

## CHAPTER 9-1070 PRODUCE STANDS AND AGRICULTURAL STORES

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### 9-1070.1 INTENT.

The purpose of this Chapter is to establish regulations that will allow farmers in San Joaquin County to market produce and agricultural products directly to local consumers and to tourists. The intent is to allow limited retail trade as a supplement to agriculturally based economic activities throughout the County. Produce stands and agricultural stores are intended to be a less intense use than convenience markets. Traditional urban retail stores, supermarkets and grocery stores, convenience or mini-markets, full-service eating establishments, bakeries, flea markets, farmer's markets and mobile facilities, are to be discouraged. It is also the intent of this Chapter to coordinate and strive for consistency between local development standards and existing State law concerning retail food sales regulated under the California Uniform Retail Food Facility Law (CURFFL).

(Ord. 4059 § 14 (part), 2000)

### 9-1070.2 APPLICABILITY.

The provisions of this Chapter shall apply whenever:

- (a) A new building is constructed;
- (b) An existing building, including a legal nonconforming structure is enlarged; or
- (c) The use of the site or the use of the building is changed.

(Ord. 4059 § 14 (part), 2000)

### 9-1070.3 PRODUCE STAND.

Produce stands shall be subject to the following development standards:

- (a) Area. The maximum area to be used for a produce stand is seven hundred (700) square feet.
- (b) Structures. Tables and/or membrane structures, i.e. tents and canopies, are permitted. All tables and membrane structures must be removed when operations cease for the year. Only a permanent built structure of less than one hundred twenty (120) square feet is permitted. Such structures shall remain vacant for six (6) months of the year. All built structures will require a Building permit.
- (c) Retail Sales Activities. Only the sale of produce, cut flowers, and/or shell eggs grown or raised in San Joaquin County is permitted. All other type of merchandising is prohibited.
- (d) Location and Number. One produce stand shall be permitted per parcel in Agricultural zones.
- (e) Length of Operation. Produce stands shall be temporary. Temporary means any activity, structure, tent or canopy that is used for a period of not more than one hundred eighty (180) days within a twelve (12) month period on a single property.

- (f) Signs. The signage requirements for the Produce Sales use type shall apply pursuant to Section 9-1710.4(i).
- (g) Landscaping. No landscaping improvements shall be required.
- (h) Parking. An earthen or gravel parking area capable of accommodating a minimum of two (2) vehicles shall be required for produce stands. Ingress and egress directly onto a State Route shall be prohibited unless it is the only access to the site or unless an access agreement has been obtained from Caltrans.
- (i) Other Permits. Produce stands shall comply with all regulations administered by the Building Department and the Fire Department. Produce stands shall not be required to obtain a permit to operate from the Environmental Health Division. A Business License shall not be required for a produce stand when the farmer sells her/his own produce pursuant to Title 7, Section 7-1002(b). No other entitlements from the Community Development Department are needed. Produce stands shall not be subject to the Public Works Department Traffic Impact Mitigation fee.  
(Ord. 4059 § 14 (part), 2000; Ord. 4101 § 4, 2001)

#### 9-1070.4 AGRICULTURAL STORE, SMALL.

Small agricultural store operations shall be subject to the following development standards:

- (a) Floor Area for Retail Sales. A maximum of one hundred fifty (150) square feet of floor area may be used for limited retail sales.
- (b) Structures. Only permanent built structures are permitted. The maximum size of the structure shall be one thousand five hundred (1,500) square feet.
- (c) Retail Sales Activities. The sale of agricultural products, sundries, prepackaged food and bottled or canned beverages is allowed only in conjunction with the sale of produce, and/or shell eggs. The sale of cut flowers shall be permitted only within the retail sales area.
- (d) Location and Number. One (1) small agricultural store shall be permitted per parcel in the Agricultural, Industrial and Commercial zones pursuant to Sections 9-605.2 or 9-505.2 or 9-405.2.
- (e) Length of Operation. Small agricultural stores may operate three hundred sixty-five (365) days a year.
- (f) Signs. The signage requirements for the Produce Sales use type shall apply pursuant to Sections 9-1710.4(h) or 9-1710.4(f) or 9-1710.4(d) or 9-1710.4(e).
- (g) Landscaping. Landscaping requirements for the small agricultural store shall apply pursuant to Sections 9-1020.1, 9-1020.2, 9-1020.3 and 9-1020.7.
- (h) Parking. The parking surfacing requirement for small agricultural stores shall be chip seal. Ingress and egress directly onto a State Route shall be prohibited unless it is the only access to the site or unless an access agreement has been obtained from Caltrans.
- (i) Other Permits. Small agricultural stores shall comply with all regulations administered by the Building Department, Public Works Department and the Fire Department. Small agricultural stores shall be required to obtain an annual permit to operate from the Environmental Health Division, including a plan review for all proposed or remodeled food facilities. The sale of any food items except owner grown produce and shell eggs triggers this requirement. Small agricultural stores shall also be required to

obtain a Business License and Site Approval from the Community Development Department.

(j) Cold Storage. Cold storage trailers are permitted as an accessory structure to agricultural operations in the Agricultural zones. This Chapter does not regulate cold storage trailers. However, cold storage boxes with glass panels that are used for display shall be included as part of the one hundred fifty (150) square foot floor area for retail sales.

(k) Conversion of Produce Stands to Small Agricultural Stores. A produce stand existing on or before May 25, 2000, which is housed in a structure that exceeds one thousand five hundred (1,500) square feet and that conformed to the Development Title requirements at the time it was established may continue to use the existing building only when both of the following conditions have been met:

(1) The produce stand owner or operator has obtained a Business License amendment; and

(2) The produce stand owner or operator has obtained a Site Approval for a small agricultural store.

(Ord. 4059 § 14 (part), 2000; Ord. 4087 § 1, 2000; Ord. 4101 § 5, 2001)

#### 9-1070.5 AGRICULTURAL STORE, LARGE.

Large agricultural store operations shall be subject to the following development standards:

(a) Floor Area for Retail Sales. A maximum of five hundred (500) square feet of the structure's total floor area may be used for limited retail sales.

(b) Structures. Only permanent built structures are permitted. The size of the structure shall be larger than one thousand five hundred (1,500) square feet.

(c) Retail Sales Activities. The sale of agricultural products, sundries, prepackaged food, bottled or canned beverages and freshly prepared food and beverages is allowed only in conjunction with the sale of produce, and/or shell eggs. The sale of cut flowers shall be permitted only within the retail sales area.

(d) Location and Number. One large agricultural store shall be permitted per parcel in the Agricultural, Industrial and Commercial zones pursuant to Sections 9-605.2 or 9-505.2 or 9-405.2.

(e) Length of Operation. Large agricultural stores may operate three hundred sixty-five (365) days a year.

(f) Signs. The signage requirements for the Produce Sales use type shall apply pursuant to Sections 9-1710.4(h) or 9-1710.4(f) or 9-1710.4(d) or 9-1710.4(e).

(g) Landscaping. Landscaping requirements for the large agricultural store shall apply pursuant to Sections 9-1020.1, 9-1020.2, 9-1020.3 and 9-1020.7.

(h) Parking. The parking surfacing requirements for large agricultural stores shall be asphalt concrete or portland cement concrete. Ingress and egress directly onto a State Route shall be prohibited unless it is the only access to the site or unless an access agreement has been obtained from Caltrans.

(i) Other Permits. Large agricultural stores shall comply with all regulations administered by the Building Department, Public Works Department and the Fire Department. Large agricultural stores shall be required to obtain an annual permit to operate from the Environmental Health Division, including a plan review for all proposed

or remodeled food facilities. The sale of any food items except owner grown produce and shell eggs triggers this requirement. Large agricultural stores shall also be required to obtain a Business License and a Use Permit from the Community Development Department.

(j) Cold Storage. Cold storage trailers are permitted outright as an accessory structure to agricultural operations in the Agricultural zones. This Chapter does not regulate cold storage trailers. However, cold storage boxes with glass panels that are used for display shall be included as part of the five hundred (500) square foot floor area for retail sales. (Ord. 4059 § 14 (part), 2000; Ord. 4101 § 6, 2001)

#### 9-1070.6 ENFORCEMENT.

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

(Ord. 4059 § 14 (part), 2000)