

CHAPTER 21.90

PRODUCE STANDS AND PRODUCE MARKETS

SECTIONS:

21.90.010	PURPOSE AND INTENT
21.90.020	DEFINITIONS
21.90.030	GENERAL STANDARDS
21.90.040	PRODUCE STANDS
21.90.050	PRODUCE MARKETS

21.90.010 PURPOSE AND INTENT

The purpose of these regulations is to provide workable, clearly stated land use regulations that allow farmers in Stanislaus County to market their produce directly to local consumers, travelers and tourists.

These regulations are intended to encourage the sale of farm produce and related goods that promote the sale of locally grown agricultural produce. However, these regulations are not intended to encourage the proliferation of traditional retail stores or convenience markets in agricultural districts of the County.

21.90.020 DEFINITIONS

- (a) **"Produce Stand"** means structures and/or areas up to 1,600 square feet in size, including any outside display area, that are accessory to on-site agricultural operations and are used to sell only raw, unprocessed fruits, vegetables, nuts and other agricultural produce in its raw or natural state.
- (b) **"Produce Market"** means structures and/or areas up to 3,500 square feet in size, including any outside display area, that are accessory to on-site agricultural operations and are primarily used to sell raw, unprocessed fruits, vegetables, nuts and other agricultural produce in its raw or natural state. Produce markets also may be used for limited sales of processed foods and non-food items.
- (c) **"Retail Food Law"** for purposes of this chapter, means any chapter of any California Code regulating health and sanitation standards for retail food facilities. Retail Food Law shall be administered and enforced by the Stanislaus County Department of Environmental Resources (DER), unless another agency is specifically identified by law.

21.90.030 GENERAL STANDARDS

The following general standards shall apply to all produce stands and produce markets regulated by this chapter:

21.90.030 General Standards

1. One produce stand or one produce market per parcel is allowed, subject to approval as set forth in this chapter. Applications submitted for review shall be on a form provided by the Planning Department and shall be subject to fees established by the Board of Supervisors.
2. A produce stand or produce market shall be allowed only if:
 - a. It is located within the A-2 (General Agriculture) zoning district;
 - b. It is accessory to agricultural production on the same parcel;
 - c. At least 25 percent of the area of the parcel is devoted to agricultural production; and
 - d. The entire parcel is owned or leased by the produce stand/market proprietor.
3. The produce stand, produce market and parking, shall be set back from any public right-of-way in compliance with Section 21.20.070 of the A-2 zoning regulations. This yard or setback area shall be kept clear to provide unobstructed visibility for motorists.
4. There shall be safe ingress and egress from the site as determined under review by the Stanislaus County Public Works Department.
5. Produce stands and produce markets may have a maximum of six double-faced free-standing signs and one attached sign, not to exceed 20 square feet on each face. No illuminated signs or off-site signs shall be allowed without specific approval of the Planning Commission. All signs shall be located outside public rights-of-way.
6. A building permit issued by the Stanislaus County Building Inspections Division shall be required for all structures larger than 120 square feet or as required by Uniform Building Code.
7. The point of origin of each commodity sold at the produce stand or produce market, including the name of the farm and county where it was grown, shall be prominently displayed using legible lettering.
8. Produce stands and produce markets also may be subject to the laws and regulations administered by other Stanislaus County departments including the Building Inspections Division, Department of Environmental Resources, Public Works Department, and Agricultural Commissioner's Office, as well as the requirements of other applicable agencies such as the California Department of Transportation (CALTRANS) and the California Department of Food and Agriculture (CDFA).
9. No agricultural produce may be sold from a motorized vehicle.
10. Permits granted in accordance with this chapter may include additional conditions regarding the construction, size, and use of the structure and/or operation.
11. Driveway locations shall be approved by the appropriate jurisdiction. Access controls and driveway approaches may be required as needed to insure safety.

21.90.040 PRODUCE STANDS

Produce Stands are permitted subject to approval of a Staff Approval Permit and subject to the following standards and requirements:

1. One off-street parking space shall be provided for each 300 square feet of gross floor area or a minimum of three parking spaces, whichever is greater. Each parking space shall be at least 10' x 20' in size and shall not encroach upon any public rights-of-way or create a traffic hazard. Parking spaces for produce stands are specifically exempt from the standards established by the Stanislaus County Public Works Department as referenced in Section 21.76.220 and need not be paved, striped or otherwise improved.
2. A produce stand may sell only raw, unprocessed fruits, vegetables, nuts, and other agricultural produce in its raw or natural state produced on land that the produce stand proprietor controls. No other commodities may be sold from a produce stand.
3. Produce stands not used for a period of three consecutive years shall be removed from the premises at the landowner's expense or used in accordance with the regulations for the district in which it is located.
4. Cold storage shall be allowed when accessory to the on-site farming operation and used only for storage of crops grown by the person(s) farming the parcel. Cold storage shall not be included as part of the allowable produce stand size.

21.90.050 PRODUCE MARKETS

Produce Markets are permitted subject to approval of a Use Permit and subject to the following standards and requirements:

1. One off-street parking space shall be provided for each 300 square feet of gross floor area, with a minimum of at least three parking spaces. Parking spaces shall comply with the standards and specifications established by the Stanislaus County Public Works Department, including pavement and striping, and shall not encroach upon any public rights-of-way or create a traffic hazard.
2. A produce market shall be used to sell primarily raw, unprocessed fruits, vegetables, nuts and other agricultural produce in its raw or natural state.
3. Up to 25 percent of the display area may be used for the display of pre-packaged, processed, non-potentially hazardous foods such as dried fruit, roasted and salted nuts, jams and jellies, and fruit pies. All processed foods are subject to any applicable retail food law and must be obtained from approved sources.
4. Up to 5 percent of the display area may be used for sales of taxable items such as snack foods, craft items and promotional non-food items that advance the sale of agricultural products or educate the public about the agricultural industry.
5. Except as provided in paragraph four of Section 21.90.050, no taxable items, including but not limited to petroleum products, alcoholic beverages, tobacco or magazines, may be sold or dispensed at produce.
6. Cold storage accessory to a produce market shall be located within or attached to the main structure. Cold storage shall be used only to store raw produce products and bottled water.