

Summary of Regulations Pertaining to Tasting Rooms at a Winery

Handout for Winery Ordinance Update Meeting #1 – Tasting Rooms

November 27, 2012 (4:00-6:00 pm)

Board of Supervisor's Conference Room, 105 E. Anapamu St., Santa Barbara

Below are excerpts from Chapter 21, Santa Barbara Land Use and Development Code, Wineries (Section 35.42.280) and Definitions of Specialized Terms and Phrases (Section 35.110.020). The complete text can be found online at

http://longrange.sbcountyplanning.org/programs/winery_ord/wineryordinance.php

1. Background information on Tasting Rooms

- **Definition of a Tasting Room.** A room or rooms, open to the general public, primarily used for the retail marketing of winery products. Merchandise offered for sale within the tasting room may also include souvenirs and clothing bearing the logo of the winery, as well as wine related items and other products that reflect or enhance the character or theme of the winery. A room or rooms where wine tasting occurs, where wine tasting is part of the normal business practice in the wholesale marketing of winery products and not open to the public is not considered a tasting room (Section 35.110.020, Winery, Definition of Tasting Room).

2. Purpose of Tasting Rooms

- Tasting Room. A room or rooms, open to the general public, primarily used for the retail marketing of winery products. Merchandise offered for sale within the tasting room may also include souvenirs and clothing bearing the logo of the winery, as well as wine related items and other products that reflect or enhance the character or theme of the winery. A room or rooms where wine tasting occurs, where wine tasting is part of the normal business practice in the wholesale marketing of winery products and not open to the public is not considered a tasting room (Section 35.110.020, Winery, Definition of a Tasting Room).
- Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of the associated winery as a production facility (Section 35.42.280.D.7.a).
- The primary focus of the tasting room shall be the marketing and sale of the wine produced on the winery premises (portion of Section 35.42.280.D.7.c)

3. Location of Tasting Rooms

- The location of the tasting room shall take into consideration site constraints, onsite access, visual concerns, grading and other environmental issues (Section 35.42.280.D.7.b).
- If more than one winemaker shares production facilities or more than one winery is located on a winery premises, only one tasting room is allowed. More than one winemaker or winery facility may share a tasting room (Section 35.42.280.D.7.d).

4. Frequency/Occupancy of Tasting Rooms - Not currently addressed in the ordinance.

5. Product Sales within Tasting Rooms

- The primary focus of the tasting room shall be the marketing and sale of the wine produced on the winery premises. Sales of souvenirs and clothing bearing the logo of the winery, as well as wine related items and other products that reflect or enhance the character or theme of the winery may also be offered for sale in the tasting room (Section 35.42.280.D.7.c).
- Retail sales and tasting of wine and retail sales of related promotional items may be allowed as part of the winery operation (portion of Section 35.110.020, Definition of Winery, Winery).
- Retail sales of wine grape products shall be limited to those produced by the winery operator or bottled or grown on the winery premises (Section 35.42.280.D.1.b).
- A room or rooms where wine tasting occurs, where wine tasting is part of the normal business practice in the wholesale marketing of winery products and not open to the public is not considered a tasting room (portion of Section 35.110.020, Definition of Winery, Tasting Room).

6. Tasting Room Structure

- Tier 1 (max. wine production is 20,000 cases/yr): The winery premises shall not contain a tasting room (Section 35.42.280.C.1.c).
- Tier 2 (max. wine production is 50,000 cases/yr): The Winery may include a tasting room. However, the floor area of the tasting room shall not exceed 400 square feet or 10 percent of the winery structural development area located on the winery premises, whichever is greater (Section 35.42.280.C.2.c).
- Tier 3: The production capacity of the winery is not limited and the winery may contain a tasting room (Section 35.42.280.C.3)

- The height of a structure associated with a winery facility shall be limited to 35 feet. The height limit may be increased to 45 feet where a pitched roof of greater than four in 12 (rise to run) is proposed and at least 50 percent of the structure is limited to a height of 35 feet or less (Section 35.42.280.D.4.c).
- 7. Social Responsibility and Tasting Rooms** - Not currently addressed in the ordinance.

Summary of Options Pertaining to Tasting Rooms at a Winery

Each topic below corresponds to the meeting agenda. For each topic, we will review the existing ordinance language, and consider the pros and cons of retaining the existing language (Option A) or consider another approach described as “Option B”. As noted below, the existing ordinance is silent on some of the topics. This is a starting point for ideas. We invite the public to comment on pros and cons and other options for consideration.

2. Purpose of Tasting Rooms – See handout for existing ordinance language.

Relationship with agriculture

Option A: Keep existing language or consider,

Option B: Emphasize the relationship between tasting rooms and viticulture.

- Pros: Provides policy support for a use most closely related with agriculture, other...
- Cons: On-site wine tasting not necessary for ag, other...

Additional options

Educational components

Option A: Keep existing language or consider,

Option B: Encourage the education aspects of wine tasting.

- Pros: Builds customer base, promotes agricultural tourism, other..
- Cons: Vineyards and not wine are agriculture, attracts too many visitors, other...

Additional options

Public vs. private

Option A: Keep existing language or consider,

Option B: Clarify the term “Public” in the ordinance.

- Pros: More predictable, fewer visitors, other...
- Cons: May limit visitors, may lose benefit, other...

Additional options

3. Location of Tasting Rooms – See handout for existing ordinance language.

Urban vs. rural areas

Option A: Keep existing language or consider,

Option B: Allow tasting rooms all areas of the County.

- Pros: Promotes business, enhances customer’s experience, other...
- Cons: Urbanizes rural lands, attracts more visitors near residential areas, other...

Additional options

Acreage considerations

Option A: Keep existing language or consider,

Option B: Include a minimum lot size for a tasting room.

- Pros: Reduces impacts to neighbors in small lots, other...
- Cons: Limits options for landowners of small lots, difficult to decide on lot size, other...

Additional options

Density issues

Option A: Keep existing language or consider,

Option C: Limit density of tasting rooms.

- Pros: Reduces impacts on urban areas, reduces mono-economy, other...
- Cons: Bad for wine business, difficult to decide on density threshold, other...

Additional options

4. Frequency/Occupancy of Tasting Rooms – Not currently addressed in the ordinance.

Appointment vs. public hours

Option A: Keep existing language (silent) or consider,

Option B: Limit hours of operation for tasting rooms.

- Pros: Fewer visitors, minimizes conflicts with neighbors, other...
- Cons: Less convenient for customers, not necessary for rural areas, other...

Additional options

Visitors by location, per day, maximum occupancy

Option A: Keep existing language (silent) or consider,

Option B: Let infrastructure set the limits (size of structure, parking spaces, etc.).

- Pros: Measureable, predictable other...
- Cons: Doesn't factor in total number of visitors or vicinity, other....

Additional options

5. Product Sales within Tasting Rooms – See handout for existing ordinance language.

Wine and grape related products

Option A: Keep existing language or consider,

Option B: Clarify the term “grape related products”.

- Pros: Clearer, wine sales are sufficient, other...
- Cons: Could limit product sales, too inclusive (prefer removal), other...

Additional options

Winery related products

Option A: Keep existing language or consider,

Option B: Clarify the term “winery related products”.

- Pros: Could limit food service, other...
- Cons: Could limit food service, could be too inclusive other...

Additional options

6. Tasting Room Structure – See handout for existing ordinance language.

Size of tasting room

Option A: Keep existing language or consider,

Option B: Limit size of tasting room.

- Pros: Reduces development, could reduce impacts to neighbors, other...

- Cons: Could unfairly limit size, other....

Additional options

Scale (link to acreage)

Option A: Keep existing language or consider,

Option B: Tasting room size is proportional to the size of the lot.

- Pros: Reduces visitors in semi-rural areas, other...
- Cons: Limiting for small wineries, other...

Additional options

7. Social Responsibility and Tasting Rooms - Not currently addressed in the ordinance.

Monitoring and regulating

Option A: Keep existing language (silent) or consider,

Option B: Limit tasting rooms on roads with high incidents of drinking and driving.

- Pros: Safer for community, makes wineries accountable, other...
- Cons: Not County responsibility, assumption -no data to support claim, other...

Additional options

Incentives for designated/alternative driver

Option A: Keep existing language (silent) or consider,

Option B: Requires designated driving program.

- Pros: Safer, keeps wineries accountable, other...
- Cons: Not enforceable, wineries are not responsible for drunk drivers, other...

Additional options