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SAN JOAQUIN COUNTY WINERY ORDINANCE TEXT AMENDMENT
PA-1400149
JULY 15, 2014

9-110.4 DEFINITIONS

Accessory Winery Event. “Accessory winery event” is an event hosted by the on-site winery or off-site wine cellar and includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery or off-site wine cellar. Accessory winery events may include but are not limited to; wine release parties, barrel tasting and wine club activities, and always include wine tasting and the sale of wine. Accessory winery events exclude events that are open to the public and/or where the facility is rented or otherwise made available to a second party. Marketing of wine as an accessory winery event may include food service and/or food and wine pairings provided all such food service is provided on a fixed cost basis and not in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425. Accessory winery events shall be identified in a supplemental marketing plan filed with the Department pursuant to 9-1075.9(c).

Industry Event. “Industry event” is a regional event where the wineries and/or off-site wine cellars in the area are participating and includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery or off-site wine cellar. Industry events always include wine tasting and the sale of wine. Industry event participation details shall be identified in a supplemental marketing plan filed with the Department pursuant to 9-1075.9(c).

Marketing Event. “Marketing event” means the congregation of persons for the purpose of promoting the wine industry and marketing wine. Marketing events always include wine tasting and the sale of wine. Activities or events include but are not limited to ~~such as educational wine tours for the public, non-profit community fund raising, weddings, concerts, and/or any other event where the winery or off-site wine cellar facility is rented or otherwise made available to a second party or the public and wine is served. private seminars for distributor and sales representatives and events for wine industry groups that enhance awareness of wine and wine-related groups that enhance awareness of wine and wine related products and services are considered to be a marketing event.~~ Marketing events may include food service. Marketing events shall be identified in ~~the~~ a supplemental marketing plan filed with the Department pursuant to 9-1075.9(c).

Overflow Parking. “Overflow parking” means space that is temporarily used for parking or maneuvering purposes for an event or activity that is in addition to the minimum number of permanent parking spaces and/or maneuvering areas calculated based on use type pursuant to Table 9-1015.3(b).

Parking Attendant. “Parking attendant” means a person who is dedicated to managing and directing traffic during a Marketing Event, Industry Event or Accessory Winery Event at a winery or off-site wine cellar, to ensure there is no parking on highways, public or private streets, or neighboring properties. This person should also direct traffic off of the public or private roads and into an on-site parking space.

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~~**Winery, Boutique.** “Boutique winery” means a winery that has a minimum production capacity of 1.1 tons of grapes or approximately two hundred one (201) gallons of wine and a maximum production capacity of twenty (20) tons of grapes or approximately three thousand six hundred (3,600) gallons of wine per year. A boutique winery grows all of its own grapes and produces all of its own wine from vineyards in San Joaquin County or from vineyards within any recognized American Viticultural Area of which a majority of the designated area is within San Joaquin County.~~

9-1075.3 LARGE WINERIES.

Large wineries shall be subject to the following development standards:

(a) **Production Capacity.** A large winery shall have a minimum production capacity of more than 555.1 tons of grapes or approximately one hundred thousand (100,000) gallons of wine per year. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) **Minimum Lot Size.** The Winery, Large use type shall be located on a parcel with a minimum lot size of ten (10) gross acres in the agricultural zone. Large wineries located on parcels in non-agricultural zones are exempt from this requirement.

~~(b)-(c) **Setbacks.** The required yard setbacks shall be determined by the zone in which the large winery is located pursuant to Section 9-610.2 or 9-510.3 following minimum yard setback requirements shall apply for large wineries developed in agricultural zones:~~

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed large winery shall be set back a minimum of three-hundred (300) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall be applied:

(A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).

(B) For expansion of existing large wineries that require a new land use permit, the three-hundred (300) foot minimum setback shall only apply to the expansion of the area that will be used for Marketing Events, Industry Events and/or Accessory Wine Events.

(2) For large wineries located adjacent to a parcel with a residence, the following standards shall apply:

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(A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed large winery shall be set back a minimum of three-hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.

(B) If the neighboring residence is located more than two-hundred (200) feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to one-hundred (100) feet.

(3) For large wineries located adjacent to a parcel without a residence, the following standards shall apply:

(A) The required minimum yard setbacks for large wineries in agricultural zones shall be determined by the zone in which the large winery is located pursuant to Section 9-610.3.

(4) The setback requirements for large wineries in non-agricultural zones shall be determined by the zone in which the large winery is located and are exempt from the requirements outlined above in Section 9-1075.3 (c)(1)(2)&(3).

~~(e)-(d)~~ **Height.** The maximum height shall be determined by the zone in which the large winery is located pursuant to Section 9-610.2 or 9-510.3.

~~(d)~~ **(e) Zoning and Use Type.** Large wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2, respectively, under the Wineries and Wine Cellars use type.

~~(e)-(f)~~ **Signs.** The signage requirements shall be determined by the zone in which the large winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Large wineries may also be subject to regulations contained in Section 9-1075.9(l).

~~(f)~~ **(g) Landscaping.** The landscaping requirements shall be determined by the zone in which the large winery is located pursuant to Sections 9-1020.1 through 9-1020.10.

~~(g)-(h)~~ **Fencing.** The fencing requirements shall be determined by the zone in which the large winery is located pursuant to Sections 9-1022.1 and through 9-1022.3.

~~(h)~~ **(i) Screening.** The screening requirements shall be determined by the zone in which the large winery is located pursuant to Sections 1022.4 and 9-1022.6.

~~(i)-(j)~~ **Parking.** The parking surfacing requirements for large wineries shall be asphalt concrete or Portland cement concrete. The minimum number of required permanent parking spaces for

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large wineries shall be determined pursuant to Section 9-1015.3. Large wineries may also be subject to regulations contained in Section 9-1075.9(i).

~~(j)-(k)~~ **Noise.** Amplified sound is permitted at ~~both indoor and outdoor special events and both indoor and outdoor marketing activities and~~ events. Outdoor amplified sound may be conditionally permitted for large wineries subject to regulations contained in Section 9-1075.9(g).

~~(k)-(l)~~ **Permits.** Large wineries shall obtain a Business License and a Use Permit from the Community Development Department. Large wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health ~~Division~~ Department, and the Fire Department, as well as State and Federal regulations.

~~(l)-(m)~~ **Permitted Uses and Structures.** Operational uses and production facilities in connection with a Use Permit for a large winery include, but are not necessarily limited to, the following:

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) On-site above-ground disposal and treatment of winery waste process water;
- (5) Processing and blending wine;
- (6) Bottling and labeling of wine;
- (7) Storage of wine in vats, barrels, bottles or cases;
- (8) Wine caves and on-site wine cellars;
- (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (10) Shipping, receiving and distribution of wine;
- (11) Refrigeration systems containing acutely hazardous materials;
- (12) Electrical substations for the transformation of utility-supplied transmission or distribution voltage to secondary voltage for on-site use;
- (13) ~~Composting of grape byproducts and other agricultural waste;~~ Disposal of grape byproduct solely produced by the permitted winery.
- (14) Domestic wastewater treatment plants;
- (15) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;
- (16) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
- (17) Truck scales and a truck inspection station.

~~(m)-(n)~~ **Accessory Uses and Structures.** Accessory uses and structures in connection with a Use Permit for a large winery include, but are not necessarily limited to the following:

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(1) ~~Maximum Number of Wine Tasting Rooms. A maximum of one (1) wine tasting room located on-site for each large winery~~ More than one tasting room is allowed on the large winery premises if permitted on the ABC Winegrowers License, and one (1) wine tasting room for each large wine tasting room for each large winery located off-site pursuant to a Duplicate Winegrowers License. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.

(A) Maximum Structure Size. The size of the wine tasting room(s) shall be proportionate relative to the size of the wineries' production facilities. The maximum ~~size of a stand-alone cumulative square footage of the wine tasting room structure(s) or an area designated for wine tasting within a multipurpose building shall not exceed thirty percent (30%) of the area designated for production facilities.~~ Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories, equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture.

~~(B) Maximum Size of Retail Sales Area. The retail sales area within the wine tasting room shall not exceed thirty percent (30%) of the wine tasting room structure or the area designated for wine tasting within a multipurpose building;~~

~~(2) Marketing Events shall end by 10:00 pm;~~

(2) Retail Sales. A maximum of five-hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts and merchandise. The sale and display of the on-site winery's wine is not limited to the 500 square foot floor area and is permitted in addition to the designated retail sales area.

~~(3) Retail sales of wine and promotional items at a wine tasting room;~~

~~(4)-(3) Outdoor eating areas ancillary to a wine tasting room;~~

~~(5) Food preparation facilities to be used for marketing events or special events;~~

~~(6)-(4) Display and sales of art and historical items that reflect the history of the wine industry; and~~

~~(7)-(5) Child day care centers limited to caring for the children of winery employees.~~

9-1075.4 MEDIUM WINERIES.

Medium wineries shall be subject to the following development standards:

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(a) **Production Capacity.** A medium winery shall have a minimum production capacity of two hundred one (201) tons of grapes or approximately thirty-six thousand (36,000) gallons of wine and a maximum production capacity of five hundred fifty-five (555) tons of grapes or approximately ninety-nine thousand nine hundred ninety-nine (99,999) gallons of wine per year. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) **Minimum Lot Size.** The Winery, Medium use type shall be located on a parcel with a minimum lot size of ten (10) gross acres in the agricultural zone. Medium wineries located on parcels in the non-agricultural zones are exempt from this requirement.

~~(b)-(c) **Setbacks.** The required yard setbacks shall be determined by the zone in which the large winery is located pursuant to Section 9-610.2 or 9-510.3 following minimum yard setback requirements shall apply for medium wineries developed in agricultural zones:~~

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed medium winery shall be set back a minimum of three-hundred (300) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall apply:

(A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).

(B) For expansion of existing medium wineries that require a new land use permit, the three-hundred (300) foot setback minimum shall only apply to the expansion of the area that will be used for Marketing Events, Industry Events and/or Accessory Wine Events.

(2) For medium wineries located adjacent to a parcel with a residence, the following standards shall apply:

(A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed medium winery shall be set back a minimum of three-hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.

(B) If the neighboring residence is located more than two-hundred (200) feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to one-hundred (100) feet.

(3) For medium wineries located adjacent to a parcel without a residence, the following standards shall apply:

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(A) The required minimum yard setbacks for medium wineries in agricultural zones shall be determined by the zone in which the medium winery is located pursuant to Section 9-610.3.

(4) The setback requirements for medium wineries in non-agricultural zones shall be determined by the zone in which the medium winery is located and are exempt from the requirements outlined above in Section 9-1075.3 (c)(1) (2)&(3).

~~(e)~~-(d) **Height.** The maximum height shall be determined by the zone in which the medium winery is located pursuant to Section 9-610.2 or 9-510.3.

~~(d)~~ (e) **Zoning and Use Type.** Medium wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2, respectively, under the Wineries and Wine Cellars use type.

~~(e)~~-(f) **Signs.** The signage requirements shall be determined by the zone in which the medium winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Medium wineries may also be subject to regulations contained in Section 9-1075.9(l).

~~(f)~~ (g) **Landscaping.** The landscaping requirements shall be determined by the zone in which the medium winery is located pursuant to Sections 9-1020.1 through 9-1020.10.

~~(g)~~-(h) **Fencing.** The fencing requirements shall be determined by the zone in which the medium winery is located pursuant to Sections 9-1022.1 and through 9-1022.3.

~~(h)~~ (i) **Screening.** The screening requirements shall be determined by the zone in which the medium winery is located pursuant to Sections 1022.4 and 9-1022.6.

~~(i)~~-(j) **Parking.** The parking surfacing requirements for medium wineries shall be asphalt concrete or Portland cement concrete. The minimum number of required permanent parking spaces for medium wineries shall be determined pursuant to Section 9-1015.3. Medium wineries may also be subject to regulations contained in Section 9-1075.9(i).

~~(j)~~-(k) **Noise.** Amplified sound is permitted at ~~both indoor and outdoor special events and both indoor and outdoor marketing activities and events.~~ Outdoor amplified sound may be conditionally permitted for medium wineries subject to regulations contained in Section 9-1075.9(g).

~~(k)~~-(l) **Permits.** Medium wineries shall obtain a Business License and a Use Permit from the Community Development Department. Medium wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health ~~Division~~ Department, and the Fire Department, as well as State and Federal regulations.

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~~(m)~~ **Permitted Uses and Structures.** Operational uses and production facilities in connection with a Use Permit for a medium winery include, but are not necessarily limited to, the following:

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) On-site above-ground disposal and treatment of winery waste process water;
- (5) Processing and blending wine;
- (6) Bottling and labeling of wine;
- (7) Storage of wine in vats, barrels, bottles or cases;
- (8) Wine caves and on-site wine cellars;
- (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (10) Shipping, receiving and distribution of wine;
- (11) Refrigeration systems containing acutely hazardous materials;
- (12) Electrical substations for the transformation of utility-supplied transmission or distribution voltage to secondary voltage for on-site use;
- (13) ~~Composting of grape byproducts and other agricultural waste; Disposal of grape byproduct solely produced by the permitted winery.~~
- (14) Domestic wastewater treatment plants;
- (15) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;
- (16) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
- (17) Truck scales and a truck inspection station.

~~(m)~~ **(n) Accessory Uses and Structures.** Accessory uses and structures in connection with a Use Permit for a medium winery include, but are not necessarily limited to the following:

- (1) ~~Maximum Number of Wine Tasting Rooms. A maximum of one (1) wine tasting room located on site for each medium winery~~ More than one tasting room is allowed on the medium winery premises if permitted by the ABC Winegrowers License. and one wine tasting room for each medium winery located off site pursuant to an ABC Winegrowers License. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.

(A) Maximum Structure Size. The size of the wine tasting room(s) shall be proportionate relative to the size of the wineries' production facilities. The ~~maximum size of a stand-alone~~ cumulative square footage of the wine tasting room structure(s) or an area designated for wine tasting within a multipurpose

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building at an on-site wine cellar shall not exceed thirty percent (30%) of the area designated for production facilities. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories, equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture,

~~(B) Maximum Size of Retail Sales Area. The retail sales area within the wine tasting room shall not exceed thirty percent (30%) of the wine tasting room structure or the area designated for wine tasting with in a multipurpose building;~~

~~(2) Marketing Events shall end by 10:00 pm;~~

(2) Retail Sales. A maximum of five-hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts and merchandise. The sale and display of the on-site winery's wine is not limited to the 500 square foot floor area and is permitted in addition to the designated retail sales area.

~~(3) Retail sales of wine and promotional items at a wine tasting room;~~

~~(4) (3) Outdoor eating areas ancillary to a wine tasting room;~~

~~(5) Food preparation facilities to be used for marketing events or special events;~~

~~(6) (4) Display and sales of art and historical items that reflect the history of the wine industry; and~~

~~(7) (5) Child day care centers limited to caring for the children of winery employees.~~

9-1075.5 SMALL WINERIES.

Small wineries shall be subject to the following development standards:

(a) **Production Capacity.** A small winery shall have a minimum production capacity of more than 1.1 tons of grapes or approximately two hundred one (201) gallons of wine and a maximum production capacity of two hundred (200) tons of grapes or approximately thirty-six thousand (36,000) gallons of wine per year. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) Minimum Lot Size. The Winery, Small use type shall be located on a parcel with a minimum lot size of five (5) gross acres in the agricultural zone. Small wineries located on parcels in non-agricultural zones are exempt from this requirement.

~~(b)-(c) Setbacks.~~ The required yard setbacks shall be determined by the zone in which the large winery is located pursuant to Section 9 610.2 or 9 510.3 following minimum yard setback requirements shall apply for small wineries developed in agricultural zones:

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed winery shall be set back a minimum

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of three-hundred (300) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall apply:

- (A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).
- (B) For expansion of existing small wineries that require a new land use permit, the three-hundred (300) foot minimum setback shall only apply to the expansion of the area that will be used for Marketing Events, Industry Events and/or Accessory Wine Events.

(2) For small wineries located adjacent to a parcel with a residence, the following standards shall apply:

- (A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed small winery shall be set back a minimum of three-hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.
- (B) If the neighboring residence is located more than two-hundred (200) feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to one-hundred (100) feet.

(3) For small wineries located adjacent to a parcel without a residence, the following standards shall apply:

- (A) The required minimum yard setbacks for small wineries in agricultural zones shall be determined by the zone in which the small winery is located pursuant to Section 9-610.3.

(4) The setback requirements for small wineries in non-agricultural zones shall be determined by the zone in which the small winery is located pursuant to Section 9-510.5 and are exempt from the requirements outlined above in Section 9-1075.3 (c)(1)(2)&(3).

~~(e)-(d)~~ **Height.** The maximum height shall be determined by the zone in which the small winery is located pursuant to Section 9-610.2 or 9-510.3.

~~(e)~~ **(e) Zoning and Use Type.** Small wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2, respectively, under the Wineries and Wine Cellars use type.

~~(e)-(f)~~ **Signs.** The signage requirements shall be determined by the zone in which the small winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs

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shall comply with the standards of Section 9-1710.6(b). Small wineries may also be subject to regulations contained in Section 9-1075.9(l).

~~(f)~~ (g) Landscaping. The landscaping requirements shall be determined by the zone in which the small winery is located pursuant to Sections 9-1020.1 through 9-1020.10.

~~(g)~~ (h) Fencing. The fencing requirements shall be determined by the zone in which the small winery is located pursuant to Sections 9-1022.1 and through 9-1022.3.

~~(h)~~ (i) Screening. The screening requirements shall be determined by the zone in which the small winery is located pursuant to Sections 1022.4 and 9-1022.6.

~~(i)~~ (j) Parking. The parking surfacing requirements for small wineries shall be chip seal or an alternative surfacing material. The minimum number of required permanent parking spaces for small wineries shall be determined pursuant to Section 9-1015.3. Small wineries may also be subject to regulations contained in Section 9-1075.9(i).

~~(j)~~ (k) Noise. Amplified sound is permitted at ~~both indoor and outdoor special events and both indoor and outdoor marketing activities and events.~~ Outdoor amplified sound may be conditionally permitted for small wineries subject to regulations contained in Section 9-1075.9(g).

~~(k)~~ (l) Permits. Small wineries shall obtain a Business License and a Site Approval from the Community Development Department. Small wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health ~~Division~~ Department and the Fire Department, as well as State and Federal regulations. A Use Permit shall be required for any small winery proposing Marketing Events pursuant to Section 9-1075.9(a).

~~(l)~~ (m) Permitted Uses and Structures. Operational uses and production facilities in connection with a ~~Site Approval~~ discretionary land use permit for a small winery include, but are not necessarily limited to, the following:

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) On-site above-ground disposal and treatment of winery waste process water;
- (5) Processing and blending wine;
- (6) Bottling and labeling of wine;
- (7) Storage of wine in vats, barrels, bottles or cases;
- (8) Wine caves and on-site wine cellars;
- (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (10) Shipping, receiving and distribution of wine;

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- (11) Refrigeration systems containing acutely hazardous materials;
- (12) ~~Composting of grape byproducts and other agricultural waste;~~ Disposal of grape byproduct solely produced by the permitted winery.
- (13) Domestic wastewater treatment plants;
- (14) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;
- (15) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
- (16) Truck scales and a truck inspection station.

~~(m)~~ **(n) Accessory Uses and Structures.** Accessory uses and structures in connection with a ~~Site Approval~~ discretionary land use permit for a small winery include, but are not necessarily limited to the following:

- (1) ~~Maximum Number of Wine Tasting Rooms. A maximum of one (1) wine tasting room located on site for each small winery~~ More than one tasting room is allowed on the small winery premises if permitted by the ABC Winegrowers License, and one (1) wine tasting room for each small winery located off site pursuant to a Duplicate Winegrowers License. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.

(A) Maximum Structure Size. The size of the wine tasting room(s) shall be proportionate relative to the size of the wineries' production facilities. The ~~maximum size of a stand alone~~ cumulative square footage of the wine tasting room structure(s) or an area designated for wine tasting within a multipurpose building at an on-site wine cellar shall not exceed thirty percent (30%) of the area designated for production facilities or two thousand (2,000) square feet whichever is greater. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture,

~~(B) Maximum Size of Retail Sales Area. The retail sales area within the wine tasting room shall not exceed thirty percent (30%) of the wine tasting room structure or the area designated for wine tasting with in a multipurpose building;~~

- ~~(2) Marketing Events shall end by 10:00 pm;~~

(2) Retail Sales. A maximum of five-hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to the prepackage foods, non-alcoholic beverages, crafts

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and merchandise. The sale and display of the on-site winery's wine is not limited to the 500 square foot floor area and is permitted in addition to the designated retail sales area.

- ~~(3) Retail sales of wine and promotional items at a wine tasting room;~~
- ~~(4)–(3) Outdoor eating areas ancillary to a wine tasting room;~~
- ~~(5) Food preparation facilities to be used for marketing events or special events;~~
- ~~(6)–(4) Display and sales of art and historical items that reflect the history of the wine industry; and~~
- ~~(7)–(5) Child day care centers limited to caring for the children of winery employees.~~

9-1075.6 BOUTIQUE WINERIES

Boutique wineries shall be subject to the following development standards:

~~(a) **Production Capacity.** A boutique winery shall have a minimum production capacity of 1.1 tons of grapes or approximately two hundred one (201) gallons of wine and a maximum production capacity of twenty (20) tons of grapes or approximately three thousand six hundred (3,600) gallons of wine per year. One (1) case of wine is equivalent to 2,377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.~~

~~(b) **Setbacks.** The required yard setbacks shall be determined by the zone in which the boutique winery is located pursuant to Section 9-610.2 or 9-510.3.~~

~~(c) **Height.** The maximum height shall be determined by the zone in which the small winery is located pursuant to Section 9-610.2 or 9-510.3.~~

~~(d) **Zoning and Use Type.** Boutique wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2 under the Wineries and Wine Cellars use type.~~

~~(e) **Signs.** The signage requirements shall be determined by the zone in which the boutique winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b).~~

~~(f) **Landscaping.** The landscaping requirements shall be determined by the zone in which the boutique winery is located pursuant to Sections 9-1020.1 through 9-1020.10.~~

~~(g) **Fencing.** The fencing requirements shall be determined by the zone in which the boutique winery is located pursuant to Sections 9-1022.1 and through 9-1022.3.~~

~~(h) **Screening.** The screening requirements shall be determined by the zone in which the boutique winery is located pursuant to Sections 1022.4 and 9-1022.6.~~

~~(i) **Parking.** The parking surfacing requirements for boutique wineries shall be chip seal or an alternative surfacing material.~~

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~~(j) **Noise.** Amplified sound is permitted at both indoor and outdoor special events and both indoor and outdoor marketing events.~~

~~(k) **Permits.** Boutique wineries shall obtain a Business License and a Site Approval from the Community Development Department. Small wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Division and the Fire Department as well as State and Federal regulations.~~

~~(l) **Permitted Uses and Structures.** Operational uses and production facilities in connection with a Site Approval for a boutique winery include, but are not necessarily limited to, the following:~~

- ~~(1)Crushing or pressing of grapes outside or within a structure;~~
- ~~(2) Fermenting wine;~~
- ~~(3) Aging wine;~~
- ~~(4) On-site above-ground disposal of winery waste water;~~
- ~~(5) Processing and blending wine;~~
- ~~(6) Bottling and labeling of wine;~~
- ~~(7) Storage of wine in vats, barrels, bottles or cases;~~
- ~~(8) Wine caves and on-site wine cellars;~~
- ~~(9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;~~
- ~~(10) Shipping, receiving and distribution of wine;~~
- ~~(11) Refrigeration systems containing acutely hazardous materials;~~
- ~~(12) Composting of grape byproducts and other agricultural wastes;~~
- ~~(13) Domestic wastewater treatment plants;~~
- ~~(14) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;~~
- ~~(15) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and~~
- ~~(16) Truck scales and a truck inspection station.~~

~~(m) **Accessory Uses and Structures.** Accessory uses and structures in connection with a Site Approval for a boutique winery include, but are not necessarily limited to the following:~~

- ~~(1) Maximum Number of Wine Tasting Rooms. A maximum of one (1) wine tasting room located on-site for each boutique winery pursuant to an ABC Winegrowers License and one (1) wine tasting room for each boutique winery located off site pursuant to a Duplicate Winegrowers License.~~

~~(A) Maximum Structure Size. The size of the wine tasting room shall be proportionate relative to the size of the wineries' production facilities. The maximum~~

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~~size of a stand-alone wine tasting room structure or an area designated for wine tasting within a multipurpose building at an on-site wine cellar shall not exceed thirty percent (30%) of the area designated for production facilities or two thousand (2,000) square feet which ever is greater. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture,~~

~~(B) Maximum Size of Retail Sales Area. The retail sales area within the wine tasting room shall not exceed thirty percent (30%) of the wine tasting room structure or the area designated for wine tasting with in a multipurpose building:~~

- ~~(2) Marketing Events shall be limited to four (4) events per year and shall end by 10:00 p.m.;~~
- ~~(3) Retail sales of wine and promotional items at a wine tasting room;~~
- ~~(4) Outdoor eating areas ancillary to a wine tasting room;~~
- ~~(5) Food preparation facilities to be used for marketing events or special events;~~
- ~~(6) Display and sales of art and historical items that reflect the history of the wine industry; and~~
- ~~(7) Child day care centers limited to caring for the children of winery employees.~~
- ~~(8) Winery tours shall be limited to individual visitors. Bus tours shall be prohibited.~~

9-1075.7 6 WINE CELLARS, ON-SITE.

On-site wine cellars shall be regarded as part of the winery operation and shall be subject to the development standards for the winery.

9-1075.8 7 WINE CELLARS, OFF-SITE.

Off-site wine cellars shall be regarded as a primary use and shall be subject to the following development standards:

(a) **Storage Capacity.** An off-site wine cellar shall have a minimum storage capacity of three hundred ~~eighty (380) (300)~~ cases of wine or approximately ~~seven~~ nine hundred ~~(900) thirteen (713)~~ gallons of wine and a maximum storage capacity of five thousand (5,000) cases of wine or approximately eleven thousand eight hundred eighty-five (11,885) gallons. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) Minimum Lot Size. The Wineries and Wine Cellars, Off-Site Wine Cellar use type shall be located on a parcel with a minimum lot size of five (5) gross acres in agricultural zones. Off-site wine cellars that are located on parcels in non-agricultural zones are exempt from this requirement.

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~~(b)(c) **Setbacks.** The required yard setbacks shall be determined by the zone in which the large winery is located pursuant to Section 9-610.2 or 9-510.3 following minimum yard setback requirements shall apply for off-site wine cellars developed in agricultural zones:~~

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar shall be set back a minimum of three-hundred (300) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall apply:

- (A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).
- (B) For expansion of existing off-site wine cellars that require a new land use permit, the three-hundred (300) foot setback shall only apply to the expansion of the area that will be used for Marketing Events, Industry Events and/or Accessory Wine Events.

(2) For off-site wine cellars located adjacent to a parcel with a residence, the following standards shall apply:

- (A) All new construction, use of existing buildings, proposed permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar shall be set back a minimum of three-hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.
- (B) If the neighboring residence is located more than two-hundred (200) feet from the property line adjacent to the off-site wine cellars parcel, then the setback may be reduced to one-hundred (100) feet.

(3) For off-site wine cellars located adjacent to a parcel without a residence, the following standards shall apply:

- (A) The required minimum yard setbacks for off-site wine cellars in agricultural zones shall be determined by the zone in which the off-site wine cellar is located pursuant to Section 9-610.3.

(4) The setback requirements for off-site wine cellars in non-agricultural zones shall be determined by the zone in which the off-site wine cellar is located and are exempt from the requirements outlined above in Section 9-1075.3 (c)(1)(2)&(3).

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~~(e)~~ (d) **Height.** The required height limits for stand alone off-site wine cellar structures in the Agricultural and Commercial zones shall be determined pursuant to Sections 9-610.2 and 9-410.3.

~~(d)~~ (e) **Zoning and Use Type.** Off-site wine cellars shall be allowed in the General Agriculture (AG) zone, ~~and the Community Commercial (C-C), General Commercial (C-G), and the Rural Service Commercial (C-RS) zones~~ pursuant to Sections 9-605.2 and 9-405.2, respectively, under the Wineries and Wine Cellars use type.

~~(e)~~ (f) **Signs.** The signage requirements shall be determined pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Off-site wine cellars may also be subject to regulations contained in Section 9-1075.9(l).

~~(f)~~ (g) **Landscaping.** The landscaping requirements shall be determined pursuant to Sections 9-1020.1 through 9-1020.10.

~~(g)~~ (h) **Fencing.** The fencing requirements shall be determined pursuant to Sections 9-1022.1 and through 9-1022.3.

~~(h)~~ (i) **Screening.** The screening requirements shall be determined pursuant to Sections 1022.4 through 9-1022.6.

~~(i)~~ (j) **Parking.** The parking surfacing requirements for off-site wine cellars shall be chip seal or an alternative surfacing material. The minimum number of required permanent parking spaces for off-site wine cellars shall be determined pursuant to Section 9-1015.3. Off-site wine cellars may also be subject to regulations contained in Section 9-1075.9(i).

~~(j)~~ (k) **Noise.** Amplified sound is permitted at ~~both indoor and outdoor special events and both indoor and outdoor marketing activities and events.~~ Outdoor amplified sound may be conditionally permitted for off-site wine cellars subject to regulations contained in Section 9-1075.9(g).

~~(k)~~ (l) **Permits.** Off-site wine cellars shall obtain a Business License and a Site Approval from the Community Development Department. Off-site wine cellars shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health ~~Division~~ Department and the Fire Department as well as State and Federal regulations. A Use Permit shall be required for any off-site wine cellar proposing Marketing Events pursuant to Section 9-1075.9(a).

~~(l)~~ (m) **Permitted Uses and Structures.** Operational uses and production facilities in connection with a ~~Site Approval~~ discretionary land use permit for an off-site wine cellar include, but are not necessarily limited to, the following:

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- (1) Aging wine;
- (2) Bottling and labeling of wine;
- (3) Storage of wine in barrels or cases of bottles;
- (4) Wine caves;
- (5) Administrative offices; and
- (6) Shipping, receiving and distribution of wine.

~~(m)~~ **(n) Accessory Uses and Structures.** Accessory uses and structures in connection with a Site Approval discretionary land use permit for an off-site wine cellar include, but are not necessarily limited to the following:

~~(1) Maximum Number of Wine Tasting Rooms. One (1) wine tasting room or one (1) wine tasting room area;~~ More than one tasting room is allowed on the off-site wine cellar premises. Only wine produced or bottled by the associated winery may be served at the off site wine cellar tasting room(s).

(A) **Maximum Size of New Structures.** Two thousand (2,000) square feet shall be the maximum ~~size of a~~ cumulative square footage permitted for a free standing wine tasting room structure that is separate from the building where the wine is stored. Alternatively, two thousand (2,000) square feet shall be the maximum cumulative square footage size of the areas designated for wine tasting within a multipurpose building,

(B) **Maximum Size of Existing Buildings.** An existing multipurpose wine cellar building that is larger than two thousand (2,000) square feet may be used provided that a Use Permit is obtained, and that a maximum of two-thousand (2,000) square feet of cumulative building space is used for wine tasting.

~~(C) Maximum Size of the Retail Sales Area. The retail sales area within the free standing wine tasting room or the area designated for wine tasting within a multipurpose building shall not exceed six hundred (600) square feet;~~

~~(2) Marketing events shall end by 10:00 pm.~~

(2) Retail Sales. A maximum of five-hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts and merchandise. The sale and display of the off-site wine cellar's wine is not limited to the 500 square foot floor area and is permitted in addition to the designated retail sales area.

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- ~~(3) Retail sales of wine and promotional items at a wine tasting room;~~
- ~~(4)~~(3) Outdoor eating areas ancillary to a wine tasting room;
- ~~(5) Food preparation facilities to be used only for marketing events or special events; and~~
- ~~(6)~~(4) Display and sales of art and historical items that reflect the history of the wine industry.

9-1075.9 ~~8~~ EXISTING WINERIES AND WINE CELLARS.

Existing permitted wineries or wine cellars established prior to the adoption of the ordinance codified in this Chapter will continue to be governed by the conditions of approval from their original Discretionary Permit.

9-1075.9 MARKETING EVENTS, INDUSTRY EVENTS, & ACCESSORY WINERY EVENTS

Notwithstanding any other provision of this Chapter, all new Wineries and Off-Site Wine Cellars and existing Wineries and Off-Site Wine Cellars who request to add Marketing Events or modify an existing Marketing Event approval, have Accessory Winery Events and/or participate in Industry Wide Events will be subject to the following requirements.

(a) **Permits.** Permits are required as follows:

- (1) For any new Winery or Off-Site Wine Cellar that proposes Marketing Events a Use Permit shall be required.
- (2) For any existing Winery or Off-Site Wine Cellar that proposes to add Marketing Events, or for any existing Winery or Off-Site Wine Cellar that proposes increasing the number of events, number of attendees, and/or adding outdoor amplified sound, a Revision of Approved Actions application will be required using the Public Hearing Review Procedure as set forth in Chapter 9-220.
- (3) For any existing Winery or Off-Site Wine Cellar with no previously approved Marketing Events that proposes to add Accessory Winery Events or participate in Industry Events, an Improvement Plan application will be required using the Staff Review Procedure as set forth in Chapter 9-210.

- (b) **Product Availability.** A sufficient amount of wine shall be produced by the Winery or Off-Site Wine Cellar and be available prior to commencing Marketing Events, Industry Events or Accessory Winery Events.

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- (c) **Marketing Event Plan.** A Marketing Plan shall be filed with the Community Development Department on a bi-annual basis and updated monthly as necessary for any Winery or Off-Site Wine Cellar with approved Marketing Events, Accessory Winery Events and/or who will participate in Industry Events. A copy of the Marketing Plan shall be kept on the Winery or Off-Site Wine Cellar premises at all times. The Plan shall be made available to the Community Development Department for review upon request. See Section 9-1075.9(m) for applicability of operational standards for existing Wineries and Off-Site Wine Cellars with previously approved Marketing Events.
- (d) **Maximum Number of Marketing Events.** The maximum number of annual Marketing Events shall be based on the Wineries and Off-Site Wine Cellar use classification. Industry Events and Accessory Winery Events shall not be included in the maximum number of permitted Marketing Events.
- (1) **Wine Cellar, Off-Site** shall be limited to a maximum of ten (10) Marketing Events per calendar year;
 - (2) **Winery, Small** shall be limited to a maximum of twelve (12) Marketing Events per calendar year;
 - (3) **Winery, Medium** shall be limited to a maximum of fifteen (15) Marketing Events per calendar year;
 - (4) **Winery, Large** shall be limited to a maximum of twenty (20) Marketing Events per calendar year.
- (e) **Frequency of Marketing Events.** A maximum of one (1) Marketing Event (not including Industry Events or Accessory Winery Events) shall be permitted per week. For the purposes of this Section, a week is defined as Monday through Sunday.
- (f) **Maximum Attendance.** The number of attendees permitted per Marketing Event for Wineries and Off-Site Wine Cellars are subject to the following size restrictions with an approved land use permit:
- (1) **Wine Cellar, Off-Site and Winery, Small.** Off-Site Wine Cellars and Small Wineries located on parcels between a minimum of 5.0-9.99 gross acres in size shall have a maximum of one-hundred fifty (150) attendees. Parcels with a minimum of 10.0 gross acres in size shall have a maximum of three-hundred (300) attendees.

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- (2) **Winery, Medium and Large.** Medium and Large Wineries located on parcels with a minimum of 10.0 gross acres in size shall have a maximum of three-hundred (300) attendees.
- (g) **Outdoor Amplified Sound.** Outdoor amplified sound may be conditionally permitted with an approved land use permit at Marketing Events, Industry Events and/or Accessory Winery Events subject to the following standards:
- (1) Outdoor amplified sound shall be permitted between the hours of 10 a.m. and 7 p.m.
 - (2) Outdoor amplified sound shall be permitted a maximum of two (2) times per calendar month; but no more than one (1) time per week. For the purposes of this Section, a week is defined as Monday through Sunday.
 - (3) A Noise Study shall be required prior to permitting outdoor amplified sound to ensure compliance with the Noise Standards specified in Section 9-1025.9.
 - (4) Indoor amplified sound may be permitted in compliance with the Noise Standards specified in Section 9-1025.9.
- (h) **Wine Served.** Only wine produced or bottled by the permitted on-site Winery or Off-Site Wine Cellar shall be permitted at Marketing Events, Accessory Winery Events and/or Industry Events. Outside alcoholic beverages are prohibited. Non-alcoholic beverages may be served at Marketing Events, Accessory Winery Events and/or Industry Events, and/or be sold within the designated retail sales area.
- (i) **Parking Requirements.** The following parking requirements shall apply to Wineries and Off-Site Wine Cellars with Marketing Events, Industry Events, and/or Accessory Winery Events.
- (1) A minimum of one (1) parking space shall be provided for every two (2) event attendees. Overflow parking areas utilized for event parking may be permitted using alternative surfacing materials pursuant to Section 9-1015.5(e)(2).
 - (2) A minimum of one (1) on-site parking attendant shall be required for any Marketing Event or Accessory Winery Event that exceeds one hundred (100) attendees. This person shall be available for the duration of the event.
 - (3) A minimum of one (1) on-site parking attendant shall be required for any winery or off-site wine cellar participating in an Industry Event. This person shall be available for the duration of the event.

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- (j) **Commercial Kitchen.** Commercial kitchens shall be permitted as an accessory use to Winery and Off-Site Wine Cellar use types in conjunction with approved Marketing Events, Industry Events, or Accessory Winery Events. Commercial kitchens shall not be used for restaurant purposes in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425.
- (k) **End of Event.** Marketing Events, Industry Events and Accessory Winery Events shall end by 10 pm.
- (l) **Event Signs.** In addition to signage criteria specified in Development Title Section 9-1705, the following shall apply to any signs used by a winery or an off-site wine cellar during Marketing Events, Industry Events or Accessory Winery Events:
- (1)All signs shall be placed outside County/public right-of-way; unless approved by the Public Works Department.
- (2)Signs shall not be placed on existing signs and/or poles, or on utility poles or cabinets located within the County/public right-of-way; unless approved by the Public Works Department.
- (3)Signs shall not be placed in such a way that interferes or obscures traffic signs.
- (m) **Applicability.** Notwithstanding any other provisions of the Development Title, the following operational standards shall apply to existing wineries and off-site wine cellars with previously approved Marketing Events, Accessory Winery Events and/or participation in Industry Wide Events:
- (1) Section 9-1075.9(b) regarding Product Availability;
(2) Section 9-1075.9(c) regarding submittal of a Marketing Event Plan;
(3) Section 9-1075.9(e) regarding Frequency of Marketing Events;
(4) Section 9-1075.9(g) regarding Outdoor Amplified Sound
(5) Section 9-1075.9(h) regarding Wine Served;
(6) Section 9-1075.9(i)(2)(3)(4) regarding Parking;
(7) Section 9-1075.9(j) regarding Commercial Kitchens;
(8) Section 9-1075.9(k) regarding End of Event; and
(9) Section 9-1075.9(l) regarding Event Signs.

9-1075.10 ENFORCEMENT

Violations of this Chapter shall be enforced pursuant to Chapters 9-230 and 9-1905 of this Title.

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