ORDINANCE NO. 9940 (NEW SERIES)

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO INTRODUCE BOUTIQUE WINERIES AS A PACKING AND PROCESSING USE TYPE (POD 07-001)

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the following amendments of the Zoning Ordinance to introduce Boutique Wineries as a Packing and Processing Use Type and to allow a Boutique Winery as a permitted use subject to limitations in the Agricultural Use Regulations are reasonable and necessary for the public health, safety, convenience, and welfare and are consistent with the General Plan.

Section 2. Section 1205e. of the San Diego County Zoning Ordinance is hereby amended to read as follows:

e. Agricultural Use Types.

Horticulture: Cultivation
Horticulture: Storage
Tree Crops
Row and Field Crops
Animal Raising
Animal Waste Processing
Packing and Processing: Limited
Packing and Processing: General
Packing and Processing: Support
Packing and Processing: Winery
Packing and Processing: Boutique Winery
Packing and Processing: Wholesale Limited Winery
Agricultural Equipment Storage

Section 3. Section 1735 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

1735 PACKING AND PROCESSING.
Packing and Processing refers to packing and processing of fresh agricultural products and does not include cooking, canning, tanning, rendering and reducing operations which are general industrial uses. Following are categories of Packing and Processing use types:

a. Packing and Processing: Limited. The customary preparation for market of fresh produce, flowers, feed, fiber, milk, eggs, rabbits, poultry and other similarly sized small or specialty animals raised for human consumption, produced on the same premises as the packing and processing operation.

b. Packing and Processing: General. The customary preparation for market of fresh produce, flowers, feed, fiber, milk, eggs, rabbits, poultry and other similarly sized small or specialty animals raised for human consumption, produced on premises other than that upon which the packing and processing operation is located.

c. Packing and Processing: Support. Fabrication, assembly, reconditioning and sale of boxes, cartons, crates and pallets for handling and transporting crops provided this use is secondary to agricultural or horticultural production on the premises.

d. Packing and Processing: Winery. Crushing of grapes, berries and other fruits and fermentation, storage and bottling of wine from fruit grown on or off the premises. A Winery may also include a tasting room and retail outlet as secondary uses.

e. Packing and Processing: Boutique Winery. Crushing of grapes, berries and other fruits and fermentation, storage and bottling of up to 12,000 gallons of wine per year. Of the total fruit used in winemaking: a minimum of 50% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 50% may be grown outside of San Diego County. A Boutique Winery may also include a tasting room and retail outlet as secondary uses.

f. Packing and Processing: Wholesale Limited Winery. Crushing of grapes, berries and other fruits for the fermentation, storage, bottling and wholesaling of wine from fruit grown on or off the premises, subject to the following criteria.

1. On-site sales to the public, tasting rooms, and/or special events associated with the winery operation are prohibited. Internet sales, phone sales and mail-order sales are allowed.

2. The maximum floor area of non-residential structure(s) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking is limited to 1,000 square feet where the lot is less than one gross acre. A maximum floor area of 1,500 square feet is permitted where the lot is one acre or more but less than 2 acres gross, and 2,000 square feet of floor area is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres, up to a maximum of 5,000 square feet.

3. Up to 75 percent of the fruit used in winemaking may be imported from off the premises while the remainder shall be grown on the premises.

4. Wine production shall be limited to not more than 7,500 gallons annually.

Section 4. Section 2703 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

2703 PERMITTED USES SUBJECT TO LIMITATIONS.
The following use types are permitted by the A70 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types

Mobilehome Residential "18"

b. Commercial Use Types

Animal Sales and Services: Veterinary (Large Animals) "6"
Animal Sales and Services: Veterinary (Small Animals) "6"
Cottage Industries "17" (see Section 6920)
Recycling Collection Facility, Small "2"
Recycling Processing Facility, Wood and Green Materials "3"

c. Agricultural Use Types

Packing and Processing: Boutique Winery "22" (see Section 6910)

Section 5. Section 2723 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

2723 PERMITTED USES SUBJECT TO LIMITATIONS.
The following use types are permitted by the A72 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types

Mobilehome Residential "18"

b. Commercial Use Types

Animal Sales and Services: Veterinary (Large Animals) "6"
Animal Sales and Services: Veterinary (Small Animals) "6"
Cottage Industries "17" (see Section 6920)
Recycling Collection Facility, Small "2"
Recycling Processing Facility, Wood and Green Materials "3"

c. Agricultural Use Types

Packing and Processing: Boutique Winery "22" (see Section 6910)

Section 6. Section 2980 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

2980 LIMITATIONS ON PERMITTED USES.
The following limitations apply to the uses indicated by the corresponding number in quotes in the previous sections entitled "Permitted Uses Subject to Limitations."

"1" Dwellings as Secondary Uses. Limited to dwellings which are secondary uses of a structure, lot or parcel primarily used for business purposes.

"2" Recycling Collection Facilities shall comply with the applicable provisions of Section 6970.

"3" Recycling Processing Facilities shall comply with the applicable provisions of Section 6975.

"4" Secondary Use. Permitted only as a secondary use within a dwelling. No such use shall have a floor area greater than the floor area devoted to residential purposes.

"5" Same Lot. Permitted only if located on the same lot as the industrial use it serves.

"6" Veterinary Hospitals. Hospital must be located on a parcel of land not less than 2 acres in size. Indoor treatment areas must be located at least 100 feet from the nearest property line, and out door treatment or confinement areas must be located at least 200 feet from the nearest property line.

"7" Limitation on Enclosed Storage. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building, and the area devoted to storage shall not be greater than the area devoted to sales and administrative offices.

"8" Enclosed Building. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building.

"9" Enclosed Building or Walls. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building or inside walls or solid fences not less than 6 feet in height.

"10" Retail Establishments. Limited to retail establishments intended for the convenience of permitted establishments and/or clients thereof, provided no such retail establishment occupies more than 15 percent of the total floor area of the building in which it is located and has no entrance except from the lobby or interior of said building, or from a patio entirely surrounded by said building.

"11" Insurance and Real Estate Offices. Limited to insurance and real estate offices as a secondary use within a dwelling. No such office shall have a floor area greater than the floor area devoted to residential purposes.

"12" Gasoline Sales. There shall be no open storage of goods or materials, and all repair and lubrication services shall take place in an enclosed building.

"13" Drycleaning Plants and Laundries. Limited to drycleaning plants and laundries which provide retail services only, use only non-flammable solvents, and employ not more than 10 people.

"14" Performance Standards. Subject to meeting the applicable provisions of the performance standards specified in Section 6300.

"15" Performance Standards and Power. Subject to meeting the applicable provisions of the performance standards specified in Section 6300. Prior to the installation or operation of electric or other power sources in excess of 20 horsepower, the proposed use shall be reviewed pursuant to Section 6304 and the Director shall certify that the use complies with the applicable performance standards.

"16" Animal Related Activities. Animal related activities may be permitted subject to the Animal Regulations commencing at Section 3000.

"17" Cottage Industries. Permitted subject to the provisions of Section 6920.

"18" Mobilehome Residential. Subject to the Mobilehome Park Regulations commencing at Section 6500 or the Planned Development Standards commencing at Section 6600.

"19" Adult Entertainment Establishments. Subject to meeting the applicable provisions of the regulations and performance standards specified in Section 6930 and upon issuance of an Administrative Permit as specified in Section 6930.

"20" Secondary Use: On building sites 5 acres or less in size, the use shall be restricted to locations above the first story of a building or buildings the first story of which is reserved for permitted principal uses. On building sites larger than 5 acres, the use may, as an alternate to the foregoing, be located in a building or buildings intended and located solely for secondary uses provided that not less than 50 percent of the site area is devoted exclusively to permitted principal uses.

"21" Drug Paraphernalia Establishments. Subject to meeting the applicable provisions of the standards specified in Section 6932 and upon issuance by the Director of an Administrative Permit.

"22" Boutique Wineries. Allowed subject to the provisions of Section 6910.

Section 7. Section 6910 of the San Diego County Zoning Ordinance is hereby added to read as follows:

6910 BOUTIQUE WINERIES

a. An Administrative Permit for a Packing and Processing: Boutique Winery may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:

1. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

a) Harmony in scale, bulk, coverage and density;

b) The availability of public facilities, services and utilities;

c) The harmful effect, if any, upon desirable neighborhood character;

d) The generation of traffic and the capacity and physical character of surrounding streets;

e) The suitability of the site for the type and intensity of use or development which is proposed; and to

f) Any other relevant impact of the proposed use; and

2. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and

3. That the requirements of the California Environmental Quality Act have been complied with.

b. Notice shall be given to owners of property within 300 feet of the exterior boundaries of the proposed Boutique Winery and a minimum of 20 different owners pursuant to Section 7060c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060 d.

Section 8. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY
ASSISTANT COUNTY COUNSEL

PASSED, APPROVED, AND ADOPTED by the Board of Supervisor of the County of San Diego this 18th day of June, 2008.

GREG COX
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater-Price, Horn
ABSENT: Roberts

ATTEST my hand and the seal of the Board of Supervisors this 18th day of June, 2008.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By _____
Catherine Santos, Deputy

Ordinance No. 9940 (N.S.)
Meeting Date: 6/18/08 (5)