

2010 WDO – DRAFT CHANGES AS MARKED

SECTION 1. Findings of fact

- (d) The preservation of agricultural land requires a reliable market to justify the investment required to acquire, develop and maintain vineyards capable of producing high quality fruit. In this regard, a reliable market for Napa County wine grapes is dependent on the ability of Napa County wineries to promote, market and sell Napa County wines in an increasingly competitive domestic and international market.
- (g) Napa County is in competition with other wine regions around the world. Direct sales and consumer visitation at wineries are increasingly important factors enabling Napa Valley wineries to compete, and the quality of the visitor experience affects the competitive position of Napa Valley wineries.
- (h) The existence of wineries within the Agricultural Preserve is a conditional use granted to wineries because the creation, selling and marketing of wine is a necessary and essential adjunct to the agricultural activity of growing grapes, and thereby ensures the long term viability and sustainability of the Agricultural Preserve.

SECTION 8. Section 12047 of the Napa County Code is amended to read in full as follows:

Sec. 12047. “Winery.”

“Winery” shall mean an agricultural processing facility used for:

- (1) The fermenting and processing of grape juice into wine; or
- (2) The refermenting of still wine into sparkling wine.;

SECTION 9.

Sec. 12070. “Tours and Tastings”.

“Tours and Tastings” shall mean tours of the winery and/or tastings of wine, including wine-food pairings, where such tours and tastings are limited to members (a) in the case of the wine trade, persons invited by a winery who have pre-established business or personal relationships existing wineries, limited in number and frequency consistent with the winery’s approved use permit and (b) in the case of new winery use permits and expansion of existing winery or its owners, and persons who have made unsolicited prior appointments for use permits, limited to the number and frequency authorized by each approved winery use permit. For clarity, on a prospective basis only, and without affecting winery uses permitted under Code sections 18.16.020 (g) through (i) and

18.20.020 (h) through (i), in no case will there be open and unrestricted public tours and tastings.

Sec. 12071. “Marketing of Wine”.

“Marketing of Wine” shall mean any activity of a winery ~~identified in this paragraph which is conducted at the winery and is limited~~ directly related to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a pre-arranged basis. ~~Marketing of wine is limited to activities for the education and development of the persons or groups listed above~~ customers, visitors or guests of either the winery or its owners with respect to wine which can be sold at the winery on a retail basis pursuant to ~~Article 4~~ Chapters 18.16 and 18.20, and that is limited in number and frequency consistent with the winery’s use permit. Marketing of wine may include cultural or social events directly related to such purpose to the extent such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of this title, and wine may include food service, including food and wine pairings, where all such food service shall be without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development.

SECTION 21.

Sec. 12602.3 Winery Signs.

A. All winery signs, including, but not limited to any sign containing “open”, “closed”, hours of operation, or identifying sales of wine, shall be governed by use permit or a comprehensive sign plan, and shall be compatible with the design and scale of the winery, its site, structures and surrounding area.

i. Figure 19.116.060: Examples of Winery Signs

B. ~~Unless the winery was permitted to conduct public tours or tastings prior to February 22, 1990, a winery that is required to or elects to have a sign identifying the winery at the entrance to or from a public roadway, including a sign attached to or part of an entry structure, must at the same location prominently and legibly post the words “Tours and Tastings by Prior Appointment Only”. Any such signs must further conform to any applicable standards adopted.~~ All winery signs must conform to any applicable standards adopted by

comprehensive sign plan, use permit or commission resolution as to size, placement, materials, legibility and maintenance.

- C. Winery sign design and location shall be consistent with the following standards, unless prior to February 24, 2000, such sign has been approved as part of a use permit, or at any time more restrictive provisions are specified by the applicable use permit or comprehensive sign plan:
- a. One or more freestanding sign faces limited to a combined total of thirty square feet;
 - b. One or more wall signs limited to a combined total of twelve square feet; and
 - c. A freestanding sign shall have no feature exceeding a height of six feet above the natural grade or four feet above the centerline of an adjoining roadway, whichever is the greater.

SECTION 11.

Sec. 12202. Uses Permitted Upon Grant of Use Permit.

(g) The following uses in connection with a winery:

(5) Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:

(A) Office and laboratory uses.

(B) Marketing of wine as defined in Section 12071, subject to such limitations in number and frequency consistent with the winery's approved use permit.

(C) Retail sale of (i) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of paragraphs (b) and (c) of Section 12419 regulating the source of grapes; and (ii) wine produced by or for the winery from grapes grown in Napa County.

(h) The following uses, when accessory to a winery:

(1) Tours and Tastings, as defined in Section 12070, subject to such limitations in number and frequency consistent with the winery's approved use permit.

(2) Display, but not sale, of art.

(3) Display, but not sale, of items of historical, enological or viticultural significance to the wine industry.

~~(4)~~ (4) Sale of wine related products.

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

SECTION 14.

Sec. 12232. Uses Permitted Upon Grant of Use Permit.

(i) The following uses in connection with a winery:

(1) Crushing of grapes outside or within a structure.

(2) On-site, above ground disposal...

(3) Aging, processing...

(4) Bottling and storage...

(5) Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:

~~(A)~~ ~~(A)~~ Office and laboratory uses.

~~(B)~~ Marketing of wine as defined in Section 12071, subject to such limitations in number and frequency consistent with the winery's approved use permit.

(C) Retail sale of (i) wine fermented or refermented and bottles at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of paragraphs (b) and (c) of Section 12419 regulating the source of grapes; and (ii) wine produced by or for the winery from grapes grown in Napa County.

(j) The following uses, when accessory to a winery:

(1) Tours and tastings, as defined in Section 12070, subject to such limitations in number and frequency consistent with the winery's approved use permit.

(2) Display, but not sale, of art.

(3) Display, but not sale, of items of historical, enological or viticultural significance to the wine industry. _____

~~(4)~~ (4) Sale of wine related products.

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