property is located outside the Rural Valley Lands Plan Planning Area, "Development Standards - Assemblage of People - Planning Areas Outside the RVL" shall apply. Modifications from the Development Standards may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth in this Ordinance. Additional requirements or conditions may be imposed to assure that the assemblage of people will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

ADDITIONAL LICENSES AND/OR PERMITS

16.V.05 Special Use Permits may be subject to the issuance of business licenses, permits and/or clearances from regulatory agencies, as may be imposed by the action of the Planning Director.

ALCOHOL LICENSE

16.V.06 Notwithstanding any other provision of this Part, a special use permit for the assemblage of people may include approval of sales of alcoholic beverages under an on-sale license. The applicant shall obtain and maintain a liquor license as required from the California Department of Alcohol Beverage Control. If an outside vendor is allowed on-site to serve alcohol, the vendor shall have the necessary license as required by the California Department of Alcohol Beverage Control.

APPROVAL, CONDITIONAL APPROVAL OR DISAPPROVAL AUTHORIZED

16.V.07 The decision-making body may approve or conditionally approve or disapprove a

special use permit based upon evaluation of the information submitted and use proposed.

Minimum criteria and findings, as noted below, shall be required:

1. The proposed use is consistent with the County's general plan, any applicable community plan or area plan, and the provisions of this ordinance.
2. The proposed location shall meet the minimum acreage requirements and be adequate in land area so as to accommodate the proposed project, its required parking area, access, and site improvements.
3. The proposed land use is compatible with neighboring land use and zoning.
4. The public and private roads providing access to the subject property meet necessary standards to provide safe and adequate access, or have been amended by conditions of approval to satisfy the access requirements.
5. A Special Use Permit shall be granted only if it is found that the establishment, maintenance and operation of the use of building or land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or to the general welfare of the County. Special Use Permits may be granted subject to such conditions as will ensure compliance with the aforementioned standards.

EXEMPTIONS

16.V.08 Individual and private assemblage of people uses where no compensation, fund raising, or exchange of value for the activity shall be exempt from this Section. Neither shall this Section apply to any established permanent place of worship, stadium, arena, auditorium, athletic field, or other similar permanently established place for assemblies with a special use permit pursuant to Ordinance No. 352, the Zoning Ordinance, where regular fire, health, and safety inspections are required and conducted.

INDEMNIFICATION

16.V.09 The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of all special use permits or, at its election and in the alternative, shall relinquish such approval. Applicant shall sign an indemnification agreement upon application for a special use permit pursuant to County policy.

(See Standards in Appendix A)

Appendix A

DEVELOPMENT STANDARDS ASSEMBLAGE OF PEOPLE Rural Valley Lands Plan

1. The minimum parcel size permitted for the assemblage of people shall be at least the minimum acreage of the zone in which the parcel is located, or 10 acres, whichever is greater,
2. The use shall be secondary and incidental to the existing agricultural operations on the subject site and the use shall not change the agricultural character thereof; neither shall it require the existence of a dwelling.
3. The distance between the area utilized for the assemblage of people and all adjacent property boundaries shall be a minimum of 300 feet. The area used for parking may be located within the 300-foot buffer zone.
4. Within any single calendar year, the same property may host no more than twelve (12) special events and the events shall be scheduled on weekends only (Friday-Sunday).
5. Restroom facilities with a minimum ratio of one toilet per 100 people with an approved sewage disposal system shall be provided. If permanent restroom facilities cannot be provided; portable toilets with a minimum ratio of one toilet per 50 people shall be provided, and one toilet with an approved hand wash sink with hot water dispenser shall be made available for every 15 food handlers. Portable toilets shall be serviced regularly by a licensed liquid waste hauler.
6. The applicant and/or vendor shall obtain all required permits from, and comply with all regulations of, the State Department of Alcoholic Beverage Control. All required permits shall be obtained prior to serving alcoholic beverages and a copy of the permit shall be kept on the premises during events.
7. The applicant shall provide uniformed security by a suitably qualified and accredited organization for events: one guard for every 100 people if alcohol is being served at the site, and one guard for every 200 people if no alcohol will be served at the site.
8. The applicant shall post the Resolution approving the Special Use Permit during every event in a conspicuous location and make the Resolution available upon the request of guests of the facility and County Officials.
9. Ingress and egress to the subject site shall be improved to County standards and have direct access to a County-maintained road.
10. All intruding noise levels above 65dBA shall be contained within the site boundaries. Amplified sound shall not be permitted between the hours of 11:00 PM and 10:00 AM.
11. All parking shall be provided on the subject site. If applicable, off-site parking may be approved by the Planning Director, or his designee. Written consent shall be obtained from the property owners of all off-site parking areas. The parking of vehicles within the County right-of-way shall be prohibited.
12. The number of parking spaces provided for the assemblage shall be equal to one space for each three (1:3) persons in attendance. All on-site parking areas and driveways shall be paved or surfaced with an all-weather surfacing material in accordance with County requirements.
13. The perimeter of the entertainment and parking areas shall be fenced during events in order to prevent trespassing onto adjacent properties.

14. Any future development for the proposed use that would permanently remove more than one acre of land from agricultural production, or 10%, whichever is less, shall be expressly prohibited.
15. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission and with the Site Plan Development Standards pertaining to a use of this type.
16. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
17. This Special Use Permit shall automatically become null and void two (2) years after the date upon which it is granted by the Planning Commission, unless the applicant, or his/her successor, has actually commenced the use authorized by the permit within said two year period. The Planning Commission may grant one or more extensions of said two year time, upon request by the applicant.
18. This Special Use Permit will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission or by the Board of Supervisors if an appeal is made to and heard by the Board. The applicant shall be required to provide all signed documents and pay any and all outstanding fees within 10 days of action taken on the application(s). Upon payment of said fees and returning all signed documents, County Staff shall file all appropriate documents with the County Recorder. The applicant shall sign, at a minimum, the Right to Farm Notice, Acceptance of all Conditions and Monitoring requirement, Code Compliance Agreement, and other documents that may apply to the specific project and must return said documents within 10 days of action taken. Failure to sign all required documents may cause the application to be considered null and void.
19. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of all special use permits or, at its election and in the alternative, shall relinquish such approval. Applicant shall sign an indemnification agreement upon application for a special use permit pursuant to County policy.

DEVELOPMENT STANDARDS ASSEMBLAGE OF PEOPLE
Planning Areas Outside the RVLP

1. The minimum parcel size permitted for the assemblage of people shall be at least the minimum acreage of the zone in which the parcel is located.
2. Within any single calendar year, the same property may host no more than twelve (12) special events and the events shall be scheduled on weekends only (Friday-Sunday).
3. Restroom facilities with a minimum ratio of one toilet per 100 people with an approved sewage disposal system shall be provided. If permanent restroom facilities cannot be provided; portable toilets with a minimum ratio of one toilet per 50 people shall be provided, and one toilet with an approved hand wash sink with hot water dispenser shall be made available for every 15 food handlers. Portable toilets shall be serviced regularly by a licensed liquid waste hauler.
4. The applicant and/or vendor shall obtain all required permits from, and comply with all regulations of, the State Department of Alcoholic Beverage Control. All required permits shall be obtained prior to serving alcoholic beverages and a copy of the permit shall be kept on the premises during events.
5. The applicant shall provide uniformed security by a suitably qualified and accredited organization for events: one guard for every 100 people if alcohol is being served at the site, and one guard for every 200 people if no alcohol will be served at the site.
6. Ingress and egress to the subject site shall be improved to County standards and have access to a County maintained road.
7. All intruding noise levels above 65 dBA shall be contained within the site boundaries. Amplified sound shall not be permitted between the hours of 11:00 PM and 10:00 AM.
8. The applicant shall post the Resolution approving the Special Use Permit during every event in a conspicuous location and make the Resolution available upon the request of guests of the facility and County Officials.
9. All parking shall be provided on the subject site. If applicable, off-site parking may be approved by the Planning Director, or his designee. Written consent shall be obtained from the property owners of all off-site parking areas. The parking of vehicles within the County right-of-way shall be prohibited.
10. The number of parking spaces provided for the assemblage shall be equal to one space for each three (1:3) persons in attendance. All on-site parking areas and driveways shall be paved or surfaced with an all-weather surfacing material in accordance with County requirements.
11. The perimeter of the entertainment and parking areas shall be fenced during events in order to prevent trespassing onto adjacent properties.
12. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission and with the Site Plan Development Standards pertaining to a use of this type.
13. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
14. This Special Use Permit shall automatically become null and void two (2) years after the date upon which it is granted by the Planning Commission, unless the applicant,

or his/her successor, has actually commenced the use authorized by the permit within said two year period. The Planning Commission may grant one or more extensions of said two year time, upon request by the applicant.

15. This Special Use Permit will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission or by the Board of Supervisors if an appeal is made to and heard by the Board. The applicant shall be required to provide all signed documents and pay any and all outstanding fees within 10 days of action taken on the application(s). Upon payment of said fees and returning all signed documents, County Staff shall file all appropriate documents with the County Recorder. The applicant shall sign, at a minimum, the Right to Farm Notice, Acceptance of all Conditions and Monitoring requirement, Code Compliance Agreement, and other documents that may apply to the specific project and must return said documents within 10 days of action taken. Failure to sign all required documents may cause the application to be considered null and void.
16. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of all special use permits or, at its election and in the alternative, shall relinquish such approval. Applicant shall sign an indemnification agreement upon application for a special use permit pursuant to County policy.