



County of San Diego

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May 27, 2016

Update No. 98
05-16

TO: Persons Holding Copies of the San Diego County Zoning Ordinance
FROM: Planning & Development Services
RE: AMENDMENT PAGES FOR THE COUNTY ZONING ORDINANCE

Attached are pages containing changes to the San Diego County Zoning Ordinance amended by adoption of Ordinance No. 10425 (N.S.), effective May 27, 2016. This Ordinance makes additions and amendments to the Wholesale Limited, Boutique and Small Winery regulations. These amendment pages are known as Tiered Winery Ordinance Amendment, POD-14-005, adopted by the Board of Supervisors on April 27, 2016.

Please substitute these pages in your copy of the Zoning Ordinance by removing the obsolete pages and adding the new pages as follows:

REMOVE	ADD	SECTION CHANGES/DESCRIPTION
6910 - 6910 (3 pages)	6910 - 6910 (6 pages)	Wholesale Limited, Boutique and Small Winery regulations amended

Upon insertion of these pages, we suggest you fill in the space provided for Update No. 98 inside the front cover of your Zoning Ordinance. This will serve as a record that your copy has been updated. If you have any questions regarding this update, please contact Heather Lingelser at (858) 495-5802.

Darren Gretler, Assistant Director
Department of Planning & Development Services

- b. Exception to Section 1019. Notwithstanding Section 1019, no application for a building permit for a Funeral and Interment Services: Cremating use type shall be accepted or approved where the proposed use or facility would violate Section 2545(b) or Section 2585(b).

(Added by Ord. No. 8318 (N.S.) adopted 10-27-93)

6908 COLUMBARIA

Additional Standards for Columbaria. Before any Major Use Permit or Minor Use Permit for a Columbarium may be granted or modified, in addition to the findings required by Section 7358, it shall be found that the Columbarium will be located upon land owned in fee interest by the operator of the associated Religious Assembly Use Type.

(Added by Ord. No. 9151 (N.S.) adopted 5-10-00)

6909 MINI-WAREHOUSES.

All Mini-Warehouses shall comply with the following provisions:

- a. Commercial Uses Not Allowed. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business or service use.
- b. Size and Uses. Individual storage spaces within a mini-warehouse shall have a maximum gross floor area of 400 square feet and shall not be used for workshops, hobbyshops, manufacturing or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials.
- c. Driveways. Driveways between mini-warehouse buildings on the same site shall have a minimum width of 24 feet to accommodate the temporary parking of vehicles during loading and unloading operations.
- d. Mini-Warehouses in Residential Areas. In areas where mini-warehouses are permitted upon issuance of a Major Use Permit under the residential use regulations, they may only be located on relatively flat parcels of land of not less than 1 acre and not greater than 5 acres where any portion of such parcels are on the periphery of residential areas impacted by noise levels from adjacent roads in excess of 60 CNEL.
- e. Enclosure Regulations. The Enclosure Regulations to the contrary notwithstanding, open storage of boats and/or recreational vehicles, may be permitted as an accessory use in connection with a major use permit for a mini-warehouse.

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

6910 WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES

The provisions of Section 6910 shall be known as the Wholesale Limited, Boutique and Small Wineries Regulations. The purpose of these regulations is to promote production of wine from fruit grown in San Diego County, to support local agriculture and to prescribe reasonable standards and procedures for the operation of wineries. Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited.

- a. Wholesale Limited Winery. A Wholesale Limited Winery shall comply with the following provisions:
1. Prior to the occupancy of the winery structures and the production of wine, a Wholesale Limited Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
 2. On-site sales to the public of wine and other goods from the winery, tasting rooms, and/or special events, including but not limited to weddings and parties, are prohibited. Internet sales, phone sales and mail-order sales are allowed.
 3. The maximum floor area of a production facility (non-residential structure(s) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices) is limited as follows

Lot Size (gross)	Production Facility Size (cumulative max.)
< 1 ac	1,000 sf
1 ac - <2 ac	1,500 sf
2 ac - 4 ac	2,000 sf
For each acre over 4 acres	200 sf additional per acre, not to exceed 5,000 sf

No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility for the Wholesale Limited Winery Use.

4. A minimum of 25% of the winery's production shall be from fruit grown on the premises. Up to 75% of the winery's production may be from sourced fruit/juice from inside or outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
Within/Outside San Diego County	75% (max.)	Permitted	Prohibited
TOTAL	100%		

No wine produced off of the premises may be used in the winery's production or sold from the premises.

- i. The owner of the winery shall keep records detailing the amount of fruit grown on the premises and the amount of fruit and/or juice imported from off the premises, to demonstrate compliance with this Section.
 - ii. The records shall indicate the dates of receipt and quantities of all imported fruit and/or juice and shall indicate the off-site growers name, address and location of the growing operation from which the fruit is imported.
 - iii. All records shall be provided within 14 days of request by County staff.
5. Wine production shall be less than 12,000 gallons annually.
6. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
7. A Wholesale Limited Winery shall demonstrate compliance with the Travel Time Standards from the Closest Fire Station, specified in the Safety Element, Table S-1.
- b. Boutique Winery. A Boutique Winery shall comply with the following provisions:
1. Prior to the occupancy of the winery structures and the production of wine, a Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
 2. Wine production shall be less than 12,000 gallons annually.

3. A minimum of 25% of the winery's production shall be from fruit grown on the premises. A minimum of 50% of the winery's production shall be from fruit grown in San Diego County or from sourced juice and/or wine produced in San Diego County with San Diego County grown grapes. No more than 25% of the winery's production may consist of fruit, juice or non-bottled bulk wine sourced from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	50% (min.)	Permitted	Permitted
Outside San Diego County	25% (max.)	Permitted	Permitted
TOTAL	100%		

- i. The owner of the winery shall maintain records detailing the total annual production amount of fruit grown on the premises and the amount of fruit, juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
 - ii. The records shall indicate the dates of receipt and quantities of all imported fruit, juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
 - iii. All records shall be provided within 14 days of request by County staff.
4. The maximum floor area of the production facility (non-residential structure(s)) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices, is limited as follows:

Lot Size (gross)	Production Facility Size (cumulative max.)
< 1 ac	1,000 sf
1 ac - <2 ac	1,500 sf
2 ac - 4 ac	2,000 sf
For each acre over 4 acres	200 sf additional per acre, not to exceed 5,000 sf

No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility or tasting/retail sales area for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910b.4 may contain one designated tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. The designated tasting/retail sales area shall be accessory to wine production, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility structures, and shall comply with the following:
 - i. All areas accessed by the public must be permitted and constructed in compliance with the applicable commercial building code, including the requirements of the Americans with Disabilities Act;
 - ii. Barns and agricultural storage buildings on the premises which are not permitted as part of the Boutique Winery production facility shall not be included for purposes of calculating the allowed area of the tasting/retail sales area;
 - iii. For the purposes of this Section, a tasting/retail sales area is defined as a room, cave, trellis and/or outdoor patio area (covered or uncovered) that is dedicated for wine tasting and sales of wines produced on-site and food related items;
 - iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes.
 - v. Internet, phone and mail-order sales are allowed.
6. Events, including but not limited to weddings and parties, are prohibited except as provided in this Section. An event, for purposes of this Section, is defined as the use of the site for organized activities or gatherings (other than wine production, wine sales, wine tasting, agricultural instruction and educational tours), including any activities or gatherings that are advertised or promoted.

Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) may be allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).

7. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
 - i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in b.8;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
8. A tasting/retail sales area in conjunction with a Boutique Winery may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1.
9. A minimum of six parking spaces shall be provided for patrons using the Boutique Winery, and a minimum of three spaces shall be provided for Boutique Winery operations and employees. No parking for a Boutique Winery is allowed off the premises.
10. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with Chip Seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes. Any disabled access parking stalls, access aisles, and accessible routes provided for compliance with California Building Code chapter 11B shall be stable, firm, and slip-resistant.
11. Outdoor amplified sound is not allowed.
12. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
13. Outdoor eating areas shall be limited to a combined maximum of five tables and seating for no more than 20 people and shall be used in conjunction with allowed Boutique Winery operations only during the hours specified in subsection b.8.

14. Vehicles with a capacity in excess of 15 passengers are not allowed to serve the Boutique Winery.
 15. A Boutique Winery shall demonstrate compliance with the Travel Time Standards from the Closest Fire Station, specified in the Safety Element, Table S-1.
- c. Small Winery. A Small Winery shall comply with the following provisions:
1. Prior to the occupancy of the winery structures and the production of wine, a Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.
 2. Wine production shall be less than 120,000 gallons annually.
 3. A minimum of 25% of the winery's production shall be from fruit grown on the premises. An additional minimum of 25% of the winery's production shall be from fruit grown or juice/wine produced in San Diego County with San Diego County grown grapes. No more than 50% of the winery's production may consist of sourced fruit, juice or wine from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	25% (min.)	Permitted	Permitted
Outside San Diego County	50% (max.)	Permitted	Permitted
TOTAL	100%		

- i. The owner of the winery shall maintain records detailing the amount of fruit grown on the premises (including properties pursuant to subsection iv) and the amount of fruit/juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
- ii. The records shall indicate the dates of receipt and quantities of all imported fruit/juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
- iii. All records shall be provided within 14 days of request by County.

- iv. "Fruit grown on the premises," as that phrase is used above in c.3, may include fruit grown on a separate property or properties under the same ownership or lease as the Small Winery, provided all of the following criteria are met:
 - a) "Separate property" or "properties" shall mean parcels located within the County that are not contiguous to one another, are under the same ownership or lease as the Small Winery, and are part of the same Small Winery operation;
 - b) All properties shall be clearly delineated and included as part of the Small Winery Administrative Permit and shall be subject to all conditions of approval;
 - c) Only one of the parcels shall have the wine production facilities, tasting area and/or event areas. That parcel shall be a minimum of 4 acres in size;
 - d) For wineries smaller than 8 acres in size, at least 50% of the "fruit grown on the premises" shall be grown on the parcel which contains the wine production facilities and tasting area. For wineries 8 acres or larger in size, at least 25% of the "fruit grown on the premises" shall be grown on the parcel which contains the wine production facilities and tasting area;
 - e) Events of any kind are permitted only on the parcel which contains the production facility, tasting area, and approved event areas. No events shall be permitted on any of the other properties included as part of the Small Winery.

- 4. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Small Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.
 - i. One mobile food facility may be allowed on the Small Winery premises to serve the patrons during the approved hours of operation;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;

- iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
5. Events, including but not limited to weddings and parties, may be allowed as specified in the Administrative Permit upon the making of the findings in Section 6910.c.6. Events shall comply with the requirements of Section 21.201 et seq. of the County Code.

Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) are allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).

6. An Administrative Permit for a Small Winery is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:
- i. 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.
 - f) Any other relevant impact of the proposed use.
 - ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
 - iii. That the requirements of the California Environmental Quality Act have been complied with.

- iv. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
7. A Small Winery shall demonstrate compliance with the Travel Time Standards from the Closest Fire Station, specified in the Safety Element, Table S-1.

(Added by Ord. No. 9940 (N.S.) adopted 6-18-08)
 (Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)
 (Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)
 (Amended by Ord. No. 10425 (N.S.) adopted 4-27-16)

6911 EMERGENCY SHELTERS.

Emergency Shelters (See Section 1334) shall comply with the following provisions, in addition to all other applicable County codes and any requirements imposed by the State Department of Housing and Community Development:

- a. The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed 1 per 125 sq. ft. of floor area. There shall be one bed provided for each client.
- b. Off street parking shall be provided as follows: one parking space per employee on site at the same time and one additional space for every 6 client beds or portion thereof.
- c. The client waiting and/or intake areas shall be as follows:
 - 1. The interior waiting/intake area for a facility with 14 or fewer beds shall be no less than 125 sq. ft. and for a facility with 15 or more beds shall be no less than 200 sq. ft. in area.
 - 2. The exterior waiting/intake area shall be no less than 450 sq. ft. for facilities with 14 beds or fewer. The exterior waiting/intake area shall be no less than 900 sq. ft. for facilities with 15 beds or more. Exterior waiting/intake areas shall be screened from view from surrounding properties by solid fencing of not less than 6 feet in height. Fencing shall conform to the requirements of Section 6700 et. seq.
- d. An individual or individuals who do not utilize the homeless beds and/or services and who maintain their own residence off site may be eligible as on site manager(s). Each facility shall have manager(s) present onsite 24 hours per day, 7 days per week. At a minimum, one on site manager and one supporting staff member of the same sex shall be provided in each segregated sleeping area being used.

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- e. Segregated sleeping, lavatory and bathing areas shall be provided if the Emergency Shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.
- f. No Emergency Shelter shall be located within 300 feet of another Emergency Shelter.
- g. No client shall be allowed to stay more than 180 consecutive days or 300 overall days within any 12 month period of time.
- h. Lighting shall be provided in all parking areas, exterior intake and/or waiting areas and outside common areas. Outdoor lighting shall conform to all provisions of Section 6324 of this Zoning Ordinance and Section 51.201 and following of the San Diego County Code.
- i. Adequate security shall be provided on site during all hours of operation.
- j. For purposes of this section, "client" is defined as a person who utilizes the Emergency Shelter facilities to eat, shower or sleep but is not a staff member.

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6912 COMMUNITY GARDENS

Community Gardens are allowed in all zones where Row and Field Crops are permitted, subject to the following regulations:

- a. Hours of Operation. Hours of operation shall be limited to the hours between sunrise and sunset.
- b. Permitted structures. Accessory structures, such as storage sheds for tools and other supplies, greenhouses and/or an Agricultural Stand, may be allowed in a community garden pursuant to Section 6156.
- c. Parking. A minimum of 2 parking spaces shall be provided on the lot when there is no on-street parking allowed adjacent to the community garden property.
- d. Water Use. Wasting water is prohibited pursuant to County Code Section 86.725. Water efficient irrigation techniques such as drip irrigation and timers to control watering times are encouraged. All hoses shall be equipped with a trigger nozzle. Mulching of planted areas is encouraged to retain plant moisture.