

ORDINANCE NO. 352

(Effective 12-20-47)

AN ORDINANCE ESTABLISHING ZONES WITHIN THE COUNTY OF TULARE AND ESTABLISHING CLASSIFICATIONS OF LAND USES AND REGULATING SUCH LAND USES IN SUCH ZONES; REGULATING THE HEIGHT OF BUILDINGS AND OPEN SPACES FOR LIGHT AND VENTILATION; ADOPTING A MAP OF SAID ZONES; DEFINING THE TERMS USED IN SAID ORDINANCE; PROVIDING FOR THE ADJUSTMENT, AMENDMENT AND ENFORCEMENT THEREOF; PRESCRIBING PENALTIES FOR ITS VIOLATION.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

SECTION 1

An official land-use plan for the County of Tulare is hereby adopted and established to serve the public health, safety and general welfare and to provide the economic and social advantages resulting from an orderly, planned use of land resources.

SECTION 2: DEFINITIONS

This Ordinance which defines and makes effective the Land Use Plan of the County of Tulare shall be known as the **ZONING ORDINANCE** and for the purpose of this Ordinance certain words and terms are defined.

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "shall" is mandatory. The term **BOARD OF SUPERVISORS** means the Board of Supervisors of the County of Tulare, and the term **PLANNING COMMISSION** means the County Planning Commission of the County of Tulare. The word **COUNTY**, when used, means the County of Tulare.

ACCESSORY

A building, part of building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where the wall of an accessory building is part of, or joined to, the wall of the main building, such accessory building shall be counted as part of the main building.

ADULT- ORIENTED BUSINESS

An "Adult-Oriented Business" is defined in Part VI of the Ordinance Code of the County of Tulare, Chapter 3. Refer to Chapter 3, Part VI of the Ordinance Code for additional definitions regarding adult-oriented terminology. (Added by Ord. No. 3330, effective 7-25-06; amended by Ord. No. 3399, effective 1-1-10)

AGRI-TOURISM

Any income-generating use conducted on a working farm or ranch for the enjoyment and education of visitors. This includes

	the interpretation of the natural, cultural, historical, and/or environmental assets of the land and the people working on it. (Added by Ord. No. 3416, effective 11-9-10)
AIRPORT	An area for the landing and taking off of airplanes. (Added by Ord. No. 1169, effective 10-26-67.)
AIRPORT, AGRICULTURAL ALLEY	An airport which is used solely for agricultural purposes. (Added by Ord. No. 1169, effective 10-26-67.)
ANTENNA	A public or private way permanently reserved as a secondary means of access to abutting property. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic or optical signals when such system is either external to or attached to the exterior of a RADIO, MICROWAVE, TELEVISION AND CELL TOWER. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna. Antennas shall include but not be limited to dispatch carriers for specialized mobile radio (SMR) services and enhanced SMR (ESMR), and collocation facilities as defined by California Government Code section 65850.6(d)(1) and subsequent amendments. (Added by Ord. No. 3349, effective 11-2-07.)
AMATEUR RADIO SERVICE	A service of self-training, two-way radio communications, and technical investigation carried on by amateurs. Amateurs are duly authorized persons interested in radio technique without a pecuniary interest. (Added by Ord. No. 3349, effective 11-2-07.)
APARTMENT	A room or a suite of two or more rooms in a multiple dwelling, occupied or suitable of occupancy as a residence for one family.
APARTMENT HOTEL	A building or portion thereof designed for or containing either individual guestrooms or suite of rooms and dwelling units.
APARTMENT HOUSE ASSEMBLAGE OF PEOPLE	See DWELLING, MULTIPLE. For purposes of this Section 16.V, Assemblage of People means a temporary gathering together of any number of persons, at any location, at any single time when rent or compensation of any form is paid for use of a venue for educational, entertainment or commercial purposes. (Added by Ord. No. 3416, effective 11-9-10)
AUCTION	A public sale in which property or items of merchandise are sold one by one to the highest bidder. (Added by Ord. No. 3416, effective 11-9-10)
AUTOMOBILE, WRECKING	The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

BASEMENT

A story partly underground and having one-half or more of its height below the average level of the adjoining ground. A basement, when designed for, or occupied by dwellings, business or manufacturing, shall be considered to be a story.

**BED AND
BREAKFAST HOME**

A single-family, owner-occupied dwelling or other structure on the same property in which overnight lodging and breakfast are provided for a fee. (Added by Ord. No. 3222, effective 4-22-99).

BIOMASS

Biomass is a term used to describe a variety of biological materials, including but not limited to, the organic portion of municipal trash (garbage, paper, etc.), sewage, trees, plants, manures and various agricultural and forestry wastes. As used in this Ordinance, biomass materials are those materials which can be used directly as a fuel or can be converted to a variety of clean, useful fuels such as alcohol, methane, hydrogen and low-BTU gas. Whether directly or after conversion, biomass can be used to produce electricity, heat, and combustible fuels. (Added by Ord. No. 2350, effective 7-31-80.)

**BIOMASS FUEL
MANUFACTURE,
COMMERCIAL**

The manufacture of alcohol or gases derived from the conversion of biomass feedstocks through the process of fermentation and/or distillation, the product of which is intended for sale or trade for use as a fuel or fuel mixture, including the production of anhydrous alcohol, ethanol, methanol, ethane, methane and other similar derivatives. (Added by Ord. No. 2350, effective 7-31-80.)

**BIOMASS FUEL
MANUFACTURE,
PERSONAL**

The manufacture of alcohol or gases derived from the conversion of biomass feedstocks through the process of fermentation and/or distillation and intended for personal, non-commercial use as a fuel or fuel mixture, including the production of ethanol, methanol, ethane and methane, but not including the production of anhydrous alcohol. (Added by Ord. No. 2350, effective 7-31-80.)

BIOSOLIDS

Sewage sludge which (i) complies with the Class A biosolids standards in the Federal Rule 40 CFR 503.32(a) or has been stored for at least eighteen (18) months and has been tested to verify it meets the Class A biosolids standards in 40 CFR 503.32(a); and (ii) contains constituents in concentrations not exceeding the concentrations listed in 40 CFR 503.13, Table 1 and Table 3, as applicable. (Added by Ord. No. 3165, effective 7-25-96.)

**BIOSOLIDS, LAND
SPREADING OF**

The beneficial use of biosolids generated by wastewater treatment plants as a soil amendment or fertilizer provided that the biosolids are applied at an agronomic rate and in conformance with Federal Rule 40 CFR 503, Subpart B. Methods of beneficial use shall be limited to incorporation of biosolids into the soil so that the biosolids will either condition the soil or fertilize crops or vegetation grown in the soil. (Added by Ord. No. 3165, effective 7-25-96.)

BOARDING HOUSE	A building where lodging and meals are provided for compensation for at least five (5), but not more than fifteen (15), persons, not including rest homes.
BORROW PIT	Any premises where dirt, soil, sand, gravel, or other similar material is removed by excavation, or otherwise, below the grade of the surrounding land. The term "borrow pit" does not include the following uses (added by Ord. No. 1169, effective 10-26-67) : <ul style="list-style-type: none"> A. Excavation for the purpose of constructing a building or structure or grading the land around a building or structure. B. Excavation of sand, rock or other materials, unsuitable for farming for the purpose of replacing such materials with soil suitable for farming. C. Commercial classification of borrow materials. D. Rock crushing operations.
BUILDING	A permanently located structure having a roof (all forms of vehicles excluded).
BUILDING HEIGHT	The vertical distance measured from the average level of the highest and lowest point of that portion of the site covered by the building to the uppermost part of the roof.
BUILDING SITE	The ground area of a building or group of buildings together with all open spaces as required by this Ordinance.
BUNGALOW COURT	A group of three or more detached one-story, one- or two-family dwellings located upon a single lot, together with all open spaces as required by this Ordinance. Two-family dwellings shall mean two units as defined under "Dwelling, Two Family."
BUSINESS AND PROFESSIONAL OFFICES	Any office that is not engaged in the creation, exchange or sale of goods, wares or merchandise. (Added by Ord. No. 1487, effective 2-17-72.)
BUSINESS OR COMMERCE	The purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreational or amusement enterprises or the maintenance and use of offices by professions and trades rendering services.
CAMPGROUND	Land or premises which are used, for a consideration, for occupancy by campers, including camping by tent, recreation vehicle or similar quarters, for seasonal hunting, fishing, recreational or vacation purposes. (Added by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1527, effective 10-12-72; amended by Ord. No. 2453, effective 12-24-81.)
CAMP, PUBLIC CHURCH FACILITIES	(Repealed by Ord. No. 1527, effective 10-12-72.) A site, with or without structures, the primary use of which is the assemblage of people for any religious worship, education, or expression. (Added by Ord. No. 3131, effective 10-12-95.)
CLINIC, DENTAL OR MEDICAL	A building in which a group of physicians and/or dentists and allied professional assistants are associated for the purpose of

	carrying on their professions. The clinic may include a dental or medical laboratory but it shall not include in-patient care or operating rooms for major surgery. (Added by Ord. No. 650, effective 3-27-58.)
CLUB	An association of persons for some common non-profit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.
COMMISSION	Shall mean the "County Planning Commission."
CONVALESCENT HOMES	See REST HOMES.
CORRECTIONAL INSTITUTION	A public facility, including jails, which is used for the housing or confinement of persons while on trial for an offense or punishment after trial and conviction. As used in this Ordinance, a correctional institution also includes any accessory building and uses customarily incident to such institutions when located on the same lot or parcel, including but not limited to facilities for correction or rehabilitation of the inmates of the institution. (Added by Ord. No. 2430, effective 8-28-81.)
DWELLING	A building or portion thereof designed for or occupied exclusively for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels, boarding and lodging houses.
DWELLING UNIT	Two or more rooms in a dwelling or apartment hotel designed for or occupied by one family for living or sleeping purposes and having only one (1) kitchen.
DWELLING, ONE FAMILY	A detached building designed for or occupied exclusively by one (1) family. A one family dwelling may include a second unit subject to the provisions of Subparagraph C of Paragraph 6 of Subsection A of Section 15 of this Ordinance. (Amended by Ord. No. 2562, effective 9-22-83.)
DWELLING, TWO FAMILY	A building designed for or occupied exclusively by two (2) families, living independently of each other.
DWELLING, MULTIPLE EDUCATIONAL (ASSEMBLAGE)	A building or portion thereof, designed for or occupied by three (3) or more families living independently of each other. Any use where the primary goal of those assembled is to promote the acquisition of knowledge in order to enrich the cultural experience of those engaged in the activity. (Added by Ord. No. 3416, effective 11-9-10.)
EDUCATIONAL INSTITUTIONS	Colleges or universities supported wholly or in part by public funds and other colleges, universities or other schools giving general academic instruction, as determined by the State Board of Education. (Added by Ord. No. 3416, effective 11-9-10.)
EMERGENCY SHELTER	"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household

**ENTERTAINMENT
(ASSEMBLAGE)**

may be denied emergency shelter because of an inability to pay. (Added by Ord. No. 3473, effective 7-30-15.)

Any use where the primary goal of those assembled is to promote amusement, enjoyment, pleasure, recreation, diversion, relaxation, and other similar uses. (Added by Ord. No. 3416, effective 11-9-10.)

EXHIBITION

A public display pertaining to the work of artists or artisans, the products of farms or factories, the skills of performers, or objects of general interest. (Added by Ord. No. 3416, effective 11-9-10.)

FAMILY

One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit. (Revised by Ord. No. 3473, effective 7-30-15.)

**FAMILY DAY CARE
HOME, Large**

A single-family, owner-occupied dwelling or unit where less than 24- hour per day, non-medical care and supervision is provided for 7-12 unrelated individuals. (Added by Ord. No. 3222, effective 4-22-99.)

**FAMILY DAY CARE
HOME, Small**

A single-family, owner-occupied dwelling or unit where less than 24- hour per day, non-medical care and supervision is provided for six or fewer unrelated individuals, which does not exceed the limitation of a single-family unit. (Added by Ord. No. 3222, effective 4-22-99.)

FARMWORKER

Any agricultural employee as defined in Section 1140.4 of the California Labor Code. (Added by Ord. No. 3009, effective 9-24-92.)

**FARMWORKER
HOUSING**

Any housing or living accommodations or camping facilities maintained in connection with any work or place where farm work is being performed, provided for the housing of ten (10) or more farmworkers. The term "Farmworker Housing" also includes any portion of any housing accommodation or property upon which housing accommodations are located, if all of the following factors exist:

- (a) The housing accommodations or property are located in any rural area, as defined by Section 50101 of the California Health and Safety Code.
- (b) The housing accommodations or property are not maintained in connection with any work or work place.
- (c) The housing accommodations or property are provided by someone other than an agricultural employer, as defined in Section 1140.4 of the California Labor Code.
- (d) The housing accommodations or property are used by ten (10) or more farmworkers of any agricultural employer or employers for any of the following:
 - (i) Temporary or seasonal residency.
 - (ii) Permanent residency, if the housing structure is a mobilehome or recreational vehicle.

- (iii) Permanent residency, if the housing structure is subject to State Housing Law and is more than 30 years old and at least 51 percent of the units in the structure are occupied by agricultural employees. (Added by Ord. No. 3009, effective 9-24-92.)

FEED LOT

An enclosed area where bovine animals, sheep, goats, horses, mules, swine or other similar domesticated quadrupeds are held for concentrated feeding or display preliminary to slaughtering, shipping or resale. (Added by Ord. No. 1169, effective 10-26-67.)

FEED MILL

Machinery in a building or structure, or in an open area, which is used to mix and/or grind grain and/or fiber for bulk use or for packaging for food for farm animals. (Added by Ord. No. 1169, effective 10-26-67.)

**FLAMMABLE
LIQUID**

Any liquid, not intended for human consumption, having a flashpoint (closed cup test) below 100 degrees Fahrenheit, and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit. (Added by Ord. No. 1557, effective 4-12-73.)

**FLAMMABLE
LIQUID (Personal
Agricultural Use)**

Propane or gasoline used as fuel for equipment for the cultivation of the ground; the raising of crops and feeding of cattle or other livestock; husbandry; tillage; farming; generation of commodities produced for the purpose of food, fuel and fiber, including feed for livestock and fowl, and trees grown for ornamental use; for powering generators for regular and emergency power; for powering agricultural equipment (i.e., tractors, wind machines, dehydrators, heaters for livestock and fowl, power for packing sheds, cold storage facilities, and/or similar equipment and uses), etc.; where the agricultural operation is performed on that site and/or on other property owned/leased/operated by that same owner/lessee/ operator. Personal use shall include the use of these fuels on this site or on other properties owned/leased/operated by this same owner/lessee/ operator when agricultural functions are performed by an employee or employees of the property owner/lessee/operator. (Added by Ord. No. 3219, effective 3-11-99.)

FLOOD, BASE

The flood having a one percent (1%) chance of being equaled or exceeded any given year. (Added by Ord. No. 2741, effective 12-4-86.)

**FLOOD,
INTERMEDIATE
REGIONAL
FLOOD PLAIN**

(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2741, effective 12-4-86.)

FLOOD PLAIN,

The relatively flat area adjacent to rivers or streams which may be subject to periodic inundation by flood waters. (Added by Ord. No. 1371, effective 4-16-70.)

(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord.

**PRIMARY
FLOOD PLAIN,
SECONDARY
FLOODWAY**

No. 2741, effective 12-4-86.)

(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2741, effective 12-4-86.)

The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is identified on the County Zoning Map by the F-1, Primary Flood Plain Zone. (Added by Ord. No. 2741, effective 12-4-86.)

FLOOD, SELECTED

The flood magnitude as selected by the Board of Supervisors as a basis for determining the lateral boundaries of the flood plain area to be subject to flood plain regulations. The flood selected for the purposes of this Ordinance shall be any one or more of the following:

- (a) The flood established on the Flood Insurance Rate Map (FIRM), the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to Tulare County pursuant to the National Flood Insurance Act.
- (b) The flood established in the Flood Boundary Floodway Map, the official map on which the Federal Emergency Management Agency has delineated both the areas of flood hazard and the floodway pursuant to the National Flood Insurance Act.
- (c) The flood established on the Designated Floodway Map, the official map adopted by the Reclamation Board of the State of California when acting within its jurisdiction.
- (d) The flood established by the State Department of Water Resources or State Reclamation Board after completion of a Federal project report in conformance with Section 8411 of the California Water Code.

Where there is conflicts between floods so established, the flood which encompasses the most area shall be deemed the "selected flood" for the purposes of this Ordinance. (Added by Ord. No. 1371, effective 4-16-70; amended by Ord. No. 2741, effective 12-4-86.)

GARAGE, PRIVATE

An accessory building or an accessory portion of the main building, designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building.

GARAGE, PUBLIC

A building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept for remuneration, hire or sale.

GROUP HOUSES

Two or more separate buildings each containing one or more dwelling units.

GUEST HOME	See <u>REST HOMES</u> .
GUEST HOUSE	Living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, having no kitchen, and not rented or otherwise used as a separate dwelling.
GUEST RANCH	Buildings and premises offering recreational facilities for such pursuits as horseback riding, swimming, and hiking with living and dining accommodations. (Added by Ord. No. 731, effective 10-13-60.)
HAZARDOUS WASTE	<p>A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:</p> <ul style="list-style-type: none"> (a) Cause, or significantly contribute to, an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness. (b) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed. <p>The term "hazardous waste" shall be understood to also include "extremely hazardous waste", as defined in Section 25115 of the Health and Safety Code of the State of California. (Added by Ord. No. 2918, effective 8-25-90.)</p>
HAZARDOUS WASTE FACILITY	All contiguous land and structures, other appurtenances, and improvements on the land, used for handling, treating, storing or disposing of hazardous wastes. (Added by Ord. No. 2918, effective 8-25-90.)
HAZARDOUS WASTE FACILITY, SPECIFIED	An off-site hazardous waste facility which serves more than one producer of hazardous waste. (Added by Ord. No. 2918, effective 8-25-90.)
HELIPORT	An area either at ground level or elevated on a structure for the landing and taking off of helicopters. (Added by Ord. No. 1169, effective 10-26-67.)
HELIPORT, AGRICULTURAL	A heliport which is used solely for agricultural purposes. (Added by Ord. No. 1169, effective 10-26-67.)
HOME OCCUPATION, RURAL	An accessory use of a dwelling unit, accessory building or area adjacent to a dwelling unit in an agricultural zone, for gainful employment involving the manufacture, provision, or sale of goods and/or services which are not otherwise permitted either as a permitted use or a special use pursuant to the agricultural zoning regulations, in accordance with the regulations contained in Subparagraphs a or c of Paragraph 7 of Subsection A of Section 15 of this Ordinance. For purposes of this Ordinance, a rural home occupation does not include sale of agricultural products at a roadside stand. (Added by Ord. No. 2523, effective 3-31-83.)
HOME	An accessory use of a dwelling unit or accessory building in a

**OCCUPATION,
URBAN**

residential zone, for gainful employment involving the manufacture, provision or sale of goods and/or services, in accordance with the regulations contained in Subparagraphs a or b of Paragraph 7 of Subsection A of Section 15 of this Ordinance. (Added by Ord. No. 2523, effective 3-31-83.)

HOTEL

A building designed for or occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six (6) or more guest rooms, and in which no provision is made for cooking in any individual room or suite. Jails, hospitals, asylums, sanitariums or orphanages, prisons, detention homes or similar buildings where human beings are housed and detained under legal restraint are specifically not included.

JAIL

Same as CORRECTIONAL INSTITUTION. (Added by Ord. No. 2430, effective 8-28-81.)

KENNEL

A building, structure, or land area where five (5) or more dogs are kept. Puppies that are the offspring of mature dogs kept on the property shall not be counted in determining the number of dogs on the property until they are ten (10) weeks old. (Added by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 2828, effective 3-31-88.)

KITCHEN

Any room used or intended or designed to be used for cooking or the preparation of food.

LABORATORY

A building or part of a building devoted to the testing and analysis of any product or animal, including humans. No manufacturing is conducted on the premises except for experimental or testing purposes. (Added by Ord. No. 650, effective 3-27-58.)

**LABORATORY,
MEDICAL OR
DENTAL**

A laboratory which provides bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises except the custom fabrication of dentures. (Added by Ord. No. 650, effective 3-27-58.)

**LABOR CAMP,
PERMANENT**

Any housing or living accommodations or camping facilities, other than a temporary labor camp or farmworker housing, maintained in connection with any work or place where work is being performed, provided for the housing of ten (10) or more employees. (Added by Ord. No. 1073, effective 6-16-66; amended by Ord. No. 3009, effective 9-24-92.)

**LABOR CAMP,
TEMPORARY**

Any housing or living accommodations or camping facilities, other than farmworker housing, maintained in connection with any work or place where work is being performed, provided for the housing of ten (10) or more employees if occupied or used for a period not to exceed one hundred and twenty (120) days in any one calendar year. (Added by Ord. No. 1073, effective 6-16-66; amended by Ord. No. 3009, effective 9-24-92.)

LOADING SPACE	An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
LODGING HOUSE	A building with not more than five (5) guestrooms where, for compensation, lodging is provided for at least five (5) but not more than ten (10) persons.
LOT	The word "lot" shall mean (1) a parcel of real property when shown as a delineated parcel of land with a number or other designation on a plat recorded in the office of the County Recorder of Tulare County; or (2) a parcel of land, the dimensions or boundaries of which are defined by a record of survey recorded pursuant to the provisions of the Subdivision Map Act of the State of California in the office of the County Recorder of Tulare County; or (3) a parcel of real property not delineated as in (1) or (2) above, and containing not less than the prescribed minimum square footage required in the zone in which it is located and which abuts at least one public street or has legal access of record to a street and held under separate ownership from adjacent property on the effective date of this Ordinance. (Amended by Ord. No. 481, effective 10-30-51.)
LOT LINE, FRONT	In the case of an interior lot, a line separating the lot from the street, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.
LOT LINE, REAR	A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular lot, a line within the lot, parallel to and at the maximum distance from the front lot line, having a length of ten (10) feet.
LOT LINE, SIDE	Any lot boundary line not a front lot line or a rear lot line.
LOT WIDTH	The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
LOT DEPTH	The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.
LOT AREA	The total horizontal area within the lot lines of a lot.
LOT, CORNER	A lot situated at the intersection of two (2) or more streets, having an angle of intersection of not more than one hundred and thirty-five (135) degrees and a width not greater than seventy-five (75) feet.
LOT, REVERSED CORNER	A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which it rears.
LOT, INTERIOR	A lot other than a corner lot.
LOT, KEY	The first lot to the rear of a reversed corner lot and whether

LOT, THROUGH

or not separated by an alley.

A lot having frontage on two (2) parallel or approximately parallel streets.

**MANUFACTURED
HOME**

A structure which has been certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq.), transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the foregoing requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established in Part 2, Division 13 of the California Health and Safety Code. "Manufactured home" includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974. (Added by Ord. No. 2873, effective 4-20-89.)

**MEDICAL
MARIJUANA
COOPERATIVE AND
MEDICAL
MARIJUANA
COLLECTIVE
MINI-WAREHOUSES**

A "Medical Marijuana Cooperative" and "Medical Marijuana Collective" is defined in Part VI of the Ordinance Code of the County of Tulare, Chapter 21. Refer to Chapter 21, Part VI of the Ordinance Code for additional definitions regarding medical marijuana terminology. (Added by Ord. No. 3398, effective 1-1-10.)

Storage or warehousing service within a building or buildings primarily for individuals to store personal effects and by businesses to store material for operation of an industrial or commercial enterprise located elsewhere. 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, nor shall the storage spaces be used for workshops, hobby shops, manufacturing or similar uses. (Added by Ord. No. 2714, effective 7-17-86.)

**MINOR
IMPROVEMENT**

Expansion to a structure, the cost of which is not more than 10% of the market value of the structure before the improvement is started, or if the structure has been damaged and is being restored, before the damage occurred, or the expansion comprises of no more than 10 percent of the gross square footage of the structure, whichever is less; exterior remodel which does not add habitable area to the structure, interior remodel which does not change the use of the building; and regular maintenance of building, provided, however, that these activities will not cause the use

	to be out of compliance with applicable County development standards including parking requirements. This paragraph shall not apply to minor improvements or to structures or uses established by the special use permit or site plan review process. (Added by Ord. No. 2910, effective 12-28-89.)
MOBILEHOME	A mobilehome, for the purpose of this Ordinance, means a structure transportable in one or more sections, designed and equipped to contain not more than one (1) dwelling unit, to be used with or without a foundation system. Mobilehome does not include a recreation vehicle, commercial coach or factory-built housing. (Added by Ord. No. 1149, effective 7-27-67; amended by Ord. No. 2453, effective 12-24-81.)
MOBILEHOME DEVELOPMENT	An area or tract of land which is proposed for, or contains a subdivision, exclusively for mobilehome use. A mobilehome development may exceed the maximum residential density of the zone in which it is located, subject to the requirements of subparagraph d of Paragraph 5 of Subsection A of Section 15 of this Ordinance. For purposes of this Ordinance, a mobilehome development does not include a mobilehome park. (Added by Ord. No. 2480, effective 7-1-82.)
MOBILEHOME PARK	An area or tract of land where two (2) or more mobilehomes or mobilehome sites are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation. A mobilehome park may exceed the maximum residential density of the zone in which it is located, subject to the requirements of subparagraph d of Paragraph 5 of Subsection A of Section 15 of this Ordinance. (Added by Ord. No. 1149, effective 7-27-67; amended by Ord. No. 2453, effective 12-24-81; amended by Ord. No. 2480, effective 7-1-82.)
MOTEL	See <u>TOURIST COURT</u> .
MUSEUM	A nonprofit, noncommercial establishment operated as a repository or a collection of objects of nature, scientific or literary curiosities or objects of interest or works of art. (Added by Ord. No. 650, effective 3-27-58.)
NON- CONFORMING BUILDING	A building or portion thereof lawfully existing at the time this Ordinance became effective and which was designed, erected or structurally altered for a use which does not conform to the use zone in which it is located, or which does not comply with all the height and area regulations of the zone in which it is located.
NON- CONFORMING USE	A building or land lawfully occupied at the time this Ordinance became effective by a use that does not conform with the regulations of the zone in which it is situated.
NURSERY, PLANT	A place where trees, shrubs, vines, flowers or grasses are propagated for transplanting or for use as stock for grafting. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 2754, effective 1-15-87.)

**OFF-SITE OUTDOOR
ADVERTISING
DISPLAY SIGN**

An outdoor advertising display sign which does not identify a use, facility or service located on the premises or a product which is produced, sold or manufactured on the premises. In particular, the following signs are not included in this definition: (Added by Ord. No. 2282, effective 10-25-79.)

- A. A sign pertaining to the sale, lease or rental of the real property or a structure thereon.
- B. A sign not larger than four (4) square feet in area which pertains to the producer or marketing association with which the owner or lessee of the property is affiliated.
- C. Temporary political campaign signs, including their supporting structures, which are removed within ten (10) days after the election to which they pertain.

**OUTDOOR
ADVERTISING
DISPLAY SIGN**

A rigidly assembled sign, display, or device permanently affixed to the ground or permanently attached to a building or other inherently permanent structure constituting, or used for the display of, a commercial or other advertisement to the public. (Added by Ord. No. 2282, effective 10-25-79.)

PARCEL

The word "parcel" shall mean a piece of real property other than a lot as defined herein, or any piece of land other than a lot which is occupied or used as a single unit. (Added by Ord. No. 481, effective 11-29-51.)

**PARKING AREA,
PUBLIC**

An open area other than a street, alley or place, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

**PARKING SPACE,
AUTOMOBILE
PLACE**

Space within a building or public parking area for the temporary parking or storage of one (1) automobile.

An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

**PUBLIC UTILITY
STRUCTURES**

Public entity- or privately-owned: electrical distribution and transmission substations; natural gas-, steam- or biomass-fired electric generating plants of less than 50 megawatts; gas regulator and metering stations; communication equipment buildings; public service pumping stations except water well and pump sites approved in connection with the approval of a tentative subdivision map; and transmission lines and pipelines. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 3270, effective 7-18-2002.)

**PUBLIC WORKS
STAGING AREA**

Areas for the storing of equipment and materials, and temporary construction offices associated with public infrastructure projects that shall include, but not be limited to road, railroad, public utilities, water conveyance, schools, police stations, fire stations, libraries and other similar infrastructure facilities, but does not

**RADIO,
MICROWAVE,
TELEVISION AND
CELL TOWER**

include temporary housing (Added by Ord. No. 3434, effective 2-23-12).

A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, tripod, or other structure with a base on the ground, designed and primarily used to support antennas or similar apparatus. Includes wireless telecommunications collocation facilities defined by California Government Code section 65850.6(d)(3) and subsequent amendments. Does not include structures used solely for amateur radio service antennas 75 feet or less in height or structures used solely to mount temporary security surveillance. Does not include structures used solely for permanent security surveillance that is within the zone height limit. (Added by Ord. No. 3349, effective 11-2-07.)

**RECREATION
VEHICLE**

A vehicle, with or without motive power, which is designed as a temporary dwelling for travel, recreational and vacation uses, with a living area less than two hundred (200) square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. Recreation vehicle includes, but is not limited to, a motorhome, travel trailer, camper or camping trailer. (Added by Ord. No. 2453, effective 12-24-81.)

**RECREATION
VEHICLE PARK**

An area or tract of land where one (1) or more recreation vehicle sites are rented or leased or held out for rent or lease to accommodate recreation vehicles for human habitation. (Added by Ord. No. 2453, effective 12-24-81.)

**RECYCLING
COLLECTION
CENTER**

A Recycling Collection Center is a Solid Waste Recycling Operation limited to the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Processing of materials shall be limited to the crushing of glass, metal, and plastic beverage containers within an enclosed space including, but not limited to, reverse vending machines. (Added by Ord. No. 2817, effective 2-18-88.)

RESORT

A hotel or a motel with dining room located on the same site, with recreation facilities for water sports, tennis, golf, riding, skiing, hunting, fishing or similar activities limited to use solely by tenants of the hotel or motel and their guests. (Added by Ord. No. 731, effective 10-13-60.)

REST HOMES

Same as boarding house, but permitting nursing, dietary and other personal services rendered to convalescents, invalids and aged persons, but excluding cases of contagious or communicable diseases, and excluding surgery or primary treatment such as are customarily provided in sanitariums and hospitals.

RESTAURANT

An eating establishment of a permanent character on a permanent foundation devoted to serving food to the general public. (Added by Ord. No. 731, effective 10-13-60.)

RISK ASSESSMENT

Evaluation of the threat to public health and the environment

	posed by a specified hazardous waste facility, or other source, considering probability of incident and its effects, as described in Section 7.3 of the Tulare County Hazardous Waste Management Plan. (Added by Ord. 2918, effective 8-25-90.)
SANITARIUMS	A health station or retreat or other place where patients are kept and where medical or surgical treatment is given, but not mental.
SATELLITE TELEVISION ANTENNA	A satellite earth station consisting of (1) a receiving component of a disc or similar configuration whose purpose is to receive television signals from orbiting satellites or other extraterrestrial sources and (2) a low- noise amplifier whose purpose is to magnify television signals. (Added by Ord. No. 2538, effective 6-6-83.)
SECOND UNIT	A dwelling unit attached to or located within the living area of a one family dwelling, which provides complete independent living facilities for one (1) or more persons all in accordance with the provisions set forth in sub-Paragraph c of Paragraph 6 of Subsection A of Section 15 of this Ordinance. (Added by Ord. No. 2562, effective 9-22-83.)
SEWAGE OR SEWER SLUDGE	A solid, semi-solid, or liquid residue generated during the treatment of sewage in a treatment works or sewage treatment plant. Sewage sludge includes, but is not limited to, septage, scum, or solids removed in primary, secondary, or advanced wastewater treatment processes, and any material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, or grit and screenings generated during primary treatment of sewage in a treatment works. As used in this Ordinance, the term "Sewage Sludge" does not include sewer sludge to be land applied which has been diluted through composting and is distributed in bags or other similar containers not exceeding one hundred (100) pounds for landscaping purposes or for home use and has been classified as "exceptional quality biosolids products" in compliance with all applicable State and Federal rules and regulations. (Added by Ord. No. 3165, effective 7-25-96, amended by Ord. No. 3185, effective 6-5-97.)
SCHOOLS, PRIVATE	An institution conducting regular academic instruction at kindergarten, elementary, secondary or college levels, which is operated by a non- governmental organization. (Added by Ord. No. 1169, effective 10-26-67.)
SCHOOLS, PUBLIC	An institution conducting regular academic instruction as required by State law, at kindergarten, elementary, secondary or college levels, which is operated by a school district. (Added by Ord. No. 1169, effective 10-26-67.)
SOLID WASTE	All putrescible and nonputrescible solid, semi-solid and liquid

	wastes, including but not limited to discarded paper, cloth, metal, wood, glass and plastic materials. (Added by Ord. No. 2542, effective 7-7-83.)
SOLID WASTE RECYCLING OPERATION	Any building or area where the process of collecting, sorting, cleansing, treating and reconstituting of solid waste or other discarded materials for the purpose of using the altered form, is undertaken. (Added by Ord. No. 2542, effective 7-7-83.)
SPECIAL EVENT	Any temporary use, generally lasting from a few hours to a few days, conducted or sponsored by an organization, entity, association, or group involving a display, demonstration, performance, exhibition, or amusement which includes, but is not limited to, festivals, concerts carnivals, arts and craft shows, fireworks displays, sporting events, socials, parties, parades, rallies, and other similar uses. (Added by Ord. No. 3416, effective 11-9-10)
STABLE, PRIVATE	A detached accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale.
STABLE, PUBLIC	A stable other than a private stable.
STATE RESPONSIBILITY AREA	Land or lands within the area or areas defined in or established under California Public Resource Code Sections 4126-4127 and Title 14 of the California Code of Regulations, Division 1.5, Chapter 7, Article 1, Sections 1220-1220.5 as defined or established as of December 3, 1991. (Added by Ord. No. 2982, effective 1-2-92.)
STORY	That portion of a building including between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.
STREAM BED	That portion of the flood plain through which the natural flow of water is channeled during normal drainage periods. (Added by Ord. No. 1371, effective 4-16-70.)
STREET	A public or private thoroughfare which affords principal means of access to abutting property.
STREET LINE	The boundary line between street and abutting property.
STREET, SIDE	That street bounding a corner lot and which extends in the same general direction as the line determining the depth of the lot.
STRUCTURE	Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, but not including fences or walls used as fences less than six (6) feet in height.
STRUCTURAL ALTERATIONS	Any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists or roof joists, girders or rafters or changes in roof or exterior lines.
STRUCTURAL	The floor sheathing, structural beams, or floor joists of a building.

**FLOOR
SUBDIVISION**

(Added by Ord. No. 1371, effective 4-16-70.)

Any real property, improved or unimproved, or portion thereof, shown on the latest equalized County Assessment roll as a unit or as contiguous units, which is divided for the purpose of sale, lease or financing, whether immediate or future, by any subdivider into five (5) or more parcels; provided, however, that this definition shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or mobilehome park, nor shall this definition apply to mineral, oil or gas leases. Property shall be considered to be contiguous units even it is separated by roads, streets, utility easements or railroad rights-of-way. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

The term "subdivision" does not include any parcel or parcels of land which is divided into four (4) or less parcels. The term "subdivision" does not include any parcel or parcels divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter- quarter Section or larger. The term "subdivision" does not include any parcel or parcels divided into lots or parcels where each lot or parcel has a gross area of twenty (20) acres or more with an approved access to a maintained street or highway.

The term "subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code of the State of California, containing five (5) or more condominiums, as defined in Section 783 of the Civil Code, and a community apartment project, as defined in Section 11004 of the Business or Professional Code of the State of California, containing five (5) or more parcels. The term "subdivision" does not apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California. The term "subdivision" does not apply to any of the land divisions described in Section 66412 of the Government Code of the State of California. (Added by Ord. No. 1807, effective 4-3-75; amended by Ord. No. 2750, effective 11-15-87.)

**SUPER SERVICE
STATION**

A filling station to supply motor fuel and oil to motor vehicles, and including grease racks, wash racks or pits, tire repairs including recapping, but with equipment limited to three molds, battery servicing and repairing, ignition service, accessory sales and other customary services for automobiles, but excluding painting, body works and steam cleaning.

SUPPORTIVE

Housing with no limit on length of stay and is linked to on- or

HOUSING	off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and Supportive housing is a residential use. (Added by Ord. No. 3473, effective 7-30-15.)
SWAP MEET	A building or open area where the display, exchange, barter or sale of new or used common household items or office equipment and furnishings is conducted, provided that such activity is carried on in a swap lot. Typical uses include flea markets where clothing, personal effects, household furnishings and household appliances are sold or otherwise exchanged. (Added by Ord. No. 2719, effective 8-28-86.)
TARGET POPULATIONS	Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (Added by Ord. No. 3473, effective 7-30-15.)
TOURIST COURT	A group of attached or detached buildings containing individual sleeping or living unit with garage attached or parking space conveniently located to each unit, all for the temporary use by automobile tourists or transients; includes auto courts, motels or motor lodge.
TRAILER, AUTOMOBILE TRAILER PARK	(Repealed by Ord. No. 1149, effective 7-27-67.)
TRANSITIONAL HOUSING	(Added by Ord. No. 731, effective 10-13-60; repealed by Ord. No. 1149, effective 7-27-67.) "Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.
USE	Transitional housing is a residential use. (Added by Ord. No. 3473, effective 7-30-15.)
VACATION VEHICLE	The purpose for which land or building is arranged, designed or intended or for which either is or may be occupied or maintained. (Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2453, effective 12-24-81.)
VACATION VEHICLE PARKS	(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2453, effective 12-24-81.)
YARD	An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise

YARD, FRONT

provided herein.

A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot lines and a line parallel thereto on the lot.

YARD, REAR

A yard extending across the full width of the lot between the main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the rear lot line.

YARD, SIDE

A yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest part of the side lot line toward the main building.

SECTION 2.1: DEFINITIONS IN STATE RESPONSIBILITY AREAS

(Added by Ord. No. 2982, effective 1-2-92)

For the purpose of the Zoning Ordinance as applied in State Responsibility Areas certain additional words and terms are defined:

DRIVEWAY

A private vehicular access that serves no more than two buildings, with no more than three (3) dwelling units on one parcel, and any number of accessory buildings.

DEFENSIBLE SPACE

The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this Ordinance is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself.

GREENBELTS

A facility or land-use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire and includes maintained parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyard, orchards or farmed fields where annual crops that do not cure in the field or any other similar use which the body which takes final action determines to be sufficiently resistant to the spread of wildfire.

HAMMERHEAD "T"

A street or road that provides a "T" shaped three-point turnaround space for emergency equipment, being no narrower than the street or road that serves it.

ROADS

Vehicular access to more than one parcel; vehicular access to any commercial or industrial occupancy on one or more parcels; or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

ROADWAY

Any surface designed, improved, or ordinarily used for vehicular access or travel.

TURNAROUND

A street or road, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment.

TURNOUT

A widening in a street or road to allow vehicles to pass.

SECTION 2.2: DEFINITIONS PERTAINING TO ANIMAL CONFINEMENT FACILITIES

(Added by Ord. No. 3285, effective 5-15-03)

For the purpose of the Zoning Ordinance provisions applicable to animal confinement facilities, confined animal feeding operations, bovine dairies and bovine feed lots certain additional words and terms are defined:

ANIMAL UNIT

A common animal denominator, based on feed consumption, whereas one mature cow (1,400 pounds) represents one animal unit. An "Animal Unit" is the feed equivalent of one milk cow, as follows:

<u>Classification</u>	<u>Animal Units per Head</u>
Dairy cows in milk and bulls	1.00
Dry cows and heifers more than two yrs. of age	0.75
Heifers one year to two years (beef or dairy)	0.70
Heifers three months to one year (beef or dairy)	0.40
Calves to three months of age	0.17
Beef cows in milk and feed lot steers	0.75

This definition is based upon a large breed dairy cow. Animal Units for other breeds on site will be calculated according to the Tulare County conversion tables issued by the Resource Management Agency Director from time to time.

CROP ACREAGE

Irrigable portion of the total/gross subject parcels and/or permitted site, including wastewater conveyance ditches, that is to be used for wastewater discharge and which excludes buildings, corrals and/or pens, feed and/or manure storage areas, lagoons/sumps, canals, waterways, and public road rights of way.

GEOLOGICAL HYDROLOGICAL (GEO-HYDRO) REPORT

A report that discusses the physical and chemical data collected from soil samples and groundwater samples, and includes a study of depth) to groundwater, groundwater flow direction, groundwater quality and impacts to soil and groundwater due to extraction and recharge of groundwater.

SECTION 2.5: GENERAL PROVISIONS

(Added by Ord. No. 1596, effective 6-18-73; repealed by Ord. No. 2751, effective 2-1-87.)

DETERMINATION OF ACREAGE

- A. (Amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; repealed by Ord. No. 2751, effective 2-1-87. NOTE: The provisions of former Section 2.5 have been relocated to Section 15, Subsection D, Paragraph 1.)

SECTION 3:
ESTABLISHING ZONES AND LIMITING THE USE OF LAND THEREIN

(Amended by Ord. No. 364, effective 5-13-48)

CLASSES OF ZONES A.

In order to classify, regulate, restrict and segregate the use of land and buildings, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces around buildings, and to regulate the density of population, thirty-one (31) classes of zones are hereby established to be known as follows:

- R-A - Rural Residential Zone
- MR - Mountain Residential Zone
- R-O - Single-Family Estate Zone
- R-1 - One-Family Zone
- R-2 - Two-Family Zone
- R-3 - Multiple-Family Zone
- O - Recreation Zone
- CO - Commercial Recreation Zone
- P-O - Professional and Administrative Office Zone
- P-1 - Automobile Parking Zone
- AE - Exclusive Agricultural Zone
- AE-10 - Exclusive Agricultural Zone - 10 Acre Minimum
- AE-20 - Exclusive Agricultural Zone - 20 Acre Minimum
- AE-40 - Exclusive Agricultural Zone - 40 Acre Minimum
- AE-80 - Exclusive Agricultural Zone - 80 Acre Minimum
- A-1 - Agricultural Zone
- AF - Foothill Agricultural Zone
- TPZ - Timber Preserve Zone
- RC - Resource Conservation Zone
- C-1 - Neighborhood Commercial Zone
- C-2 - General Commercial Zone
- C-3 - Service Commercial Zone
- M-1 - Light Manufacturing Zone
- M-2 - Heavy Manufacturing Zone
- AP - Airport Impact Zone
- M - Special Mobilehome Zone
- SC - Scenic Corridor Combining Zone
- SR - Site Review Combining Zone
- F-1 - Primary Flood Plain Zone
- PD - Planned Development Zone
- F - Foothill Combining Zone
- PC - Planned Community Zone

Said zones are shown and delineated on the Zoning Map of the County of Tulare, which is hereby adopted and made a part hereof Said Zoning Map, for convenience and identification, is divided into parts corresponding to sections of Townships and Ranges. Changes in the boundaries

of any such zones and the adoption of additional parts of the Zoning Map shall be done by ordinance in accordance with State Law. (Amended by Ord. No. 650, effective 3-27-58; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1149, effective 7-26-67; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1371, effective 4-16-70; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2282, effective 10-25-79; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. 2714, effective 7-17-86; amended by Ord. No. 2741, effective 12-4-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

ZONING MAP B.

The parts of said zoning map hereby adopted and made a part hereof are as follows:

Part 1: Section 34, Township 22 South, Range 27 East, Mount Diablo Baseline and Meridian (M.D.B. & M.)

Part 2: Section 3, Township 23 South, Range 27 East, M.D.B. & M

Part 3: Section 32, Township 22 South, Range 25 East, M.D.B. & M.

Part 4: Section 33, Township 22 South, Range 25 East, M.D.B. & M.

Part 5: Section 5, Township 23 South, Range 25 East, M.D.B. & M.

(Note: Map Parts 1 and 2 were adopted with Ordinance No. 352 while Map Parts 3, 4 and 5 were adopted with Ordinance No. 264. All other map parts are maintained in the Offices of the Tulare County Resource Management Agency.)

ZONING BOUNDARIES C.

Where uncertainty exists as to the boundaries of any zone shown on said Zoning Map, the following rules shall apply:

1. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries;
2. In the case of unsubdivided property and where a zone boundary divides a lot, the locations of such boundaries, unless the same are indicated by dimensions, shall be determined by the use of the scale appearing on such Zoning Map;
3. Where a public street or alley is officially vacated or abandoned the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley.
4. The boundaries of the F-1, Primary Flood Plain Zone, shall be determined from official maps of the Selected Flood. (Amended by Ord. No. 364, effective 4-13-48; amended by Ord. No. 2741, effective 12-4-86.)

EFFECT OF ZONING REGULATIONS D.

The boundaries of such zones as are shown upon the Zoning Map adopted by this Ordinance are hereby adopted and approved and the regulations of this Ordinance governing the use of land and

buildings, the height of buildings, and sizes of yards about buildings and other matters as herein set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown upon the said Zoning Map, except as hereinafter provided (amended by Ord. No. 364, effective 4-13-48.):

1. No building shall be erected and no existing building shall be moved into, reconstructed, structurally altered, added to or enlarged, nor shall any land, building or premises be used, designed or intended to be used for any purpose other than a use listed in Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Ordinance, or amendments thereto as permitted in the zone in which such land, building or premises is located.
2. No building shall be erected, nor shall any existing building be moved, reconstructed, added to, enlarged or structurally altered to exceed in height the limit established by Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Ordinance, or amendments thereto, for the zone in which such building is located.
3. No building shall be erected, nor shall any existing building be moved, structurally altered, added to, enlarged, reconstructed or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the building-site requirements and the area and yard regulations established by Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Ordinance, or amendments thereto, for the zone in which such building is located.
4. No yard or other open space provided about any building for the purpose of complying with the regulations of this Ordinance, or amendments thereto, shall be considered as providing a yard or open space for any other building or structure.
5. While a nonconforming use exists on any lot no other use of more restricted classification shall be permitted, even though such other use would otherwise be a conforming use.

SECTION 4: "R-A" RURAL RESIDENTIAL ZONE

The following regulations shall apply in the "R-A" Rural Residential Zone unless otherwise provided in this Ordinance:

USE A.

- 1. One-family dwellings** of a permanent character placed in permanent locations and one-family manufactured homes installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code which comply with Subsection H of this Section. Additional housing for not more than nine (9) farmworkers and employees who work on the property, provided that the buildings therefor are not located within the required front, side or rear yard areas, and provided further that such housing for farmworkers or employees be permitted on sites of ten (10) acres or more. Private garages to accommodate not more than three (3) cars. (Amended by Ord. No. 2873, effective 4-20-89; amended by Ord. No. 3009, effective 9-24-92.)
- 1.1 Transitional/Supportive Housing** (Added by Ord. No. 3473, effective 7-30-15.)
- 2. Growing and harvesting of field crops**, fruit and nut trees, vines, vegetables, horticultural specialties and timber, and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1152, effective 8-10-67.)
- 2.2 Raising and slaughter of rabbits and other fur bearing animals.** To determine the total number of said animals that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of said animals that can be raised on the property. In addition, any offspring of the animals allowed under this paragraph may be retained until they are weaned. (Added by Ord. No. 1152, effective 8-10-67.)
- 2.4 Raising and slaughter of poultry.** To determine the total number of poultry that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of poultry that can be raised on the property. (Added by Ord. No. 1152, effective 8-10-67.)
- 2.6 Raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds**, subject to the following restrictions: (Added by Ord. No. 1152, effective 8-10-67.)
 - a. None of the aforementioned animals may be raised if there is less than twelve thousand five hundred (12,500) square feet in the entire property.
 - b. One (1) of the aforementioned animals may be raised if there is twelve thousand five hundred (12,500) square feet in the entire property and one (1) additional animal may be raised for each additional full twelve thousand five hundred (12,500) square feet in the entire property. Any offspring of the animals allowed under this subparagraph may be retained until they reach the normal age for weaning.
 - c. No feed lots may be maintained.

3. **One (1) unlighted sign not exceeding six (6) square feet in area** pertaining only to the sale, lease, or hire of only the particular building, property or premises upon which displayed. No other advertising signs, structures or devices of any character shall be permitted in any "R-A" Rural Residential Zone except one sign not larger than three (3) feet by four (4) feet, identifying and advertising products produced on the premises as permitted by this Ordinance.
4. **Storage of petroleum products** for use on the premises.
5. **The keeping of household pets**, such as dogs and cats, provided that no kennel shall be permitted unless a special use permit has been approved in the manner provided in Section 16, Part II. (Added by Ord. No. 2828, effective 3- 31-88.)
6. **Bed and Breakfast Home** with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99.)
7. **Family Day Care Home, small.** (Added by Ord. No. 3222, effective 4-22-99.)

BUILDING HEIGHT B.

Two and one half (2-1/2) stories and not to exceed thirty-five (35) feet to uppermost part of roof, except as provided in Sections 15 and 16.

FRONT YARD C.

There shall be a front yard of not less than twenty-five (25) percent of the depth of the lot provided such front yard need not exceed twenty-five (25) feet except, where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

SIDE YARD D.

On interior lots there shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, provided that such side yard shall be not less than three (3) feet and need not exceed five (5) feet in width. On corner lots the side yard regulation shall be the same as for interior lots except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot, and no accessory building on said corner lot shall project beyond the front yard line on the lots in the rear; provided, further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this Ordinance becomes effective, to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

REAR YARD E.

There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet.

LOT AREA PER FAMILY F.

Every main building hereafter erected or structurally altered shall have a lot area of not less than six thousand (6,000) square feet per family. Provided, however, that where a lot has less area than

herein required and was of record at the time this Ordinance became effective, said lot may be occupied by not more than one family.

DISTANCES BETWEEN STRUCTURES G.

The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral, or other structure housing livestock or poultry shall be forty (40) feet. (Added by Ord. No. 1152, effective 8-10-67.)

STANDARDS FOR MANUFACTURED HOMES H.

1. The installation of a manufactured home in accordance with Subsection A of this Section shall not be permitted if more than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of issuance of a permit to install the manufactured home.
2. Every manufactured home installed after the effective date of this subsection shall comply with the following architectural requirements.
 - a. Roof overhang: Shall be not less than 12 inches around the entire perimeter of the manufactured home as measured from the vertical side of the home. The overhang requirement may be waived where an accessory structure is attached to the manufactured home.
 - b. Roof material: Shall consist of material customarily used for conventional one-family dwellings, such as tile, composition shingles, and wood shakes and shingles (if permitted by County fire regulations). If shingles or wood shakes are used, the pitch of the roof shall be not less than a nominal 3 inches vertical to 12 inches horizontal.
 - c. Siding material: Shall consist of exterior material customarily used for conventional one-family dwellings, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home. (Subsection H added by Ord. No. 2873, effective 4-20-89.)

SECTION 4.5: "MR" MOUNTAIN RESIDENTIAL ZONE

(Added by Ord. No. 2956, effective 4-11-91)

PURPOSE A.

The Mountain Residential Zone is intended primarily for the mountain areas of Tulare County where residential uses may be located in environmentally sensitive surroundings. This zone is also considered appropriate in those areas where residential uses are of a primarily second home or recreational character. These areas are generally identified in the General Plan as "Mountain Residential", with various minimum lot area requirements. The purposes of this district are

1. To establish a minimum lot area and density which reflects prevailing conditions with regard to topography, soil, water and other environmental factors.
2. To allow residential uses in the mountain area in a manner which minimizes impacts on the natural habitat of native animal and plant species.
3. To protect the unique characteristics of mountain communities.
4. To protect the developed areas against wildland fire, soil instability and other natural and man made hazards.
5. To promote growth which is harmonious with available public facilities and services.
6. To allow uses reflecting a rural character which involve the raising of limited numbers of domesticated farm or range animals.

USEB.

No building or land shall be used and no building shall be hereafter erected or structurally altered except for the following uses:

1. **One single family dwelling**, or one one-family manufactured home installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code which comply with Subsection F of this Section, on each legally created parcel.
2. In addition to the dwelling allowed under paragraph 1 above, **one (1) additional dwelling for each forty (40) acres** in the legally created parcel is permitted.
3. **Incidental and accessory structures and uses** including, but not limited to, guest houses as defined in this Ordinance, garages, carports, storage tanks, windmills, storage buildings, garden structures, greenhouses, and their enclosures, and storage and use of petroleum products. The structures and uses permitted in this section shall be for personal, non-commercial use only except as permitted in the home occupation provision of the Zoning Ordinance.
4. **Rental of single family dwellings for vacation or recreational purposes.**
5. **Raising and slaughter of poultry** up to a maximum of three (3) birds for each thirteen-hundred (1,300) square feet in the entire property, and not to exceed a total of one hundred (100) birds in all, unless a Use Permit has been secured as required in Subsection C of this Ordinance.
6. **Raising and slaughter of rabbits and other similar fur-bearing animals.** The maximum number of mature animals allowed on any parcel shall not exceed sixty (60). Any offspring of the animals allowed under this paragraph may remain on the property until they reach the normal age for weaning, unless a Use Permit has been secured as required in Subsection C of this Ordinance.

7. **The raising of sheep, goats, horses, mules, swine, bovine animals or other similar domesticated quadrupeds.** The total number of such animals shall not exceed two (2) mature animals for each acre in the entire property, unless a Use Permit has been secured as required in Subsection C of this Ordinance. Any offspring of the animals allowed under this paragraph may remain until they reach the normal age for weaning. However, no feed lot or area for concentrated feeding of more than twenty-five (25) animals may be permitted.
8. **Keeping of pack animals** in excess of the density standards in Paragraph B.7. for a period of no more than 48 hours.
9. **Open space** uses including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
10. **Incidental and accessory structures and uses necessary** for the activities as allowed in paragraphs 5, 6, 7 and 8 above including but not limited to barns, stables, coops and silos.
11. **Power generating facilities** and their enclosures for personal, non-commercial use only, except hydroelectric facilities.
12. **The growing and harvesting of fruit and nut trees**, vines, vegetables, timber and trees grown for ornamental use, such as Christmas trees.
13. **The growing and harvesting of field crops**, grain and hay crops, and the growing of grass for pasture and grazing.
14. **Sale of agricultural products**, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber.
15. **Temporary or seasonal sale of firewood** not to exceed five (5) cords stored on the property at any one time.
16. **Signs** that pertain only to a permitted use on the property on which the sign is situated or that pertain to the sale, lease or rental of the property or a structure of personal property located on the property.
17. **Bed and Breakfast Home** with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99)
18. **Family Day Care Home, small.** (Added by Ord. No. 3222, effective 4-22-99)

USE PERMITS C.

The establishment and operation of the following uses shall be permitted in this zone only if a Use Permit is first secured pursuant to the procedures referred to in paragraph B of Part II of Section 16 of this Ordinance. Additional special uses which are allowed in this zone are also set forth in said Part II of Section 16 of this Ordinance.

1. **A second dwelling** on a legal lot when the lot is less than forty (40) acres in area but more than ten (10) acres, and was of record at the time this zone became applicable to the property.
2. **Raising and slaughter of poultry** when more than three (3) birds for each 1300 sq. ft. in the entire property, or more than 100 birds in all, are on the property at any time.

3. **Raising and slaughter of rabbits or other furbearing animals** when a total of more than 60 mature animals are on the property at any time.
4. **Raising of sheep, goats, horses, mules, swine, bovine animals and other domesticated quadrupeds** when more than two (2) mature animals for each acre in the entire property are on the property at any time, excluding feedlots or areas for concentrated feeding of more than 25 animals.
5. **Keeping of pack animals** in excess of the density standards set forth in B.7. for a period of more than 48 hours.
6. **An increase in lot density** beyond that which is allowed by this zone as set forth in subsection B of this section which would result from a division of land in conformance with the minimum parcel size regulations.
7. Where this zone is used in conjunction with Section 14.5, the "Special Combining" Zone, in a manner which sets forth a large minimum lot area, a division of land resulting in a lot size(s) smaller than the minimum lot size represented by the number attached to this zone as it appears on the Official Zone Map of Tulare County. Divisions of land proposed pursuant to this paragraph shall only be approved when it is found that special circumstances are applicable to the property, including size, shape, topography, location, surroundings or ownership, that can provide the basis for approving the division of land in spite of the fact that an increase in density will result.
8. **Power/energy generating facilities** not set forth in Subsection B of this section, including hydroelectric facilities.
9. **Game preserve, private or public.**
10. **Guest ranch or summer camp.**
11. **Hunting and fishing clubs**, and hunting and fishing on a commercial basis for members of the public.
12. **Post Office.**
13. **Sewage treatment plant and disposal area.**
14. **Water treatment plant.**
15. **Temporary and other permanent uses** as permitted in Part II (B) of Section 16 of this Ordinance.
16. Similar uses when determined in the manner prescribed in Section 15, sub-part A(1)(b).

DEVELOPMENT STANDARDS D.

The following improvement requirements shall be applicable to any building permit for property in this zone:

1. Lot area: The minimum lot area shall be twenty thousand (20,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section. Where topography, soil conditions, or other factors as set forth in the applicable Land Use Element or Community Plan of the Tulare County General Plan have indicated a need for a larger minimum lot size, the minimum parcel size is represented by the number attached to this zone as it appears on the Official Zone Map of Tulare County, and as described in the provisions of Section 14.5 of the "Special Combining Zone" of this Ordinance.
2. Coverage: The maximum site area covered by structures shall be twenty (20) percent of the total area of the site.

3. Height: The maximum building height shall be thirty-five (35) feet to the uppermost part of the roof except as provided in Section 15 of this Ordinance. Said maximum building height shall be measured at the average level between the highest and lowest points of that portion of the site being covered by the building to the uppermost part of the roof, provided that this paragraph shall not be so interpreted as to prohibit the construction of a one (1) story building.
4. Front yard: There shall be a front yard of not less than twenty-five (25) percent of the depth of the lot provided such front yard need not exceed twenty-five (25) feet.
5. Side yard: On interior lots there shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, provided that such side yard shall not be less than three (3) feet and need not exceed five (5) feet in width. On corner lots the side yard regulation shall be the same as for interior lots except in the case of a reverse corner lot. In the case of a reverse corner lot, there shall be a side yard on the street side of the corner lot of not less than twelve and one-half (12 1/2) feet, and no accessory building on said corner lot shall project beyond the front yard line of the lot in the rear of said corner lot; provided, further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reverse corner lot of record at the time this section becomes effective to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.
6. Rear yard: There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet.
7. Setbacks for watercourses: All new structures, except fences, shall be set back a minimum of twenty-five (25) feet from any watercourse. However, where a more restrictive setback related to flooding conditions is established by other state or local regulations, the more restrictive setback shall apply.
8. Distance between structures: The minimum distance between any structures within a parcel shall be at least ten (10) feet, and the minimum distance between an accessory structure and property line shall be at least five (5) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be forty (40) feet.
9. Fences: Where required by applicable General Plan*, site perimeter fencing shall be constructed in such a way as to allow passage of deer. The following minimum standard shall be required: Either the lowest fence rail or barbless wire strand shall be no lower than 18" from the ground, or the highest fence rail or barbless wire strand shall be no higher than 42" from the ground. This standard shall not be applicable to fences being erected around homesites and areas where fruit trees, vines, or vegetables are grown and harvested.
* NOTE: The deer passage fencing standards are presently required in the Mountain Plan for the Kennedy Meadows subarea.
10. Generators and generator sheds: Where required by applicable General Plan, electric generators shall be equipped with sound muffling devices and shall be housed or enclosed in a sound attenuating structure so as to reduce or avoid the nuisance effect to adjacent properties, except for emergency purposes only.
11. Grading standards:
 - a. All disturbed slopes shall be graded so that they are contoured to harmonize and blend with the natural slopes remaining on the site and surrounding the development site.
 - b. The slope of exposed cuts and fills shall meet the standards established in the

Improvement Standards of Tulare County as adopted pursuant to Section 7080 of the Ordinance Code of Tulare County and as said improvement standards are amended from time to time.

- c. Where cut or fill slopes intersect, the area of intersection shall be graded and shaped to closely resemble natural topography. This requirement is not applicable to cut or fill slopes composed entirely of rock material.
- d. All lots and parcels shall be designed in a manner that minimizes future grading or land disturbance.

12. Sediment, drainage and erosion control standards:

- a. Fill slopes shall not extend into natural watercourses or constructed channels. Excavated materials shall not be stored in watercourses.
- b. Immediately following completion of grading or excavation activities, temporary mulching, seeding or other suitable stabilization methods shall be undertaken to protect exposed critical areas.
- c. Any denuded or exposed slopes caused by construction activities shall be planted with native plant materials or other similar climatically adaptive vegetation which are determined suitable for protecting exposed slopes from erosion.

13. Fire protection standards:

- a. A thirty (30) foot clearance of flammable vegetation shall be provided and maintained around all new main structures.
- b. Class A fire retardant roofing materials, as established in the Uniform Building Code, shall be provided on all new buildings.
- c. Attic vent screens of corrosion-resistant wire mesh, with a mesh size of 1/4 inch, shall be provided for all vent openings. Chimney openings shall be equipped with a corrosion-resistant wire mesh screen with a mesh size of 1/2 inch. These provisions are applicable to all new buildings.
- d. House numbers shall be provided in conjunction with the establishment of all new dwelling units in those areas where a house numbering plan is available from the County. The house numbers shall be a minimum of three (3) inches high, with a one-half (1/2) inch line width, and a reflective color that contrasts sharply with the background. The numbers shall be placed so that they are clearly visible from an adjacent public roadway. If the dwelling is to be located more than one-hundred (100) feet from the public roadway, the house numbers shall be displayed upon a non-flammable sign and post to be provided at the intersection of the driveway and the public road.

STANDARDS FOR MANUFACTURED HOMES E.

- 1. The installation of a manufactured home in accordance with subsection B of this Section shall not be permitted if more than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of issuance of a permit to install the manufactured home.
- 2. Every manufactured home installed after the effective date of this subsection shall comply with the following architectural requirements:
 - a. Roof overhang: Shall be not less than 12 inches around the entire perimeter of the manufactured home as measured from the vertical side of the home. The overhang requirement may be waived where an accessory structure is attached to the manufactured home.

- b. Roof material: Shall consist of material customarily used for conventional one-family dwellings, such as tile, composition shingles, and wood shakes and shingles (if permitted by County fire regulations). If shingles or wood shakes are used, the pitch of the roof shall be not less than a nominal 3 inches vertical to 12 inches horizontal.
- c. Siding material: Shall consist of exterior material customarily used for conventional one-family dwellings, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home.

SECTION 5: "R-O" SINGLE FAMILY ESTATE ZONE

The following regulations shall apply in the "R-O" Single Family Estate Zone unless otherwise provided in this ordinance.

USE A.

1. **One-family dwellings** of a permanent character placed in permanent locations and one-family manufactured homes installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code which comply with Subsection H of this Section. Private garages to accommodate not more than four (4) cars. (Amended by Ord. No. 2873, effective 4-20-89.)
- 1.1 **Transitional/Supportive Housing** (Added by Ord. No. 3473, effective 7-30-15.)
2. **Private greenhouses**, horticultural collections, flower and vegetable gardens, fruit and nut trees. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1152, effective 8-10-67.)
- 2.2 **Raising and slaughter of not more than forty-eight (48) poultry** for use by the property owner, provided that no roosters shall be permitted. (Added by Ord. No. 1152, effective 8-10-67; amended by Ord. No. 2828, effective 3-31-88.)
- 2.4 **Raising of sheep, goats, horses, mules, bovine animals, and other similar domesticated quadrupeds**, subject to the following restrictions: (Added by Ord. No. 1152, effective 8-10-67.)
 - a. None of the aforementioned animals may be raised if there is less than twelve thousand five hundred (12,500) square feet in the entire property.
 - b. One (1) of the aforementioned animals may be raised if there is twelve thousand five hundred (12,500) square feet in the entire property and one (1) additional animal may be raised for each additional full twelve thousand five hundred (12,500) square feet in the entire property, up to a maximum of five (5) animals. Any offspring of the animals allowed under this subparagraph may be retained until they reach the normal age for weaning
 - c. No feed lots may be maintained.
 - d. No swine are permitted.
3. One (1) unlighted **sign** not exceeding six (6) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed. No other advertising signs, structures or devices of any character shall be permitted in any "R-O" Single Family Estate Residential Zone.
4. **Underground storage of not to exceed one thousand (1,000) gallons of petroleum products** for use on the premises.
5. **The keeping of household pets**, such as dogs and cats, provided that no kennel shall be permitted. (Added by Ord. No. 2828, effective 3-31-88.)
6. **Bed and Breakfast Home** with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99)
7. **Family Day Care Home, small.** (Added by Ord. No. 3222, effective 4-22-99)

HEIGHT B.

Two (2) stories and not to exceed thirty-five (35) feet to uppermost part of roof, except as provided in Sections 15 and 16.

FRONT YARD C.

There shall be a front yard of not less than twenty-five (25) percent of the depth of the lot provided such front yard need not exceed thirty-five (35) feet except, where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

SIDE YARD D.

On interior lots there shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, provided such side yard shall be not less than three (3) feet and need not exceed five (5) feet in width.

On corner lots the side yard regulations shall be the same as for interior lots except in the case of a reversed corner lot. In this case there shall be a side yard on the street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot, and no accessory building on said corner lot shall project beyond the front yard line on the lots in the rear; provided, further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this Ordinance becomes effective, to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

REAR YARD E

There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet.

LOT AREA PER FAMILY F.

Every main building hereafter erected or structurally altered shall have a lot area of not less than twelve thousand five hundred (12,500) square feet per family. Provided, however, that where a lot has a less area than herein required and was of record at the time this Ordinance became effective, said lot may be occupied by not more than one family.

DISTANCES BETWEEN STRUCTURES G.

The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be forty (40) feet. (Added by Ord. No. 1152, effective 8-10-67.)

STANDARDS FOR MANUFACTURED HOMES H.

1. The installation of a manufactured home in accordance with Subsection A of this Section shall not be permitted if more than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of issuance of a permit to install the manufactured home.
2. Every manufactured home installed after the effective date of this subsection shall comply with the following architectural requirements.
 - A. Roof overhang: Shall be not less than 12 inches around the entire perimeter of the manufactured home as measured from the vertical side of the home. The

overhang requirement may be waived where an accessory structure is attached to the manufactured home.

- B. Roof material: Shall consist of material customarily used for conventional one-family dwellings, such as tile, composition shingles, and wood shakes and shingles (if permitted by County fire regulations). If shingles or wood shakes are used, the pitch of the roof shall be not less than a nominal 3 inches vertical to 12 inches horizontal.
- C. Siding material: Shall consist of exterior material customarily used for conventional one-family dwellings, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home. (Subsection H added by Ord. No. 2873, effective 4-20-89.)

SECTION 6: "R-1" SINGLE-FAMILY RESIDENTIAL ZONE

The following regulations shall apply in the "R-1" One-Family Zone unless otherwise provided in this Ordinance.

USE A.

- 1. One-family dwellings** of a permanent character placed in permanent locations and one-family manufactured homes installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code which comply with Subsection G of this Section. Private garages to accommodate not more than three (3) cars. (Amended by Ord. No. 2873, effective 4-20-89.)
- 1.1 Transitional/Supportive Housing** (Added by Ord. No. 3473, effective 7-30-15.)
- 2. Private greenhouses and horticultural collections,** poultry (roosters excluded) for domestic, non-commercial use (not to exceed 24 birds), flower and vegetable gardens, fruit trees. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 2828, effective 3-31-88.)
- 3. One (1) unlighted sign not exceeding six (6) square feet in area** pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed. No other advertising signs, structures or devices of any character shall be permitted in any "R-1" One Family Zone.
- 4. Storage of petroleum products** for use on the premises.
- 5. The keeping of household pets,** such as dogs and cats, provided that no kennel shall be permitted. (Added by Ord. No. 2828, effective 3-31-88.)
- 6. Bed and Breakfast Home** with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99)
- 7. Family Day Care Home, small.** (Added by Ord. No. 3222, effective 4-22-99)

HEIGHT B.

Two and one-half (2-1/2) stories and not to exceed thirty-five (35) feet to uppermost part of roof, except as provided in Sections 15 and 16.

FRONT YARD C.

There shall a front yard of not less than twenty-five (25) percent of the depth of the lot provided such front yard need not exceed twenty-five (25) feet except, where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

SIDE YARD D.

On interior lots there shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, provided that such side yard shall be not less than three (3) feet and need not exceed five (5) feet in width.

On corner lots the side yard regulation shall be the same as for interior lots except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot, and no accessory building on said corner lot shall project beyond the front yard line on the lots in the rear; provided, further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this Ordinance becomes effective, to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

REAR YARD E.

There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet.

LOT AREA PER FAMILY F.

Every main building hereafter erected or structurally altered shall have a lot area of not less than six thousand (6,000) square feet per family.

Provided, however, that where a lot has less area than herein required and was of record at the time this Ordinance became effective, said lot may be occupied by not more than one family.

STANDARDS FOR MANUFACTURED HOMES G.

1. The installation of a manufactured home in accordance with Subsection A of this Section shall not be permitted if more than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of issuance of a permit to install the manufactured home.
2. Every manufactured home installed after the effective date of this subsection shall comply with the following architectural requirements.
 - a. Roof overhang: Shall be not less than 12 inches around the entire perimeter of the manufactured home as measured from the vertical side of the home. The overhang requirement may be waived where an accessory structure is attached to the manufactured home.
 - b. Roof material: Shall consist of material customarily used for conventional one-family dwellings, such as tile, composition shingles, and wood shakes and shingles (if permitted by County fire regulations). If shingles or wood shakes are used, the pitch of the roof shall be not less than a nominal 3 inches vertical to 12 inches horizontal.
 - c. Siding material: Shall consist of exterior material customarily used for conventional one-family dwellings, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home. (Subsection G added by Ord. No. 2873, effective 4-20-89.)

SECTION 7: "R-2" TWO-FAMILY RESIDENTIAL ZONE

The following regulations shall apply in the "R-2" Two-Family Zone unless otherwise provided in this Ordinance.

USE A.

- 1. Any use permitted in the "R-1" Zone.**
- 1.1 Transitional/Supportive Housing** (Added by Ord. No. 3473, effective 7-30-15.)
- 2. Two-family dwellings.**
- 2.5 Multiple dwellings and/or group houses** subject to approval of a site plan pursuant to the procedure set forth in Paragraph 1 of Subsection G of Section 16.2 of this Ordinance. (Added by Ord. No. 2900, effective 11-2-89.)
- 3. Uses customarily incident to any of the above uses.** (Amended by Ord. No. 703, effective 8-27-59.)
- 4. Accessory buildings** including garage space for not to exceed four (4) cars.
- 5. Required parking space** (see Section 15).
- 6. Transitional uses** shall be permitted as follows:
 - a. A four-family dwelling where the side of a lot in the "R-2" Two-Family Zone abuts upon a lot zoned for Multiple Family dwelling, commercial or industrial purposes.
 - b. A public parking area where the side of a lot in the "R-2" Two-Family Zone abuts upon a lot zoned for commercial or industrial purposes and is developed as required in Section 15.
 - c. In no case shall the lot on which such transitional use is located have a width of more than sixty (60) feet.
- 7. The keeping of household pets**, such as dogs and cats, provided that no kennel shall be permitted. (Added by Ord. No. 2828, effective 3-31-88.)

HEIGHT B.

No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet to uppermost part of roof.

FRONT YARD C.

There shall be a front yard of not less than twenty-five (25) percent of the depth of the lot provided such front yard need not exceed twenty (20) feet except where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

SIDE YARD D.

Same as "R-1" Zone.

REAR YARD E.

Same as "R-1" Zone.

LOT AREA PER FAMILY F.

Lot area per family for single-family dwelling shall be the same as in "R-1" One-Family Zone, and every two-family dwelling hereafter erected or structurally altered shall have a lot area of not less than three thousand (3,000) square feet per family; provided, however, that where a lot has less area than herein required and was of record at the time this Ordinance became effective, said lot may be occupied by not more than one family.

SECTION 8: "R-3" MULTIPLE-FAMILY ZONE

The following regulations shall apply in the "R-3" Multiple-Family Zone, unless otherwise provided in this Ordinance.

USEA.

No building or land shall be used and no building shall be hereafter erected or structurally altered, except for the following uses:

- 1. Any use permitted in the "R-2" Two-Family Zone.**
- 1.1 Transitional/Supportive Housing** (Added by Ord. No. 3473, effective 7-30-15.)
- 2. Multiple dwellings;** provided, however, that if more than four (4) dwelling units are proposed to be constructed on one (1) lot, the construction of such units shall be subject to approval of a site plan pursuant to the procedure set forth in Paragraph 1 of Subsection G of Section 16.2 of this Ordinance. (Amended by Ord. No. 2900, effective 11-2-89.)
- 3. Group houses;** provided, however, that if more than four (4) dwelling units are proposed to be constructed on one (1) lot, the construction of such units shall be subject to approval of a site plan pursuant to the procedure set forth in Paragraph 1 of Subsection G of Section 16.2 of this Ordinance. (Amended by Ord. No. 2900, effective 11-2-89.)
- 4. Boarding and lodging house.**
- 5. Hotels,** in which incidental business may be conducted for the convenience of the residents of the building, provided there is no entrance to such place of business except from the inside of the building, and no sign visible from the outside advertising such business.
- 6. Public library.** (Amended by Ord. No. 703, effective 8-27-59.)
- 7. Accessory buildings** and uses customarily incident to any of the above uses, when located on the same lot and not involving the conduct of a business, including servants' quarters when located not less than seventy (70) feet from the front lot line nor less than five (5) feet from any other street line, private or storage garage constructed as a part of the main building, or servants' quarters erected above private garages.
- 8. Name plates not exceeding two (2) square feet** in area containing the name and occupation of the occupants of the premises; **identification signs not exceeding twenty (20) square feet** in area for multiple dwellings, hotels, clubs, lodges, hospitals, institutions and similar permitted uses, and **signs not exceeding twelve (12) square feet in area** appertaining to the sale or rental of the property on which they are located; provided, however, that no name plate or advertising sign of any other character shall be permitted.
- 9. Parking space.** (see Section 15).
- 10. Loading space.** (see Section 15).
- 11. Transitional use** subject to the following conditions:
 - a. A public parking area where the side of a lot in the "R-3" Multiple-Family Zone abuts upon a lot zoned for commercial or industrial purposes.
 - b. In no case shall the lot on which such transitional use is located have a width of more than sixty (60) feet.
- 12. The keeping of household pets,** such as dogs and cats, provided that no kennel shall be permitted. (Added by Ord. No. 2828, effective 3-31-88.)

HEIGHT B.

No building or structure hereafter erected or structurally altered shall exceed four (4) stories or fifty (50) feet to uppermost part of roof.

FRONT YARD C.

There shall be a front yard of not less than twenty (20) percent of the depth of the lot, provided such front yard need not exceed fifteen (15) feet, except where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. However, in no case shall a front yard of more than forty (40) feet be required.

SIDE YARD D.

On interior lots, for a building not exceeding two and one-half (2-1/2) stories in height, there shall be a side yard on each side of the building of not less than ten (10) percent of the width of the lot, provided that such side yard shall not be less than three (3) feet and need not exceed five (5) feet in width. For a building more than two and one-half (2-1/2) stories in height, each side yard shall be increased one (1) foot in width for each additional story above the second floor.

On corner lots the side yard regulation shall be the same as for interior lots except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot, and no accessory building on said corner lot shall project beyond the front yard line on the lots in the rear; provided further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this ordinance became effective to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

REAR YARD E.

There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, provided such rear yard need not exceed twenty (20) feet for interior lots nor fifteen (15) feet for corner lots.

LOT AREA PER FAMILY F.

Every main building hereafter erected or structurally altered shall have a lot area of not less than six hundred (600) square feet per family; provided, however, that these regulations shall not apply to hotels or apartment hotels where no cooking is done in any individual room, suite or apartment.

SECTION 8.1:
"P-O", PROFESSIONAL AND ADMINISTRATIVE OFFICE ZONE

(Added by Ord. No. 650, effective 3-27-58.)

The following regulations shall apply in the "P-O", Professional and Administrative Office Zone:

USEA.

No building or land shall be used and no building shall be hereafter erected or structurally altered, except for the following uses:

1. **Any use permitted in the R-3, Multiple-Family Zone.**
2. **Apothecary** (limited to the sale of pharmaceuticals, medical and hygienic supplies and packaged confections).
3. **Clinic, dental or medical.**
4. (Repealed by Ord. No. 1528, effective 10-12-72.)
5. **Laboratory, dental or medical.**
6. **Museum.**
7. **Mortuary.**
8. **Business and Professional office.** (Amended by Ord. No. 1487, effective 2-17-72.)
9. **Optician.**
10. **Optometrist.**
11. **Parking Lot:** no servicing, repair, dismantling or commercial freight handling will be permitted.
12. (Repealed by Ord. No. 1528, effective 10-12-72.)
13. **Post Office.**
14. **Telephone exchange.**
15. **Incidental and accessory structures** and uses located on the same site with and necessary for the operation of a permitted use.
16. **Identification sign or signs** pertaining to a permitted use conducted on the site, not directly illuminated, with an aggregate area of not more than one-half (1/2) square foot for each one (1) foot of frontage of the site, but not more than one hundred (100) square feet; provided, however, that if a site has less than forty (40) feet of frontage, the signs may have an aggregate area of not more than twenty (20) square feet. Only one side of each sign shall be considered in determining the aggregate area of signs permitted in this zone; provided, however, that if both sides of any sign are used for identification of the premises or pertain to a permitted use conducted on the site, both sides of such sign shall be considered in determining the aggregate area of the sign. No sign shall project above the eave or parapet line of the nearest building on the premises and no sign shall be located in or project into a required front, side or rear yard.
17. **Off-street parking and loading space** (see Section 15).

HEIGHT B.

Same as "R-3", Multiple-Family Zone.

FRONT YARD C.

Same as "R-3", Multiple-Family Zone.

SIDE YARD D.

Same as "R-3", Multiple-Family Zone.

REAR YARD E.

Same as "R-3", Multiple-Family Zone.

LOT AREA F.

The minimum lot area shall be ten thousand (10,000) square feet for all permitted non-residential uses. For residential uses the minimum lot area shall be the same as permitted in the R-3, Multiple Family Zone, or six thousand (6,000) square feet, whichever is larger.

COVERAGE G.

The maximum lot area covered by structures shall be fifty (50) percent of the total area of the lot.

SECTION 8.05: "O" RECREATION ZONE

(Added by Ord. No. 731, effective 10-13-60)

The following regulations shall apply in the "O" Recreation Zone:

USE A

No building or land shall be used and no building shall be hereafter erected or structurally altered, except for the following uses:

- 1. Any use permitted in the R-3, Multiple Family Zone.**
- 2. Growing and harvesting of field crops, fruit and nut trees,** vines, vegetables, horticultural specialties and timber and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock. (Amended by Ord. No. 1152, effective 8-10-67)
- 2.2 Raising and slaughter of rabbits and other fur-bearing animals.** To determine the total number of said animals that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of said animals that can be raised on the property. In addition, any offspring of the animals allowed under this paragraph may be retained until they are weaned. (Added by Ord. No. 1152, effective 8-10-67)
- 2.4. Raising and slaughter of poultry.** To determine the total number of poultry that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of said poultry that can be raised on the property. (Added by Ord. No. 1152, effective 8-10-67)
- 2.6. Raising of sheep, goats, horses, mules, bovine animals, and other similar domesticated quadrupeds** subject to the following restrictions: (Added by Ord. No. 1152, effective 8-10-67)
 - a. None of the aforementioned animals may be raised if there is less than twelve thousand five hundred (12,500) square feet in the entire property.
 - b. One (1) of the aforementioned animals may be raised if there is twelve thousand five hundred (12,500) square feet in the entire property and one (1) additional animal may be raised for each additional full twelve thousand five hundred (12,500) square feet in the property. Any offspring of the animals allowed under this sub-paragraph may be retained until they reach the normal age of weaning.
 - c. No feed lots may be maintained.
 - d. No swine are permitted.
- 3. Apartment Hotel**
- 4. (Repealed by Ord. No. 1527, effective 10-12-72)**
- 5. Electric Distribution Substation**
- 6. (Repealed by Ord. No. 1528, effective 10-12-72)**
- 7. Grocery store**
- 8. Guest ranch**
- 9. Ice storage house** of not more than 5-ton storage capacity

- 9.5 **Mobilehome for use by caretaker or nightwatchman of a commercial use** when located on the same lot or parcel as the commercial use or lot contiguous to the lot on which the commercial use is located. (Added by Ord. No. 2299, effective 1-17-80)
10. **Motel**
11. **Off-street parking and loading spaces** (see Section 15)
12. **Parking lot**
13. (Repealed by Ord. No. 1528, effective 10-12-72)
14. **Post Office**
- 14.2 **Real Estate Offices** (Added by Ord. No. 1660, effective 12-7-73)
15. **Resort**
16. **Restaurant** (excluding dancing or entertainment)
17. **Retail sales of sporting goods, boats, boat motors, boat trailers, trailer coaches and their repair, rental and storage.**
18. **Retail stores and offices incidental to and located on the site of a hotel, motel, resort, restaurant or guest ranch.**
19. **Service station**, provided that all operations except the sale of gasoline or oil shall be conducted within a building enclosed on at least three (3) sides.
20. **Telephone Exchange**
21. (Repealed by Ord. No. 1149, effective 7-27-67)
22. **Tourist Court**
23. **Incidental and accessory structures and uses** located on the same site with and accessory for the operation of a permitted use.
24. **Identification signs or signs** pertaining to a permitted use conducted on the site, with aggregate area of not more than one-half (1/2) square foot for each one (1) foot of frontage of the site, but not more than one hundred (100) square feet; provided, however, that if a site has less than forty (40) feet of frontage, the signs may have an aggregate area of not more than twenty (20) square feet. Only one side of each sign shall be considered in determining the aggregate areas of signs permitted in this zone. No sign shall project above the eave or parapet line of the nearest building on the premises and no sign shall be located in or project into a required front, side or rear yard. No sign shall be directly illuminated and any lights installed to indirectly illuminate a sign shall be shielded so as to deflect direct rays from public roadways and adjacent properties.
25. **One (1) unlighted sign not exceeding six (6) square feet in area** pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.

HEIGHT B.

No building hereafter erected or structurally altered shall exceed thirty-five (35) feet to the uppermost part of the roof except as provided in Sections 15 and 16

FRONT YARD C.

Same as R-3, Multiple Family Zone.

SIDE YARD D.

Same as R-3, Multiple Family Zone.

REAR YARD E.

Same as R-3, Multiple Family Zone.

LOT AREA F.

The minimum lot area shall be ten thousand (10,000) square feet.

COVERAGE G.

The maximum site area covered by structures shall be twenty (20) percent of the total area of the site.

DISTANCE BETWEEN STRUCTURES H.

The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral, or other structure housing livestock or poultry shall be forty (40) feet. (Added by Ord. No. 1152, effective 8-10-67)

SECTION 8.07: "CO" COMMERCIAL RECREATION ZONE

(Added by Ord. No. 2910, effective 12-28-89)

PURPOSE A.

The "CO" Zone is intended primarily for the foothill and mountain areas of Tulare County and allows commercial uses which are oriented to recreation-related activities, services, and other recreational characteristics of these areas, especially where such uses may be located in environmentally sensitive surroundings. The purposes of this zone are as follows:

1. To permit retail and service commercial uses that are oriented toward or associated with recreational opportunities for the tourist or highway traveler as well as those that serve the needs of residents of foothill and mountain areas.
2. To permit open-space oriented recreation-commercial uses as well as commercial uses commonly associated with recreational resort areas.
3. To permit certain types of commercial uses in environmentally sensitive areas where such uses are found to be compatible with the surrounding foothill or mountain environment.
4. To implement the goals, objectives, policies, and develop and implement strategies set forth in the Mountain Plan, the Springville Community Plan, and the Three Rivers Community Plan, specific to the commercial-recreation aspects of those communities and locales.
5. To permit multiple-family dwelling units on selected properties where such developments will be harmonious with surrounding natural features and compatible with adjacent land uses.

USES B

No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:

1. Uses Permitted Without Site Plan Review:

- a. **One (1) single-family dwelling or mobilehome and accessory structures** on an individual lot or parcel.
- b. **Growing or harvesting of field crops**, fruit and nut trees, vines, vegetables, horticultural specialties and timber, and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock.
- c. **Raising and slaughter of rabbits and other similar fur-bearing animals.** To determine the total number of said animals that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of animals that can be raised on the property. In addition, any offspring of the animals allowed under this paragraph may be retained until they are weaned.
- d. **Raising and slaughter of poultry.** To determine the total number of poultry that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall then be increased to the higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of poultry that can be

- raised on the property.
- e. **Raising of sheep, goats, horses, mules, swine, bovine animals, and other similar domesticated quadrupeds**, subject to the following restrictions:
 - i) None of the aforementioned animals may be raised if there is less than twelve thousand five hundred (12,500) square feet in the entire property.
 - ii) One (1) of the aforementioned animals may be raised if there is twelve thousand five hundred (12,500) square feet in the entire property and one (1) additional animal may be raised for each additional full twelve thousand five hundred (12,500) square feet in the entire property. Any offspring of the animals allowed under this subparagraph may be retained until they reach the normal age for weaning.
 - f. **Storage of petroleum products** for use on the site.
 - g. **Satellite television antennas** in accordance with Section 15 of this ordinance, and with a reflector area of 120 square feet or less.
 - h. **Electric generators in conjunction with the above uses.** Electric generators shall be equipped with appropriate muffling devices and enclosed in a sound attenuating structure.
 - i. **Minor Improvements**, as defined in Section 2 of the Zoning Ordinance.

USES REQUIRING SITE PLAN REVIEW: C.

The following uses shall be permitted in this zone only after a site plan has been filed for consideration by the Site Plan Review Committee pursuant to the procedures set forth in Section 16.2 and providing such uses are permitted by the General Plan:

- Group houses not exceeding four dwelling units on the same lot or parcel.
- Two-family or multiple-family dwellings not exceeding four dwelling units on the same lot or parcel.
- Alcoholic beverage sales under an off-sale license.
- Antique store.
- Arcades; games and video.
- Art gallery or studio.
- Bakery or pastry store.
- Barber shop.
- Beauty shop.
- Book or record store.
- Cafe or coffee shop.
- Candy and confectionery store.
- Clothing and apparel; sales, repairs and alterations.
- Delicatessen.
- Drug store or pharmacy.
- Firewood sales/wood lot for precut wood only, no wood cutting to occur on site.
- Gifts, novelties or souvenir store.
- Grocery store, supermarket, convenience market.
- Health clubs.
- Ice cream parlor.
- Jewelry, watch and clock making; repair and sales.
- Laundromat; self-service and coin-operated.

- Liquor store.
- Lodging facilities, including guest house and bed and breakfast inn, where four (4) or less guest quarters are proposed.
- Museum.
- Newsstand or magazine sales store.
- Offices; business or professional, medical or dental, banks, savings and loans.
- Pet stores and supplies.
- Photographic supply stores and services, including film processing.
- Post Office.
- Public parking area.
- Radio, television tower for commercial use less than 75' in height.
- Recreational vehicle and trailer sales, services, and rental.
- Restaurants, fast-food operations, drive-ins or food stands not involving the on-site sale of alcoholic beverages, dancing, and/or live entertainment.
- Service station and automobile repair garage, provided all operations except the sale of gasoline or oil shall be conducted within a building enclosed on at least three (3) sides.
- Shoe sales and repair.
- Sporting goods sales.
- Tobacco store.
- Toy and variety store.
- Travel agency.
- Video machine and tapes; sale and rental.
- Accessory buildings and uses, including warehousing, customarily incidental to any of the above uses when located on the same lot.
- Those uses and activities that are found by the Planning and Development Director to be similar to and compatible with those specific uses and activities identified above as determined by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A.1.B of the Zoning Ordinance.

USES REQUIRING SPECIAL USE PERMITS D.

The following uses shall be permitted in the CO Zone only if a Special Use Permit has been approved in the manner provided in Section 16, Part II B. Additional special uses which are allowed in this zone are also set forth in said Part II of Section 16 of this Ordinance. Prior to filing such use permits, a site plan shall be filed for review and recommendation by the Site Plan Review Committee pursuant to the procedures set forth in Section 16.2.

- **Group houses** exceeding four (4) dwelling units on the same lot or parcel. Two-family or multiple family dwellings exceeding four (4) dwelling units on the same lot or parcel.
- **Boarding and lodging facilities**, including hotels and motels, with five (5) or more guest quarters.
- **Bus depot.**
- **Equipment sales, rental, and storage.**
- **Hunting and fishing clubs** for public use or on a commercial basis.
- **Propane/butane storage and sales.** Recycling collection center. Resort or guest ranch.
- **Accessory buildings and uses**, including warehousing, customarily incidental to any of the above uses when located on the same lot.

- Those uses and activities that are found by the Planning and Development Director to be similar to and compatible with those specific uses and activities identified above as determined by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A.1.b of the Zoning Ordinance.

DEVELOPMENT STANDARDS: E.

1. Lot Area: The minimum lot area shall be twelve thousand five hundred (12,500) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provision of this Section. Where topography, soil conditions, or other factors as might be set forth in the applicable Land Use Element or Community Plan of the Tulare County General Plan have indicated a need for a larger minimum parcel size, the minimum parcel size is represented by the number attached to this zone, as it appears on the Official Zoning Map of Tulare County, and as described in the provisions of Section 14.5, the "Special Combining Zone", of this Ordinance.
2. Residential Density: There shall be no more than one family per fifteen hundred (1,500) square feet of lot area; provided, however, this regulation shall not apply to overnight lodging facilities where no cooking is done in any individual room or suite.
3. Coverage: The maximum site area covered by structures shall be twenty (20) percent of the total area of the site unless a larger maximum coverage requirement is set forth in the applicable General Plan.
4. Height: The maximum building height shall be thirty-five (35) feet to the uppermost part of the roof except as provided in Section 15 of this Ordinance. Said maximum building height shall be measured at the average level between the highest and lowest points of that portion of the site being covered by the building to the uppermost part of the roof.
5. Front Yard: There shall be a front yard of not less than twenty-five (25) percent of the depth of the lot, provided such front yard need not exceed twenty-five (25) feet.
6. Rear Yard: There shall be a rear yard of not less than five (5) feet.
7. Side Yard: On interior lots there shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, provided that such side yard shall not be less than three (3) feet and need not exceed five (5) feet in width. On corner lots, the side yard regulation shall be the same as for interior lots except in the case of a reverse corner lot. In the case of a reverse corner lot, there shall be a side yard on the street side of the corner lot of not less than twelve and one-half (12-1/2) feet, and accessory buildings on said corner lot shall not project beyond the front yard line of the lot in the rear of said corner lot; provided, further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reverse corner lot of record at the time this section becomes effective to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.
8. Distance Between Structures: The minimum distance between any structures within a parcel shall be at least ten (10) feet, and the minimum distance between an accessory structure and property line shall be at least five (5) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be forty (40) feet.
9. Outdoor Advertising Display Signs: Identification sign or signs pertaining to a permitted use conducted on the site shall have an aggregate area of not more than one-half (1/2)

square foot for each one (1) foot of the frontage of the site, but not more than one hundred (100) square feet; provided, however, that if a site has less than forty (40) feet of frontage, the signs may have an aggregate area of not more than twenty (20) square feet. Only one side of each sign shall be considered in determining the aggregate areas of signs permitted in this zone. No sign shall project above the eave or parapet line of the nearest building on the premises and no sign shall be located in or project into a required front, side or rear yard. No sign shall be directly illuminated and any lights installed to indirectly illuminate a sign shall be shielded so as to deflect direct rays from public roadways and adjacent properties.

In the case of integrated commercial centers having two or more businesses, one free standing sign advertising the name of the commercial center, and which may list the businesses included therein, may be permitted. In addition to the free standing sign, one additional sign advertising the name of each individual business in the commercial center shall be permitted so long as said sign is attached to and flat against the primary building facade. The design, setback, size, architectural compatibility, traffic safety and visibility shall be determined during the site plan review/special use permit process.

10. Setbacks from Watercourses: All new structures, except fences, shall be set back a minimum of twenty-five (25) feet from any watercourse. However, where a more restrictive setback related to flooding conditions is established by other state or local regulations, the more restrictive setback shall apply

DEVELOPMENT STANDARDS WITH DISCRETIONARY PERMITS F.

All development proposals requiring discretionary permits shall comply with all applicable development standards as set forth in the General Plan for the area.

SECTION 9: "P-1" AUTOMOBILE PARKING ZONE

The following regulations shall apply in the "P-1" Automobile Parking Zone unless otherwise provided in this Ordinance:

USE A.

No building or land shall be used and no building shall hereafter be erected or structurally altered, except for the following uses:

1. **Any use permitted in "R-3" Multiple-Family Zone** and when so used subject to all of the provisions contained in the Section defining Zone.
2. **Open air, temporary parking of transient automobiles**, provided that the area so classified and used shall conform to the provisions of Section 15, Paragraph (A) USE, titled "Nonconforming Buildings and Uses", Subparagraph "e", and provided that areas classified as "P-1" shall not be used for "used car sales areas."

HEIGHT B.

Same as in "R-3" Multiple-Family Zone.

FRONT YARD C.

Same as in "R-3" Multiple-Family Zone.

SIDE YARD D.

Same as in "R-3" Multiple-Family Zone.

REAR YARD E.

Same as in "R-3" Multiple-Family Zone.

LOT AREA PER FAMILY F.

Same as in "R-3" Multiple-Family Zone.

SECTION 9.5: "AE" EXCLUSIVE AGRICULTURAL ZONE

(Added by Ord. No. 1169, effective 10-26-67)

PURPOSE A.

This zone is intended primarily for application to rural areas of the County which are generally characterized by extensive or intensive agricultural uses of land.

USE B.

No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:

1. **The growing and harvesting of field crops**, fruit and nut trees, vines, vegetables, horticultural specialties and timber.
2. **Apiary and honey extraction plant.** (Amended by Ord. No. 2416, effective 5-28-81.)
3. **The operation of a dairy so long as no more than twenty- five (25) cows are on the property at any time.** A dairy with more than twenty-five (25) cows requires a Special use Permit under Section 16 of this Ordinance. (Amended by Ord. No. 1526, effective 10-5-72.)
4. **The raising and slaughter of poultry, rabbits and other fur- bearing animals**, except when a Use Permit is required under Subsection D of this Section.
5. **The raising and slaughter of sheep, goats, horses, mules, swine, bovine animals, and other similar domesticated quadrupeds**, except when a Use Permit is required under Subsection D of this Section.
6. **Feed lot for twenty-five (25) animals or less.**
7. (Repealed by Ord. No. 2720, effective 8-5-86.)
8. (Repealed by Ord. No. 2720, effective 8-5-86.)
9. **Incidental and accessory structures and uses** including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, guest houses, storehouses, garden structures, greenhouses, recreation rooms, storage and use of petroleum products, and kennels for private non-commercial use. (Amended by Ord. No. 2828, effective 3-31-88.)
10. **Mobilehomes and residences for the owners and lessees of the property and for housing farmworkers or employees who work on the property**, but not including housing for ten (10) or more farmworkers and employees. Housing for ten (10) or more farmworkers and employees may be allowed under the use permit procedure set forth in Section 16 of this Ordinance. (Amended by Ord. No. 3009, effective 9-24-92).
11. **One (1) single-family residence or mobilehome** for persons other than those mentioned in Paragraph 10 above for each two and one-half (2-1/2) acres in the entire property. If a lot has less than two and one-half (2-1/2) acres and was of record at the time this zone becomes applicable to the property, one (1) single-family residence or mobilehome for persons other than those mentioned in Paragraph 10 above may be constructed. (Amended by Ord. No. 1586, effective 5-31-73; amended by Ord. No. 1596, effective 6-28-73.)
12. **Plant nurseries not including retail sales.** (Amended by Ord. No. 2754, effective 1-15-87.)
13. (Amended by Ord. No. 1311, effective 6-19-69; repealed by Ord. No. 1528, effective 10-12-72.)

14. **Sale of agricultural products**, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effective 1-15-87.)
15. **Signs which pertain only to a permitted use of the property** on which the sign is situated or which pertain to the sale, lease, or rental of the property or a structure or personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed. (Amended by Ord. No. 2520, effective 2-24-83.)
16. **Temporary landing of helicopters engaged in agricultural uses.**
17. (Amended by Ord. No. 2520, effective 2-24-83, repealed by Ord. No. 2720, effective 8-5-86.)
18. **The storage and/or handling of agricultural chemicals for on-farm, noncommercial use only.** (Added by Ord. No. 3131, effective 10-12-95.)
19. **Bed and Breakfast Home** with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99.)
20. **Family Day Care Home, small.** (Added by Ord. No. 3222, effective 4-22-99.)

PROHIBITION OF SUBDIVISION C.

(Repealed by Ord. No. 1586, effective 5-31-73.)

USE PERMITS D.

Because of considerations of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this Section, the establishment and operation of the following uses shall be permitted in this zone only if a use permit is first secured pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 2520, effective 2-24-83.)

1. **Hunting and fishing clubs** and hunting and fishing on a commercial basis for members of the general public, provided that the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 2520, effective 2-24-83; amended by Ord. No. 3131, effective 10-12-95.)
2. **Manufacture of irrigation pipe and accessory equipment** and agricultural machinery, equipment, implements and containers, including sales and storage thereof, provided that any such irrigation pipe, machinery equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers. (Repealed by Ord. No. 1526, effective 10-5-72; readopted by Ord. No. 2520, effective 2-24-83.)
3. **Raising or slaughter of poultry** when more than three (3) birds for each 1,300 square feet in the entire property, or more than a total of 100 birds in all, are on the property at any time. (Amended by Ord. No. 2520, effective 2-24-83.)

4. **Raising or slaughter of rabbits** or other fur-bearing animals when a total of more than 60 mature animals are on the property at any time. (Amended by Ord. No. 2520, effective 2-24-83.)
5. **Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals or other similar domesticated quadrupeds** when more than two (2) mature animals for each acre in the entire property are on the property at any time, excluding feed lots or areas for concentrated feeding of more than 25 animals. (Amended by Ord. No. 2520, effective 2-24-83.)
6. **Residences or mobilehomes** in excess of those allowed under Paragraph 11 of Subsection B of this Section for use by the person specified in said Paragraph 11 of Subsection B. (Amended by Ord. No. 2520, effective 2-24-83.)
7. **Sale of agricultural products and feed** for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under Subsection B of this Section. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86.)
8. **Seed cleaning and treating plant.** (Amended by Ord. No. 2520, effective 2-24-83.)
9. **Sewage treatment plant and disposal area.** (Amended by Ord. No. 2520, effective 2-24-83.)
10. **Similar uses** when determined in the manner described in Section 15, Paragraph A, USE, Subparagraph 1, item b. (Amended by Ord. No. 2520, effective 2-24-83.)
11. **Divisions of land** as follows: (Added as Paragraph 18 by Ord. No. 2388, effective 12-12-80; renumbered from Paragraph 18 to Paragraph 11 by Ord. No. 2520, effective 2-24-83.)
 - a. Divisions of land resulting in parcels containing less than five (5) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
 - b. Divisions of land resulting in parcels containing less than five (5) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.
12. **Establishments for the curing, processing, packaging, packing, storage and shipping of agricultural products.** (Original Paragraph repealed by Ord. No. 2420, effective 2-24-83; New Paragraph added by Ord. No. 2720, effective 8-5-86.)
13. **Agricultural service establishments** primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farmers or farm-related activities in planting, harvesting, storage, hauling and equipment repair and maintenance. (Original Paragraph repealed by Ord. No. 2420, effective 2-24-83; New paragraph added by Ord. No. 2720, effective 8-5-86.)
14. **Agricultural chemical experiment stations.** (Original paragraph repealed by Ord. No. 2420, effective 2-24-83; New paragraph added by Ord. No. 2720, effective 8-5-86.)
15. (Repealed by Ord. No. 2420, effective 2-24-83.)
16. (Repealed by Ord. No. 2420, effective 2-24-83.)
17. (Repealed by Ord. No. 2420, effective 2-24-83.)
18. (Repealed by Ord. No. 2420, effective 2-24-83.)
19. **Plant nursery: the retail sales of trees, shrubs, vines, flowers or grasses** propagated for transplanting or for use as stock for grafting, providing said retail sales are incidental

to a wholesale plant nursery, and providing the area dedicated to retail sales of non-plant stock accessory items necessary for propagation and grafting may be allowed in an area up to five percent (5%) of the total square footage in the site area. (Added by Ord. No. 3200, effective 2-26-98)

SITE AREA PER DWELLING UNIT E.

(Repealed by Ord. No. 1586, effective 5-31-73.)

COVERAGE F.

No limitation.

FENCES, WALLS AND HEDGES G.

Fences, walls, and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area of a corner lot described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the lot and seventy (70) feet on a major street side of a lot.

YARD REQUIREMENTS H.

1. Front Yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
3. Side Yards: The minimum side yards shall be ten (10) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
4. Required yard areas may be used for the growing of agricultural crops.

HEIGHT OF STRUCTURES I.

Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or takeoff zone, or other restricted areas of an airport, established pursuant to Sections 7-13-1000 - 7-13-1085 of the Ordinance Code of Tulare County.

DISTANCES BETWEEN STRUCTURES J.

The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be forty (40) feet.

PROHIBITION OF SUBDIVISION K.

(Added by Ord. No. 1586, effective 5-31-73; amended by Ord. No. 1807, effective 4-3-75; repealed by Ord. No. 2750, effective 1-15-87.)

DIVISIONS OF LAND L.

All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after the effective date of this Subsection, except in compliance with this Subsection. No

such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than five (5) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this Ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than five (5) acres at the time AE zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this Subsection shall be made in compliance with the provisions of Sections 7-01-1000 - 7-01-2855 of the Ordinance Code of Tulare County. (Subsection L added by Ord. No. 1586, effective 5-31-73; amended by Ord. No. 1596, effective 6-28-73; amended by Ord. No. 1638, effective 9-27-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

SECTION 9.6: "AE-20" EXCLUSIVE AGRICULTURAL ZONE

20 ACRE MINIMUM

(Added by Ord. No. 1520, effective 8-31-72)

PURPOSE A.

The AE-20 Zone is an exclusive zone for intensive agricultural uses and for those uses which are a necessary and integral part of the agricultural operation. The purpose of this zone is to protect the general welfare of the agricultural community from encroachments of unrelated agricultural uses which, by their nature, would be injurious to the physical and economic well-being of the agricultural community. It is also the purpose of this zone to prevent or to minimize the negative interaction between various agricultural uses. A related purpose of this zone is to disperse intensive animal agricultural uses to avoid air, water, or land pollution otherwise resulting from compact distributions of such uses. The minimum parcel size permitted to be created in this zone is, with certain exceptions, twenty (20) acres.

USE B.

No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:

1. **One (1) single-family residence or mobilehome** for the entire contiguous property owned by one (1) person firm, partnership or corporation or owned jointly by more than one (1) person, firm, partnership, or corporation or any combination thereof. Such residence or mobilehome shall be occupied only by an owner of the property and his family or a lessee of the property and his family.
2. **In addition to the residence allowed under Paragraph 1 above, one (1) additional residence or mobilehome for each twenty (20) acres** in the entire property. Such additional residences and mobilehomes shall be occupied only by relatives of the owner or lessee, by farmworkers or by employees who work on the property, provided that the total number of farmworkers and employees shall not exceed nine (9) at any time. Housing for ten (10) or more farmworkers and employees may be allowed under the Use Permit procedures set forth in Section 16 of this Ordinance. However, if the property is less than twenty (20) acres and was of record at the time this zone became applicable to the property, one (1) such residence or mobilehome may be constructed and used as a dwelling by the persons designated hereinabove. In addition to the number of residences and mobilehomes allowed under this paragraph, additional residences and mobilehomes for use by such relatives, farmworkers, and employees may be allowed under the Use Permit procedures set forth in Subsection E of this section. (Amended by Ord. No. 1596, effective 6-28-73; amended by Ord. No. 3009, effective 9-24-92.)
3. **Incidental and accessory structures and uses** including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms, storage and use of petroleum products, and kennels for private, non-commercial use. (Amended by Ord. No. 2828, effective 3-31-88.)
4. **The growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties and timber, but excluding the growing of mushrooms** which requires a Use

Permit under Subsection E of this Section.

5. **The growing and harvesting of field crops**, grain and hay crops, and the growing of grass for pasture and grazing.
6. **The raising and slaughter of poultry up to a maximum of three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, and not to exceed a total of one hundred (100) birds in all**, unless a Use Permit has been secured as required under Subsection E of this Section.
7. **The raising and slaughter of rabbits and other similar fur-bearing animals.** The maximum number of mature animals allowed on any parcel shall not exceed sixty (60) unless a Use Permit has been secured as required under Subsection E of this Section. Any offspring of the animals allowed under this paragraph may remain on the property until they reach the normal age for weaning.
8. **The raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds.** The total number of such animals shall not exceed two (2) mature animals for each acre in the entire property, and not exceed a total of twenty-five (25) animals in all, unless a Use Permit has been secured as required under Subsection E of this Section or under Paragraph B of Part II of Section 16 of this Ordinance. Any offspring of the animals allowed under this paragraph may remain until they reach the normal age for weaning.
9. **Fish farming operations for the raising and harvesting of fish as a crop**, but not including fishing clubs or fishing for the general public on a commercial basis.
10. **Game preserve, private or public, but not including hunting clubs or hunting for members of the public on a commercial basis.**
11. (Repealed by Ord. No. 2720, effective 8-5-86.)
12. (Repealed by Ord. No. 2720, effective 8-5-86.)
13. **Plant nursery, not including retail sales.** (Amended by Ord. No. 2754, effective 1-15-87.)
14. **Sale of agricultural products**, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effected 1-15-87.)
15. **Signs which pertain only to a permitted use on the property** on which the sign is situated or which pertain to the sale, lease or rental of the property or a structure of personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.
16. **Temporary landing of aircraft engaged in agricultural uses.**
17. (Amended by Ord. No. 2520, effective 2-24-83; repealed by Ord. No. 2720, effective 8-5-86.)
18. **Open space uses** including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as

- agricultural land by the Land Conservation Act of 1965, as amended.
19. **Biomass fuel manufacture for personal use.** (Added by Ord. No. 2350, effective 7-31-80.)
 20. **Apiary and honey extraction plant.** (Added by Ord. No. 2416, effective 5-28-81.)
 21. **Jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan.** (Added by Ord. No. 2430, effective 8-28-81.)
 22. **The storage and/or handling of agricultural chemicals** for on-farm, noncommercial use only. (Added by Ord. No. 3131, effective 10-12-95.)
 23. **Bed and Breakfast Home** with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99.)
 24. **Family Day Care Home, small.** (Added by Ord. No. 3222, effective 4-22-99.)

PROHIBITION OF SUBDIVISIONS C.

(Amended by Ord. No. 1807, effective 4-3-75; repealed by Ord. No. 2750, effective 1-15-87).

DIVISIONS OF LAND D.

All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AE-20 zoning is applied to such property, except in compliance with this subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than twenty (20) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this Ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than twenty (20) acres at the time AE-20 zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7-01-1000 - 7-01-2855 of the Ordinance Code of Tulare County. (Amended by Ord. No. 1596, effective 6-28-73; amended by Ord. No. 1638, effective 9-27-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

USE PERMITS E.

Because of considerations of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a Use Permit is first secured pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance.

1. **Agricultural chemicals:** manufacturing and/or commercial storage and/or handling. (Amended by Ord. No. 3131, effective 10-12-95.)
2. **Agricultural dehydrator** with more than a combined total of one hundred (100) horsepower in all motors used.
3. (Repealed by Ord. No. 2416, effective 5-28-81.)
4. **Cotton gin and oil mill.**
5. **Feed lot for more than twenty-five (25) animals.**

6. **Feed mill** with more than a combined total of one hundred and seventy-five (175) horsepower in all motors used.
7. **Fertilizer manufacturing.**
8. **Hunting and fishing clubs** and hunting and fishing on a commercial basis for members of the general public, provided that the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 3131, effective 10-12-95.)
9. **Manufacture of irrigation pipe and accessory equipment** and agriculture machinery, equipment, implements and containers including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers. Ord. No. 2520, effective 2-24-83.)
10. **Mushroom growing.**
11. (Repealed by Ord. No. 1528, effective 10-12-72.)
12. **Raising or slaughter of poultry** when more than three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, or more than a total of one hundred (100) birds in all, are on the property at any time.
13. **Raising or slaughter of rabbits or other fur-bearing animals** when a total of more than sixty (60) mature animals are on the property at any time.
14. **Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds** when more than two (2) mature animals for each acre in the entire property, or more than a total of twenty-five (25) animals in all, are on the property at any time.
15. **Residences or mobilehomes** in excess of those allowed under Paragraph 2 of Subsection B of this Section, for use by the persons specified in said Paragraph 2 of Subsection B.
- 15.2 **Sale of agricultural products and feed** for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under Subsection B of this section. (Added by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86.)
- 15.4 **Sawmill, shingle mill, or box shook mill;** provided that, for a new facility (not to include expansions of, or re-establishments of, existing facilities), the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Added by Ord. No. 2520, effective 2-24-83; amended by Ord. No. 3131, effective 10-12-95.)
16. **Seed cleaning and treating plant.**
17. **Sewage treatment plant and disposal area.**
18. **Slaughterhouse.**
19. **Winery.**
- 19.5 **Similar uses** when determined in the manner prescribed in Section 15, Paragraph A, USE, subparagraph 1, item b. (Added by Ord. No. 2520, effective 2-24-83.)
20. **Divisions of land** as follows: (Added by Ord. No. 2388, effective 12-12-80.)
 - a. Divisions of land resulting in parcels containing less than twenty (20) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
 - b. Divisions of land resulting in parcels containing less than twenty (20) acres for the purpose of establishing new agricultural-related industries or services in

accordance with all applicable building and zoning regulations.

21. **Establishment for the curing, processing, packaging, packing, storage and shipping of agricultural products.** (Added by Ord. No. 2720, effective 8-5-86.)
22. **Agricultural service establishments** primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farmers or farm-related activities in planting, harvesting, storage, hauling and equipment repair and maintenance. (Added by Ord. No. 2720, effective 8-5-86.)
23. **Agricultural chemical experiment stations.** (Added by Ord. No. 2720, effective 8-5-86.)
24. **Plant nursery:** the retail sales of trees, shrubs, vines, flowers or grasses propagated for transplanting or for use as stock for grafting, providing said retail sales are incidental to a wholesale plant nursery, and providing the area dedicated to retail sales of non-plant stock accessory items necessary for propagation and grafting may be allowed in an area up to five percent (5%) of the total square footage in the site area. (Added by Ord. No. 3200, effective 2-26-98)

FENCES, WALLS AND HEDGES F.

Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersecting streets which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the property and seventy (70) feet on a major street side of the property.

YARD REQUIREMENTS G.

1. **Front Yard:** The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
2. **Rear Yard:** The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
3. **Side Yards:** The minimum side yards shall be ten (10) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
4. Required yard areas may be used for growing of agricultural crops.

HEIGHTS OF STRUCTURES H.

Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other agricultural accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or takeoff zones, or other restricted areas of an airport, established pursuant to Sections 7-13-1000 -7-13-1085 of the Ordinance Code of Tulare County.

DISTANCE BETWEEN STRUCTURES I.

The minimum distance between two (2) structures used for human habitation shall be twenty (20) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be one hundred (100) feet. When structures are in existence at the time that AE-20 zoning is applied to the property which do not comply with the minimum distances set forth above, such structures may be structurally altered and additions made to such structures so long as the distance between the structures is not reduced.

SECTION 9.7: "AE-40" EXCLUSIVE AGRICULTURAL ZONE

40 ACRE MINIMUM

(Added by Ord. No. 1946, effective 8-12-76)

Purpose A.

The AE-40 Zone is an exclusive zone for intensive and extensive agricultural uses and for those uses which are a necessary and integral part of intensive and extensive agricultural operations. The purpose of this zone is as follows

1. To protect the general welfare of the agricultural community from encroachments of unrelated uses which, by their nature, would be injurious to the physical and economic well-being of the agricultural community and the community at large.
2. To prevent or minimize the negative interaction between various agricultural uses.
3. To prevent or minimize land use conflicts or injury to the physical or economic well-being of urban, suburban, or other non-agricultural uses by agricultural uses.
4. To disburse intensive animal agricultural uses in order to avoid air, water or land pollution otherwise resulting from compact distributions of such uses.
5. To provide for a minimum parcel standard which is appropriate for areas where soil capability and cropping characteristics are such that a breakdown of land into units of less than forty (40) acres would adversely affect the physical and economic well-being of the agricultural community and the community at large.
6. To function as a holding zone within Urban Area Boundaries as designated by the General Plan whereby land may be retained in agricultural use until such time as conditions warrant conversion of such land to urban use.

The minimum parcel size permitted to be created in this zone is, with certain exceptions, forty (40) acres.

USE B.

No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:

1. **One (1) single family residence or mobilehome for the entire contiguous property** owned by one (1) person, firm, partnership or corporation or owned jointly by more than one (1) person, firm, partnership or corporation or any combination thereof. Such residence or mobilehome shall be occupied only by an owner of the property and his family or a lessee of the property and his family.
2. **In addition to the residence allowed under Paragraph 1 above, one (1) additional residence or mobilehome for each twenty (20) acres in the entire property.** Such additional residences and mobilehomes shall be occupied only by relatives of the owner or lessee, by farmworkers or by employees who work on the property, provided that the total number of farmworkers and employees shall not exceed nine (9) at any time. Housing for ten (10) or more farmworkers and employees may be allowed under the Use Permit procedures set forth in Section 16 of this Ordinance. However, if the property is less than twenty (20) acres and was of record at the time this zone became applicable to the property, one (1) such residence or mobilehome may be constructed and used as a dwelling by the persons designated hereinabove. In addition to the number of residences and

mobilehomes allowed under this paragraph, additional residences and mobilehomes for use by such relatives, farmworkers and employees may be allowed under the Use Permit procedures set forth in Subsection E of this section. (Amended by Ord. No. 3009, effective 9-24-92.)

3. **Incidental and accessory structures and uses** including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms, storage and use of petroleum products, and kennels for private, non-commercial use. (Amended by Ord. No. 2828, effective 3-31-88.)
4. **The growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties and timber**, but excluding the growing of mushrooms which requires a use permit under subsection E of this section.
5. **The growing and harvesting of field crops**, grain and hay crops and the growing of grass for pasture and grazing.
6. **The raising and slaughter of poultry up to a maximum of three (3) birds for each 1,300 square feet in the entire property. and not to exceed a total of 500 birds in all**, unless a use permit has been secured as required under Subsection E of this section.
7. **The raising and slaughter of rabbits and other similar fur-bearing animals.** The maximum number of mature animals allowed on any parcel shall not exceed 120 unless a use permit has been secured as required under subsection E of this section. Any offspring of the animals may remain on the property until they reach the normal age for weaning.
8. **The raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds.** The total number of such animals on the property shall not exceed two (2) mature animals for each acre in the entire property, unless a use permit has been secured as required under subsection E of this section or under Paragraph B of Part II of Section 16 of this Ordinance. Any offspring of the animals allowed may remain until they reach the normal age for weaning. However, no feed lot or area for concentrated feeding of more than 25 animals may be permitted unless a use permit has been secured as required under subsection E of this section or under Paragraph B of Part II of Section 16 of this Ordinance.
9. **Fish farming operations for the raising and harvesting of fish as a crop** but not including fishing clubs or fishing for members of the general public on a commercial basis, unless a use permit has been secured as required under Subsection E of this section.
10. **Game preserve, private or public**, but not including hunting clubs or hunting for members of the general public on a commercial basis, unless a use permit has been secured as required under subsection E of this section.
11. (Repealed by Ord. No. 2720, effective 8-5-86.)
12. (Repealed by Ord. No. 2720, effective 8-5-86.)
13. **Plant nursery**, not including retail sales. (Amended by Ord. No. 2754, effective 1-15-87.)
14. **Sale of agricultural products**, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the

purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effective 1-15-87.)

15. **Signs which pertain only to a permitted use on the property** on which the sign is situated or which pertain to the sale, lease or rental of the property or a structure or personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.
16. **Temporary landing of aircraft engaged in agricultural uses.**
17. (Repealed by Ord. No. 2720, effective 8-5-86.)
18. **Open space uses** including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
19. **Biomass fuel manufacture for personal use.** (Added by Ord. No. 2350, effective 7-31-80.)
20. **Apiary and honey extraction plant.** (Added by Ord. No. 2416, effective 5-28-81.)
21. **Jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan.** (Added by Ord. No. 2430, effective 8-28-81.)
22. **The storage and/or handling of agricultural chemicals for on-farm, noncommercial use only.** (Added by Ord. No. 3131, effective 10-12-95.)
22. **Land spreading of biosolids,** provided that no portion of the property proposed for land spreading is located (a) within an Urban Improvement Area, Urban Development Boundary, or Urban Area Boundary adopted pursuant to the Urban Boundaries Element of the General Plan; (b) within six hundred and sixty feet (660') of said Area or Boundary; or (c) east of the easterly boundary of the Rural Valley Lands Plan Policy Area adopted pursuant to the Rural Valley Lands Plan. (Added by Ord. No. 3165, effective 7-25-96.)
23. **Bed and Breakfast Home** with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99.)
24. **Family Day Care Home, small.** (Added by Ord. No. 3222, effective 4-22-99.)

PROHIBITION OF SUBDIVISIONS C.

(Repealed by Ord. No. 2750, effective 1-15-87.)

DIVISIONS OF LAND D.

All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AE-40 zoning is applied to such property, except in compliance with this subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than forty (40) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than forty (40) acres at the time AE-40 zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7-01-1000 - 7-01-2855 of the Ordinance Code of Tulare County. Amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

USE PERMITS E.

Because of consideration of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a Use Permit is first secured pursuant to the procedures referred to in Paragraph B of Part II of Section

16 of this Ordinance:

1. **Agricultural chemicals:** manufacturing and/or commercial storage and/or handling. (Amended by Ord. No. 3131, effective 10-12-95.)
2. **Agricultural dehydrator** with more than a combined total of one hundred (100) horsepower in all motors used.
3. (Repealed by Ord. No. 2416, effective 5-28-81.)
4. **Asphalt manufacturing and refining.**
5. **Brick, tile and terra cotta manufacturing;** provided that the manufacturing shall be allowed only if conducted proximate to the source of the raw material and in conjunction with a mining operation. (Amended by Ord. No. 3131, effective 10-12-95.)
6. **Concrete products manufacturing.**
7. **Cotton gin and oil mill.**
8. **Feed lot for more than twenty-five (25) animals.**
9. **Feed mill** with more than a combined total of one hundred seventy-five (175) horsepower in all motors used.
10. **Fertilizer manufacturing.**
11. **Fish smoking, curing and canning.**
12. **Guest ranch or summer camp,** provided that the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 3131, effective 10-12-95.)
13. **Hunting and fishing clubs and hunting and fishing** on a commercial basis for members of the general public, provided that the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 3131, effective 10-12-95.)
14. **Manufacture of irrigation pipe and accessory equipment** and agricultural machinery, equipment, implements and containers, including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers. (Repealed by Ord. No. 2335, effective 6-5-80; readopted by Ord. No. 2520, effective 2-24-83.)
15. **Mushroom growing.**
16. **Olive processing plants.**
17. **Petroleum products:** manufacturing and wholesale storage; provided that the manufacturing and wholesale storage shall be allowed only if conducted proximate to the source of the petroleum material and in conjunction with an extraction operation. (Amended by Ord. No. 3131, effective 10-12-95.)
18. **Potash works;** provided, however, that no Use Permit shall be required if a surface

- mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 2220, effective 3-29-79.)
19. **Quarry and stone mill**; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 2220, effective 3-29-79.)
 20. **Raising or slaughter of poultry** when more than three (3) birds for each 1,300 square feet in the entire property, or more than a total of 500 birds in all, are on the property at any time.
 21. **Raising or slaughter of rabbits or other fur-bearing animals** when a total of more than 120 mature animals are on the property at any time.
 22. **Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds** when more than two (2) mature animals for each acre in the entire property are on the property at any time.
 23. **Residences or mobilehomes** in excess of those allowed under Paragraph 2 of subsection B of this section, for use by the persons specified in said Paragraph 2 of subsection B.
 24. **Rock crusher and distribution of rock, sand and gravel.**
 25. **Saw mill, shingle mill or box shook mill**; provided that, for a new facility (not to include expansions of, or reestablishments of, existing facilities), the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 3131, effective 10-12-95.)
 26. **Sale of agricultural products and feed** for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under subsection B of this section. (Amended by Ord. No. 2520, effective 2-24-83; amended by Ord. No. 2692, effective 2-27-86.)
 27. **Seed cleaning and treating plants.**
 28. **Sewage treatment plant and disposal area.**
 29. **Slaughterhouse.**
 30. **Stockyard.**
 31. **Winery.**
 32. **Similar uses** when determined in the manner prescribed in Section 15, Paragraph A, USE subparagraph 1, item b.
 33. **Divisions of land** as follows: (Added by Ord. No. 2388, effective 12-12-80.)
 - a. Divisions of land resulting in parcels containing less than forty (40) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
 - b. Divisions of land resulting in parcels containing less than forty (40) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.
 34. **Establishments for the curing, processing, packaging, packing, storage and shipping of agricultural products.** (Added by Ord. No. 2720, effective 8-5-86.)
 35. **Agricultural service establishments** primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farmers or

farm-related activities in planting, harvesting, storage, hauling and equipment repair and maintenance. (Added by Ord. No. 2720, effective 8-5-86.)

36. **Agricultural chemical experiment stations.** (Added by Ord. No. 2720, effective 8-5-86.)

37. **Plant nursery:** the retail sales of trees, shrubs, vines, flowers or grasses propagated for transplanting or for use as stock for grafting, providing said retail sales are incidental to a wholesale plant nursery, and providing the area dedicated to retail sales of non-plant stock accessory items necessary for propagation and grafting may be allowed in an area up to five percent (5%) of the total square footage in the site area. (Added by Ord. No. 3200, effective 2-26-98)

FENCES, WALLS AND HEDGES F.

Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersecting streets which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the property and seventy (70) feet on a major street side of the property.

YARD REQUIREMENTS G.

1. Front Yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
3. Side Yards: The minimum side yard shall be ten (10) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
4. Required yard areas may be used for growing of agricultural crops and accessory structures necessary for the conveyance of water for irrigation purposes.

HEIGHTS OF STRUCTURES H.

Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other agricultural accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or take-off zone, or other restricted areas of an airport, established pursuant to sections 7-13-1000 - 7-13-1085 of the Ordinance Code of Tulare County.

DISTANCE BETWEEN STRUCTURES I.

The minimum distance between two (2) structures used for human habitation shall be twenty (20) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral, or other structure housing livestock or poultry shall be one hundred (100) feet. When structures are in existence at the time that AE-40 zoning is applied to the property which do not comply with the minimum distances set forth above, such structures may be structurally altered and additions made to such structures so long as the distance between the structures is not reduced.

SECTION 9.8: "AE-80" EXCLUSIVE AGRICULTURAL ZONE - 80
ACRE MINIMUM

(Added by Ord. No. 1520, effective 8-31-72)

PURPOSE A.

The AE-80 Zone is an exclusive zone for agricultural uses and for those uses which are a necessary and integral part of the agricultural operation. The purpose of this zone is to protect the general welfare of the agricultural community from encroachments of unrelated agricultural uses which, by their nature, would be injurious to the physical and economic well-being of the agricultural community. It is also the purpose of this zone to prevent or to minimize the negative interaction between various agricultural uses. A related purpose of this zone is to disperse intensive animal agricultural uses to avoid air, water, or land pollution otherwise resulting from compact distributions of such uses. The minimum parcel size permitted to be created in this district is, with certain exceptions, eight (80) acres.

USE: B.

No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:

1. **One (1) single-family residence or mobilehome for the entire contiguous property** owned by one (1) person, firm, partnership or corporation or owned jointly by more than one (1) person, firm, partnership or corporation or any combination thereof. Such residence or mobilehome shall be occupied only by an owner of the property and his family or a lessee of the property and his family.
2. **In addition to the residence allowed under paragraph 1 above, one (1) additional residence or mobilehome for each twenty (20) acres in the entire property.** Such additional residences and mobilehomes shall be occupied only by relatives of the owner or lessee, by farmworkers or by employees who work on the property, provided that the total number of farmworkers and employees shall not exceed nine (9) at any time. Housing for ten (10) or more farmworkers and employees may be allowed under the Use Permit procedures set forth in Section 16 of this Ordinance. However, if the property is less than twenty (20) acres in area and was of record at the time this zone became applicable to the property, one (1) such residence or mobilehome may be constructed and used as a dwelling by the persons designated hereinabove. In addition to the number of residences and mobilehomes allowed under this paragraph, additional residences and mobilehomes for use by such relatives, farmworkers and employees may be allowed under the Use Permit procedures set forth in Subsection E of this section. (Amended by Ord. No. 1595, effective 6-28-73; amended by Ord. No. 3009, effective 9-24-92.)
3. **Incidental and accessory structures and uses** including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms, storage and use of petroleum products, and kennels for private, non-commercial use. (Amended by Ord. No. 2828, effective 3-31-88.)
4. **The growing and harvesting of fruit and nut trees,** vines, vegetables, horticultural specialties and timber, but excluding the growing of mushrooms which requires a Use Permit under subsection E of this Section.
5. **The growing and harvesting of field crops,** grain and hay crops, and the growing of grass

- for pasture and grazing.
6. **The raising and slaughter of poultry up to a maximum of three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, and not to exceed a total of one thousand (1,000) birds** in all, unless a Use Permit has been secured as required under Subsection E of this Section.
 7. **The raising and slaughter of rabbits and other similar fur-bearing animals.** The maximum number of mature animals allowed on any parcel shall not exceed two hundred and forty (240) unless a Use Permit has been secured as required under Subsection E of this Section. Any offspring of the animals may remain on the property until they reach the normal age for weaning.
 8. **The raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds.** The total of such animals on the property shall not exceed two (2) mature animals for each acre in the entire property, and not exceed a total of twenty-five (25) animals in all, unless a Use Permit has been secured as required under Subsection E of this Section or under Paragraph B of Part II of Section 16 of this Ordinance. Any offspring of the animals allowed may remain until they reach the normal age for weaning.
 9. **Fish farming operations for the raising as a crops** but not including fishing clubs or fishing for members of the general public on a commercial basis.
 10. **Game preserve, private or public,** but not including hunting clubs or hunting for members of the general public on a commercial basis.
 11. (Repealed by Ord. No. 2720, effective 8-5-86.)
 12. (Repealed by Ord. No. 2720, effective 8-5-86.)
 13. **Plant nursery, not including retail sales.** (Amended by Ord. No. 2754, effective 1-15-87.)
 14. **Sale of agricultural products,** including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 2520, effective 2-24-83; amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effective 1-15-87.)
 15. **Signs which pertain only to a permitted use on the property** on which the sign is situated or which pertain to the sale, lease or rental of the property or a structure or personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.
 16. **Temporary landing of aircraft engaged in agricultural uses.**
 17. (Amended by Ord. No. 2520, effective 2-24-83; repealed by Ord. No. 2720, effective 8-5-86.)
 18. **Open space uses** including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
 19. **Biomass fuel manufacture for personal use.** (Added by Ord. No. 2350, effective 7-31-80.)

20. **Apiary and honey extraction plant.** (Added by Ord. No. 2416, effective 5-28-81.)
21. **Jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan.** (Added by Ord. No. 2430, effective 8-28-81.)
22. **The storage and/or handling of agricultural chemicals** for on-farm, noncommercial use only. (Added by Ord. No. 3131, effective 10-12-95.)
23. **Land spreading of biosolids,** provided that no portion of the property proposed for land spreading is located (a) within an Urban Improvement Area, Urban Development Boundary, or Urban Area Boundary adopted pursuant to the Urban Boundaries Element of the General Plan; (b) within six hundred and sixty feet (660') of said Area or Boundary; or (c) east of the easterly boundary of the Rural Valley Lands Plan Policy Area adopted pursuant to the Rural Valley Lands Plan. (Added by Ord. No. 3165, effective 7-25-96.)
24. **Bed and Breakfast Home** with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99.)
25. **Family Day Care Home, small.** (Added by Ord. No. 3222, effective 4-22-99.)

PROHIBITION OF SUBDIVISION C.

(Amended by Ord. No. 1807, effective 4-3-75; repealed by Ord. No. 2750, effective 1-15-87.)

DIVISIONS OF LAND D.

All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AE-80 zoning is applied to such property, except in compliance with this subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than eight (80) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than eighty (80) acres at the time AE-80 zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7-01-1000 - 7-01-2855 of the Ordinance Code of Tulare County. (Amended by Ord. No. 1596, effective 6-28-73; amended by Ord. No. 1638, effective 9-27-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

USE PERMITS: E.

Because of consideration of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a Use Permit is first secured pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance:

1. **Agricultural dehydrator** with more than a combined total of one hundred (100) horsepower in all motors used.
2. **Agricultural chemicals:** manufacturing and/or commercial storage and/or handling. (Repealed by Ord. No. 2416, effective 5-28-81; added by Ord. No. 2520, effective 2-24-83;

- amended by Ord. No. 3131, effective 10-12-95.)
3. **Asphalt manufacturing and refining.**
 4. **Brick, tile and terra cotta manufacturing;** provided that the manufacturing shall be allowed only if conducted proximate to the source of the raw material and in conjunction with a mining operation. (Amended by Ord. No. 3131, effective 10-12-95.)
 5. **Concrete products manufacturing.**
 6. **Cotton gin and oil mill.**
 7. **Feed lot for more than twenty-five (25 animals).**
 8. **Feed mill** with more than a combined total of one hundred and seventy-five (175) horsepower in all motors used.
 9. **Fertilizer manufacturing.**
 10. **Fish smoking, curing and canning.**
 11. **Guest ranch or summer camp,** provided that the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 3131, effective 10-12-95.)
 12. **Hunting and fishing clubs and hunting and fishing** on a commercial basis for members of the general public, provided that the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 3131, effective 10-12-95.)
 13. **Manufacture of irrigation pipe and accessory equipment** and agriculture machinery, equipment, implements and containers, including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers. (Repealed by Ord. No. 2335, effective 6-5-80; added by Ord. No. 2520, effective 2-24-83.)
 14. **Mushroom growing.**
 15. **Olive processing plants.**
 16. **Petroleum products:** manufacturing and wholesale storage; provided that the manufacturing and wholesale storage shall be allowed only if conducted proximate to the source of the petroleum material and in conjunction with an extraction operation. (Amended by Ord. No. 3131, effective 10-12-95.)
 17. (Repealed by Ord. No. 1528, effective 10-12-72.)
 18. **Potash works;** provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provision of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 2220, effective 3-29-79.)
 19. **Quarry and stone mill;** provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 2220, effective 3-29-79.)
 20. **Raising or slaughter of poultry** when more than three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, or more than a total of one thousand (1,000) birds in all, are on the property at any time.
 21. **Raising or slaughter of rabbits or other fur-bearing animals** when a total of more than two hundred and forty (240) mature animals are on the property at any time.
 22. **Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals or other similar domesticated quadrupeds** when more than two (2) mature animals for each acre in the entire property, or more than a total of twenty-five (25) animals in all, are on the property at any time.

23. **Residences or mobilehomes** in excess of those allowed under Paragraph 2 of Subsection B of this Section, for use by the persons specified in said Paragraph 2 of Subsection b.
24. **Rock crusher and distribution of rock, sand and gravel.**
- 24.2 **Sale of agricultural products and feed** for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under Subsection B of this section. (Added by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86.)
- 24.4. **Sawmill, shingle mill or box shook mill;** provided that, for a new facility (not to include expansions of, or re-establishments of, existing facilities), the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 3131, effective 10-12-95.)
25. **Seed cleaning and treating plants.**
26. **Sewage treatment plant and disposal area.**
27. **Slaughterhouse.**
28. **Stockyard.**
29. **Winery.**
- 29.5 **Similar uses** when determined in the manner prescribed in section 15, Paragraph A, USE, Subparagraph 1, item b. (Added by Ord. No. 2520, effective 2-24-83.
30. **Divisions of land** as follows: (Added by Ord. No. 2388, effective 12-12-80.)
 - a. Divisions of land resulting in parcels containing less than eighty (80) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
 - b. Divisions of land resulting in parcels containing less than eighty (80) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.
31. **Establishments for the curing, processing, packaging, packing, storage and shipping of agricultural products.** (Added by Ord. No. 2720, effective 8-5-86.)
32. **Agricultural service establishments** primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farmers or farm-related activities in planting, harvesting, storage, hauling and equipment repair and maintenance. (Added by Ord. No. 2720, effective 8-5-86.)

FENCES, WALLS AND HEDGES: F.

Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersecting streets which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the property and seventy (70) feet on a major street side of the property.

YARD REQUIREMENTS: G.

1. **Front Yard:** The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
2. **Rear Yard:** The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
3. **Side Yards:** The minimum side yards shall be ten (10) feet except along those streets and

- highways where a greater setback is required by other Ordinances of the County.
4. Required yard areas may be used for growing of agricultural crops.

HEIGHT OF STRUCTURES H.

Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other agricultural accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or takeoff zone or other restricted areas of an airport, established pursuant to Sections 7275-7292 of the Ordinance Code of Tulare County.

DISTANCE BETWEEN STRUCTURES: I.

The minimum distance between two (2) structures used for human habitation shall be twenty (20) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be one hundred (100) feet. When structures are in existence at the time that AE-80 zoning is applied to the property which do not comply with the minimum distances set forth above, such structures may be structurally altered and additions made to such structures so long as the distance between the structures is not reduced.

SECTION 9.55: "AE-10" EXCLUSIVE AGRICULTURAL ZONE

10 ACRE MINIMUM

(Added by Ord. No. 1946, effective 8-12-76)

PURPOSE A.

The AE-10 Zone is an exclusive zone for intensive agricultural uses and for those uses which are a necessary and integral part of intensive agricultural operations. The purpose of this zone is as follows:

1. To protect the general welfare of the agricultural community from encroachments of unrelated uses which, by their nature, would be injurious to the physical and economic well-being of the agricultural community and the community at large.
2. To prevent or minimize the negative interaction between various agricultural uses.
3. To prevent or minimize land use conflicts or injury to the physical or economic well-being of urban, suburban, or other non-agricultural uses by agricultural uses.
4. To disburse intensive animal agricultural uses in order to avoid air, water, or land pollution otherwise resulting from compact distributions of such uses.
5. To provide for a minimum parcel standard which is appropriate for areas where soil capability and cropping characteristics are such that a breakdown of land into units of less than ten (10) acres would adversely affect the physical and economic well-being of the agricultural community and the community at large.
6. To function as a holding zone within Urban Area Boundaries as designated by the General Plan whereby land may be retained in agricultural uses until such time as conditions warrant conversion of such land to urban uses.

The minimum parcel size permitted to be created in this zone is, with certain exceptions, ten (10) acres.

USE B.

No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:

1. **One (1) single family residence or mobilehome for the entire contiguous** property owned by one (1) person, firm, partnership or corporation or owned jointly by more than one (1) person, firm partnership or corporation or any combination thereof. Such residence or mobilehome shall be occupied only by an owner of the property and his family or a lessee of the property and his family.
2. **In addition to the residence allowed under paragraph 1 above, one (1) additional residence or mobilehome for each ten (10) acres in the entire property.** Such additional residences and mobilehomes shall be occupied only by relatives of the owner or lessee, by farmworkers, or by employees who work on the property, provided that the total number of farmworkers and employees shall not exceed nine (9) at any time. Housing for ten (10) or more farmworkers and employees may be allowed under the Use Permit procedure set forth by Section 16 of this Ordinance. However, if the property is less than ten (10) acres in area and was of record at the time this zone became applicable to the property, one (1) such residence or mobilehome may be constructed and used as a dwelling by the persons designated hereinabove. In addition to the number of residences

and mobilehomes allowed under this paragraph, additional residences and mobilehomes for use by such relatives, farmworkers and employees may be allowed under the Use Permit procedures set forth in Subsection E of this section. (Amended by Ord. No. 3009, effective 9-24-92)

3. **Incidental and accessory structures and uses** including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms, storage and use of petroleum products, and kennels for private, non-commercial use. (Amended by Ord. No. 2828, effective 3-31-88.)
4. **The growing and harvesting of fruit and nut trees**, vines, vegetables, horticultural specialties and timber, excluding the growing of mushrooms.
5. **The growing and harvesting of field crops, grain and hay crops, and the growing of grass for pasture and grazing.**
6. **The raising and slaughter of poultry up to a maximum of three (3) birds for each 1,300 square feet in the entire property, and not to exceed a total of one hundred (100) birds** in all, unless a Use Permit has been secured as required under Subsection E of this Section.
7. **The raising and slaughter of rabbits and other similar fur-bearing animals.** The maximum number of mature animals allowed on any parcel shall not exceed sixty (60) unless a Use Permit has been secured as required under Subsection E of this Section. Any offspring of the animals allowed under this Paragraph may remain on the property until they reach the normal age for weaning.
8. **The raising of sheep, goats, horses, mules, swine, bovine animals, and other similar domesticated quadrupeds.** The total number of such animals shall not exceed two (2) mature animals for each acre in the entire property, unless a Use Permit has been secured as required under Subsection E of this Section or under Paragraph B of Part II of Section 16 of this Ordinance. Any offspring of the animals allowed under this Paragraph may remain until they reach the normal age for weaning. However, no feed lot or area for concentrated feeding of more than 25 animals may be permitted.
9. **Fish farming operations for the raising and harvesting of fish as a crop**, but not including fishing clubs or fishing for the general public on a commercial basis unless a Use Permit has been secured as required under Subsection E of this Section.
10. **Game preserve, private or public**, but not including hunting clubs or hunting for members of the public on a commercial basis unless a Use Permit has been secured as required under Subsection E of this Section.
11. (Repealed by Ord. No. 2720, effective 8-5-86.)
12. (Repealed by Ord. No. 2720, effective 8-5-86.)
13. **Plant nursery**, not including retail sales. (Amended by Ord. No. 2754, effective 1-15-87.)
14. **Sale of agricultural products**, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 1520,

effective 2- 24-83, amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effective 1-15-87.)

15. **Signs which pertain only to a permitted use on the property** on which the sign is situated or which pertains to the sale, lease or rental of the property or a structure of personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.
16. **Temporary landing of aircraft engaged in agricultural uses.**
17. (Repealed by Ord. No. 2720, effective 8-5-86.)
18. **Open space uses** including, but not limited to a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
19. **Biomass fuel manufacture for personal use.** (Added by Ord. No. 2350, effective 7-31-80.)
20. **Apiary and honey extraction plant.** (Added by Ord. No. 2416, effective 5-28-81.)
21. **The storage and/or handling of agricultural chemicals for on-farm, noncommercial use only.** (Added by Ord. No. 3131, effective 10-12-95.)
22. **Bed and Breakfast Home** with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99.)
23. **Family Day Care Home, small.** (Added by Ord. No. 3222, effective 4-22-99.)

PROHIBITION OF SUBDIVISIONS C.

(Repealed by Ord. No. 2750, effective 1-15-87.)

DIVISIONS OF LAND D.

All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AE-10 zoning is applied to such property, except in compliance with this subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than ten (10) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than ten (10) acres at the time AE-10 zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7-01-1000 -7-01-2855 of the Ordinance Code of Tulare County. (Amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

USE PERMITS E.

Because of considerations of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a use permit is first secured pursuant to the procedures referred to

in Paragraph B of Part II of Section 16 of this Ordinance.

1. **Agricultural chemicals; manufacturing and/or commercial storage and/or handling.** (Amended by Ord. No. 3131, effective 10-12-95.)
2. (Repealed by Ord. No. 2416, effective 5-28-81.)
3. **Hunting and fishing clubs and hunting and fishing on a commercial basis** for members of the general public, provided that the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 3131, effective 10-12-95.)
4. **Manufacture of irrigation pipe and accessory equipment** and agriculture machinery, equipment, implements and containers, including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers. (Repealed by Ord. No. 2335, effective 6-5-80; readopted by Ord. No. 2520, effective 2-24-83.)
5. **Raising or slaughter of poultry** when more than three (3) birds for each 1,300 square feet in the entire property, or more than a total of 100 birds in all, are on the property at any time.
6. **Raising or slaughter of rabbits or other fur-bearing animals** when a total or more than 60 mature animals are on the property at any time.
7. **Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds** when more than two (2) mature animals for each acre in the entire property are on the property at any time, excluding feed lots or areas for concentrated feeding of more than 25 animals.
8. **Residences or mobilehomes** in excess of those allowed under Paragraph 2 of Subsection B of this Section, for use by the persons specified in said Paragraph 2 of Subsection B.
9. **Sale of agricultural products and feed** for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under Subsection B of this section. (Amended by Ord. No. 2520, effective 2-24-83; amended by Ord. No. 2692, effective 2-27-86.)
10. **Seed cleaning and treating plant.**
11. **Sewage treatment plant and disposal area.**
12. **Similar uses** when determined in the manner prescribed in Section 15, Paragraph A, USE, Subparagraph 1, item b.
13. **Divisions of land** as follows: (Added by Ord. No. 2388, effective 12-12-80.)
 - a. Divisions of land resulting in parcels containing less than ten (10) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
 - b. Divisions of land resulting in parcels containing less than ten (10) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.
14. **Establishment for the curing, processing, packaging, packing, storage and shipping of agricultural products.** (Added by Ord. No. 2720, effective 8-5-86.)
15. **Agricultural service establishments** primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farmers or farm-related activities in planting, harvesting, storage, hauling and equipment repair and

maintenance. (Added by Ord. No. 2720, effective 8-5-86.)

16. **Agricultural chemical experiment stations.** (Added by Ord. No. 2720, effective 8-5-86.)
17. **Plant nursery:** the retail sales of trees, shrubs, vines, flowers or grasses propagated for transplanting or for use as stock for grafting, providing said retail sales are incidental to a wholesale plant nursery, and providing the area dedicated to retail sales of non-plant stock accessory items necessary for propagation and grafting may be allowed in an area up to five percent (5%) of the total square footage in the site area. (Added by Ord. No. 3200, effective 2-26-98)

FENCES, WALLS AND HEDGES F.

Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersecting streets which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersecting corner, fifty (50) feet on a minor street side of the property and seventy (70) feet on a major street side of the property.

YARD REQUIREMENTS G.

1. Front Yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
3. Side Yards: The minimum side yards shall be ten (10) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
4. Required yard areas may be used for growing of agricultural crops.

HEIGHT OF STRUCTURES H.

Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other agricultural accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or take-off zone, or other restricted areas of an airport, established pursuant to Sections 7-13-1000 - 7-13-1085 of the Ordinance Code of Tulare County.

DISTANCES BETWEEN STRUCTURES I.

The minimum distance between two (2) structures used for human habitation shall be twenty (20) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be one hundred (100) feet. When structures are in existence at the time that AE-10 zoning is applied to the property which do not comply with the minimum distances set forth above, such structures may be structurally altered and additions made to such structures so long as the distance between the structures is not reduced.

SECTION 10: "A-1" AGRICULTURAL ZONE

(Amended by Ord. No. 422, effective 3-28-50; amended by Ord. No. 494, effective 3-27-52; amended by Ord. No. 703 effective 8-27-59; reorganized and amended by Ord. No. 1539, effective 1-11-73.)

PURPOSE A.

The purpose of this zone is to insure that areas zoned A-1 develop in a manner consistent with the General Plan and the public health, safety and general welfare, and to prevent the introduction of incompatible commercial, manufacturing, subdivision, and other urban uses into predominantly agricultural areas of the County. A limitation on minimum parcel size of five (5) acres is included in order to preserve agricultural lands in increments large enough to support commercial agriculture and to discourage the generation of urban land uses in predominantly agricultural areas. The purpose of the zone is also to prepare for eventual adjustments in zoning based on precise planning and development proposals for such areas.

APPLICATION B.

All land in the County of Tulare not shown on the Zoning Map as being within the boundaries of any of the other classes of zones listed in subsection A of Section 3 of this Ordinance is included in the A-1 (Agricultural) Zone.

USE C.

No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:

1. Any use listed as an allowed use in Sections 6, 9.5, 9.6 and 9.8 of this Ordinance, as said sections read presently and as they are amended from time to time.
2. Any use requiring a Use Permit under Sections 9.5 and 9.6 and 9.8 of this Ordinance, as said sections read presently and as they are amended from time to time. Provided, however, that a Use Permit must first be secured in the manner specified in Part II of Section 16 of this Ordinance and further provided that no showings specified in Paragraph C of Part II of Section 16 of this Ordinance shall be required.
3. Any Special Use specified in Paragraph B of Part II of Section 16 of this Ordinance as an allowable use in the A-1 Zone, as said Paragraph reads presently and as it is amended from time to time. Provided, however, that a Use Permit must first be secured in the manner specified therein.

PROHIBITION OF SUBDIVISIONS D.

No subdivision, as that term is defined in Section 2 of this Ordinance, may be created within this zone. (Added by Ord. No. 1414, effective 12-10-70; amended by Ord. No. 1539, effective 1-11-73; amended by (Ord. No. 1807, effective 4-3-75; amended by Ord. No. 1990, effective 1-27-77.)

DIVISIONS OF LAND E.

All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after the effective date of this subsection, except in compliance with this subsection. No such land may be divided for any purpose if any one 91) parcel resulting from the division of

land contains less than five (5) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than five (5) acres prior to the effective date of this subsection, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7-01-2150-7-01-2855 (formerly Sections 7100-7126) of the Ordinance code of Tulare County. (Subsection E added by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1586, effective 5-31-73; amended by Ord. No. 1596, effective 6-28-73; amended by Ord. No. 1638, effective 9-27-73; amended by Ord. No. 1946, effective 8- 12-76; amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2537, effective 6-16-83; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

SECTION 10.3: "AF", FOOTHILL AGRICULTURAL ZONE

(Added by Ord. No. 2407, effective 3-26-81)

PURPOSE A.

The AF Zone is an exclusive zone for intensive and extensive foothill agricultural uses and for those uses which are a necessary and integral part of intensive and extensive foothill agricultural operations. The purposes of this zone are as follows

1. To protect the general welfare of the foothill agricultural community from encroachments of unrelated uses which, by their nature, would be injurious to the physical and economic well-being of the foothill agricultural community and the community at large.
2. To prevent to minimize the negative interaction between various foothill agricultural uses.
3. To prevent or minimize land use conflicts or injury to the physical or economic well-being of urban, suburban, or other non-agricultural uses by foothill agricultural uses.
4. To disburse intensive animal agricultural uses in order to avoid air, water or land pollution otherwise resulting from compact distribution of such uses.
5. To provide for a minimum parcel standard which is appropriate for foothill areas where soil capability and other characteristics are such that the unregulated breakdown of land would adversely affect the physical and economic well-being of the foothill agricultural community and the community at large.
6. To implement land use controls and development standards which are necessary to achieve the goals and objectives for foothill agricultural lands as required by the General Plan.
7. To function as a holding zone in certain foothill areas which should be retained in extensive agricultural use until such time as the General Plan is amended to provide for the conversion of such lands to urban use.

The minimum parcel size permitted to be created in this zone is, with certain exceptions, one hundred and sixty (160) acres.

USE B.

No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:

1. **One (1) single family residence or mobilehome for the entire contiguous property** owned by one (1) person, firm, partnership or corporation or owned jointly by more than one (1) person, firm, partnership or corporation or any combination thereof. Such residence or mobilehome shall be occupied only by an owner of the property and his family or a lessee of the property and his family.
2. **In addition to the residence allowed under Paragraph 1 above, one (1) additional residence or mobilehome for each forty (40) acres in the entire property.** Such additional residences and mobilehomes shall be occupied only by relatives of the owner or lessee, or farmworkers or by employees who work on the property, provided that the total number of farmworkers and employees shall not exceed nine (9) at any time. Housing for ten (10) or more farmworkers and employees may be allowed under the Use Permit procedures set forth in Section 16 of this Ordinance. However, if the property is less than

forty (40) acres, but greater than ten (10) acres in area, and was of record at the time this zone became applicable to the property, one (1) such residence or mobilehome may be constructed and used as a dwelling by the persons designated hereinabove. In addition to the number of residences and mobilehomes allowed under this paragraph, additional residences and mobilehomes for use by such relatives, farmworkers and employees may be allowed under the Use Permit procedures set forth in Subsection E of this section. (Amended by Ord. No. 3009, effective 9-24-92.)

3. **Incidental and accessory structures and uses** including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms, storage and use of petroleum products, and kennels for private non-commercial use. (Amended by Ord. No. 2828, effective 3-31-88.)
4. **The growing and harvesting of fruit and nut trees**, vines, vegetables, horticultural specialties and timber, but excluding the growing of mushrooms, which requires a use permit under Subsection D of this section.
5. **The growing and harvesting of field crops**, grain and hay crops, and the growing of grass for pasture and grazing.
6. **The raising and slaughter of poultry up to a maximum of three (3) birds for each 1,300 square feet in the entire property, and not to exceed a total of 1,000 birds in all**, unless a use permit has been secured as required under Subsection D of this section.
7. **The raising and slaughter of rabbits and other similar fur-bearing animals**. The maximum number of mature animals allowed on any parcel shall not exceed 240 unless a use permit has been secured as required under Subsection D of this section. Any offspring of the animals may remain on the property until they reach the normal age for weaning.
8. **The raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds**; provided, however, that no feed lots as set forth in Paragraph 6 of Subsection D of this section may be permitted unless a Use Permit has been secured as required under Subsection D or under Paragraph B of Part II of Section 16 of this Ordinance.
9. **Feed lots or areas for concentrated feeding** of animals which are used on an intermittent basis and which are accessory to a permitted animal raising operation as set forth in Paragraph 8 of this Subsection.
10. **Fish farming operations for the raising and harvesting of fish** as a crop but not including fishing clubs or fishing for members of the general public on a commercial basis, unless a use permit has been secured as required under Subsection D of this section.
11. **Game preserve, private or public**, but not including hunting clubs or hunting for members of the general public on a commercial basis, unless a use permit has been secured as required under Subsection D of this section.
12. **Plant nursery, not including retail sales**. (Amended by Ord. No. 2754, effective 1-15-87.)
13. **Sale of agricultural products**, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted on or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the

purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effective 1-15-87.)

14. **Signs which pertain only to a permitted use on the property** on which the sign is situated or which pertain to the sale, lease or rental of the property or a structure or personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.
15. **Temporary landing of aircraft engaged in agricultural uses.**
16. (Repealed by Ord. No. 2720, effective 8-5-86.)
17. **The open space uses** including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
18. **Biomass fuel manufacture for personal use.**
19. **Apiary and honey extraction plan.** (Added by Ord. No. 2416, effective 5-28-81.)
20. **Jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan.** (Added by Ord. No. 2430, effective 8-28-81.)
21. **Bed and Breakfast Home** with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99.)
22. **Family Day Care Home, small.** (Added by Ord. No. 3222, effective 4-22-99.)

DIVISIONS OF LAND C.

All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AF zoning is applied to such property, except in compliance with this Subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than one-hundred and sixty (160) acres; provided, however, that the transactions set forth in Subsection D.2 and D.3 of Section 15 of this ordinance are not subject to this restriction

Notwithstanding the aforementioned restrictions, if the entire property contained less than one hundred and sixty (160) acres at the time AF zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Section 7-01-1000 - 7-01-2855 of the Ordinance Code of Tulare County. (Amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

USE PERMITS D.

Because of considerations of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a Use Permit is first secured pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance.

1. **Agricultural service establishments** primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers.

2. **Agricultural chemical experiment stations.** (Repealed to Ord. No. 2416, effective 5-28-81; added by Ord. No. 2720, effective 8-5-86.)
3. **Asphalt manufacturing and refining.**
4. **Brick, tile and terra cotta manufacturing.**
5. **Concrete products manufacturing.**
- 5.5 **Establishments for the curing, processing, packaging, packing, storage and shipping of agricultural products.** (Added by Ord. No. 2720, effective 8-5-86.)
6. **Feed lots for more than twenty-five (25) animals;** provided, however, that no use permit shall be required for any feed lot operation set forth as a permitted use under Paragraph 9 of Subsection B of this section.
7. **Fertilizer manufacturing.**
8. **Guest ranch or summer camp.**
9. **Hunting and fishing clubs and hunting and fishing** on a commercial basis for members of the public.
- 9.5 **Manufacture of irrigation pipe and accessory equipment** and agriculture machinery, equipment, implements and containers, including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least fifty percent (50%) of the manufactured products are sold directly to farmers. (Added by Ord. No. 2520, effective 2-24-83.)
10. **Mushroom growing.**
11. **Petroleum products;** manufacturing and wholesale storage.
12. **Potash works;** provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County.
13. **Quarry and stone mill;** provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County.
14. **Raising or slaughter of poultry** when more than three (3) birds for each 1,300 square feet in the entire property, or more than a total of 1,000 birds in all, are on the property at any time.
15. **Raising or slaughter of rabbits or other similar fur-bearing animals** when a total of more than 240 mature animals are on the property at any time.
16. **Residences or mobilehomes** in excess of those allowed under Paragraph 2 of Subsection B of this section, for use by the persons specified in said Paragraph 2 of Subsection B.
17. **Rock crusher and distribution of rock, sand and gravel.**
18. **Saw mill, shingle mill or box shook mill.**
19. **Sale of agricultural products and feed** for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under Subsection B of this section. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86.)
20. **Services to farmers or farm-related activities** in planting, harvesting, storage, hauling and equipment repair and maintenance.
21. **Sewage treatment plant and disposal area.**
22. **Slaughterhouse.**

23. **Similar uses** when determined in the manner prescribed in Section 15, Paragraph A USE, Subparagraph 1, item b.
24. **Divisions of land** as follows:
 - a. Divisions of land resulting in parcels containing less than one-hundred and sixty (160) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
 - b. Divisions of land resulting in parcels containing less than one-hundred and sixty (160) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.
 - c. Divisions of land resulting in parcels containing less than one-hundred and sixty (160) acres for the purpose of conveying property containing perennial agricultural crops such as fruit and nut trees and vines which have continuously existed on the property for less than five (5) years. No special use permit may be approved for such division of land unless it is found that a sufficient water supply for irrigation is available and that the land proposed to be divided is suitable for the commercial cultivation, growing and harvesting of said perennial agricultural crops. Any parcel created pursuant to this subparagraph shall be at least twenty (20) acres in size; provided, however, if that portion of the property containing said perennial agricultural crops is less than twenty (20) acres but greater than five (5) acres, the property containing said crops may be conveyed as a single unit. There may be more than one division of land pursuant to this subparagraph.
 - d. Divisions of land resulting in parcels containing less than one-hundred and sixty (160) acres for the purpose of conveying property for the development of perennial agricultural crops such as fruit and nut trees and vines. No special use permit may be approved for such division of land unless it is found that a sufficient water supply for irrigation is or will be available and that the land proposed to be divided is suitable for the commercial cultivation, growing and harvesting of the proposed perennial agricultural crops. Any parcel created pursuant to this subparagraph shall be at least twenty (20) acres in size. There may be more than one division of land pursuant to this subparagraph.
 - e. Divisions of land resulting in parcels containing less than one-hundred and sixty (160) acres for the purpose of financing on-site improvements other than a residence.

FENCES, WALLS AND HEDGES: E.

Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersection streets in which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the property and seventy (70) feet on a major street side of the property.

YARD REQUIREMENTS F.

1. **Front Yard:** The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by this Ordinance or by other ordinances of the County.

2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by this Ordinance or by other ordinances of the County.
3. Side Yards: The minimum side yards shall be ten (10) feet except along those streets and highways where a greater setback is required by this Ordinance or by other ordinances of the County.
4. Required yard areas may be used for grazing of animals and for growing of agricultural crops.

HEIGHT OF STRUCTURES: G.

Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other agricultural accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or take-off zone, or other restricted areas of an airport, established pursuant to Section 7-13-1000 - 7-13-1085 of the Ordinance Code of Tulare County.

DISTANCES BETWEEN STRUCTURES: H.

The minimum distance between two (2) structures used for human habitation shall be twenty (20) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral, or other structure housing livestock or poultry which is not on the same lot or parcel as the structure used for human habitation shall be one hundred (100) feet. When structures are in existence at the time that AF zoning is applied to the property which do not comply with the minimum distance set forth above, such structures may be structurally altered and additions made to such structures so long as the distance between the structures is not reduced.

SECTION 10.5: "TPZ" TIMBER PRESERVE ZONE

(Added by Ord. No. 2185, effective 11-30-78)

PURPOSE A.

The TPZ Zone is an exclusive zone for use in areas devoted to and used for growing and harvesting timber and for those uses which are compatible with and an integral part of timber management operations. The purpose of this zone is as follows:

1. To protect and preserve the forest resources and timberlands of the County for the production of timber, recreational opportunities, watershed protection and maintenance of fisheries and wildlife.
2. To protect and preserve the forest resources and timberlands of the County from encroachment of unrelated uses.
3. To replace the use of Williamson Act contracts on the date that TPZ zoning is applied to timberlands, in order to provide a tax structure conducive to growing and harvesting timber.
4. To implement the Z'bert-Warren-Keene-Collier Forest Taxation Reform Act of 1976, as amended (Sections 51100 et seq. of the Government Code), which is hereby incorporated herein by reference.

USE B.

No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:

1. **Growing and harvesting of timber and forest products.**
2. **Uses and facilities integrally related to the growing and harvesting of timber and forest products** including, but not limited to, roads, log landings and log storage areas, but not including processing facilities.
3. **Management for watershed** including management of all the natural resources of a watershed to protect, maintain, or improve water quality and yield.
4. **Management for fish and wildlife habitat** including the establishment of wildlife preserves.
5. **Forest fire lookout facilities.**
6. **The erection, construction, alteration, or maintenance of gas, electric, water, or community transmission facilities.**
7. **Grazing of sheep, goats, horses, mules, bovine animals and other similar domesticated quadrupeds, provided that no feed lot may be maintained.**
8. **Outdoor educational activities.**
9. **Directional signs not advertising a commercial product or place of business.**
10. **Temporary helicopter landing areas for craft engaged in logging operations.**

DIVISIONS OF LAND C.

TPZ zoned property may not be divided into parcels containing less than 160 acres except as provided in Section 51119.5 of the Government Code.

(NOTE: Section 51119.5 reads as follows: 51119.5 Parcels zoned as timberland preserve under this chapter may not be divided into parcels containing less than 160 acres unless the original

owner prepares a joint timber management plan prepared or approved as to content by a registered professional forester for the parcels to be created. The joint timber management plan shall provide for the management and harvesting of timber by the original and any subsequent owners, and shall be recorded with the county recorder as a deed restriction on all newly created parcels. Such deed restriction shall run with the land rather than with the owners, and shall remain in force for a period of not less than 10 years from the date division is approved by the board or council. Such division shall be approved only by a four-fifths vote of the full board or council, and only after recording of the deed restriction.)

USE PERMITS D.

The following uses shall be permitted in the TPZ Zone only if a Use Permit is approved subject to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance:

1. **Mineral and hydrocarbon discovery and mining**, but not including processing; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 2220, effective 3-29-79.)
2. **Energy resource development**, but not including construction and operation of power generating plants.
3. **Temporary logging camps or labor camps** established in conjunction with timber harvesting or planting operations.
4. **Single family dwellings and/or mobilehomes and normal accessory structures** for the owner or caretaker of the property when such dwellings are necessary for timber management operations.
5. **Non-intensive recreational activities**, including hunting and fishing clubs, equestrian establishments, public and private stables, hiking trails, campgrounds, and public and private parks.
6. **Temporary portable sawmills and temporary portable planing mills.**

YARD REQUIREMENTS E.

1. Front Yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
3. Side Yards: The minimum side yards shall be ten (10) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
4. Required yard areas may be used for the growing and harvesting of timber and forest products.

HEIGHT OF STRUCTURES F.

Not more than fifty (50) feet to the uppermost part of the roof except that accessory structures may exceed (50) feet in height provided they do not project into the landing or takeoff zone or other restricted areas of an airport established pursuant to Sections 7275-7292 of the Ordinance Code of Tulare County.

DISTANCE BETWEEN STRUCTURES G.

No requirements.

FENCES, WALLS, AND HEDGES H.

No requirements.

PROCEDURES I.

Regardless of the provisions of Sections 17 and 18 of this Ordinance and Section 65800 et seq. of the Government Code, all proceedings concerning this section shall be subject to the procedures set forth in Section 51100 et seq. of the Government Code as said sections may be amended from time to time.

FEES J.

Fees for processing TPZ zoning applications, special use permits and variances shall be the same as those set forth in Section 18 of this Ordinance.

SECTION 10.7: "RC" RESOURCE CONSERVATION ZONE

(Added by Ord. No. 2956, effective 4-11-91)

PURPOSE A.

The "RC" Zone is an exclusive zone to be applied to remote, largely undeveloped areas of Tulare County where it is desirable or necessary to manage and preserve existing natural resources. These areas are generally identified in the General Plan as "Resource Conservation". The purposes of this zone are as follows:

1. To minimize development in the remote areas of the County where services cannot be reasonably provided.
2. To protect and preserve the natural resources, including open space resources, of the County from encroachment of unrelated and incompatible uses.
3. To permit the utilization and management of natural resources which provide commodity values such as timber, extensive agriculture, mining and energy development.
4. To protect and preserve natural and cultural resources which provide amenity values, such as watershed, wildlife habitat, scenic vistas, and historical and archaeological sites.
5. To establish a minimum parcel size standard which is appropriate for remote mountain areas where emphasis will be placed on resource management and development opportunities will be limited.
6. To support and enhance the purposes of the Williamson Act for those properties which are subject to agricultural preserve contracts.
7. To implement land use controls and development standards which are necessary to achieve the goals and objectives for mountain lands as required by the General Plan.
8. To function as a holding zone in certain mountain areas which should be retained in resource management until such time as the General Plan is amended to provide for the conversion of such lands to other uses.

PERMITTED USES B.

No building or land shall be used, and no building shall be hereafter erected or structurally altered, except for the following uses:

1. One (1) **single-family dwelling**, manufactured home or mobilehome on each legal lot or parcel. Said dwelling shall only be occupied by an owner of the property and his/her family, a lessee of the property and his/her family, or by employees who work on the property.
2. In addition to the dwelling allowed under Paragraph 1. above, one (1) **additional dwelling** is permitted for each forty (40) acres in the legally created parcel. Any additional dwelling permitted by this paragraph shall only be occupied by an owner of the property and his/her family, a lessee of the property and his/her family, or by employees who work on the property.
3. **Accessory structures and uses incidental to the above allowed uses**, including but not limited to guest houses as defined in this Ordinance, garages, carports, storage tanks, windmills, storage buildings, garden structures, greenhouses, power generating facilities and their enclosures, and storage and use of petroleum products. The structures and uses listed herein are for personal, non-commercial use only, except as permitted in the home occupation provision of the Zoning Ordinance.

4. **Growing and harvesting of timber and forest products.**
5. **Temporary helicopter landing areas for craft engaged in timber harvesting and agricultural operations.**
6. **Uses and facilities integrally related to the growing and harvesting of timber and forest products** including, but not limited to, log landings and log storage areas, but not including lumber milling or processing facilities.
7. **The growing and harvesting of fruit and nut trees**, vines, vegetables, timber and trees grown for ornamental use, such as Christmas trees.
8. **The growing and harvesting of field crops**, grain and hay crops, and the growing of grass for pasture and grazing.
9. **Raising and slaughter of rabbits and other similar fur-bearing animals.** The maximum number of mature animals allowed on any parcel shall not exceed sixty (60), unless a Use Permit has been secured as required in Subsection C of this section. Any offspring of the animals allowed under this paragraph may remain on the property until they reach the normal age for weaning.
10. **Raising and slaughter of poultry** up to a maximum of three (3) birds for each thirteen-hundred (1,300) square feet in the entire property, and not to exceed a total of one hundred (100) birds in all, unless a Use Permit has been secured as required in Subsection C of this section.
11. **Grazing of sheep, goats, horses, mules, bovine animals and other similar domesticated quadrupeds**, provided that no feed lot may be maintained.
12. **Power generating facilities and their enclosures for personal**, non-commercial use only, except hydroelectric facilities.
13. **Fish farming operations** for the raising and harvesting of fish as a crop but not including fishing clubs or fishing for members of the general public on a commercial basis, unless a use permit has been secured as required under Subsection C of this section.
14. **Game preserve**, private or public, but not including hunting clubs or hunting for members of the general public on a commercial basis, unless a use permit has been secured as required under Subsection C of this section.
15. **Open space** uses including, but not limited to, scenic highway corridors, wildlife habitat areas or preserves, watershed areas, managed wetlands or submerged areas.
16. **Incidental and accessory structures and uses** necessary for activities as allowed in Subsections 7, 8, 9, 10 and 11 above, including, but not limited to, barns, stables, coops, and silos.
17. **Sale of agricultural products**, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes trees grown for ornamental use, such as Christmas trees.
18. **Signs** which pertain only to a permitted use on the property on which the sign is situated or which pertain to the sale, lease or rental of the property or a structure of personal property located on the property.
19. **Bed and Breakfast Home** with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99.)

20. **Family Day Care Home, small.** (Added by Ord. No. 3222, effective 4-22-99.)

SPECIAL USE PERMIT C.

Because of consideration of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a Use Permit is first secured pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance.

1. **A second dwelling** on a legal lot when the lot is less than forty (40) acres in area but more than ten (10) acres, and was of record at the time this zone became applicable to the property. Any additional dwelling permitted by this paragraph shall only be occupied by an owner of the property and his/her family, a lessee of the property and his/her family, or by employees who work on the property.
2. **Raising and slaughter of poultry** when more than 3 birds for each 1,300 sq. ft. in the entire property, or more than 100 birds in all, are on the property at any time.
3. **Raising and slaughter of rabbits or other fur-bearing animals** when a total of more than 60 mature animals are on the property at any time.
4. **An increase in lot density** beyond that which is allowed by this zone as set forth in Section B. of this section which would result from a division of land in conformance with the minimum parcel size regulations. Division of land proposed pursuant to this paragraph shall only be approved when it is found that special circumstances are applicable to the property including size, shape, topography, location, surroundings or ownership that can provide the basis for approving the division of land in spite of the fact that an increase in the density will result.
5. **Agricultural service establishments** primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers.
6. **Recreational uses**, including outdoor educational activities, and including public and private hunting and fishing clubs, equestrian establishments, guest ranches, public and private stables, campgrounds, summer camps and public and private parks.
7. **Mineral and hydrocarbon exploration and mining**; provided, however, that no use permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000, et seq., of the Ordinance Code of Tulare County.
8. **Power/energy generating facilities** not set forth in Subsection B. of this section, including hydroelectric facilities.
9. **Temporary logging camps or labor camps** established in conjunction with timber harvesting or planting operations.
10. **Rock crusher and distribution of rock, sand and gravel.**
11. **Temporary portable sawmills and temporary portable planing mills.**
12. **Public utilities transmission station.**
13. **Microwave relay station.**
14. Similar uses when determined in the manner prescribed in Section 15, Paragraph A. USE, Subparagraph 1., item b.
15. Those other uses as set forth in Part II (B) of Section 16 of this Ordinance as denoted by "RC" Zone in the respective listings.

DEVELOPMENT STANDARDS D.

Minimum parcel size:

1. Lot area: The minimum lot area shall be one hundred sixty (160) acres; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provision of this Section.
2. Height: The maximum building height shall be thirty-five (35) feet to the uppermost part of the roof except as provided in Section 15 of this Ordinance. Said maximum building height shall be measured at the average level between the highest and lowest points between that portion of the site being covered by the building to the uppermost part of the roof; provided, however, that this paragraph shall not be so interpreted as to prohibit the construction of a one (1) story building. Water tanks, silos, barns, antennas, and other accessory structures related to permitted uses may be constructed to a height not exceeding seventy-five (75) feet provided such structures do not project into the landing or takeoff zone, or other restricted areas, of an airport, established pursuant to Sections 7-13-1000 to 7-13-1085 of the Ordinance Code of Tulare County.
3. Front yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by this Ordinance or by other ordinances of the County.
4. Side yard: The minimum side yard shall be ten (10) feet except where a greater setback is required by this Ordinance or by other ordinances of the County.
5. Rear yard: The minimum rear yard shall be twenty-five (25) feet except where a greater setback is required by this Ordinance or by other ordinances of the County.
6. Required yard areas may be used for grazing of animals, growing of agricultural crops, and the growing and harvesting of timber and forest products.
7. Setbacks for watercourses: All new structures, except fences, shall be set back a minimum of twenty-five (25) feet from any watercourse. However, where a more restrictive setback related to flooding conditions is established by other state or local regulations, the more restrictive setback shall apply.
8. Fences: Where required by applicable General Plan, site perimeter fencing shall be constructed in such a way as to allow passage of deer.* The following minimum standard shall be required: Either the lowest fence rail or barbless wire strand shall be no lower than eighteen (18) inches from the ground; or, the highest fence rail or barbless wire strand shall be no higher than forty-two (42) inches from the ground. This paragraph shall not apply to the maintenance of existing fences. This standard shall also not be applicable to fences being erected around homesites and areas where fruit trees, vines or vegetables are grown and harvested.
(*NOTE: Deer passage fencing standards are presently required in the Mountain Plan for the Kennedy Meadows subarea.)
9. Generators and generator sheds: Where required by applicable General Plan, electric generators shall be equipped with appropriate muffling devices and shall be housed or enclosed in a sound attenuating structure, except for emergency purposes only.
10. Grading Standards:
 - a. All disturbed slopes shall be graded so that they are contoured to harmonize and blend with the natural slopes remaining on the site and surrounding the development site.

- b. The slope of exposed cuts and fills shall meet the standards established in the Improvement Standards of Tulare County as adopted pursuant to Section 7-01-2025 of the Ordinance Code of Tulare County and as said improvement standards are amended from time to time.
 - c. Where cut or fill slopes intersect, the area of intersection shall be graded and shaped to closely resemble natural topography. This requirement is not applicable to cut or fill slopes composed entirely of rock material.
 - d. All lots and parcels shall be designed in a manner that minimizes future grading or land disturbance.
11. Sediment, Drainage and Erosion Control Standards:
- a. Fill slopes shall not extend into natural watercourses or constructed channels. Excavated materials shall not be stored in watercourses.
 - b. Immediately following completion of grading or excavation activities, temporary mulching, seeding or other suitable stabilization methods shall be undertaken to protect exposed critical areas.
 - c. Any denuded or exposed slopes caused by construction activities shall be planted with native plant materials or any similar climatically adapted vegetation which are determined suitable for protecting exposed slopes from erosion.
12. Fire Prevention Standards:
- a. A thirty (30) foot clearance of flammable vegetation shall be provided and maintained around all new structures.
 - b. Class A fire retardant roofing materials, as established in the Uniform Building Code, shall be provided on all new buildings.
 - c. Attic vent screens of corrosion-resistant wire mesh, with a mesh size of 1/4 inch, shall be provided for all vent openings. Chimney openings shall be equipped with a corrosion-resistant wire mesh screen with a mesh size of 1/2 inch. These provisions are applicable to all new buildings.
 - d. House numbers shall be provided in conjunction with the establishment of all new dwelling units in those areas where a house numbering plan is available from the County. The house numbers shall be a minimum of three (3) inches high, with a one-half (1/2) inch line width, and a reflective color that contrasts sharply with the background. The numbers shall be placed so that they are clearly visible from an adjacent public roadway. If the dwelling is to be located more than one-hundred (100) feet from the public roadway, the house numbers shall be displayed upon a non-flammable sign and post to be provided at the intersection of the driveway and the public road.

DIVISIONS OF LAND E.

All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after RC zoning is applied to such property, except in compliance with this subsection. No such land may be divided for the purpose if any one (1) parcel resulting from the division of land contains less than one-hundred and sixty (160) acres; provided, however, that the transactions set forth in Subsections D.2 and D.3 of Section 15 of this Ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than one-hundred and sixty (160) acres at the time RC zoning was applied to the property, the entire property may be sold as a single unit. Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Section 7-01-1000 to 7-01-2855 of the Ordinance Code of Tulare County.

SECTION 11: “C-1” NEIGHBORHOOD COMMERCIAL ZONE

(Revised and reorganized by Ord. No. 2714, effective 7-17-86)

The following regulations shall apply in the “C-1” Neighborhood Commercial Zone unless otherwise provided in this Ordinance.

PURPOSE A.

The Neighborhood Commercial Zone is intended for retail stores and personal service businesses which are appropriately located in close proximity to residential areas, while minimizing the undesirable impact of such uses in the neighborhoods which they serve. (Revised by Ord. No. 2714, effective 7-17-86.)

USE B.

No building or land shall be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses (Re-designated from Subsection A to Subsection B by Ord. No. 2714, effective 7-17-86):

1. Any use permitted in the “R-3” Multiple Family Zone.
2. Neighborhood commercial establishments as follows:
 - **Apparel stores.**
 - **Bakery** [employing not more than five (5) persons on premises].
 - **Banks and financial institutions.** (Added by Ord. No. 2714, effective 7-17-86.)
 - **Barber shop or beauty parlor.**
 - **Book or stationary store.**
 - **Clothes cleaning and pressing establishment** which provides retail services only and uses only non-flammable and non-explosive cleaning fluids. (Amended by Ord. No. 2714, effective 7-17-86.)
 - **Confectionery store.**
 - **Christmas tree sales** lots as a temporary use. (Added by Ord. No. 2714, effective 7-17-86.)
 - **Dairy products store.** (Added by Ord. No. 2714, effective 7-17-86.)
 - **Dressmaking or millinery shop.**
 - **Drug store or pharmacy.** (Amended by Ord. No. 2714, effective 7-17-86.)
 - **Dry goods or notions store.**
 - **Florist shop.**
 - **Gasoline filling station** (excluding super-service station). (Amended by Ord. No. 2714, effective 7-17-86.)
 - **Grocery store, fruit store or supermarket.** (Amended by Ord. No. 2714, effective 7-17-86.)
 - **Hardware store.**
 - **Jewelry store**, including clock and watch repair. (Amended by Ord. No. 2714, effective 7-17-86.)
 - **Laundry, coin operated machines only.** (Amended by Ord. No. 2714, effective 7-17-86.)

- **Liquor store.** (Added by Ord. No. 2714, effective 7-17-86.)
 - **Meat market or delicatessen store.**
 - **Office, business or professional.**
 - **Photo processing pick-up and delivery outlets.** (Added by Ord. No. 2714, effective 7-17-86.)
 - **Post office.** (Added by Ord. No. 2714, effective 7-17-86.)
 - **Repairing and altering of wearing apparel.** (Amended by Ord. No. 2714, effective 7-17-86.)
 - **Restaurant, tea room or cafe** (excluding dancing or entertainment).
 - **Shoe repair shop.**
 - **Shoe store.**
 - **Small appliance sales and service.** (Added by Ord. No. 2714, effective 7-17-86.)
 - **Sporting goods store.** (Added by Ord. No. 2714, effective 7-17-86.)
 - **Video machine and tape sales/rental.** (Added by Ord. No. 2714, effective 7-17-86.)
3. Similar uses when determined in the manner prescribed in Section 15, Subsection A, USE, paragraph 1, subparagraph b, (added by Ord. No. 2714, effective 7-17-86):
Antique store containing less than one thousand (1,000) square feet of floor area. (Planning Commission Resolution No. 6765, confirmed by Board of Supervisors, 9-11-90)
 4. **Accessory buildings and uses** customarily incidental to any of the above uses when located on the same lot. (Renumbered from paragraph A20 by Ord. No. 2714, effective 7-17-86.)
 5. On-site outdoor advertising display **signs** in conformance with this Section and Section 15. (Added by Ord. No. 2714, effective 7-17-86)
 6. **Public parking areas** for the exclusive use of the patrons of the stores, shops or businesses in the immediate commercial zone when located and developed as required in Section 15. (Renumbered from paragraph A22 by Ord. No. 2714, effective 7-17-86.)

USES REQUIRING A SPECIAL USE PERMIT C.

Refer to Section 16, Part II B. (Revised by Ord. No. 2714, effective 7-17-86.)

DEVELOPMENT STANDARDS D.

1. Use Conditions: The retail stores and businesses described in Subsection B shall sell new merchandise only and be subject to the following conditions (renumbered from Subsection A and amended by Ord. No. 2714, effective 7-17-86):
 - a. All business, services, and processes, except filling stations, outdoor dining areas, and Christmas tree lots, shall be conducted entirely within a building.
 - b. Products made incident to a permitted use shall be sold at retail on the premises.
 - c. All public entrances to such stores, shops or businesses shall be from the principal street upon which the property abuts or within fifty (50) feet thereof, except that a rear entrance from the building to a public parking area may be provided.
 - d. (Repealed by Ord. No. 2714, effective 7-17-86.)
 - e. (Repealed by Ord. No. 2714, effective 7-17-86.)
2. Height: No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet. (Renumbered from Subsection B by Ord. No.

- 2714, effective 7-17-86.)
3. Front Yard: There shall be a front yard of not less than ten (10) percent of the depth of the lot, provided such front yard need not exceed fifteen (15) feet. However, buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the front yard requirements of the “R-3” Zone. (Renumbered from Subsection C by Ord. No. 2714, effective 7-17-86.)
 4. Side Yard: Where a lot abuts upon the side of a lot in any “R” Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a side yard of not less than five (5) feet. Where a reversed corner lot rears upon a lot in any “R” Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for commercial buildings shall not be required. However, buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the side yard requirements of the “R-3” Zone. (Renumbered from Subsection D by Ord. No. 2714, effective 7-17-86.)
 5. Rear Yard: There shall be a rear yard having a depth of not less than fifteen (15) feet. However, buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the rear yard requirements of the “R-3” Zone. (Renumbered from Subsection E by Ord. No. 2714, effective 7-17-86.)
 6. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section. (Added by Ord. No. 2714, effective 7-17-86.)
 7. Parking and Loading: Off-street parking and loading space shall be required in conformance with Section 15. (Renumbered from paragraphs A.21 and A.23 and amended by Ord. No. 2714, effective 7-17-86.)
 8. Outdoor Advertising Display Signs: Any outdoor advertising display signs shall be attached to and be parallel with the wall of the building fronting the principal street or, in the case of a corner building, on that portion of the side street wall within fifty (50) feet of the principal street and shall pertain only to the use conducted within the building. (Renumbered from paragraph A.d to paragraph D.8 and amended by Ord. No. 2714, effective 7-17-86.)
 9. Fences, Walls and Screening: Where the side or rear lot line of a site adjoins or is located across an alley from any “R” Zone (R-A, R-O, R-1, R-2 or R-3), there shall be a solid wall, fence or equivalent landscaping screening at least six (6) feet in height located along the common lot line, except in a required front or side yard. Fulfillment of the requirements of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable building and zoning regulations and which were existing in the C-1 Zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of the property is approved by the County. (Added by Ord. No. 2714, effective 7-17-86.)
 - E. (Rescinded by Ord. No. 2714, effective 7-17-86.)
 - F. (Rescinded by Ord. No. 2714, effective 7-17-86.)

SECTION 12: “C-2” GENERAL COMMERCIAL ZONE

(Revised and reorganized by Ord. No. 2714, effective 7-17-86)

The following regulations shall apply in the “C-2” General Commercial Zone unless otherwise provided in this Ordinance.

PURPOSE A.

The General Commercial Zone is intended for retail stores and businesses which do not involve the manufacture, assembling, packaging, treatment or processing of articles of merchandise for distribution and retail sale. (Revised by Ord. No. 2714, effective 7-17-86.)

USE B.

No building or land shall be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses (Re-designated from Subsection A to Subsection B by Ord. No. 2714, effective 7-17-86):

1. Any use permitted in the “C-1” Neighborhood Commercial Zone. (Renumbered from Paragraph A.1 to Paragraph B.1 by Ord. No. 2714, effective 7-17-86)
2. Retail stores, businesses, or services, as follows: (NOTE: Prior to the effective date of Ord. No. 2714, the C-2 Zone did not contain an extensive use list. Instead, the C-2 Zone permitted all “Retail stores and businesses not involving any kind of manufacturing, processing, or treatment of products” except certain incidental activities subject to the stipulation which now appear in Paragraph D.1. Therefore, a number of the uses in the following list were considered to have been allowed in the C-2 Zone under the forgoing provision even though they were not specifically identified until the adoption of Ord. No. 2714.)
 - **Antique and art store***
 - **Arcades, including video****
 - **Automated car wash** (coin operated only)**
 - **Automobile supply stores****
 - **Automobile storage garage** (including repair and servicing)*
 - **Automotive sales, lease and rental**, provided (a) that no repair or reconditioning of automobiles shall be permitted except when enclosed in a building, and (b) the outdoor parking or display area is located and developed as required in Section 15*
 - **Bakery goods store****
 - **Bath House, public ***
 - **Batting cage if completely enclosed****
 - **Bicycle shops****
 - **Billiard or Pool hall**
 - **Bird store or pet shop**
 - **Blueprinting and Photostatting shops***
 - **Business and professional schools and colleges***
 - **Card room****
 - **Catering Shops****
 - **Ceramic shops****

- **Clothing and costume rental****
- **Conservatory of Music**
- **Department store**
- **Electric appliance stores and repairs**
- **Electric distributing substation**
- **Fast food restaurant****
- **Frozen food locker plants** (excluding wholesale processing or cold storage)
- **Funeral parlor or mortuary***
- **Furniture store**
- **Furniture warehouses** for storing personal household goods, provided ground floor front is devoted to stores
- **Gift, novelty or souvenir****
- **Glass shop**, retail, excluding major service activities**
- **Hobby and art supply store****
- **Household appliance stores****
- **Ice storage house** of not more than five (5) ton capacity
- **Interior decorating store**
- **Leather goods and luggage stores****
- **Locksmiths****
- **Massage or physiotherapy establishment****
- **Medical laboratory**
- **Medical and orthopedic appliance stores****
- **Motels**
- **Music or vocal instruction**
- **Music store**
- **Newsstand**
- **Newspaper plant**
- **New tire sales and service****
- **Nursery, flower or plants and garden supply stores***
- **Offices****
- **Opticians and optometrists shops****
- **Paint and wallpaper stores****
- **Pet shops****
- **Photographic supply stores****
- **Picture framing shops****
- **Plumbing fixtures for retail sales****
- **Printing, lithography, engraving****
- **Private club, fraternity, sorority and lodge** whose chief activity is a service customarily carried on as a business (Added by Ord. 703, effective 8-27-59; relocated from Paragraph A.32a. by Ord. 2714, effective 7-17-86)
- **Radio and television stores***
- **Retail office equipment sales****
- **Satellite antenna sales****
- **Scientific instrument stores****
- **Secondhand stores, pawn shops and thrift shops****

- **Soda fountains****
- **Stamp and coin stores****
- **Studios** (except motion picture)
- **Super service station**
- **Taxidermist**
- **Telegraph offices****
- **Telephone exchange**
- **Tinsmith**
- **Tire sales** (no retreading or recapping)**
- **Tobacco and cigar stores****
- **Toy store****
- **Travel agencies****
- **Variety store****
- **Watch and clock repair shop****
- **Wedding chapel**

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

3. Similar uses when determined in the manner prescribed in Section 15, Subsection A, USE, paragraph 1, subparagraph b. (Added by Ord. No. 2714, effective 7-17-86):
4. **Accessory buildings and uses** including warehousing, customarily incident to any of the above uses when located on the same lot. (Renumbered from Paragraph A.46 and amended by Ord. No. 2714, effective 7-17-86)
5. **Incidental manufacturing**, processing and treatment of products in conformance with Subsection D, Paragraph 1. (Added by Ord. No. 2714, effective 7-17-86)
6. Outdoor advertising display **signs**, including off-site signs in conformance with this Section and Section 15. (Renumbered from Paragraph A.3 and amended by Ord. No. 2714, effective 7-17-86.)
7. **Public parking** area when located and developed as required in Section 15. (Renumbered from paragraph A.33 by Ord. No. 2714, effective 7-17-86.)
8. **Mobilehome** for use by caretaker or night watchman of a commercial use when located on the same lot or parcel as the commercial use or a lot contiguous to the lot on which the commercial use is located. (Added by Ord. No. 2299, effective 1-17-80; renumbered from Paragraph A.26.5 by Ord. No. 2714, effective 7-17-86)
9. **Jail or correctional institution** in conformance with the Public Buildings Element of the Tulare County General Plan. (Added by Ord. No. 2430, effective 8-28-81; renumbered from Paragraph A.25.5 by Ord. No. 2714, effective 7-17-86)

USES REQUIRING A SPECIAL USE PERMIT C.

Because of considerations of noise, fumes, dust, odors, and other hazards, the following uses shall be permitted in the C-2 Zone only if a special use permit has been approved in the manner provided in Section 16, Part II.B.

1. Retail stores, businesses or services as follows:
 - **Feed and seed stores**, when the business is in conjunction with any use permitted

in Paragraph 1, Subsection B of this Section.

2. Similar uses when determined in the manner prescribed in Section 15, Subsection A, USE, Paragraph 1, Subparagraph b.

Additional uses which are permitted in the "C-2 Zone" only if a Special Use Permit has been approved are set forth in Section 16, II.B. (Amended by Ord. No. 2714, effective 7-17-86; amended by Ord. No. 2878, effective 7-20-89)

DEVELOPMENT STANDARDS D.

1. Use Conditions: Manufacturing, processing and treatment of products which is clearly incidental to the retail business conducted on the premises is permitted provided that no more than five (5) persons are employed in the manufacture, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes, and provided also that unless otherwise permitted all such uses be conducted inside of a building. (Renumbered from Paragraph A.2 and amended by Ord. No. 2714, effective 7-17-86)
2. Height: No building hereafter erected or structurally altered shall exceed six (6) stories or seventy-five (75) feet to uppermost part of roof. (Renumbered from Section B by Ord. No. 2714, effective 7-17-86)
3. Front Yard: There shall be a front yard of not less than ten (10) percent of the depth of the lot provided such front yard need not exceed ten (10) feet, and further provided that buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the front yard requirements of the "R-3" Zone. However, where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. (Added by Ord. No. 2714, effective 7-17-86)
4. Side Yard: Where a lot abuts upon the side of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a side yard of not less than five (5) feet. Where a reversed corner lot rears upon a lot in any "R" Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for commercial buildings shall not be required. However, buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the side yard requirements of the "R-3" Zone. (Added by Ord. No. 2714, effective 7-17-86.)
5. Rear Yard: Where a lot abuts upon the rear of a lot in any "R" Zone (R-A, R-O, R-1, R-2, and R-3), there shall be a rear yard of not less than fifteen (15) feet. In all other cases, a rear yard for a commercial building shall not be required. However, buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the rear yard requirements of the "R-3" Zone. (Added by Ord. No. 2714, effective 7-17-86.)
6. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section. (Added by Ord. No. 2714,

- effective 7-17-86.)
7. Parking and Loading: Off-street parking and loading space shall be required in conformance with Section 15. (Renumbered from paragraphs A.47 and A.48 and amended by Ord. No. 2714, effective 7-17-86.)
 8. Outdoor Advertising Display Signs: No requirements. (Added by Ord. No. 2714, effective 7-17-86.)
 9. Fences, Walls and Screening: Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone (R-A, R-O, R-1, R-2 or R-3), there shall be a solid wall, fence or equivalent landscaping screening at least six (6) feet in height located along the common lot line, except in a required front or side yard. Fulfillment of the requirements of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable building and zoning regulations and which were existing in the C-2 Zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of the property is approved by the County. (Added by Ord. No. 2714, effective 7-17-86.)
- E. (Rescinded by Ord. No. 2714, effective 7-17-86.)
- F. (Rescinded by Ord. No. 2714, effective 7-17-86.)

SECTION 12.5: “C-3” SERVICE COMMERCIAL ZONE

(Added by Ord. 2714, effective 7-17-86)

The following provisions shall apply in the “C-3” Service Commercial Zone unless otherwise provided in this ordinance:

PURPOSE A.

The Service Commercial Zone is intended for wholesale establishments and establishments engaged in repairing and servicing equipment, materials and products, but which do not involve the manufacturing, assembling, packaging or processing of articles of merchandise for distribution and retail sales.

USE B.

No building or land may be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses:

1. Any use permitted in the “C-2” General Commercial Zone.
2. Service Commercial establishments as follows:
 - **Automobile body and fender repair**
 - **Automobile repairing, overhauling, rebuilding and painting**
 - **Automobile and tractor parts and equipment stores**
 - **Automobile upholstery and top shops**
 - **Automobile washing, including the use of mechanical conveyors, blowers and steam cleaning**
 - **Bakeries (retail and wholesale)**
 - **Blacksmith shops**
 - **Boat sales and service**
 - **Book binding**
 - **Bottling works**
 - **Building materials yards**
 - **Bus depots and transit stations (including repair or storage)**
 - **Business, professional and trade schools and colleges**
 - **Cabinet shops**
 - **Carpenters’ shops**
 - **Cleaning and dyeing establishments**
 - **Cold storage plants**
 - **Contractors’ storage yard**
 - **Diaper supply services**
 - **Electrical repair shops**
 - **Equipment rental yards**
 - **Exterminators**
 - **Feed and seed stores**
 - **Firewood sales yard**
 - **Food lockers and services (including wholesale processing or cold storage)**
 - **Freight forwarding terminals and yards**
 - **Furniture warehouses and van services**
 - **Gas regulator stations**

- **Glass shops**
- **Gunsmith shops**
- **Heating and ventilating or air-conditioning shops**, including incidental sheet metal
- **Household and office equipment and machinery repair shops**
- **Ice storage or sale houses**
- **Laboratories**
- **Laundries**
- **Linen supply services**
- **Lumber yards, not including planing mills or saw mills**, bulk sand, gravel or cement
- **Machine shops**
- **Machinery sales and rentals**
- **Machinery repair shops**
- **Mattress repair shops**
- **Mini-warehouses**
- **Motorcycle sales and service**
- **Musical instrument repair shops**
- **Packing and crating**
- **Paint mixing, not including a boiling process**
- **Parcel delivery services**
- **Photographic and blueprint processing and printing**
- **Photographic developing and printing**
- **Plumbing shops**
- **Poultry and rabbit butcher shops** for retail sales on the premises (including live storage), provided that such uses shall not be established closer than five hundred (500) feet to any then existing "R" Zone (R-A, R-O, R-1, R-2 and R-3)
- **Pressing establishments**
- **Radio and television broadcasting studios**
- **Radio and television repair shops**
- **Railroad rights-of-way and freight and passenger stations**
- **Refrigeration equipment sales and service**
- **Repair garages**
- **Rug and carpet cleaning and dyeing**
- **Safe and vault repairing**
- **Sheet metal shops**
- **Sign painting shops**
- **Stone and monument yards or mills**
- **Storage yards for commercial vehicles**
- **Super service stations**, including dispensing of diesel fuel and complete truck service
- **Taxidermists**
- **Tire sales, retreading, and recapping**
- **Tool or cutlery sharpening or grinding**
- **Trailer and recreation vehicle sales, service and rentals**
- **Trucking terminals, repairing and overhauling**

- **Typewriter repair shops**
 - **Upholstery shops**
 - **Warehouses** except for the storage of fuel or flammable liquids and explosives
 - **Welding and blacksmithing shops**, except drop hammer
 - **Wholesale establishments**
3. Similar uses when determined in the manner prescribed in Section 15, Subsection A USE, paragraph 1, subparagraph b.
 4. **Accessory buildings and uses** customarily incidental to any of the above uses when located on the same lot.
 5. Outdoor advertising display **signs**, including off-site signs, in conformance with this Section and Section 15.
 6. **Mobilehome or recreation vehicle** for use by caretaker or night watchman of a commercial use when located on the same lot or parcel as the commercial use or a lot contiguous to the lot on which the commercial use is located.

USES REQUIRING A SPECIAL USE PERMIT C.

Refer to Section 16, Part II B.

DEVELOPMENT STANDARDS D.

1. Use Conditions: No building or portion thereof shall be erected, structurally altered, converted or used for any use permitted in the "R-3" Zone.
2. Height: No building or structure hereafter erected or structurally altered shall exceed six (6) stories or seventy-five (75) feet to uppermost part of roof.
3. Front Yard: There shall be a front yard of not less than ten (10) percent of the depth of the lot, provided such front yard need not exceed ten (10) feet, except, where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.
4. Side Yard: Where a lot abuts upon the side of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a side yard of not less than five (5) feet. Where a reversed corner lot rears upon a lot in any "R" Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for commercial buildings shall not be required.
5. Rear Yard: Where a lot abuts upon the rear of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a rear yard of not less than fifteen (15) feet. In all other cases, a rear yard for a commercial building shall not be required.
6. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that when a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section.
7. Parking and Loading: Off-street parking and loading space shall be required in conformance with Section 15.
8. Outdoor Advertising Display Signs: No requirements.
9. Fences, Walls and Screening: Where the side or rear lot line of a site adjoins or is located

across an alley from any “R” Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a solid wall, fence or equivalent landscaping screening at least six (6) feet in height located along the common lot line, except in a required front or side yard. Open storage of materials and equipment shall be permitted only within an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence or hedge. Fulfillment of the requirements of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable building and zoning regulations and which were existing in a commercial or manufacturing zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of the property is approved by the County.

SECTION 13: "M-1" LIGHT MANUFACTURING ZONE

(Revised and reorganized by Ord. No. 2714, effective 7-17-86)

The following regulations shall apply in the "M-1" Light Manufacturing Zone unless otherwise provided in this Ordinance.

PURPOSE A.

The Light Manufacturing Zone is intended for establishments engaged in the manufacturing, assembling, packaging, treatment and processing of products other than those which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise or other similar causes. (Revised by Ord. No. 2714, effective 7-17-86.)

USE B.

No building or land shall be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses (re-designated from Subsection A to Subsection B by Ord. No. 2714, effective 7-17-86):

1. Any use permitted in the "C-3" Zone. (Renumbered from Paragraph A.1 and amended by Ord. No. 2714, effective 7-17-86.)
2. Light manufacturing establishments as follows: (NOTE: Prior to the effective date of Ord. No. 2714, the M-1 Zone contained a paragraph which permitted "any kind of manufacture, processing or treatment of products other than those which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise or similar causes." Therefore, a number of the uses described in the following list were considered to have been allowed in the M-1 Zone under the foregoing provision even though they were not specifically identified until the adoption of Ordinance No. 2714.)
 - **Assembly of typewriters, business machines, computers, and similar mechanical equipment****
 - **Assembly of electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, refrigerators, washing machines, dryers, dishwashers and similar home appliances****
 - **Assembly of small electrical equipment** such as home and television receivers**
 - **Assembly of aircraft, automobiles and boats***
 - **Automobile dismantling** and used parts storage when operated or maintained wholly within a building*
 - **Compounding and packaging of cosmetics, perfumes, drugs, pharmaceuticals and toiletries**, including soap manufacture using a cold mix process*
 - **Food processing, packaging, canning and storage**, including dairy products, fruits, nuts, vegetables, blended foods, candies, non-alcoholic beverages, preserves, bakery goods and frozen foods; but excluding dehydrating of aromatic vegetables and spices, olive processing, vinegar manufacturing by fermentation, pickle manufacturing, sauerkraut manufacturing, livestock feed manufacturing and processing, fertilizer manufacturing, butchering, slaughtering, eviscerating, skinning and fat rendering*
 - **Manufacture of scientific**, medical, dental and drafting instruments, orthopedic and medical appliances, cameras and photographic equipment except film, electronic

- equipment, musical instruments, precision instruments, optical goods, watches and clocks**
- **Manufacture of ceramic products**, such as pottery, figurines and small glazed tile**
 - **Manufacture and assembly of electrical supplies** such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly**
 - **Manufacture and assembling of jewelry, watches, clocks, precision instruments, bottles and other glass products** which are made from previously prepared materials**
 - **Manufacture of leather goods, paper products, pens, pencils and artist supplies** when such goods, products and supplies are made from previously prepared materials**
 - **Manufacture of cutlery, hardware, hand tools and furniture; metal stamping and extrusion of small products** such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils**
 - **Manufacturing, assembling, compounding, packaging and processing of articles or merchandise** from the following previously prepared materials; asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber and synthetic fiber, fur, glass, hair, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shell, straw, textiles, tobacco and wood**
 - **Manufacturing of containers** from previously prepared materials when such process does not include enameling, lacquering, rubber coating or electric plating**
 - **Manufacture and maintenance of electric and neon signs, billboards and commercial advertising structures***
 - **Motion picture studio**
 - **Prefabricated buildings and mobilehome manufacture****
 - **Public utility structure***
 - **Public Works maintenance facilities***
 - **Textile manufacture**
 - **Transfer facilities** limited to assemblage and temporary storage of glass, metal and plastic beverage containers collected at recycling collection centers for transport to other sites for recycling, processing, manufacture or treatment. (Added by Ord. No. 2901, effective 11-2-89.)
 - **Wholesale meat cutting, canning and packing**, provided there shall be no bovine or other large animal slaughtering, fat rendering or smoke curing*
3. Similar uses when determined in the manner prescribed in Section 15, Subsection A USE, Paragraph 1, Subparagraph b. (Added by Ord. No. 2714, effective 7-17-86.)
 4. **Accessory buildings and uses** customarily incident to any of the above uses when located on the same lot. (Renumbered from Paragraph A.44 by Ord. No. 2714, effective 7-17-86.)
 5. Outdoor advertising display **signs**, including off-site signs, in conformance with this Section and Section 15. (Added by Ord. No. 2714, effective 7-17-86.)
 6. **Mobilehome or recreation vehicle** for use by caretaker or night watchman of a manufacturing use when located on the same lot or parcel as the manufacturing use or a lot contiguous to the lot on which the manufacturing use is located. (Added by Ord.

No. 2299, effective 1-17-80; renumbered from Paragraph A.30.5 and amended by Ord. No. 2714, effective 7-17-86.)

7. Agricultural uses as follows:

- **Growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber,** and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock. (Added by Ord. No. 1195, effective 2-22-68; renumbered from Paragraph A.45 by Ord. No. 2714, effective 7-17-86.)
- **The raising of poultry** up to a maximum of three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, and not to exceed a total of one hundred (100) birds in all, unless a Use Permit has been secured as required under Subsection C of this Section. (Added by Ord. No. 1195 effective 2-22-68; renumbered from Paragraph A.46 and amended by Ord. No. 2714, effective 7-17-86.)
- **The raising of rabbits and other similar fur-bearing animals.** The maximum number of mature animals allowed on any parcel shall not exceed sixty (60) unless a Use Permit has been secured as required under Subsection C of this Section.
- **Any offspring of the animals allowed under this paragraph may remain on the property until they reach the normal age for weaning.** (Added by Ord. No. 1195, effective 2-22-68; renumbered from Paragraph A.46 and amended by Ord. No. 2714, effective 7-17-86.)
- **The raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds.** The total number of such animals shall not exceed two (2) mature animals for each acre in the entire property, and not exceed a total of twenty-five (25) animals in all. Any offspring of the animals allowed under this paragraph may remain until they reach the normal age for weaning. (Added by Ord. No. 1195, effective 2-22-68; renumbered from Paragraph A.47 and amended. No. 2714, effective 7-17-86.)

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

USES REQUIRING A SPECIAL USE PERMIT C.

Because of the consideration of smoke, fumes, dust, odor, vibrations and other hazards, the following uses shall be permitted in the "M-1" Zone only if a Special Use Permit has been approved in the manner provided in Section 16, Part II B. (Subsection C revised by Ord. No. 2714, effective 7-17-86.)

1. Manufacturing and industrial uses as follows (added by Ord. No. 2714, effective 7-17-86, amended by Ord. No. 3182, effective 4-24-97):
 - **Concrete and concrete products manufacture**
 - **Battery manufacture**
 - **Planing mills**
 - **Poultry and rabbit slaughter**
 - **Asphalt manufacture or refining**

2. Similar uses when determined in the manner prescribed in Section 15, Subsection A, USE, Paragraph 1, Subparagraph b. (Added by Ord. No. 2714, effective 7-17-86.)
3. **Additional uses** which are permitted in the "M-1" Zone only if a Special Use Permit has been approved as set forth in Section 16, Part II. B. (Added by Ord. No. 2714, effective 7-17-86.)

DEVELOPMENT STANDARDS D.

1. Use conditions: No building or portion thereof shall be erected, structurally altered, converted or used for any use permitted in the "R-3" Zone. (Renumbered from Subsection A and amended by Ord. No. 2714, effective 7-17-86.)
2. Height: No building or structure hereafter erected or structurally altered shall exceed six (6) stories or seventy-five (75) feet to uppermost part of roof. (Renumbered from Subsection B and amended by Ord. No. 2714, effective 7-17-86.)
3. Front yard: There shall be a front yard of not less than ten (10) percent of the depth of the lot, provided such front yard need not exceed ten (10) feet, except, where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. (Added by Ord. No. 2714, effective 7-17-86.)
4. Side yard: Where a lot abuts upon the side of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a side yard of not less than five (5) feet. Where a reversed corner lot rears upon a lot in any "R" Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for a commercial building shall not be required. (Added by Ord. No. 2714, effective 7-17-86.)
5. Rear yard: Where a lot abuts upon the rear of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a rear yard of not less than fifteen (15) feet. In all other cases, a rear yard for a commercial building shall not be required. (Added by Ord. No. 2714, effective 7-17-86.)
6. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section. (Added by Ord. No. 2714, effective 7-17-86.)
7. Parking and loading: Off-street parking and loading space shall be required in conformance with Section 15. (Renumbered from Paragraph A.45 and A.46 and amended by Ord. No. 2714, effective 7-17-86.)
8. Outdoor advertising display signs: No requirements. (Added by Ord. No. 2714, effective 7-17-86.)
9. Fences, walls and screening: Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone (R-1, R-A, R-O, R-2 or R-3) there shall be a solid wall, fence or equivalent landscape screening at least six (6) feet in height located along the common lot line, except in a required front or side yard. Open storage of materials and equipment shall be permitted only with an area surrounded and screened by a solid wall

or fence or compact evergreen hedge (with solid gates where necessary), and not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence or hedge. Fulfillment of the requirements of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable building and zoning regulations and which were existing in the M-1 Zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of the property is approved by the County. (Added by Ord. No. 2714, effective 7-17-86.)

E. (Rescinded by Ord. No. 2714, effective 7-17-86.)

F. (Rescinded by Ord. No. 2714, effective 7-17-86.)

SECTION 14: "M-2" HEAVY MANUFACTURING ZONE

(Revised and reorganized by Ord. No. 2714, effective 7-17-86.)

The following regulations shall apply in the "M-2" Heavy Manufacturing Zone unless otherwise provided in this Ordinance:

PURPOSE A.

The Heavy Manufacturing Zone is intended for manufacturing establishments and industries which may be obnoxious by reason of emission of odor, dust, smoke, gas, noise or similar causes and therefore require isolation from many other kinds of land use. (Revised by Ord. No. 2714, effective 7-17-86.)

PERMITTED USES B.

No building or land shall be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses (re-designated from Subsection A and amended by Ord. No. 2714, effective 7-17-86):

1. Any use permitted in the "M-1" Zone. (Renumbered from Paragraph A.1 by Ord. No. 2714, effective 7-17-86.)
2. Heavy manufacturing and industrial uses as follows (added by Ord. No. 2714, effective 7-17-86):
 - **Acetylene gas manufacture or storage**
 - **Aircraft factory****
 - **Alcohol manufacture**
 - **Automobile, truck and trailer accessories and parts manufacture****
 - **Ammonia, bleaching powder or chlorine manufacturing**
 - **Asphalt manufacture or refining**
 - **Bag cleaning****
 - **Blast furnace or coke oven**
 - **Boiler works**
 - **Box factories and cooperage****
 - **Brick, tile or terra cotta manufacture**
 - **Building materials manufacture and assembly** including composition wall boards, partition, panels and prefabricated structures**
 - **Business machine manufacture** including accounting machines, calculators, card-counting equipment and typewriters*
 - **Can and metal container manufacture****
 - **Candle manufacture not including rendering****
 - **Carpet and rug manufacture****
 - **Concrete and concrete products manufacture***
 - **Feed and flour mill***
 - **Firearms manufacture** (excluding ammunition)**
 - **Fish smoking, curing or canning**
 - **Freight classification yards**
 - **Glass and glass products manufacture****

- **Grain elevators****
- **Graphite and graphite products manufacture****
- **Ink manufacture****
- **Insecticides, fungicides, disinfectants and similar industrial and household chemical compounds manufacture****
- **Jute, hemp, sisal, and oakum products manufacture****
- **Leather and fur finishing and dyeing**, not including tanning and curing**
- **Machinery manufacture** including heavy electrical, agricultural, construction and mining machinery and light machinery and equipment such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, heaters, refrigerators, stoves and washing machines**
- **Machine tools manufacture** including metal lathes, metal presses, metal stamping machines and woodworking machines**
- **Meat products processing and packaging**, not including slaughtering and glue and size manufacture**
- **Metal alloys and foil manufacture** including solder, pewter, brass, bronze and tin, lead and gold foil**
- **Metal casting and foundries** not including magnesium foundries**
- **Metal foundry or plant for manufacture or fabrication of metal parts**
- **Motor and generator manufacture and testing****
- **Oil cloth or linoleum manufacture**
- **Ore reduction**
- **Paint, oil, shellac, turpentine, or varnish manufacture**
- **Paper and pulp manufacture**
- **Paraffin products manufacture****
- **Petroleum products or wholesale storage of petroleum**
- **Plastics manufacture or fabrication** (Amended by Ord. No. 1311, effective 6-19-69.)
- **Porcelain products manufacture** including bathroom and kitchen fixtures and equipment*
- **Potash works**
- **Precious metals reduction**, smelting and refining**
- **Pyroxlin manufacture****
- **Quarry or stone mill**
- **Railroad repair shops**
- **Rock crusher or distribution of rock, sand or gravel**
- **Rolling mills**
- **Rubber or gutta-percha manufacture or treatment**
- **Salt works**
- **Sand blasting****
- **Shoe polish and stove black manufacture***
- **Soap manufacture** (not including fat rendering)*
- **Soda and compound manufacture**
- **Starch and dextrine manufacture****
- **Steel products manufacture and assembly** including steel cabinets and lockers,

- doors, fencing and furniture**
 - **Stone products manufacture and stone processing** including abrasives, asbestos, stone screening and sand and lime products*
 - **Structural steel products manufacture** including bars, girders, rail and wire rope**
 - **Tar distillation or tar products manufacture**
 - **Textile bleaching****
 - **Wire and cable manufacturing****
 - **Wood and lumber processing and woodworking** including planing mills and saw mills, celsior, plywood, veneer and wood serving treatment**
 - **Wool pulling or scouring**
3. Similar uses when determined in the manner prescribed in Section 15, Subsection A USE, Paragraph 1, Subparagraph b. (Added by Ord. No. 2714, effective 7-17-86.)
 4. **Accessory buildings and uses** customarily incident to any of the above uses when located on the same lot. (Added by Ord. No. 2714, effective 7-17-86.)
 5. Outdoor advertising display **signs**, including off-site signs, in conformance with this Section and Section 15. (Added by Ord. No. 2714, effective 7-17-86.)
 6. **Mobilehome or recreation vehicle** for use by caretaker or night watchman of a manufacturing use when located on the same lot or parcel as the manufacturing use or a lot contiguous to the lot on which the manufacturing use is located. (Added by Ord. No. 2714, effective 7-17-86.)

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

USES REQUIRING A SPECIAL USE PERMIT C.

Because of consideration of smoke, fumes, dust, odor, vibrations and other hazards, the following g uses shall be permitted in the M-2 Zone only if a Special Use Permit has been approved in the manner provided in Section 16, Part II.B. (Revised by Ord. No.2714, effective 7-17-86.)

1. Heavy manufacturing and industrial uses as follows (renumbered from Paragraph A.35 and amended by Ord. No. 2714, effective 7-17-86):
 - **Acid manufacture**
 - **Cement, lime, gypsum or plaster of paris manufacture**
 - **Charcoal, lampblack and fuel briquette manufacture****
 - **Cotton gin or oil mill** (Added by Ord. No. 481, effective 11-29-51.)
 - **Distillation of bones**
 - **Drop forge industries manufacturing forgings with wer hammers**
 - **Explosives and/or ammunition manufacture or storage***
 - **Fat rendering**
 - **Fertilizer manufacture**
 - **Film manufacture****
 - **Fireworks manufacture or storage****
 - **Garbage, offal or dead animal incineration, reduction or dumping***
 - **Gas manufacture**

- **Glue manufacture**
 - **Lard manufacture***
 - **Magnesium foundries****
 - **Manure, peat and topsoil processing and storage****
 - **Motor vehicle dismantling or wrecking yards***
 - **Oil extraction plants**
 - **Petroleum refining**
 - **Smelting, reduction, refining and alloying of tin, copper, zinc or iron ores***
 - **Steam plant****
 - **Stock yards or slaughter of large animals***
 - **Storage depots for non-operating vehicles** (Amended by Ord. No. 2542, effective 7-7-83)
 - **Tallow manufacture****
 - **Tannery**
 - **Wineries, distilleries and breweries**
2. Similar uses when determined in the manner prescribed in Section 15, Subsection A, USE, Paragraph 1, Subparagraph b. (Renumbered from Paragraph A.35.u by Ord. No. 2714, effective 7-17-86.)
 3. Any **above ground storage of flammable liquids** as specified in Part II of Section 16 of this Ordinance shall require a special use permit. (Added by Ord. No. 2714, effective 7-17-86.)

DEVELOPMENT STANDARDS D.

1. Use Conditions: No building shall be erected, structurally altered, converted or used in the M-2 Zone for any use permitted in the R-3 Zone. However, a building which is a residence and is used in connection with farming operations on the same property, including any accessory buildings and structures, which is situated on the property at the time the property is placed in this zone shall constitute an allowed use, but only so long as said residence continues to be used in connection with the farming operations on the property. (Added by Ord. No. 1195, effective 2-22-68; renumbered from Paragraph A.35 by Ord. No. 2714, effective 7-17-86.)
2. Height: No building hereafter erected or structurally altered shall exceed a height at the street line of eight (8) stories or one hundred (100) feet. (Renumbered from Subsection B by Ord. No. 2714, effective 7-17-86.)
3. Front yard: No front yard shall be required. (Renumbered from Subsection C by Ord. No. 2714, effective 7-17-86.)
4. Side yard: No side yard shall be required. (Renumbered from Subsection D by Ord. No. 2714, effective 7-17-86.)
5. Rear yard: No rear yard shall be required, except where an "M-2" Zone abuts upon an "R" Zone (R-A, R-O, R-1, R-2 and R-3), in which case there shall be a rear yard of not less than twenty (20) feet. (Renumbered from Subsection E and amended by Ord. No. 2714, effective 7-17-86.)
6. Lot area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main

building subject to the provisions of this Section. (Added by Ord. No. 2714, effective 7-17-86.)

7. Parking and loading: Off-street parking and loading space shall be required in conformance with Section 15. (Added by Ord. No. 2714, effective 7-17-86.)
8. Outdoor advertising display signs: No requirements. (Added by Ord. No. 2714, effective 7-17-86.)
9. Fences, walls and screening: Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone (R-1, R-A, R-O, R-2 or R-3) there shall be a solid wall, fence or equivalent landscape screening at least six (6) feet in height located along the common lot line, except in a required front or side yard. Open storage of materials and equipment shall be permitted only with an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height. Fulfillment of the requirements of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable building and zoning regulations and which were existing in the M-2 Zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of the property is approved by the County. (Added by Ord. No. 2714, effective 7-17-86.)

SECTION 14.1: "AP", AIRPORT IMPACT ZONE

(Added by Ord. No. 2320, effective 4-3-80)

PURPOSE: A.

The "AP" Zone is a service commercial, industrial and agricultural land use district. The purpose of the zone is to establish land use regulations which will promote a harmonious relationship between airport activities and adjacent urban area land uses within the airport environment. Within this district, land shall be reserved for activities that can tolerate a high level of sound exposure while reducing the level of risk to health and safety resulting from aircraft overflights. (Amended by Ord. No. 2351, effective 8-7-80.)

APPLICATION: B.

This special zone is intended for application within the impact areas and environs of certain airports within Tulare County. Airport impact areas generally are defined as those areas identified in the General Plan.

PERMITTED USES C.

(Introductory paragraph repealed by Ord. No. 2351, effective 8-7-80.)

1. Agricultural related uses, including:
 - a. **The growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties and timber**, but excluding the growing of mushrooms.
 - b. **The growing and harvesting of field crops, grain and hay crops, and the growing of grass for pasture and grazing.**
 - c. **Fish farming** operations for the raising and harvesting of fish as a crop, including fish clubs and commercial fishing.
 - d. **Services to farmers or farm-related activities** in planting, harvesting, storage, hauling, equipment repair and maintenance, crop dusting and tree service firms.
2. Commercial Service Uses, including:
 - a. **Agricultural Sales Stores**, including: horticultural nurseries, landscaping and garden supplies, Christmas tree lots and sales, and hay, feed and seed sales.
 - b. **General automotive/equipment sales and services**, including: the sale, rental, repair, maintenance, cleaning and painting (including body and upholstery work) of new and used automobiles, boats, motorcycles, mobilehomes, recreation vehicles and trailers.
 - c. **Heavy automotive/equipment sales and services**, including: the sale, rental, repair, maintenance, cleaning and painting of new and used aircraft, trucks (and trailers), farm equipment, and heavy construction and earth moving equipment.
 - d. **Small equipment and machinery sales and services**, including: (bicycle shops, equipment and machinery sales and rentals (landscaping, gardening, home improvement, etc.).
 - e. **Building materials and lumber yards**, including: planing mills, cabinet shops, and carpenter shops.
 - f. **Food processing, preparation, packaging and shipping**, including: bakeries,

- dairy products preparation, and other similar uses.
- g. **Cleaning, pressing and dyeing establishments** (using non-flammable and non-explosive cleaning fluids), laundries, linen supply, diaper service, canvas shops, upholstery shops, rug and carpet cleaning and dyeing, and similar services.
 - h. **Cold storage plants, food lockers, ice plans, ice storage and sales.**
 - i. General services, including: **bookbinding, pest extermination, taxidermy, locksmithing, safe and vault repair, mattress repair and shoe repair.**
 - j. **Service stations** (gasoline), including dispensing of diesel fuel and complete truck service, truck terminals, and repair.
 - k. **Warehousing, mini-warehouses and storage, storage garages and yards, freight forwarding terminals, furniture warehouses and van storage, and parcel post service.**
3. Limited Industrial Uses, including:
- a. **Assembly, sale or repair of home appliances**, including radio and television repair.
 - b. **Manufacture or repair of precision instruments, appliances, tools and equipment.**
 - c. **Manufacture and sale of ceramic products, such as pottery, figurines, and glazes tile.**
 - d. **Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, toilet soap** (not including refining or rendering of fats or oils) and toiletries.
 - e. **Manufacture, repair and assembly of electrical supplies such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly**, provided no noxious or offensive fumes or odors are produced.
 - f. **Manufacture and repair cutlery, hardware, hand tools and furniture, dye and pattern making; metal stamping and extrusion of small products** such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.
 - g. **Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from synthetic or other previously prepared materials.**
 - h. **Blacksmith and welding shops; boat building; electric motor rebuilding machine shops; paint shops, sheet metal shops, heating or ventilating or air conditioning shops, and plumbing.**
 - i. **Manufacture and maintenance of electric and neon signs, and commercial advertising structures.**
4. A **trailer or mobilehome** used exclusively by a caretaker or watchman of a permitted industrial use, provided that the mobile unit is located on the same site in which the permitted use is located.
5. **Accessory Uses:**
In addition to the principal uses expressly included herein, accessory uses which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to principal uses shall be permitted.

PERMITTED USES: SPECIAL USE PERMIT: D.

The following Special Uses shall be permitted subject to the granting of a Special Use Permit in accordance with the procedures set forth in Paragraph B., Part II, of Section 16 of this Ordinance:

1. **Automobile wrecking yards.**
2. **Bus depots and transit stations.**
3. Collective or combined **off-street parking and loading areas** serving two or more buildings, uses or establishments.

USES EXPRESSLY PROHIBITED: E.

Sound sensitive activities such as residential housing of any type, schools, offices, hospitals, churches and similar activities shall be prohibited from the "AP". Airport Impact Zone.

HEIGHT OF STRUCTURES: F.

No building or structure hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet, whichever is less. Where such buildings or structures are also regulated by other airport zone height limitations (citation: Sections 7-13-1000 (formerly Sections 7275) et. seq. of Ordinance Code), the more stringent provisions shall prevail.

YARD REQUIREMENTS: G.

Yards shall not be required except under the following conditions:

1. The site is adjacent to a street or highway where a specified minimum setback is required by the Tulare County Building Line Setbacks regulations (Tulare County Ordinance Code Sections 7-19-1000 (formerly Sections 7500) et seq.), or
2. Where a commercial or industrial use is proposed adjacent to or across the street from an existing residential dwelling or use, or is adjacent to a residential zone district, the following minimum yard setbacks shall be required:
Front Yard - 25 feet
Rear Yard - 10 feet
Side Yard - 5 feet (pertains only to the side adjacent to a residential building use or zone district).

MINIMUM LOT AREA, WIDTH AND DEPTH H.

1. The minimum lot standards shall be as follows:
Lot area - 12,500 square feet
Lot width - 100 feet
Lot depth - 100 feet
2. All real property, improved or unimproved, which is shown on the latest adopted County Tax Roll as a unit or contiguous units and which is owned by the same person or person shall not be divided or developed after the effective date of this paragraph, except in conformance with this paragraph. No such land may be divided or any purposes if any one (1) parcel or lot resulting from the division of land containing less than the 12,500 square feet provided in paragraph (1) herein above and no permits to develop any parcel

- containing less than 12,500 square feet shall be permitted.
3. Notwithstanding the aforementioned restrictions, if the entire property contained less than 12,500 square feet, prior to the effective date of this subsection, the entire property may be conveyed or developed as a single unit.

OFF-STREET PARKING AND LOADING FACILITIES: I.

The following off-street parking and/or loading standards shall apply in conjunction with the issuance of any permit or approval for permitted or special uses:

1. There shall be one (1) off-street parking space for each employee of the maximum working shift for agriculture, service commercial, warehouses and industrial uses.
2. Off-street parking areas, aisles and access drive shall be paved or treated so as to provide a durable, dustless surface and shall be so graded and drained as to provide adequate disposal of surface water without creating or compounding drainage problems for adjacent properties or public rights of way.
3. Parking spaces shall be designed and marked to a size minimum of nine (9) feet wide and twenty (20) feet long.
4. When provided, off-street loading spaces for deliveries and pickup shall be not less than 10 feet wide and 35 feet long with a minimum height clearance of 14 feet. Such loading areas shall afford adequate ingress and egress for trucks from a public street or alley and shall not interfere with circulation or use of required parking on the site or adjacent properties.
5. Collective or combined off-street parking and loading facilities may be permitted to serve the total requirements of two or more uses subject to the granting of a special use permit as provided in Section D herein.

SCREENING AND LANDSCAPING: J.

The following screening and landscaping provisions shall apply in conjunction with the issuance of any permit or approval for permitted or special uses:

1. A planting strip at least ten (10) feet wide shall be established in every required front yard and a planting strip at least five (5) feet wide shall be maintained in required side and rear yards adjacent or across the street from any residential use or zone. Such landscaping shall include some combination of trees, ground cover shrubs, vines, flowers or lawn, with provisions for maintenance thereof. In addition, the combination or design may include materials such as rock and stone, and structural features, including but not limited to fountains, pools, art work, screens, walls and fences.
2. Where yards are required, a solid hedge, wall or screen fence a minimum of six (6) feet in height, shall be located along the common property lines, except in any required front yard or street side yard.

SIGNS AND ADVERTISING STRUCTURES K.

One single-faced wall sign and one double-faced freestanding sign is permitted for each frontage of a premise on a street right of way subject to the following provisions:

1. Off-site outdoor advertising display signs, portable on-premises signs and roof mounted

- signs shall be prohibited.
2. On-site outdoor advertising display signs, advertising or identifying a product and/or a business produced or situated on the premises shall be permitted along with any public service, directional or informational signs required and installed by a public or quasi-public agency, and temporary signs advertising a site or business as being for sale or lease.
 3. Signs may be illuminated, provided the source of illumination such as a light bulb, tube or filament is not visible and provided the lights are not stroboscopic and do not flash, scintillate, rotate or otherwise produce the effect of movement.
 4. The maximum permissible sign copy area per face shall not exceed the following standards:

Maximum Total Copy Area

<u>Sign Type</u>	<u>Per Sign Face (Square Feet)</u>
Wall Sign - Single face	150
Free-Standing Sign - Double Face	100
Free-Standing sign - Double face (visible from and within 100 feet of a State designated Freeway right-of-way)	250
Real Estate Sign - Single face only (pertaining only to the sale, lease or hire of the particular building, property or premises upon which displayed)	50

SECTION 14.3: "M" SPECIAL MOBILEHOME ZONE

(Added by Ord. No. 1149, effective 7-27-69)

PURPOSE A.

The purpose of this special zone is to provide for mobilehome use in communities and rural areas where, under certain conditions, a mixture of conventional housing and individual mobilehomes for residential use is desirable. (Added by Ord. No. 2453, effective 12-24-81; amended by Ord. No. 2873, effective 4-20-89.)

ZONE REGULATIONS B.

This special zone may be applied to property only in conjunction with the following zones: "R-A" Rural Residential Zone, "R-1" Single Family Residential Zone, "PD-F" Planned Development - Foothill Zone, and "MR" Mountain Residential Zone. When this special zone is applied to property in conjunction with one of the aforementioned zones, the regulations set forth in this Section shall be applicable to the zone. (Added by Ord. No. 1149, effective 7-11-67; amended by Ord. No. 2299, effective 1-17-80; amended by Ord. No. 2417, effective 5-28-81; amended by Ord. No. 2956, effective 4-11-91.)

USEC.

The following uses shall be permitted in the M, Special Mobilehome Zone in addition to the uses set forth in the zone which is combined with the M Zone:

- **Mobilehomes** for use for residential purposes only on any individual lot or parcel, subject to the limitations set forth in Subsection D of this Section.
- A **mobilehome park** is not an allowed use in this zone; provided, however, that this subsection shall not be deemed to prohibit the granting of Special Use Permits for mobilehome parks in those zones where such Special Use Permits are authorized by other provisions of this Ordinance. (Amended by Ord. No. 2453, effective 12-24-81.)

LOT AND YARD AREAS D.

1. A mobilehome shall be placed in such a manner as to comply with all yard requirements of the zone in which it is located; provided, however, that the rear yard for a mobilehome need not exceed five (5) feet. (Amended by Ord. No. 2453, effective 12-24-81.)
2. A mobilehome shall not be located closer than ten (10) feet to any building, other than an accessory building, and shall not be located closer than five (5) feet to any property line, public street or alley
3. The minimum lot area for a lot or parcel which is subdivided exclusively for mobilehome use and is restricted to such use under the provisions of this ordinance shall be four thousand (4,000) square feet in all zones except where subject to the Special Combining Zone (Section 14.5 of this Ordinance), the Planned Development Zone (Section 18.6 of this Ordinance), or any more restrictive lot size requirements under the County

Subdivision Ordinance (Tulare County Ordinance Code Section 7-01-1000 et. seq.), in which case any lot or parcel shall be large enough to satisfy those requirements. Any lot or parcel created pursuant to this paragraph may be occupied by no more than one (1) mobilehome and no other permanent dwellings shall be permitted. (Added by Ord. No. 2453, effective 12-24-81.)

4. If a lot has less area than the minimum area required for a permanent dwelling in the zone in which it is located, and was of record at the time such zone became applicable to the property, said lot may be occupied by one (1) permanent dwelling or one (1) mobilehome, whichever the owner prefers. (Renumbered from Paragraph 3 to Paragraph 4 and amended by Ord. No. 2453, effective 12-24-81.)
5. If a lot has more area than the minimum lot area required for a permanent dwelling in the zone in which it is located, said lot may be occupied by two (2) mobilehomes or one (1) mobilehome and one (1) permanent dwelling subject to approval of a site plan pursuant to the procedure set forth in Paragraph 1 of Subsection G of Section 16.2 of this Ordinance. However, approval of a site plan shall not be required if the lot area is equal to or exceeds twice the minimum lot area required for a permanent dwelling in the zone in which it is located. Development of two (2) mobilehomes or one (1) mobilehome and one (1) permanent dwelling on one (1) lot shall be subject to the following requirements:
 - a. The mobilehome(s) and/or permanent dwelling shall comply with the provisions of Paragraphs 1 and 2 of this Subsection.
 - b. The distance between the two mobilehomes or the mobilehome and the permanent dwelling shall be not less than ten (10) feet.
 - c. If the lot is to be occupied by two (2) mobilehomes, no more than one (1) mobilehome may be rented or leased or held out for rent or lease.
 - d. The proposed facilities shall be maintained and operated in accordance with all State and County health regulations.
 - e. Off-street parking shall be provided for each dwelling unit in accordance with subparagraph a of Paragraph 2 of Subsection A of Section 15 of this Ordinance.

The requirement to secure approval of a site plan shall not be applicable to a mobilehome which is replacing another mobilehome previously removed from the property and which is subject to the provisions of Article 5.1 of Chapter 4 of Part VII of the Ordinance Code of Tulare County. (Added by Ord. No. 2453, effective 12-24-81.)

PARKING E.

One (1) off-street parking space shall be provided for said mobilehome.

FOUNDATION SYSTEMS: F.

Any mobilehome permitted under this zone which has been certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 USC Section 5401 et. seq.) may be placed on a foundation system pursuant to Section 18551 of the Health and Safety Code of the State of California; provided, however, that any such mobilehome shall be placed on a lot in accordance with Subsection D of this Section. (Added by Ord. No. 2453, effective 12-24-81.)

MOBILEHOME DEVELOPMENTS: G.

Any mobilehome development which contains minimum lot areas approved pursuant to Paragraph 3 of Subsection D of this section shall be restricted exclusively for mobilehome use by means of appropriate conditions, covenants and restrictions, approved by the Planning Director, and filed for record with the County Recorder by the subdivider. (Added by Ord. No. 2480, effective 7-1-82.)

SPECIAL ZONING REGULATION ESTABLISHED IN ORD. NO. 2299

Section 5 of Ordinance No. 2299 (effective 1-17-80) provided as follows: "The changes made in Ordinance No. 352 by Section 1 of this Ordinance* shall have no effect on property in the R-3-M, O-M, C-2-M and M-1-M zones until the County has rezoned the property to eliminate the Special M Zone from the property."

*Refers to changes made in Section 14.3-B.

SECTION 14.4 "SC" SCENIC CORRIDOR COMBINING ZONE

(Added by Ord. No. 2282, effective 10-25-79; amended by Ord. No. 2417, effective 5-28-81)

PURPOSE A.

The purpose of the Scenic Corridor Combining Zone shall be to preserve and protect the scenic quality of the immediately visible land area adjacent to those scenic highways and scenic roads established by the Tulare County General Plan, and to prevent visual obstructions of the extended view from such scenic highways and roads

APPLICATION B.

This zone is intended to be combined with other zones and may be applied only to those areas visible from and adjacent to those scenic highways and scenic roads established by the Tulare County General Plan. When this zone is applied to property in conjunction with another zone set forth in this Ordinance, a new zone is thereby created and the regulations set forth in this section shall be applicable in addition to those otherwise applicable in the underlying or base zone. In addition, where the provisions of the underlying or base zone conflict with the requirements of this section, the requirements of this section shall prevail over those in the underlying or base zone. The new combined zone shall be shown on the Zoning Map by the letters "SC" following the symbol of the underlying or base zone.

PROHIBITION OF OFF-SITE SIGNS C.

No person, firm, or corporation shall erect, build or paint any off-site outdoor advertising display sign on any parcel of real property located within this zone.

COMBINATION WITH PD-F AND AF ZONES D.

When combined with the PD-F, Planned Development-Foothill Zone or the AF, Foothill Agricultural Zone, the following additional requirements shall apply:

1. On-premises outdoor advertising signs shall be permitted subject to the following regulations:
 - a. If an on-premises advertising structure pertaining to the identification of a permitted use is to be attached to the primary building facade, such signs shall be permitted without review by the Site Plan Review Committee. However, the requirement for the size, shape and lighting of such signs shall be determined based upon standards adopted by the Planning Commission.
 - b. Any free-standing, outdoor advertising display sign identifying a permitted use of the property shall not be installed or constructed without approval by the Site Plan Review Committee in accordance with the procedures set forth in Paragraph 1 of Subsection G of Section 16.2 of this Ordinance. The review by the Site Plan Review Committee shall be limited to the design, setback, size and architectural compatibility of the proposed sign, and its impact on traffic safety and visibility of scenic resources from scenic highways and roads.
2. For any proposed development project which is subject to review by the Site Plan

Review Committee in accordance with Section 16.2 of this Ordinance, the following additional standards for development shall apply:

- a. All new utility improvements shall be located underground.
- b. Grading and/or cut and fill on sloping lands shall be kept to a minimum and shall be prohibited whenever it can be determined that such activities will have an adverse impact on scenic resources visible from scenic highways and roads.
- c. Any exposed slopes resulting from grading and/or cut and fill activity shall be stabilized by plantings of compatible materials as a condition of approval of the project.
- d. Existing vegetation and unique land forms, such as rock outcrops, shall be retained and protected from any unnecessary grading or other development related activities, except where necessary to open up or provide better views of desirable scenic features.

3. Yard and Lot Requirements:

- a. Front Yard: The minimum front yard for lots which front upon a Scenic Highway shall be one hundred (100) feet. The minimum front yard for lots which front upon a scenic road shall be one hundred (100) feet minus a distance equal to one half of the width of the right-of-way of the scenic road across the front of the lot.
- b. Side Yards: The minimum side yard shall be ten (10) percent of the width of the lot, but not to exceed twenty-five (25) feet, except for corner lots adjacent to a Scenic Highway or road. In this case, there shall be a side yard on the street side of the corner lot which is equivalent to the front yard requirements set forth in Subparagraph a of this paragraph.
- c. Lot Width: The minimum lot width of any lot with frontage along a scenic highway or a scenic road shall be one hundred and fifty (150) feet.

SECTION 14.5: SPECIAL COMBINING ZONE

(Added by Ord. No. 1121, effective 2-23-67)

PURPOSE A.

This combining zone is intended for use in areas where land topography, soil conditions, impending development or other factors indicate a need for a zone with minimum lot areas of a larger size than the minimum lot area specified in this Ordinance for a particular zone.

ZONE REGULATIONS B.

When this combining zone is applied to property in conjunction with another zone set forth in this Ordinance, a new zone is thereby created which shall have the minimum lot area requirements established pursuant to this Section and all of the other requirements for the combined zone shall be those which are applicable in the zone with which this zone is combined.

LOT AREAS C.

The minimum lot area in any zone established by the use of this Section shall be as indicated on the Zoning Map. Such minimum lot area shall be shown on the Zoning Map by a number following the zone symbol, which number, multiplied by one thousand (1,000), shall designate the minimum lot area in square feet applicable to the zone.

SECTION 14.7: "F-1" PRIMARY FLOOD PLAIN ZONE

(Added by Ord. No. 1371, effective 4-16-70; amended by Ord. No. 2741, effective 12-4-86)

PURPOSE: A.

The purpose of the Primary Flood Plain Zone shall be the prevention of loss of life, the minimization of property damage, and the maintenance of satisfactory conveyance capacities of waterways through the prevention of encroachments by obstructions in the floodway which may diminish the ability of the floodway to carry overloads during periods of flooding. This Zone is to be used in concert with the flood damage prevention regulations established in Chapter 8 of Part VII of the Ordinance Code of Tulare County. However, it shall only be delineated on the County Zoning Map when necessary to conform to the County General Plan or when necessary to establish flood plain regulations after completion of a Federal project report pursuant to Section 8411 of the California Water Code.

APPLICATION B.

This zone may function either as an exclusive zone or in combination with other zones and may be applied only to those areas within the boundaries of the Selected Flood which have been determined to be the floodway area through an analysis of flood frequency, natural topography, bank erosion, channel shifts, flood profiles, velocity of flood waters or other applicable factors.

USE C.

1. When the Zoning Map indicates that the F-1 Zone is an exclusive zone, only the following uses shall be permitted provided such uses are authorized pursuant to the procedures set forth in Chapter 8 of Part VII of the Ordinance Code of Tulare County:
 - **The growing and harvesting of field crops, vines, vegetables and horticultural specialties**, excluding trees.
 - **The operation of apiaries.**
 - **The grazing of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds.**
 - **The raising of poultry.**
 - **Wildlife preserves.**
 - One (1) non-expandable **recreation vehicle** having no permanently attached or detached accessory structures, for each parcel of property under separate ownership, for use only by the owner of the property and/or his guests. Said recreation vehicles shall be maintained in a readily movable state and shall be located on the property only during the months of May through November, inclusive, and shall be removed from the property during the months of December through April, inclusive.
 - **Public utility facilities**, except those structures for which a use permit is required as specified under Subsection "D" of this Section.
 - **Flood control channels**, surface water spreading grounds, stream bed retarding basins, and other similar facilities which have been approved by the Tulare County Flood Control District.
 - **Parking lots** provided any grading or structures do not significantly restrict the

- carrying capacity of the floodway.
2. When the Zoning Map indicates that the F-1 Zone is combined with other zones, only the following uses shall be permitted:
 - All those uses listed under Paragraph 1 of this subsection which are allowed in the underlying or base zone.
 - **Single family dwellings, mobilehomes and accessory residential and agricultural structures** shall be allowed if they are allowed in the underlying or base zone, provided that all construction or installations are approved in accordance with the procedures referred to in Chapter 8 of Part VII of the Ordinance Code of Tulare County.
 - All uses allowed in the underlying or base zone which are not allowed under Paragraph 1 of this subsection if approved in accordance with the procedures referred to in Chapter 8 of Part VII of the Ordinance Code of Tulare County.

USE PERMITS D.

The following uses, buildings and structures shall be permitted in this zone only if a Use Permit is approved pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance.

1. When the Zoning Map indicates that the F-1 Zone is an exclusive Zone:
 - **Private and public recreational uses** such as: parks, aquatic facilities, campgrounds, recreation vehicle parks, playgrounds, athletic fields, golf courses, golf driving ranges, fishing and hunting clubs.
 - **Temporary and readily removable structures accessory to agricultural uses.**
 - **Public utility structures.**
 - **Excavation and removal of rock, sand, gravel and other materials;** provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County.
2. When the Zoning Map indicates that the F-1 Zone is combined with other zones:
 - All those uses listed under Paragraph 1 of this subsection which are allowed in the underlying or base zone.
 - All uses which may be permitted subject to the granting of a Use Permit in the underlying or base zone.

Said Use Permit shall be granted only if it is found that any building or structure to be constructed will conform to the requirements set forth in Chapter 8 of Part VII of the Ordinance Code of Tulare County.

SECTION 14.8: "F-2" SECONDARY FLOOD PLAIN
COMBINING ZONE

(Added by Ord. No. 1371, effective 4-16-70; repealed by Section 8 of
Ord. No. 2741, effective 12-4-86.)

ORDINANCE NO. 2741

Section 9 of Ordinance No. 2741 states as follows:

"It is the intent of the Board of Supervisors of the County of Tulare that Section 8 of this Ordinance not be effective until the County Zoning Map has been amended to change all existing "F-2" zoning designations to other zoning classifications, in accordance with the procedures established in Section 17 of Ordinance No. 352 for changing zone boundaries or classifications."

PURPOSE A.

The purpose of the Secondary Flood Plain Combining Zone shall be the protection of life and property from the hazards and damages which may result from flood waters of the selected flood magnitude. This zone is intended for application to those areas of the County which lie within the fringe area of the flood plain and are subject to less severe inundation during flooding conditions than occur in the F-1 Zone.

APPLICATION B

This zone is intended to be combined with other zones and may be applied only to those areas located within the boundaries of the selected flood which lie outside the "F-1" Primary Flood Plain Zone, as determined through an analysis of flood frequency, natural topography, bank erosion, channel shifts, flood profiles, velocity flows or other applicable factors.

USE C.

Only the following uses are allowed in the F-2 Zone:

1. All those uses listed under Subsection C of Section 14.7 of this Ordinance which are allowed in the underlying or base zone.
2. Single family dwellings and accessory residential and agricultural structures shall be allowed if they are allowed in the underlying or base zone, only if they comply with one or more of the following conditions:
 - a. The bottom of the structural floor of any such building will be above the selected flood profile level as shown on the Zoning Map for the building site; or,
 - b. All permanent buildings will be protected from flooding by dikes, levees or other flood protection works whose design has been approved by the Tulare County Flood Control District.

USE PERMITS D.

The following uses, buildings and structures shall be permitted in the "F-2" Zone only if a Use Permit is approved subject to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance:

1. All uses allowed in the underlying or base zone which are not allowed under Subsection C of this Section.
2. All uses which may be permitted under USE Permit in the underlying or base zone.
3. Additions or structural modifications to all existing structures and accessory structures which do not comply with the requirements in Subsection C of this Section.

Said Use Permit shall be granted only if it is found that any building or structure to be constructed will be so constructed or located, or will be so protected by levees or other methods of flood proofing as to render them either resistant to flotation or immune to extensive damage by flooding, and to prevent peripheral flooding of other properties as a result of such construction.

SECTION 15: GENERAL PROVISIONS AND EXCEPTIONS

- A. 1. (Amended by Ord. No. 481, effective 11-29-51.)

USE:

General

- a. Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the zone in which such building or land is located.
- b. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Ordinance, or if ambiguity exists with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, it shall be the duty of the Commission to ascertain all pertinent facts and by formal resolution set forth its findings and its interpretation, and such resolution shall be forwarded to the Board of Supervisors and, if approved by the Board of Supervisors, thereafter such interpretation shall govern.
- c. Where property classified for "C" uses has a depth of one hundred and twenty (120) feet or less, as measured at right angles from the street frontage indicated as business frontage. Additional adjoining property fronts upon the side street, and the side of such adjoining property abuts upon the property classified for "C" purposes and provided that such additional property and the property classified for "C" purposes shall aggregate a depth of not greater than one hundred and sixty (160) feet as measured at right angles from the frontage indicated as business frontage, and provided further that with respect to such enlarged business site comprising the corner of the main street and the side street, no street entrance shall be established or used upon the forty (40) feet farthest removed from the "C" classified corner created by the intersecting street.
- d. Where areas are shown upon the zoning map enclosed within a heavy dotted line, the area thus shown is intended to approximate the location for that type of land use indicated by the symbol therein enclosed within a circle. Other unenclosed symbols within such designated areas represent present classification. If preceding, or following the subdividing thereof, an Official Precise Plan of streets, lots and other features of design is adopted in the manner prescribed by law, then such properties may be authorized for uses conforming to such Official Precise Plan by (1) the reclassification of such properties, or (2) the granting of variances, provided such variance or variances shall conform in their purpose and effect to carrying out the provisions of such Official Precise Plan. Variance applications initiated under this item shall require no filing fee.

Parking Space

2. Every main building hereafter erected or structurally altered shall be provided with minimum off-street parking accommodations as follows:
 - a. For dwellings, there shall be at least one parking space on the same lot with the main building for each dwelling unit and such parking space shall be not less than

- eight (8) feet wide by eighteen (18) feet long, with adequate provisions for ingress and egress.
- b. For buildings other than dwellings, there shall be at least one parking space of two hundred and fifty (250) square feet on the same lot with the main building or contiguous thereto as follows:
- (1) For churches, high school, college and university auditoriums and other places of assembly, at least one (1) parking space for every ten (10) seats provided in said buildings.
 - (2) For hospitals and institutions at least one (1) parking space for every two (2) beds provided in said buildings.
 - (3) For hotels and clubs, at least one (1) parking space for every three (3) guest rooms provided in said buildings.
 - (4) For theatres, auditoriums and other similar places of assembly, at least one (1) parking space for every five (5) seats provided in said building.
- c. If garages are employed on the same building site, the car capacity thereof shall not exceed twice the number of required parking spaces.
- d. In the "P-O" Zone, off-street parking, in addition to that required herein above, shall be provided as follows: (Added by Ord. No 650, effective 3-27-58.)
- (1) For apothecaries, clinics, laboratories, mortuaries, offices, and optician and optometric establishments, off-street parking shall be provided as follows:
 - (a) If the gross floor area occupied in the same structure by one or more of the above uses is seven thousand five hundred (7,500) square feet or less, an off-street parking area shall be provided which is equal to one-half (1/2) of the gross floor area occupied by the use or uses in the structure.
 - (b) If the gross floor area occupied in the same structure by one or more of the above uses is between seven thousand five hundred and one (7,501) square feet and eleven thousand (11,000) square feet, inclusive, an off-street parking area shall be provided which is equal to three-fourths (3/4) of the gross floor area occupied by the use or uses in the structure.
 - (c) If the gross floor area occupied in the same structure by one or more of the above uses is more than eleven thousand (11,000) square feet, an off-street parking area shall be provided which is equal to the gross floor area occupied by the use or uses in the structure.
 - (2) An off-street parking area shall be provided for a museum which is equal to one-half (1/2) the gross floor area occupied by the museum in a structure or structures.
 - (3) For police stations, fire stations, post offices and telephone exchanges, there shall be one (1) parking space of two hundred and fifty (250) square feet for each three (3) employees regularly present at work at the same time, but in no event shall the off-street parking area be less than one-fourth (1/4) of the gross floor area occupied by the use in a structure or structures.
- e. Except for those uses already covered by Subparagraphs (a) through (c) above, in the "O" Zone, off-street parking for the allowable uses specified in Section 8.05, "O" Recreation Zone, shall be provided as follows: (Added by Ord. No. 731, effective

10-13-60.)

- (1) If the gross floor area occupied in the same structure by one or more of the above uses is seven thousand five hundred (7,500) square feet or less, an off-street parking area shall be provided which is equal to one-half (1/2) of the gross floor area occupied by the use or uses in the structure;
- (2) If the gross floor area occupied in the same structure by one or more of the above uses is between seven thousand five hundred and one (7,501) square feet and eleven thousand (11,000) square feet, inclusive, an off-street parking area shall be provided which is equal to three-fourths (3/4) of the gross floor area occupied by the use or uses in the structure;
- (3) If the gross floor area occupied in the same structure by one or more of the above uses is more than eleven thousand (11,000) square feet, an off-street parking area shall be provided which is equal to the gross floor area occupied by the use or uses in the structure;
- (4) For police stations, telephone exchanges, electric distribution substations, fire stations and post offices, there shall be one (1) parking space of two hundred and fifty (250) square feet for each three (3) employees regularly present at work at the same time, but in no event shall the off-street parking area be less than one-fourth (1/4) of the gross floor area occupied by the use in a structure or structures.

Loading Space

3. Every hospital, institution, hotel, commercial, industrial or other building hereafter erected or structurally altered which involves the receipt or delivery by vehicles of merchandise or materials shall have one (1) loading space for each two thousand (2,000) square feet of lot area upon which said building is located; provided, however, that not more than two (2) such spaces shall be required, unless the building on such lot has a gross floor area of forty thousand (40,000) square feet, in which case there shall be one additional loading space for each additional twenty thousand (20,000) square feet in excess of forty thousand (40,000) square feet or fraction thereof above five thousand (5,000) square feet, where such loading space adjoins an alley.

Non-Conforming Buildings and Uses

4.
 - a. If, on the effective date of this Ordinance, a temporary one family dwelling shall exist on the rear half of a lot, a one family dwelling may be erected and maintained on the front portion of the same lot in the manner provided herein, whereupon the said dwelling on the rear half of the lot shall assume the status of a nonconforming use as defined herein, subject to Paragraph c under "Nonconforming Buildings and Uses" of this Section.
 - b. A nonconforming building may be continued provided no additions or enlargements are made thereto and no structural alterations are made therein, except those required by law or ordinance. If such nonconforming building is removed, every future use of such premises shall be in conformity with the provisions of this Ordinance. However, in the C-3, M-1 and M-2 Zones, every nonconforming

building which was designed or intended for a use permitted in the R-3 Zone shall be subject to the following additional provisions:

- (1) Additions, enlargements and structural alterations to such nonconforming buildings may be permitted provided that any addition, enlargement or alteration shall not result in the addition of any new dwelling units.
 - (2) If such nonconforming building is removed or destroyed, it may be replaced with a new nonconforming building of similar use and intensity if a Use Permit is secured pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 2480, effective 7-1-82; amended by Ord. No. 2714, effective 7-17-86.)
- c. The nonconforming use of a building existing at the time this Ordinance became effective may be continue provided:
- (1) That a nonconforming use of a nonconforming building be expanded or extended throughout such building provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, a nonconforming use of a nonconforming building may be changed to another use of the same or more restricted classification.
 - (2) That a nonconforming use of a conforming building shall not be expanded or extended into any other portion of the conforming building, and if such nonconforming use is discontinued, any future use of such building shall be in conformity with the provisions of this Ordinance; provided, however, that all nonconforming uses of a conforming building shall be discontinued not later than three (3) years from the effective date of this Ordinance.
 - (3) That in all "R" Zones every nonconforming building which was designed, or intended for a use excluded from the "R" Zone shall be completely removed, or altered and converted within a time prescribed by the County Planning Commission and approved by the Board of Supervisors in the manner provided for the consideration of variances and provided that such time shall in no case be less than ten (10) years following the approval of such date by the Board of Supervisors and, provided further, that it shall be the purpose of the County Planning Commission and the Board of Supervisors to determine as near as may be the reasonable unamortized value of such nonconforming building and allowance of not more than two and one-half (2-1/2) percentum per annum of the original cost shall be made in determining the date by which said nonconforming building shall be removed or altered and converted to a conforming status.
 - (4) That, subject to all other regulations of this Section, a building destroyed to the extent of not more than seventy-five (75) percent of its reasonable value by fire, explosion or other casualty, or ACT OF GOD, or the public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction, may be continued.
 - (5) (Added by Ord. No. 1557, effective 4-12-73; repealed by Ord. No. 3219, effective 3-11-99.)
- c.1 The nonconforming use of land where no structure thereon is employed therefore existing at the time this Ordinance became effective may be continued for a period of not more than three (3) years therefrom, provided:

- (1) That no nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
 - (2) That if the nonconforming use of land existing at the time this Ordinance became effective is thereafter discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.
 - (3) That the lawful location and maintenance of commercial signs and billboards existing at the time this Ordinance became effective may be continued, although such use does not conform with the provisions hereof; provided, however, that no structural alterations are made thereto and provided further, that all such nonconforming signs and billboards and their supporting members shall be completely removed by their owners not later than five (5) years from the effective date of this Ordinance. (Amended by Ord. No. 1195, effective 2-2-68.)
- d. The foregoing provisions shall apply also to buildings, land and uses which hereafter become nonconforming due to any reclassification of zones under this Ordinance.
 - e. (Amended by Ord. No. 762, effective 4-27-61; repealed by Ord. No. 2453, effective 12-24-81.)

ADDITIONAL NON-CONFORMING USE RULES IN ORDINANCE NO. 3131

Section 1 of Ordinance No. 3131 states the following:

"The Board of Supervisors of the County of Tulare hereby finds and declares that the amendment to Ordinance No. 352 set forth in Sections 3 - 35 of this Ordinance shall not be applicable to existing facilities or expansions of existing facilities which were lawfully established prior to the effective date of this Ordinance. Nothing in this section shall be interpreted to exempt any expansion of existing facilities from the other provisions of Ordinance No. 352, as amended." (Adopted by Ord. No. 3131, effective 10-12-95.) [NOTE: Section 1 above contains a typographical error - in line three, the text should read that "Sections 3 - 29" (and not 3 - 35) "of this Ordinance shall not be applicable"...]

The aforecited Section No. 1 refers to prior provisions of Ord. No. 3131 which (1) require RVLP parcel evaluation review of special use permits for certain nonagricultural uses (to include campgrounds, church facilities, guest ranches or summer camps, hunting and fishing on a commercial basis and hunting and fishing clubs, public parks or playgrounds, recreation centers, recreation vehicle parks, public school facilities, private school facilities, and saw mills/shingle mills/ box shook mills) in the exclusive Agricultural zones, as set forth in Subsection F of Part II of Section 16; (2) restrict the processing of extractive materials (brick and tile manufacturing and petroleum products manufacturing and storage) in Exclusive Agricultural zones to locations that are near the source of the raw materials; (3) limit the establishment of new animal hospitals, clinics, and veterinarian offices in the AE-10, AE-20, AE-40, and AE-80 zones to those facilities that are primarily for the treatment of 'large/farm' animals; and (4) prohibit certain "assemblage of people for educational or entertainment purpose..."uses (to include auto shows, boat shows, art shows, exhibitions, and auctions) in the Exclusive Agricultural zones.

Improvements

5. a. Used car sales areas:
All used car sales areas herein permitted shall be treated to keep dust and mud to a minimum. (Added by Ord. No. 2453, effective 12-24-81.)
- b. Off-street parking areas:
All off-street parking areas herein permitted shall be improved as follows: (Added by Ord. No. 2453, effective 12-24-81.)
 - (1) Such parking area shall be paved and a solid fence or wall, six (6) feet high, shall be constructed along each boundary of such area abutting upon property classified in the R-A, R-O, R-1, R-2 or R-3 Zones; provided, however, that said wall or fence shall be four (4) feet high along the side of the required front yard in said zones.
 - (2) Any lights provided to illuminate such parking area shall be so arranged as to reflect the light away from adjoining premises.
- c. Mobilehomes and Manufactured Homes:
All mobilehomes and manufactured homes herein permitted which are placed or relocated upon a lot or parcel after December 24, 1981, shall have the perimeter of the space between the ground and undercarriage of the structure enclosed by construction materials approved pursuant to the Uniform Building Code as adopted by the Tulare County Ordinance Code. Such requirement shall also be applicable to a mobilehome or manufactured home which is to be placed on a foundation system pursuant to Section 18551 of the Health and Safety Code of the State of California. (Added by Ord. No. 2453, effective 12-24-81; amended by Ord. No. 2873, effective 4-20-89.)
- d. Recreational Facilities:
Recreational facilities, including but not limited to recreational centers, recreational areas, accessory facilities or improvements, may be required in conjunction with new residential development if the decision-making body finds that the residential development will result in overall residential densities (average lot area per family), which exceed the maximum density permitted in the applicable residential zoning district. The land area required for any recreational facilities required under this subparagraph shall not exceed ten (10) percent of the gross acre-age of the proposed residential development. For purposes of this paragraph, "residential development" also means a mobilehome development or a mobilehome park. (Added by Ord. No. 2480, effective 7-1-82.)
- e. Flammable Liquids (added by Ord. No. 3219, effective 3-11-99):
Above-ground storage of propane and/or gasoline in volumes not to exceed an aggregate of 10,000 gallons on parcels zoned AE-10, AE-20, AE-40, AE-80, AF and RC, providing all of the following are met:
 - (1) When 4 or fewer residences exist within a 1/4 mile radius of the nearest edge of the tank location, above-ground storage of propane and/or gasoline shall be separated from any on- or off-site residence by at least 200 feet.
 - (2) When 5 to 10 (inclusive) residences exist within a 1/4 mile radius of the nearest edge of the tank location, above-ground storage of propane and/or gasoline shall be separated from any on- or off-site residence by at least 500 feet.

- (3) Above-ground storage of propane and/or gasoline shall be set back from the nearest property line and/or edge of ultimate public road right-of-way by at least 100 feet. Where there is a difference between setback requirements of this and any other provision of this ordinance or other local, State or Federal regulation(s), the greater setback shall apply.
- (4) Above-ground storage of propane and/or gasoline shall be separated from any sensitive land use by at least 500 feet. Sensitive land uses shall include, but shall not be limited to: hospitals; nursing homes; public or private schools or daycare facilities; bulk oil/fuel processing and/or storage plant; agricultural chemical storage area; or similar hazardous use. Where there is a question as to whether a use is “sensitive” or not, the decision shall be made by the Director of the Resource Management Agency, or his/her designee.
- (5) Any new above-ground storage of propane and/or gasoline shall be separated from all existing, off- site above-ground flammable liquid storage tank(s) by at least 200 feet.
- (6) Above-ground storage of propane and/or gasoline shall only be allowed as incidental to a bona fide use of the site for intensive and/or extensive agricultural uses and for those uses which are a necessary and integral part of intensive and/or extensive agricultural operations (i.e., animal or poultry confinement operations, dehydrators, agricultural services to farmers, packing sheds, cold storage facilities, and similar uses). Where there is a question as to whether a use is “a bona fide use of the site for intensive and/or extensive agricultural uses” or not, the decision shall be made by the Director of the Resource Management Agency, or his/her designee. When said tank(s) is/are no longer used for a bona fide use pursuant to this section, said tank(s) shall be removed within 60 days of termination of use.
- (7) Prior to installation and prior to final approval of construction permits, all fire suppression improvements (i.e., water storage tanks, hydrants, chemical suppressants, and other such fire suppression improvements) shall be reviewed and approved by the Tulare County Fire Warden. Any improvements required as a condition of that review shall be installed and operable in compliance with the approved plans prior to final inspection of the above-ground propane and/or gasoline fuel storage tanks.
- (8) Above-ground propane and/or gasoline storage tanks for personal agricultural use shall incorporate all of the same flood prevention measures normally required for structures as determined appropriate by the Tulare County Resource Management Agency Flood Control Division under the Flood Damage Prevention Ordinance, pursuant to the California Bureau of Reclamation Designated Floodway maps and/or the Federal Emergency Management Agency Flood Insurance Rate Maps, and/or as required under Uniform Building and/or Fire Codes. If there is a conflict between the requirements of these regulations the most restrictive shall apply. Where there is a conflict between development standards and setbacks required by Codes and Agencies, the most restrictive shall apply.
- (9) Above-ground storage of propane and/or gasoline shall meet all

specifications of the Tulare County Fire Warden's office and the Uniform Fire Code (currently adopted edition) for the installation, placement and protection of above-ground flammable liquid storage. Where there is a conflict between this ordinance and the Fire Warden's specifications or Uniform Fire Code, the most restrictive standard shall apply.

- (10) Above-ground storage of propane and/or gasoline shall also meet all specifications of any other local, State or Federal agency (i.e., San Joaquin Valley Unified Air Pollution Control District) for the installation, placement and protection of above-ground flammable liquid storage and protection of the public in general. Where there is a conflict between this ordinance and any of the various agency specifications, the most restrictive standard shall apply.

Accessory Buildings and Structures

6. (Added by Ord. No. 2538, effective 6-6-83.)

- a. In all zoning districts, private noncommercial radio and television antennas and towers are permitted as accessory structures, unless a Special Use Permit is required under Section 16 of this Ordinance.
- b. In all zoning districts, satellite television antennas are permitted as accessory structures whether or not on the same site as a main building. In accordance with the height and yard area regulations set forth in the applicable zone and this section, unless a Special Use Permit is required under this Section and Section 16 of this Ordinance.

Second Units

- c. Section 2, subparagraph c of paragraph 6 of subsection A of Section 16 of Ordinance No. 352, as amended, is hereby amended to read as follows:

Second units which are not otherwise allowed by this Ordinance, are ministerially permitted in all residential zones (R-A, R-O, R-1, R-2 and R-3 and MR). Such second units may exceed the allowable density for the lot on which located and shall constitute a residential use compatible with general plan and zoning for the lot. Such second units shall comply with the following regulations: (Paragraph c added by Ord. No. 2562, effective 9-22-83, amended by Ord. No. 2956, effective 4-11-91; amended by Ord. No. 3297, effective 5-20-04; amended by Ord. No. 3473, effective 7-30-15.)

- (1) The second unit shall be clearly subordinate to a one family dwelling. If attached to or part of a one family dwelling, the second unit shall not be more than thirty (30) percent of the total floor area of the one family dwelling, provided that it shall have at least three hundred (300) square feet of floor area. If detached from the one family dwelling, the second unit shall have at least three hundred (300) square feet of floor area but no more than one thousand two hundred (1,200) square feet of floor area.
- (2) The lot or parcel shall contain an area of five thousand (5,000) square feet

or more.

- (3) No more than one (1) second unit may be located on the same lot or parcel as the one family dwelling.
- (4) The second unit shall not be sold as a separate unit.
- (5) Off-street parking spaces shall be provided for each dwelling unit in accordance with subparagraph a of paragraph 2 of this subsection
- (6) The second unit shall be designed or arranged on the lot so that, to the degree reasonably feasible, the appearance of the building or lot from the street remains that of a one family dwelling. Any new entrances shall be located so that there is only one external entrance to the main building facing the same street.
- (7) If an increase in floor area is involved for an attached second unit, it shall not exceed thirty (30) percent of the floor area of the original building.
- (8) Any exterior alterations to the original one family dwelling shall be kept to a minimum. No exterior change shall be permitted which in the judgment of the decision-making body does not conform to the residential character of the neighborhood.
- (9) The second unit shall comply with all the applicable height, yard and coverage regulations for the zone in which located and the applicable provisions of this section.
- (10) The design and construction of the second unit shall conform to all applicable standards in the building, plumbing and electrical codes as adopted pursuant to Chapter 4 of Part VII of the Ordinance Code of Tulare County.
- (11) The second unit shall be constructed and maintained in accordance with all State and County health regulations.
- (12) If the second unit is to be served by a sanitary sewer system or domestic water system, the governing board controlling the sewer and/or water system shall submit a letter to the decision-making body indicating the ability of the system to provide service to the second unit.

Modifications from the above regulations may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth in Section 1 of this Ordinance. The site plan review required for additional residences in paragraph 2 of subsection B of Section 18.7 shall not be required for second units in the planned foothill development zone which meet the requirements of this paragraph.

HOME OCCUPATIONS

7. (Added by Ord. No. 2523, effective 3-31-83.)

Permitted Home Occupations

- a. In all residential and agricultural zones home occupations in compliance with the following regulations are permitted as accessory uses and no special use permit shall be required in order to establish and maintain such uses:
 - (1) A home occupation shall be conducted within a dwelling and shall be clearly

- incidental to the use of the structure as a dwelling.
- (2) There shall be no storage of equipment, vehicles or supplies associated with the home occupation outside the dwelling.
 - (3) There shall be no display of products visible in any manner from the outside of the dwelling.
 - (4) There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
 - (5) No advertising display signs shall be permitted.
 - (6) No one other than residents of the dwelling shall be employed in the conduct of a home occupation.
 - (7) The use shall not generate additional pedestrian or vehicular traffic.
 - (8) The use shall not require additional off-street parking spaces for clients or customers of the home occupation.
 - (9) No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
 - (10) The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one (1) vehicle not to exceed three-quarters (3/4) ton owned by the resident of dwelling, which shall be parked in an adequate off-street parking area.
 - (11) No motor power other than electrical operated motor shall be used in connection with a home occupation. Home occupations shall not involve the use of electric motors of more than one (1) H.P.
 - (12) No equipment or process shall be used which creates noise, vibration, glare, fumes or odor detectable to the normal senses off the property.
 - (13) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.
 - (14) No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation to the general public.

Urban Home Occupations

- b. Urban Home Occupations which do not comply with the regulations set forth in Subparagraph a of this paragraph may be permitted in all residential zones (R-A, R-O, R-1, R-2 and R-3) only if a use permit is first secured pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance. Such Urban Home Occupations shall comply with the following regulations:
- (1) An urban home occupation shall be conducted within a dwelling and/or accessory building and shall be clearly incidental to the use of the structure as a dwelling.
 - (2) There shall be no storage of equipment, vehicles or supplies associated with the home occupation outside the dwelling or accessory building.
 - (3) Unless otherwise determined by the decision-making body, there shall be no sales of products or services not produced on the premises.
 - (4) There shall be no display of products visible in any manner from the outside of the

- dwelling.
- (5) There shall be no visible evidence of the conduct of an urban home occupation other than one (1) non-illuminated name plate not to exceed two (2) square feet in area mounted flat against the dwelling.
 - (6) No one other than residents of the dwelling shall be employed in the conduct of an urban home occupation.
 - (7) The use shall not generate additional or pedestrian vehicular traffic beyond that normal to the district in which it is located.
 - (8) The use shall not require more than two (2) additional off-street parking spaces for clients or customers of the urban home occupation.
 - (9) No urban home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
 - (10) The home occupation shall not involve the use of commercial vehicles with six (6) wheels or more for delivery of materials to or from the premises.
 - (11) No home occupation shall be conducted between the hours of 10:00 p.m. and 8:00 a.m.
 - (12) No motor power other than electrical operated motors shall be used in connection with an urban home occupation.
 - (13) No equipment or process shall be used in an urban home occupation which creates excessive noise, vibration, glare, fumes or odor detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood.
 - (14) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.

Modifications from the above regulations may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth in Section 1 of this Ordinance. Additional requirements or conditions may be added as deemed necessary to assure that the urban home occupation will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

Rural Home Occupations

- c. Rural Home Occupations which do not comply with the regulations set forth in Subparagraph a of this paragraph may be permitted in all agricultural zones (AE, AE-10, AE-20, AE-40, AE-80, A-1, AF and RC) and any R-A, Rural Residential Zone and MR, Mountain Residential Zone which is restricted to a minimum lot size of forty-three thousand (43,000) square feet or more pursuant to Section 14.5 of this Ordinance, only if a use permit is first secured pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance. Rural Home Occupations shall comply with the following regulations: (Amended by Ord. No. 2956, effective 4-11-91.)
 - (1) A rural home occupation shall be clearly incidental and secondary to the use of the site for dwelling and agricultural purposes and shall not change the residential

- and agricultural character thereof.
- (2) A rural home occupation may be conducted within a dwelling and/or within an accessory building provided that all structures used shall be harmonious in appearance with the agricultural area.
 - (3) Unless otherwise determined by the decision-making body, there shall be no sales of products or services not produced on the premises.
 - (4) There shall be no external alterations of the appearance of the property, the dwelling or accessory building in which the rural home occupation is conducted which would reflect the existence of said home occupation, except that one (1) outdoor advertising display sign, limited to twenty (20) square feet of sign area shall be permitted.
 - (5) A rural home occupation shall be limited in employment to residents of the property and not more than one (1) additional person.
 - (6) No additional points of access to any street, road or highway shall be permitted, unless necessary to provide safe and proper access to the proposed use.
 - (7) The use has not been found likely to become a nuisance by reason of odor, dust, smoke gas, vibrations, or may impose a hazard to health or property.

Modifications from the above regulations may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth in Section 1 of this Ordinance. Additional requirements or conditions may be added as deemed necessary to assure that the rural home occupation will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

Temporary Buildings and Uses

8. No temporary building or use shall be permitted unless expressly permitted by the zone in which located, or unless a use permit or variance is approved for the temporary building or use in accordance with Section 16 of this Ordinance. (Added by Ord. No. 2692, effective 2-27-86.)

Land Application of Sewer Sludge

9. Land application of sewer sludge as defined in Federal Rule 40 CFR 503.11(h) shall not be allowed in any zone unless expressly permitted or where the land application of sewer sludge complies with any one of the following:
 - a. The land application of sewer sludge commenced before January 11, 1973, and has occurred continuously or on a rotational basis within a parcel or contiguous parcels, resulting in an average application to the land of at least once every three (3) years without a lapse of more than ten (10) years.
 - b. The land application of sewer sludge was authorized by a Special Use Permit approved prior to May 31, 1994, in which case that portion of Section 18 entitled "EXPIRATION OF APPROVAL," adopted pursuant to Ordinance No. 2591, shall not apply.
 - c. The land application of sewer sludge commencing after January 11, 1973, but before May 31, 1994, and has occurred continuously or on a rotational basis within

a parcel or contiguous parcels, resulting in an average application to the land of at least once every three (3) years without a lapse of more than ten (10) years, provided that no such land spreading shall be undertaken until a Special Use Permit has been approved pursuant to Section 16 of this Ordinance.

Proof of compliance with any of the foregoing Subparagraphs shall be presented to, and written confirmation of compliance received from, the Planning and Development Director prior to any land application of sewer sludge after the effective date of this paragraph. In addition, proof of compliance with Federal Rule 40 CFR 503 and applicable provisions of Title 23 of the California Code of Regulations pertaining to land application of sewer sludge shall be presented to, and written confirmation of compliance received from, the Planning and Development Director prior to any further land application of sewer sludge on parcels covered by one of the foregoing subparagraphs. Decisions by the Planning and Development Director may be appealed to the Board of Supervisors in accordance with Section 165 of the Ordinance Code of Tulare County upon payment of the fees required for appeals of decisions on Special Use Permits. (Added by Ord. No. 3165, effective 7-25-96.)

Regulations for Contractor's Storage Yards in RA Zones

10. Contractor's storage yards permitted in the Rural Residential (RA) Zone shall comply with the following regulations:

- (a) Only minor repairs related to the maintenance of vehicles are to be completed on site. No commercial repair work or servicing of vehicles of any kind shall be conducted in the parking area, except in the case of emergency. Only minor repairs of a routine maintenance nature of vehicles, equipment, and trucks and trailers associated with the proposed operation shall be allowed.
- (b) The use shall not become a nuisance by reason of odor, visual aesthetic, dust, smoke, noise, vibrations, or may impose a health hazard to health or property.
- (c) No equipment or process shall be used which creates excessive noise, vibration, glare, fumes, or odor detrimental to the use health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood.
- (d) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.
- (e) Lot or parcel size minimum of 43,000 square feet.
- (f) Fuel tanks shall be allowed following the regulation set forth in Section 15.A.5.e. provided that the tank capacity not exceed 500 gallons and that the tank is located not less than 500 feet from the nearest residence.
- (g) All parking and internal circulation shall be designed so that the vehicles enter or exit the site by moving forward. No parked vehicles shall extend into the public right-of-way or impede traffic flow.

Modifications from the above regulations may be approved by the decision making body in individual cases if modification is in accordance with the purposes set forth in Section 1 of this Ordinance. Additional requirements or conditions may be added as deemed necessary to assure that storage facilities will not under the circumstances of the particular case, be detrimental to the health and safety, peace, morals, comfort and general welfare of persons

residing or working in the neighborhood or to the general welfare of the County. (Added by Ord. No. 3356, effective 2-8-08.)

HEIGHT:

General Exceptions B.

1. Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered to exceed the height limit herein established for the zone in which building is located.
2.
 - a. One family dwelling in the thirty-five (35) foot height zones may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided. Such dwellings, however, shall not exceed three (3) stories in height.
 - b. In the thirty-five (35) foot height zones, public or semi- public buildings, schools, hospitals or institutions may be erected to a height not exceeding six (6) stories or seventy- five (75) feet when the required front, side and rear yards are increased an additional one (1) foot for each four (4) feet in height such buildings exceed thirty-five (35) feet.
 - c. On through lots one hundred and fifty (150) feet or less in depth, the height of a building may be measured from the adjoining sidewalk level on either street. On through lots more than one hundred and fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred and fifty (150) feet from that street.
 - d. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, required to operate and maintain the building, and fire or parapet walls, skylights, towers, roof signs; flagpoles, chimneys, smokestacks, wireless masts or similar structures may be erected above the height limits herein prescribed but no penthouses or roof structure, or any space above the height limits prescribed, shall be allowed for the purpose of providing additional floor space.
 - e. Notwithstanding the provisions of Subparagraph d, in the R-A, R-O, R-1 and R-2 Zones, satellite television antennas mounted on buildings shall not exceed the height limit established for the zone in which the structure is located. In all other zones, such satellite television antennas may not extend more than ten (10) feet above the height limit established for the zone in which the structure is located. Exceptions to these height requirements may be approved in conjunction with the approval of a special use permit under Section 16 of this Ordinance. (Paragraph e added by Ord. No. 2538, effective 6-6-83.)

AREA:

General C.

1.
 - a. Except as hereinafter provided:
 - (1) No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with

the regulations herein established.

- (2) No yard or other open space provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; provided, further that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.
- (3) Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) main building and its accessory buildings on one (1) lot except in commercial or industrial zones upon compliance with Tulare County Ordinance Code sections 7-01-1450(b) and 7-01-1455(b) or except as hereinafter provided (Amended by Ord. No. 3291, effective 1-8-04).
- (4) Through lots one hundred and forty (140) feet or more in depth may be improved as two (2) separate lots with the dividing line midway between the street frontages, and each such resulting half shall be subject to the controls applying to the street upon which each such half faces, except that the required maximum front and rear yards may be each reduced to ten (10) feet for lots the total depth of which is less than one-hundred and sixty (160) feet, and provided that if the whole of such through lot is improved as one building site no accessory building shall be located closer to either street than the distance constituting the required front yard on such street.
- (5) Every lot and every parcel of land at the time it was first zoned shall be deemed to be one (1) lot, and not more than one (1) main building shall be permitted on said parcel or lot unless all regulations herein established are complied with, provided that if a parcel or lot in any "R" Zone contains an area of fourteen thousand (14,000) square feet or more, but not more than two (2) acres, then for each seven thousand (7,000) square feet of area contained in such lot or parcel one (1) main building, or permitted group of buildings, may be erected and maintained subject to all of the provisions contained in the particular "R" Zone in which such property is located, provided further that the distance between separate buildings used for dwelling purposes erected and maintained on such premises shall be not less than twice the depth of the side yard requirements in the particular "R" Zone in which such property is located and provided further that the distance shall never be less than eight (8) feet. If a parcel or lot at the time it is first zoned contains an area of ten thousand (10,000) square feet or more but less than fourteen thousand (14,000) square feet, each full five thousand (5,000) square feet may be used as a separate lot subject to all other provisions pertaining to "R-1" Zone. (Amended by Ord. No. 481, effective 11-29-51.)
- (6) Every required front, side or rear yard shall be open and unobstructed from the ground to the sky.
- (7) The Planning Commission may, by resolution, adopt a formula or establish standard practices by which to determine an appropriate and practical modification or required front, side and rear yard depth in all residential zones where geometric shape and dimensions and topography are such as to make the literal application of such required yard depths impractical. After the

adoption of such formula or standard practices and the approval thereof by the Board of Supervisors, they shall be applied as an administrative act. (Added by Ord. No. 481, effective 11-29-51.)

- b. Where two-family dwellings or multiple-family dwellings not exceeding two and one-half (2-1/2) stories in height are arranged so as to rear upon the side yards, the following regulations shall apply:
 - (1) In the case of group houses or court apartments, such required side yards shall be increased by one (1) foot for each entrance or exit opening into or served by such side yard, as required in this provision. Open, unenclosed porches not extending above the level of the first floor may project into the required width of such place or court a distance of not more than twenty (20) percent and in no case more than six (6) feet.
 - (2) In the case of a row of dwellings arranged so as to rear upon one side yard and front upon the other, the side yard upon which such dwellings rear shall be increased as required above the group houses and the average width of the side yard upon which such dwellings front shall be not less than one and one-half (1-1/2) times the width of the other side yard. Open, unenclosed porches not extending above the level of the first floor may project into the side yard upon which such dwellings front a distance of not more than twenty (20) percent and in no case more six (6) feet.
 - (3) Where a roadway is provided in the place or court, the width allowed for such roadway shall be in addition to that required above.
 - (4) All other requirements, including front, side and rear yards shall be complied with the accordance with the zone in which such group houses or court apartments are located.
- c. In the "R" Zones no building shall be hereafter erected, structurally altered or used for a school, church, hospital, institution or other similar use permitted under the use regulations of this Ordinance, unless such buildings are removed at least twenty-five (25) feet from every boundary line of a property included in any "R" Zone, and provided that no front yard, as required in the zone, nor any side yard, as required above, shall be used for play or parking purposes.

Exceptions

- 2.
 - a. For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building, occupying one (1) lot; two-, three- and four-family dwellings and row houses not more than two (2) rooms deep.
 - b. In computing the depth of a rear yard, for any building where such yard opens onto an alley, one-half (1/2) of such alley may be assumed to be a portion of the rear yard.
 - c. Loading spaces as herein required may occupy not more than fifty (50) percent of a required rear yard.
 - d. The front and side yard requirements for dwellings and apartments shall be waived where the latter are erected above stores.
 - e. Accessory buildings may occupy not more than twenty five (25) percent of a required rear yard, provided such building is not more than one (1) story in height and located at least fifteen (15) feet from the nearest part of a main building.

Further, no two (2) story accessory building shall occupy any part of a required rear yard, and abutting lot to the rear. In the case of a reversed frontage, no accessory building shall be erected closer than five (5) feet to the line of abutting lot to the rear.

- f. In any case where a through lot has a depth of not more than one hundred and forty (140) feet, accessory buildings not exceeding one (1) story nor fifteen (15) feet in height, may be located in one of the required front yards; provided every portion of such building is at least ten (10) feet from the nearest front lot line.
- g. A porte cochere may be placed over a driveway in a side yard, provided such structure is not more than one (1) story in height, is unenclosed on at least three (3) sides and is entirely open except for the necessary supporting columns and reasonable architectural features.
- h. Cornices, eaves, belt courses, sills, buttresses, or similar architectural features not providing additional floor space within the building, and chimneys and fireplaces not exceeding eight (8) feet in width, may extend or project into a required side yard or space between structures not more than two (2) feet and may extend or project into a required front or rear yard not more than six (6) feet, provided that such features are not closer than three (3) feet to any side or rear lot line. No building, structure, or portion thereof may extend into a public utility easement. (Amended by Ord. No. 2516, effective 1-27-83.)
- i. (Unused)
- j. Fire escapes may extend or project into any front, side or rear yard not more than four (4) feet.
- k. Open, unenclosed stairways, or balconies not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such balconies and canopies may extend into a required front yard not more than thirty (30) inches.
- l. Uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, may extend into any front, side or rear yard not more than six (6) feet; provided, however, that an open work railing, not more than thirty (30) inches in height may be installed or constructed on any such porch, platform or landing place.
- m. Fences, hedges, landscape architectural features or guard railings for safety protection around depressed ramps, not more than three and one-half (3-1/2) feet in height, may be located in any front, side or rear yard. (Amended by Ord. No. 635, effective 10-24-57.)
- n. A fence or wall not more than six (6) feet in height, or a hedge maintained so as not to exceed six (6) feet in height may be located along the side or rear lot lines, provided such fence, wall or hedge does not extend into the required front yard nor into the side yard required along the side street on a corner lot, which in this case shall also include that portion of the rear yard abutting the intersecting street wherein accessory buildings are prohibited, and provided further, that the provision shall not be so interpreted as to prohibit the erection of a fence enclosing an elementary or high school site if such fence does not project beyond the front line of the building.
- o. Trees, shrubs, flowers or plants shall be permitted in any required front, side or

- rear yard.
- p. Ground-mounted satellite television antennas shall be permitted in any required rear yard provided such structures are located at least five (5) feet from the nearest part of the main building on the same lot and at least five (5) feet from any rear or side property line. However, in the case of a reversed frontage on a corner lot, no ground-mounted satellite television antenna shall be located closer to the street than a distance equal to fifty (50) percent of the front yard required on the lots in the rear of such corner lot. (Added by Ord. No. 253 effective 6-16-83.)

AGRICULTURAL ZONES

Determination of Acreage D.

1. Various provisions of the agricultural zones established in this Ordinance refer to acreages of 160, 80, 40, 20, 10, 5, 2-1/12, and 1 acres. Except as otherwise expressly provided in this Ordinance, the provisions of this subsection shall be applied when making determinations of the number of acres in a particular parcel of property. (Subsection D.1 relocated from Section 2.5 by Ord. No. 2751, effective 2-1-87.)
 - a. When computing the acreage of a parcel of property, any portion of the parcel which is subject to an easement or right-of-way for road, ditch, public utility or railroad purposes shall not be excluded from the parcel.
 - b. Because of discrepancies arising from the original land surveys made in the State, many sections and portions of sections contain less than the standard acreage. Since landowners tend to divide sections of land for sale in sequences of halves and/or quarters, many parcels of property have less than the standard number of acres for such a portion of a section. When the following acreage figures are used, they are intended to refer to the following portion of a section:
 - 160 acres refers to 1/4 of a section.
 - 80 acres refers to 1/2 of 1/4 of a section.
 - 40 acres refers to 1/4 of 1/4 of a section.
 - 20 acres refers to 1/2 of 1/4 of 1/4 of a section.
 - 10 acres refers to 1/4 of 1/4 of 1/4 of a section.
 - 5 acres refers to 1/2 of 1/4 of 1/4 of 1/4 of a section.
 - 2-1/2 acres refers to 1/2 of 1/2 of 1/4 of 1/4 of 1/4 of a section.In computing the number of acres in a parcel, if it is the result of a regular breakdown of land of a type described above, it shall be deemed to have the full acreage set forth above even though it may contain fewer acres because of a discrepancy of some type in surveying. The provisions of this paragraph do not apply to an acreage requirement of one acre, and the term "one acre" as used in this Ordinance shall mean a full acre, subject, however, to the other paragraphs of this subsection. Nothing in this paragraph shall be deemed to require acreage in excess of the number of acres specified in this Ordinance even though the regular breakdown of land described above results in parcels which are larger than 160, 80, 40, 20, 10, 5, or 2-1/2 acres.
 - c. The provisions of this paragraph are applicable only in the case of sale of a portion of a parcel of property under a single ownership to the United States or any agency of the United States, to the State or any political subdivision of the State having the

power to condemn the property, and in the case of sale of property to a corporation or other entity having the power to condemn the property, such as a public utility or a railroad, or a condemnation by any of the aforementioned entities.

When a portion of a parcel of property has been sold to a governmental or private entity of the type described above which had the power to condemn the property, or if such property was actually condemned, the property owner who sold such property or had it taken through condemnation shall be deemed to still own the property which was sold or condemned for the purpose of computing the acreage in his remaining contiguous property and for the purpose of dividing such remaining contiguous property into smaller parcels. However, if the amount sold or condemned exceeds ten percent (10%) of the acreage in the remaining parcel, any such amount in excess of ten percent (10%) shall not be deemed to still be owned. The aforementioned ten percent (10%) credit or allowance shall also be applicable to any subsequent person who acquired all of such remaining property from the person who sold said parcel or had it taken through condemnation. Any person who has acquired only a portion of such remaining property, after such a sale or condemnation, shall only have the benefit of such a credit or allowance if his property is contiguous to the property which was taken through condemnation or sold in lieu of condemnation and then only to the maximum extent of ten percent (10%) of the acreage in his property. The provisions of this paragraph do not apply to an acreage requirement of one acre, and the term "one acre" as used in this Ordinance shall mean a full acre, subject, however, to the other paragraphs of this subsection.

Division of Land Exceptions

2. All agricultural zones established in this Ordinance (AE, AE-10, AE-20, AE-40, AE-80, A-1, AF and RC) provide that no real property shown on the latest County tax role as a unit or as contiguous units, and which is owned by the same person or persons, may be divided for any purpose if any one (1) lot or parcel resulting from the division of land contains less than a certain minimum acreage requirement, the amount of which is specified in each agricultural zone. Unless otherwise provided in this Ordinance, the following transactions shall not be subject to the minimum acreage requirement established in agricultural zones (Subsection D.2 added by Ord. No. 2751, effective 2-1-87; amended by Ord. No. 2956, effective 4-11-91):
 - a. Any conveyance made or required by court decree for intestate or testamentary dispositions of land. (Amended by Ord. No. 3131, effective 10-12-95.)
 - b. Any conveyance to the State of California, any city or county, any political subdivision of the State of California, or any public utility subject to regulation by the State Public Utilities Commission. However, this exception does not apply to conveyances to any of said entities, including the State Department of Veterans Affairs, which are financing transactions.
 - c. Any conveyance of easements or oil, gas and mineral rights.
 - d. If a portion of a parcel of property is separated from the main portion of the property by a river, railroad, improved public road or a canal which is regularly used for the conveyance of water and the channel of which is six (6) feet or more in width, said portion of the parcel may be conveyed as a single unit even though it contains

less than the minimum acreage required in the agricultural zone in which the property is located. This paragraph shall not be applicable to property located in the AF, Foothill Agricultural Zone, and RC, Resource Conservation Zone. (Amended by Ord. No. 2956, effective 4-11-91.)

- e. If a person desires to convey a portion of his/her property to the owner of property contiguous to the property to be conveyed, he/she may do so even though the parcel being conveyed contains less than the minimum acreage required in the agricultural zone in which the property is located. However, the parcel being retained shall contain at least the minimum acreage required in the agricultural zone unless the transaction comes within one of the following provisions:
 - (1) The conveyance to the contiguous owner is to convey property on which improvements, including growing improvements, owned by the contiguous owner have been constructed or planted in error.
 - (2) The conveyance to the contiguous owner is to convey property to provide necessary yard areas as required for the zone in which the property is located.
 - (3) If there is a residence or mobilehome on the property to be retained by the person making conveyance, he/she may retain the residence or mobilehome on a parcel at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, and convey the remainder of the property to the contiguous owner. Once a parcel has been divided for this purpose, the parcel containing the residence or mobilehome may not be divided again for any purpose.
- f. If a person desires to construct a residence on his/her property for use in compliance with the provisions of the agricultural zone in which the property is located, one (1) parcel of at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, may be divided for the purpose of financing a residence. Once a person has divided one (1) parcel from his/ her property pursuant to this paragraph, he/she may not at any time thereafter cause a second parcel to be divided from the property pursuant to this paragraph. However, if a person who has created one (1) parcel pursuant to this paragraph, conveys all or part of his/her property, his/her successors in interest shall also have the right to create one (1) parcel pursuant to this paragraph if they meet all of the requirements of this paragraph.
- g. A homesite parcel may be created for the purpose of separating an existing residence or mobilehome from the remaining agricultural portion of the site. If the parcel of record to be divided is greater in size than is required in the zone district in which it is located, a maximum of one (1) homesite parcel shall be permitted, unless, and until the remaining agricultural acreage is divided into parcels consistent with the zone district in which the property is located. The creation of a homesite parcel shall comply with all of the following provisions (Amended by Ord. No. 3412, effective 9-12-10.):
 - (1) The parcel of record to be divided shall contain the minimum acreage required for the agricultural zone which the property is located except as provided in Subsection 15.D.1 of this Section. The parcel of record to be divided shall have been legally established in accordance with all applicable requirements of the California Subdivision Map Act and County Ordinance

Code.

- (2) The property contains a residence or mobile home which has been legally established in accordance with all applicable building and zoning regulations for a minimum of five (5) years.
 - (3) The minimum homesite parcel size shall be twelve thousand five-hundred (12,500) square feet. The creation of a homesite parcel containing less than one (1) acre net shall require off-site domestic water service and/or off-site sewage disposal service in accordance with all state and local standards.
 - (4) The maximum homesite parcel size shall be determined by the existing homesite use lines, not to exceed twenty (20) percent of the size parcel to be divided, or four (4) acres gross, whichever is less. Features that may be considered as establishing the homesite use lines may include: fences, developed yard areas, vegetation, canals, roads, easements, railroads, etc.
 - (5) No homesite parcel may be created from a parcel of record containing less than 10 acres gross except as provided in Subsection 15.D.1 of this section.
- h. (Creation of Homesite Parcel to retain balance of acreage) - Repealed by Ord. No. 3412, effective 9-12-10.)
- i. The following transactions do not conform to the minimum acreage required in the agricultural zone in which the property is located, but they do have the following special temporary status:
- (1) A person owning two (2) or more contiguous parcels, lots or units shown on a final subdivision or parcel map recorded in the office of the Tulare County Recorder shall have the right to convey, lease or finance one or more of such parcels, lots or units, and to secure permits to develop any of such parcels, lots or units although the individual parcels, lots or units contain less than the minimum acreage required in the agricultural zone, unless and until the circumstances stated in Subparagraph (4) below occur.
 - (2) A person owning two (2) or more contiguous parcels, lots or units shown on a parcel map, when the recordation of a final parcel map has been waived, or two (2) or more contiguous parcels, lots or units in an approved lot split map under the former County Ordinance establishing lot split procedures which did not authorize recordation of a final map, shall also have the rights set forth in Subparagraph (1) above, unless and until the circumstances stated in Subparagraph (4) below occur.
 - (3) A person owning property who has filed with the Building and Planning Director a tentative subdivision or parcel map which contains parcels, lots or units of a size that conforms to the existing zoning, but do not conform to the minimum acreage required in the agricultural zone in which the property is located, and said filing is made before the agricultural zone becomes applicable to the property being divided, shall have the right to have said map processed after the agricultural zone becomes effective and shall have the right to convey, lease or finance one or more parcels, lots or units and to secure permits to develop such parcels, lots or units, after the agricultural zoning becomes effective, even though the parcels, lots or units contain less than the minimum acreage required in the agricultural zone, unless and until the circumstances stated in Subparagraph (4) below occur.

- (4) Under Sections 7-01-2710 - 7-01-2735 of the Tulare County Ordinance Code, the Board of Supervisors has the power, after a public hearing, to merge existing parcels, lots or units in subdivisions, parcel maps and lot splits. If such merger occurs with regard to property described in Subparagraphs (1) through (3) above, all of the contiguous parcels, lots or units under a single ownership shall merge and thereafter no parcels, lots or units may be conveyed, leased or financed until a new subdivision or parcel map has been approved when required by State law or the Tulare County Ordinance Code, and no permits for development may be issued except in conformity with the requirements of the agricultural zone in which the property is located.
- (5) Two (2) or more contiguous parcels, lots or units of the type described in Subparagraphs (1) through (3) above shall not have the special temporary status described in Subparagraphs (1) through (3) above if: (a) the parcels, lots or units lie outside of the Urban Area Boundary as designated by the General Plan; (b) the parcel, lot or unit to be conveyed, leased or financed is less than ten (10) acres or the total property to be retained is less than ten (10) acres or, in the case of AE and A-1 zoning only, the parcel, lot or unit to be conveyed, leased or financed is less than five (5) acres or the total property to be retained is less than five (5) acres; (c) the parcel, lot or unit to be conveyed was created prior to February 3, 1959; and (d) in the case of A-1 zoning only, the parcels, lots, or units to be conveyed lie west of the eastern boundary of the Foothill Region, as delineated in the Foothill Growth Management Plan, said boundary to include the northern boundary of the Three Rivers Planning Area, as delineated in the Three Rivers Community Plan. Therefore, none of such parcels, lots or units may be conveyed, leased or financed under this Paragraph i.
- j. (Division of gift parcels - Repealed by Ord. No. 2858, effective 10-20-88)

Division of Land Exceptions in AF Zone

- 3. In addition to the division of land exceptions set forth in Subsection D.2 of this section, the following transactions shall not be subject to the minimum acreage requirement in the AF, Foothill Agricultural Zone, and RC, Resource Conservation Zone: (Subsection D.3 added by Ord. No. 2751, effective 2-1-87; amended by Ord. No. 2956, effective 4-11-91)
 - a. If a portion of a parcel of property is separated from the main portion of the property by a continuously flowing stream, railroad, improved public road or a manmade canal which is regularly used for the conveyance of water and the channel of which is six (6) feet or more in width, said portion of the parcel may be conveyed as a single unit even though it or the remainder contains less than one-hundred and sixty (160) acres.
 - b. If a person desires to convey property containing perennial agricultural crops such as fruit and nut trees and vines, and said crops have continuously existed on the property for at least five (5) years, a parcel of twenty (20) acres or more may be divided for this purpose. However, if that portion of the property containing said perennial agricultural crops is less than twenty (20) acres but greater than five (5) acres,

the portion of the property containing said crops may be conveyed as a single unit. There may be more than one division of land pursuant to this paragraph.

- c. If a person owning agricultural land desires to lease a portion of his/her property for agricultural purposes, he/she may do so even though the parcel to be leased, or the remainder, contains less than one-hundred sixty (160) acres. However, the existence of such a lease shall not constitute a basis for approval of a division of land for any other purpose except as provided in this subsection and subsection D.2 of this section. As used in this paragraph, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock. There may be more than one division of land pursuant to this paragraph.

STATE RESPONSIBILITY AREAS

Fire Safe Standards

E. (Section added by Ord. No. 2982, effective 1-2-92)

1. All new buildings hereafter erected and any new on-site storage of propane and/or gasoline in all zoning categories within the boundaries of a State Responsibility Area shall be provided with fire safety improvements which are applicable as follows (amended by Ord. No. 3219, effective 3-11-99):
 - a. Class "A" fire retardant roofing materials, as established in the Uniform Building Code shall be used.
 - b. Attic vent screens of corrosion-resistant wire mesh, with a mesh size of 1/4 inch, shall be provided for all vent openings. Chimney openings shall be equipped with a corrosion-resistant wire mesh screen with a mesh size of 1/2 inch.
 - c. At least a thirty (30) foot clearance of flammable vegetation shall be provided and maintained around all buildings and on-site flammable liquids storage tanks (amended by Ord. No. 3219, effective 3-11-99).

Roadway Standards

2. Every new building or flammable liquids storage tank hereafter erected or installed within the boundaries of a State Responsibility Area shall be provided with a roadway which meets the following requirements (amended by Ord. No. 3219, effective 3-11-99).
 - a. Driveways shall provide a minimum 10-foot-wide traffic lane. All driveways shall have a minimum 15-foot unobstructed vertical clearance along the entire length of the driveway and a maximum 16% grade. Driveways exceeding 150 feet in length, but less than 800 feet, shall provide a midpoint turnout. Driveways exceeding 800 feet shall provide turnouts at least every 400 feet. Turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum of 25 foot taper on each end. Turnaround or a hammerhead "T" shall be provided at all building sites or flammable liquids storage tanks on driveways exceeding 300 feet and shall be located within 50 feet of the building(s) or flammable liquid storage tank(s) (amended by Ord. No. 3219, effective 3-11-99).
 - b. Roads shall provide a minimum 18 foot wide traffic lane.
 - c. Roads providing vehicular access to a single parcel with any industrial or

- commercial occupancy shall provide a minimum 20 foot traffic lane.
- d. As a minimum, all roadway surfaces shall be paved in accordance with the minimum road improvement standard providing for an all weather surface and at least a 40,000 pound load tolerance as such standards are established by the Ordinance Code of Tulare County, Part VII, Chapter 1, Article 5, Section 7080. Article 13, Section 7-01-2025. If, due to other County requirements, such roadways would be subject to a higher road improvement standard, the higher road improvement standard shall apply.

Gate Entrances

3. All gate entrances erected on streets, roads or driveways within the boundaries of a State Responsibility Area shall be at least two feet wider than the roadway and shall be set back a minimum of 30 feet from the main roadway.

Greenbelts

4. If a greenbelt or greenbelts are proposed as a part of a development plan, said greenbelts shall be located so as to provide a separation between wildland fuels and structures. The location shall be recommended by the Tulare County Fire Warden and approved by the body taking final action.

Setback for Structure Defensible Space

5.
 - a. All parcels 1 acre and larger shall provide a minimum 30-foot setback for buildings, accessory buildings and flammable liquid storage tanks from all property lines and/or the center of road. Where there is a difference between setback requirements of this section and any other section of this ordinance or other local, State or Federal regulations, the most restrictive shall apply (amended by Ord. No. 3219, effective 3-11-99).
 - b. For parcels less than 1 acre and for parcels otherwise subject to (a) above, alternative methods where the exception provides the same overall practical effect as these regulations towards providing defensible space may be recommended by the Tulare County Fire Warden and approved by the body taking final action. Such alternative methods may include, but are not limited to, compliance with the standards set forth as outlined in the most current edition of the National Fire Protection Association Pamphlet 80-A and/or provision of an acceptable amount of water storage for fire protection.

Maintenance of Defensible Space

6. To ensure continued maintenance of properties in conformance with these standards and measures and to assure continued availability, access, and utilization of the defensible space provided for in these standards during a wildfire, provisions for annual maintenance as provided in Title 14 of the California Code of Regulations, Section 1272.00, shall be included in the development plans and shall be provided as a condition of any variance,

permit, parcel map or subdivision map approvals.

Disposal of Flammable Vegetation and Fuels

7. Disposal of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final inspection under an encroachment permit for road construction or final inspection under a building permit, whichever is later.

SECTION 15.1 CONFINED ANIMAL FEEDING OPERATIONS

(Added by Ord. No. 3285, effective 5-15-03)

PURPOSE AND INTENT

A. It is the purpose and intent of this Section to implement Section 3.2 of Chapter 3 of the Animal Confinement Facilities Plan (hereinafter referred to as the "ACFP", a component of the Environmental Resources Management Element of the Tulare County General Plan, by establishing permit and monitoring requirements for all confined animal feeding operations.

B. (Reserved)

COMPREHENSIVE NUTRIENT MANAGEMENT PLAN REQUIREMENT

C. (Reserved)

GEOLOGICAL- HYDROLOGICAL REPORT REQUIREMENT

D. (Reserved)

SECTION 15.2: ADULT-ORIENTED BUSINESS

(Added by Ord. No. 3330, effective 7-25-06; amended by Ord. No. 3399, effective 1-1-10)

FINDINGS A.

The Board of Supervisors, in adopting this section, takes legislative notice of the existence and content of the studies concerning the adverse secondary effects of Adult-Oriented Businesses in other counties and cities, including: Houston, TX (1997); Dallas, TX (1997); Newport News, VA (1996); New York City, NY (1994); Garden Grove, CA (1991); Manatee County, FL (1987); Austin, TX (1986); Indianapolis, IN (1984); and Los Angeles, CA (1977). The Board of Supervisors relies upon these studies, believes them to be true, and finds that certain secondary adverse effects are associated with Adult-Oriented Businesses, including: increases in crimes, specifically sex crimes such as prostitution, pandering and indecent exposure; decreases in property values for property located near such businesses; physical deterioration and blight for areas surrounding such businesses; and a negative effect on the general quality of life for areas surrounding such businesses. The Board of Supervisors also specifically relies upon the evidentiary foundation set forth in *Renton v. Playtime Theaters, Inc*, 475 U.S. 41, 89 L.Ed.2d 29, 106 S. Ct. 925 (1986) as cited in *City of Erie, et al. v. Pap's A.M., TDBA "Kandyland"* 529 U.S. 277, 146 L.Ed.2d 265, 120 S. Ct. 1382 (2000).

The Board of Supervisors, based upon the evidence before it as presented by staff and members of the public, finds, in reliance on and in accordance with *Castner v. City of Oakland* (1982), 129 CA3d 94; *City of Whittier v. Walnut Properties, Inc.*, (1983); and *World Wide Video v. City of Spokane* (9th Circ. 2004) 368 F3d 1186, that there are sufficient relocation sites within Tulare County to allow both relocation and alternative avenues of communication for any Adult-Oriented Businesses currently operating in Tulare County which will become legal nonconforming uses upon adoption of this ordinance and the effective date of the regulations set out herein. The Board therefore, based upon the nature of this use as recognized above, finds it appropriate to require amortization as set forth herein of any Adult-Oriented Businesses uses which become legal nonconforming uses by reason of the adoption of this ordinance.

PURPOSE AND INTENT B.

It is the intent of this section to reasonably regulate the locating of Adult-Oriented Businesses, to promote the health, safety, and general welfare of the citizens of the County of Tulare, and to prevent the adverse secondary effects of Adult-Oriented Businesses from occurring within the County of Tulare. It is the intent of this section to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of Adult-Oriented Businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, day care facilities, churches, parks, and residentially zoned districts or uses. The Board of Supervisors finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses causes an increase in the number of transients in the area, and an increase in crime and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this section to establish reasonable and uniform regulations to prevent the concentration of Adult-Oriented Businesses or their close proximity to incompatible uses, while permitting the location of Adult-Oriented Businesses in certain areas.

It is neither the intent nor the effect of this section to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this section to restrict or deny access by adults to adult-oriented materials as protected by the First Amendment or to deny access by the distributors or exhibitors of adult-oriented materials to their intended market.

Nothing in this section is intended to authorize, legalize or license the establishment, operation or maintenance of any business, building or use which violates any other county ordinance or any statute of the State of California, including those relating to public nuisances, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition of public display thereof.

DEFINITIONS C.

An "Adult-Oriented Business" is defined in Part VI of the Ordinance Code of the County of Tulare, Chapter 3. Refer to Chapter 3, Part VI of the Ordinance Code for additional definitions regarding adult-oriented terminology.

MINIMUM PROXIMITY REQUIREMENTS D.

1. Adult-Oriented Businesses shall not be established or located in any zone in the County of Tulare, nor shall any building or land be used for such businesses, other than the M-2 (Heavy Manufacturing), M-1 (Light Manufacturing), and C-3 (Service Commercial) zones. In addition, no Adult-Oriented Business shall be located:
 - a. Within one thousand five hundred (1,500) feet of any other Adult-Oriented Business located either inside or outside county boundaries;
 - b. Within one thousand five hundred (1,500) feet of any existing public or private schools, including licensed day care facilities, parks or other recreational facilities where minors congregate, located either inside or outside of county boundaries;
 - c. Within one thousand five hundred (1,500) feet of any existing or planned park set forth in the general plan or other recreational facility where minors congregate, located either inside or outside of county boundaries;
 - d. Within one thousand five hundred (1,500) feet of any land which carries an existing county or city general plan land use designation which contains the words residence or residential within its title.
 - e. Within one thousand five hundred (1,500) feet of any land designated as R-A, MR, R-O, R-1, R-2, or R-3 on the county zoning map.
 - f. Within one thousand five hundred (1,500) feet of any existing church or religious institution, located either inside or outside of county boundaries.
2. As used in this sub-section, "existing" means existing at the time the Adult-Oriented Business is to be established.
3. The distances set forth above shall be measured in a straight line, without regard to intervening structures, as a radius from the property line of the Adult-Oriented Business to the property line of the other use.

MORTIZATION; ABANDONMENT E.

1. Amortization: Any use of real property existing on the effective date of this section
Chapter 3, Section 15.2, Page 7

which does not conform to the provisions of subsection D, but which was constructed, operated, and maintained in compliance with all County of Tulare, State and Federal regulations, rules and ordinances shall be regarded as a nonconforming use which may be continued for up to five (5) years after the effective date of this ordinance. On or before such date, all such nonconforming uses shall be terminated unless a hardship extension of time has been approved by the Board of Supervisors in accordance with the provisions of subsection F. All nonconforming uses continuing without a hardship extension of time shall be public nuisances.

2. Abandonment. Notwithstanding the above, any discontinuance or abandonment of the legal nonconforming use of any real property, lot, parcel or structure as an Adult-Oriented Business for a period of six (6) months or more shall result in a loss of legal nonconforming status of such use and shall be a public nuisance if resumed without compliance with this section.

HARDSHIP EXTENSION OF TIME FOR TERMINATION OF NON- CONFORMING USE

F.

1. To mitigate any potential economic impact and to prevent any alleged taking of private property that could be caused by the operation subsection E, the owner or operator of a nonconforming use as described in subsection E may apply under the provisions of this section to the Board of Supervisors for an extension of time within which to terminate the nonconforming use on the ground that the effect of subsection E causes undue hardship by depriving that person of all economically viable, reason or beneficial use of his or her affected property as these terms are understood within the meaning of the United States and California Constitutions or that during the original amortization period no alternative sites or reasonable avenues of communication became available.
2. Time and Manner of Application - An application for an extension of time within which to terminate a use made nonconforming by the provisions of subsection D may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such an application must be filed with the County of Tulare Resource Management Agency at least ninety (90) days but no more than one hundred eighty (180) days prior to the time established in subsection E for termination of such use.
3. Procedure and Decision: If an application is made to the Board pursuant to this subdivision, a public hearing shall be set by the Clerk of the Board and duly noticed pursuant to Government Code section 65091 at least ten (10) days prior to hearing. After considering all of the evidence submitted in support of and opposition to the application for hardship extension, the Board may grant a limited extension on terms and conditions that are fair, reasonable and consistent with the protection of the public health, safety and welfare so as to prevent a taking of private property without just compensation. Such application shall be subject to any fee set by the Board of Supervisors from time to time by resolution.

DEVELOPMENT STANDARDS G.

1. Any Adult-Oriented Business located in the County of Tulare is subject to the following development standards when operating an Adult Oriented Business.
 - a. All windows of businesses classified as an Adult-Oriented Business shall have window screens or shields in order to
 - (1) Protect from public view and protect the surrounding community from the

adverse secondary effects of the Adult-Oriented Business.

- (2) Protect the privacy of the Adult-Oriented Businesses' clientele.
- b. Outdoor advertising display signs for businesses classified as an Adult-Oriented Business shall not contain any graphically obtrusive display, such as neon lighting portraying sexual acts or nudity.
2. Any Adult-Oriented Business that lawfully existed at the time this section takes effect shall conform to these development standards within one (1) year.
3. Any Adult-Oriented Business located in the County of Tulare is subject to the regulations as established in Chapter 3, Part VI of the Tulare County Ordinance Code.

IN ADDITION TO OTHER REMEDIES; CONTROL AND PRIORITY H.

The provisions and regulations of this Chapter are not to be the exclusive regulation of Adult-Oriented Businesses in Tulare County but shall be in addition thereto. The provisions of this Chapter, including but not limited to the provisions and regulations pertaining to definitions, minimum proximity requirements, development standards, amortization and abandonment, shall supersede, control and have priority over any conflicting or less stringent provisions of the Tulare County Zoning Ordinance No. 352, as amended from time to time, as to the Adult-Oriented Business uses defined herein.

SECTION 15.3: MEDICAL MARIJUANA COLLECTIVES AND COOPERATIVES

(Section 15.3 pertaining to “Medical Marijuana Dispensaries” added by Ord. No. 3342, effective 5-1-07; repealed by Ord. No. 3398, effective 1-1-10; Sec. 15.3 pertaining to “Medical Marijuana Collectives and Cooperatives” added by Ord. No. 3398, effective 1-1-10)

FINDINGS A.

The Board of Supervisors, in adopting this section, takes legislative notice of the existence and content of the studies and opinions concerning potential adverse effects of Medical Marijuana Collectives and Cooperatives in other counties and cities. The Board of Supervisors relies upon these studies and opinions, believes them to be true, and finds that certain potential adverse effects can be associated with Medical Marijuana Collectives or Cooperatives, including: increases in crimes, specifically theft of marijuana from individual patients, caregivers or the collective/cooperative, and the sale of medical marijuana for non-medical purposes; and a negative effect on the general quality of life for areas surrounding such collective/cooperative.

Furthermore, the Board of Supervisors finds that, based upon the evidence before it as presented by staff and members of the public, there are sufficient properties zoned for commercial and industrial land uses within Tulare County to allow Medical Marijuana Collectives and Cooperatives to be established within unincorporated Tulare County while meeting setbacks from sensitive uses and other development standards.

INTENT B.

It is the intent of this section to reasonably regulate the locating of Medical Marijuana Collectives or Cooperatives, to promote the health, safety, and general welfare of the citizens of the County of Tulare, and to prevent adverse secondary effects of Medical Marijuana Collectives or Cooperatives from occurring within the County of Tulare. It is the intent of this section to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which could be brought about by the concentration of Medical Marijuana Collectives or Cooperatives in close proximity to each other or proximity to other incompatible uses such as schools for minors, day care facilities, churches that have facilities for children, and parks. The Board of Supervisors finds that it has been demonstrated in various communities that a concentration of Medical Marijuana Collectives and Cooperatives could cause an increase in the number of transients in the area, and an increase in crime and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this section to establish reasonable and uniform regulations to prevent the concentration of Medical Marijuana Collectives and Cooperatives or their close proximity to incompatible uses, while permitting the location of Medical Marijuana Collectives or Cooperatives in certain areas.

Nothing in this section is intended to authorize, legalize or license the establishment, operation or maintenance of any business, building or use which violates any state or federal laws, regulations, or local ordinances, including County ordinances and regulations, including those relating to public nuisances or unlawful use of marijuana. All medical marijuana collectives or

cooperatives must comply with all state and federal laws, regulations, and local ordinances, including County ordinances and regulations.

DEFINITIONS C.

A "Medical Marijuana Cooperative" and "Medical Marijuana Collective" is defined in Part VI of the Ordinance Code of the County of Tulare, Chapter 21. Refer to Chapter 21, Part VI of the Ordinance Code for additional definitions regarding medical marijuana terminology.

ZONES D.

Medical marijuana collectives and cooperatives as defined in Chapter 21 of Part VI of the Ordinance Code of Tulare County shall not be established or located in any zone in the County of Tulare, nor shall any building or land be used for such collectives or cooperatives, other than those located in a C-2 (General Commercial), C-3 (Service Commercial), M-1 (Light Manufacturing), or M-2 (Heavy Manufacturing) zone district. Medical marijuana collectives and cooperatives shall comply with the requirements of Tulare County Ordinance No. 352, the Ordinance Code of Tulare County, and other state and local laws or regulations. Facilities or uses that distribute medical marijuana to two or more patients within the un- incorporated areas of the County of Tulare shall be unlawful unless they are medical marijuana collectives or cooperatives.

SEPERATION OF USE E.

Property lines of medical marijuana collective and cooperative locations shall be at a minimum of 1,000 feet radius from the following:

1. Existing public or private schools, residential dwellings, day care facilities as defined by the state of California, parks or other recreational facilities where minors congregate.
2. Planned or existing park set forth in the general plan or other recreational facility where minors congregate;
3. Existing places of religious worship;
4. Other public or private facilities, including but not limited to theaters, bus stops, dog parks, and other open space or facilities where minors may congregate; and
5. Other medical marijuana collectives or cooperatives.
6. As used in this section, "existing" means existing at the time the collective or cooperative is to be established.

The distances set forth above shall be measured in a straight line, without regard to intervening structures, as a radius from the property line of the collective or cooperative to the property line of the other use.

Medical marijuana collectives and cooperatives will be required to apply and adhere to all regulations within Chapter 21, Part VI of the Ordinance Code. The Planning Department will review Business License applications for zone and proximity requirements for medical marijuana collectives and cooperatives. Medical marijuana collectives and cooperatives will be required to apply and adhere to all state and federal laws, regulations, and local ordinances, including

County ordinances and regulations.

DEVELOPMENT REGULATIONS AND STANDARDS

Any Medical Marijuana Collective or Cooperative located in the County of Tulare is subject to the regulations as established in Chapter 21, Part VI of the Tulare County Ordinance Code.

SECTION 15.5 REASONABLE ACCOMMODATION

(Added by Ord. No. 3474, effective 7-30-2015)

PURPOSE

Addition of Reasonable Accommodation Ordinance as Section 15.5, to read

SECTION 15.5: REASONABLE ACCOMODATION

It is the policy of the jurisdiction, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter "fair housing laws"), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose affair housing laws.

FINDINGS

The Board of Supervisors of Tulare County finds:

The federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing;

- A. The Housing Element of the jurisdiction must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including local land use and zoning constraints or providing reasonable accommodation;
- B. The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities;
- C. A fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the jurisdiction's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

APPLICABILITY

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

NOTICE TO THE PUBLIC OF AVAILABILITY OF ACCOMMODATION PROCESS

Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the planning, zoning and building departments, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Planning and Building and Safety departments.

REQUESTING REASONABLE ACCOMMODATION

- A. In order to make housing available to an individual with a disability, any eligible person may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
- B. Requests for reasonable accommodation shall be in writing and provide the following information:
 - (1) Name and address of the individual(s) requesting reasonable accommodation;
 - (2) Name and address of the property owner(s);
 - (3) Address of the property for which accommodation is requested;
 - (4) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
 - (5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- E. If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.

REVIEWING AUTHORITY

- A. Requests for reasonable accommodation shall be reviewed for conformance to the required findings by the Planning Commission.
- B. The reviewing authority shall issue a written decision on a request for reasonable

accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings.

- C. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

REQUIRED FINDINGS

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

- (1) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- (2) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
- (3) Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction and;
- (4) Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.

WRITTEN DECISION ON THE REQUEST FOR REASONABLE ACCOMMODATION

- A. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the review of the required findings. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.
- B. The written decision of the reviewing authority shall be final unless an applicant appeals it to the jurisdiction's planning commission.
- C. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period, the request shall be deemed granted.
- D. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

APPEALS

- A. Within thirty (30) days of the date of the Planning Commission's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.
- B. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.
- C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the

- privacy rights of the applicant and shall not be made available for public inspection.
- D. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

SECTION 15.6: EMERGENCY SHELTERS

(Added by Ord. No. 3475, effective 7-30-15)

Purpose and intent

It is the intent of this chapter to provide for adequate development and operational standards to ensure appropriate housing and services for special needs populations are met.

Permit requirements and Operational Standards

Emergency shelters are permitted in the M-1 zone. Emergency shelters and shall be subject to the following conditions:

A. Permit Requirements.

1. Emergency shelters shall comply with all federal and California State licensing requirements.
2. Emergency shelters facilities shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions.
3. Maximum Number of Beds. No more than one hundred (100) beds shall be provided in any single emergency shelter. Shelters may exceed the maximum one hundred (100) bed limitation through a conditional use permit subject to approval by the designated approving authority. The maximum number of beds does not apply in situations of Countywide or statewide designated disasters or catastrophic conditions.
4. Parking spaces. One (1) vehicle parking space shall be provided per 5 beds. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than minimum of eight (8) bike parking spaces.
5. Waiting and intake areas: All waiting and intake areas shall be internal. The minimum size of each of these areas shall be 150 square feet.
6. Proximity to other facility: Each facility shall be a minimum of 300 feet apart from another facility.
7. Length of stay: The length of stay shall not exceed 6 months in a 12 month period.
8. Lighting: Lighting in or on an emergency shelter shall be stationary, directed away from adjacent properties and public right of ways, and of an intensity that is consistent with existing lighting in the neighborhood.

B. Operational Standards.

1. If a program includes a drug or alcohol abuse counseling component, appropriate State and/or Federal licensing shall be required.
2. The program shall identify a transportation system that will provide its clients with a reasonable level of mobility including, but not limited to, access to social services, housing and employment opportunities.
3. Emergency Shelters shall provide specific mechanisms for residents to contact social services.
4. The program shall include clear and acceptable arrangements for facility residents, such as on-site meal preparation or food provision and disbursement.
5. The program, where applicable, shall provide child care services and ensure that school-aged children are enrolled in school during their stay at the facility.

6. The emergency shelter provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility and for training, counseling, and treatment programs for residents.
7. The emergency shelter may establish written expectations of residents - behavioral, medical, and religious, etc. Expectations of residents will be available to each resident at entry to the shelter, and to the public (upon request).
8. The emergency shelter shall have infection control policies in accordance with guidelines of the Centers for Disease Control covering but not necessarily limited to HIV/AIDS, hepatitis, and tuberculosis.
9. Domestic violence shelters must maintain a record of clients and visitors at all times. Clients will have immediate twenty-four (24) hour access to shelter staff and no walk-in services will be provided at any time in the safe house itself.
10. Emergency shelters shall provide on-site management, security, and support staff at all times during shelter use.
11. Management plan: The operation shall prepare and submit a management plan that includes, as applicable, the following: established staff training program to meet the needs of facility residents; a list of services provided to assist facility residents with obtaining permanent shelter and income, and a method for screening clients for compatibility with shelter resources, and for compliance with applicable State and Federal laws prior to admittance to the facility.
12. Security Plan: Security measures shall be sufficient to protect clients and neighboring land uses. On-site management and on-site security shall be provided during the hours when the emergency shelter is in operation and at all times that the clients are present on-site. An off-site staff person shall be designated as a neighborhood liaison to respond to, and address, any questions or concerns from surrounding residents regarding facility operations.
13. Facilities shall allocate sufficient areas on site, outside of any required landscape areas, to provide the following minimal support services:
 - a. Food preparation and dining areas.
 - b. Laundry facilities.
 - c. Restrooms and showers.
 - d. Areas to secure and store client belongings.
 - e. Indoor and outdoor recreational facilities and/or open space.
 - f. A private area for providing referral services to assist shelter clients in entering programs aimed at obtaining permanent shelter and income. Referral services refers to the initial assessment of a homeless client to identify the areas in which assistance is needed, and connecting clients with appropriate off-site programs and services depending on their need.

SECTION 15.7: DENSITY BONUS

(Added by Ord. No. 3476, effective 7-30-2015)

PURPOSE

The specific purposes of the affordable housing density bonus and other incentives regulation are to:

- (a) Allow for density bonuses and additional incentives for affordable housing lower and moderate income households, for seniors and disabled persons, and for development that includes a childcare facility;
- (b) Implement the policies of the General Plan Housing Element to expand the provision of housing for lower and moderate income households, elderly residents and others with special housing needs; and
- (c) Establish requirements for resale and rental controls to ensure that units remain affordable for at least thirty (30) years or such other term as required by Tulare County, consistent with State and Federal law.

GENERAL PROVISIONS

- (a) State Law Governs. The provisions of this chapter shall be governed by the requirements of Government Code Section 65915, as amended. Where conflict occurs between the provisions of this chapter and State and Federal law, State and Federal law shall govern.
- (b) Land Use Compatibility. All affordable housing units shall be dispersed within market rate projects, whenever feasible. Affordable housing units within market rate projects shall be comparable with the design of market-rate units in appearance, use of materials, and finished quality. Building forms, materials and proportions that are compatible with the character of the surroundings shall be used.
- (c) Availability. Affordable housing units shall be constructed concurrently with, and made available for qualified occupants at the same time as the market-rate housing units within the same project unless both Tulare County and the developer agree to an alternative schedule for development.
- (d) Effect of Granting Density Bonus. The granting of a density bonus shall not, in and of itself, require a General Plan amendment, zoning change, or other discretionary "approval.
- (e) Income Levels. For purposes of determining income levels of households under this chapter, Tulare County shall use the income limits in Title 25, Section 6932 of the California Code of Regulations or other income limits adopted by Tulare County if the State department of Housing and Community Development fails to provide timely updates of the income limits in the California Code of Regulations.

APPLICATION REQUIREMENTS

An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this chapter shall be submitted in conjunction with the project application and shall be processed concurrently with all other applications required for the project. The application shall be submitted on a form provided by Tulare County and shall include, at a minimum, the following information:

- (a) A site plan showing the total number of units, the number and location of the units dedicated and the number and location of the proposed density bonus units;
- (b) The level of affordability of the dedicated units;
- (c) A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards and evidence demonstrating that the application of the subject standard or requirement would preclude construction of the project and that the waiver or modification is necessary to make development of the project financially feasible;
- (d) If a density bonus is requested for a land donation, the application shall show the location of the land to be dedicated; and,
- (e) If a density bonus is requested for construction of a child care facility, the application shall show the location and square footage of the proposed facility.

REVIEW

- (a) **Duration of Affordability.** All affordable housing units shall be kept affordable for a minimum period of thirty (30) years or such other terms approved by Tulare County, consistent with State and Federal law.
- (b) **Regulatory Agreement Required.** All affordable housing projects shall be subject to the approval of an agreement pursuant to conforming to the provisions of Sections 65864 to 65869 of the Government Code. The terms of the agreement shall be reviewed and revised as appropriate by the Planning Director, who shall formulate a recommendation to the decision making body for final approval. This agreement shall include, but is not limited to, the following:
 - (1) **Number of Units.** The total number of units approved for the projects, including the number of affordable housing units.
 - (2) **Target Units.** The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.
 - (3) **Household Income Group.** A description of the household income groups to be accommodated by the project and a calculation of the Affordable Sales Price.
 - (4) **Certification Procedures.** The party responsible for certifying sales prices or annual rental rates, and the process that will be used for certification.
 - (5) **Schedule.** A schedule for the completion and occupancy of the affordable housing units.
 - (6) **Required Term of Affordability.** Duration of affordability of the housing units. Provisions shall also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer.
 - (7) **Expiration of Agreement.** Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for Tulare County and/or the distribution of accrued equity for for-sale units.
 - (8) **Remedies for Breach.** A description of the remedies for breach of the Agreement by either party.
 - (9) **Other Provisions.** Other provisions to ensure implementation and compliance with this chapter.

- (10) Condominium and Planned Developments. In the case of condominium and planned developments, the Regulatory Agreement shall provide for the following conditions governing the initial resale and use of affordable housing units:
 - a. Target units shall, upon initial sale, be sold to eligible Very Low, Lower, or Moderate Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents as defined by this Ordinance.
 - b. Target units shall be initially owner-occupied by eligible Very Low or Lower Income Households.
 - c. Upon resale, the seller of a target unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. Tulare County shall recapture its proportionate share of appreciation, which shall be used to promote home ownership opportunities. Tulare County's proportionate share shall be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial sale.
- (11) Rental Housing Developments. In the case of rental housing developments, the Regulatory Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period:
 - a. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining Target Units for qualified tenants.
 - b. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter.
 - c. Provisions requiring owners to submit an annual report to Tulare County, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.

STATE AFFORDABLE HOUSING DENSITY BONUS

- (a) Minimum Density Bonus and Composition of Qualifying Projects. Tulare County shall grant a density bonus in the following amounts over the otherwise allowable maximum residential density permitted by this Ordinance and the General Plan, and one (1) or more additional concessions or incentives, if the applicant applies for and proposes to construct any one (1) of the following:
 - (1) Lower Income Units. A density bonus of twenty (20) percent if ten (10) percent of the total units of a housing development are affordable to lower income households.
 - (2) Very Low Income Units. A density bonus of twenty (20) percent if five (5) percent of the total units of a housing development are affordable to very low income households.
 - (3) Senior Citizen Housing Development. A density bonus of twenty (20) percent if a housing development qualifies as a Senior Citizen Housing Development.
 - (4) Moderate Income Units in Condominium and Planned Use Developments. A density bonus of five (5) percent if ten (10) percent of the total dwelling units in a condominium project, are affordable to persons and families of moderate income.

- (b) **Additional Sliding Scale Density Bonus.** The number of units to which an applicant is entitled may exceed the percentage specified under the following provisions:
 - (1) **Lower Income Dwellings.** For each additional one (1) percent increase above ten (10) percent units affordable to lower income households, the density bonus shall be increased by one and one-half (1.5) percent up to a maximum density bonus of thirty-five (35) percent of the maximum allowable residential density for the site.
 - (2) **Very Low Income Dwellings.** For each additional one (1) percent increase above five (5) percent in the proportion of units affordable to very low income households, the density bonus shall be increased by two (2) and one half (2.5) percent, up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.
 - (3) **Condominium and Planned Development Units.** For each additional one (1) percent increase above ten (10) percent units affordable to moderate income households, the density bonus shall be increased by one (1) percent, up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.
- (c) **Qualifying Projects – Number of Units.** The bonuses under Subsections (a) and (b) are applicable to residential projects of twenty (20) or more units, and senior housing projects of more than thirty-five (35) units.
- (d) **Calculation of Density Bonus Units.** When calculating the number of permitted density bonus units, all fractional units shall be rounded to the next higher whole number. The applicant who requests a density bonus for a project that meets two (2) or more of the eligibility requirements shall specify whether the bonus shall be awarded.
- (e) **Minimum Density Bonus and Composition of Qualifying Projects.** The density bonus shall not be included when determining the number of target units to be provided in a development project.
- (f) **Optional Density Bonus.** Tulare County may grant a proportionally lower density bonus and/or provide concessions and/or, Affordable Housing Concessions and Incentives, if an applicant agrees to construct a development containing less than the percentage of housing for lower or very low income households.

AFFORDABLE HOUSING CONCESSIONS AND INCENTIVES

- (a) **Number of Incentives or Concessions.** Tulare County will provide an applicant incentives and/or concessions as follows:
 - (1) One (1) incentive or concession for projects that include at least ten (10) percent of the total units for lower income households, at least five (5) percent for very low income households, or at least ten (10) percent for persons and families of moderate income in a condominium or planned development; or
 - (2) One (1) incentive or concession for senior citizen housing developments; or
 - (3) Two (2) incentives or concessions for projects that include at least twenty (20) percent of the total units for lower income households, at least ten (10) percent for very low income households, or at least twenty (20) percent for persons and families of moderate income in a condominium or planned development; or
 - (4) Three (3) incentives or concessions for projects that include at least thirty (30) percent of the total units for lower income households, at least fifteen (15) percent

- for very low income households, or at least thirty (30) percent for persons and families of moderate income in a condominium or planned development.
- (5) The applicant who requests incentives or concessions for a mixed-income project shall specify whether the incentives or concessions shall be awarded on the basis of paragraph one (1), two (2), three (3), or four (4) of this section.
- (b) **Proposal of Incentives and Findings.** An applicant may propose specific incentives or concessions that would contribute significantly to the economic feasibility of providing affordable units pursuant to this chapter and State law. In addition to any increase in density to which an applicant is entitled, Tulare County shall grant one (1) or more incentives and/or concessions that an applicant requests, up to the maximum number of incentives and concessions, unless Tulare County makes a written finding that either:
 - (1) The concession or incentive is not necessary in order to provide the proposed targeted units, or
 - (2) The concession or incentive would have a specific adverse impact that cannot be feasibly mitigated on public health and safety or the physical environment or any property that is listed in the California Register of Historical Resources.
 - (3) The applicant may propose and Tulare County may approve additional incentives and concessions for an eligible project that provides targeted units that meet two (2) or more of the eligibility requirements based on a written finding that the additional incentives or concessions are necessary in order to make the project economically feasible.
 - (c) **Types of Affordable Housing Incentives.** Affordable housing incentives may consist of any combination of the items listed below:
 - (1) **Modification of Development Standards.** Up to twenty (20) percent in modification of site development standards or zoning code requirements that exceed minimum building code standards and fire code standards, including, but not limited to:
 - a. Reduced minimum lot sizes and/or dimensions.
 - b. Reduced minimum building setbacks and building separation requirements.
 - c. Reduced minimum outdoor and/or private usable open space requirements.
 - d. Increased maximum lot coverage.
 - e. Increased maximum building height.
 - (2) **Parking.** Upon the applicant's request, the following maximum parking standards, inclusive of handicapped and guest parking, shall apply to the entire project. Further reductions in required parking may be requested as one (1) of the incentives allowed under Subsection (a).
 - a. One (1) on-site space for studios to one (1) bedroom units;
 - b. Two (2) on-site spaces for two (2) to three (3) bedroom units; and
 - c. Two and a half (2.5) on-site spaces for four (4) more bedroom units.
 - d. For purposes of this section, at the applicant's request, on-site parking may be provided through tandem parking or uncovered parking but not through on-street parking.
 - (3) **Mixed Use Zoning.** Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the

cost of the housing development and such uses are compatible with the housing project and the surrounding area.

- (4) Other Incentives. Other regulatory incentives or concessions proposed by the developer or Tulare County that result in identifiable cost reductions or avoidance.
- (d) The concession or incentive shall not be contrary to state or federal law.
- (e) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to Tulare County. The applicant may elect to accept a lesser percentage of density bonus.
- (1) For housing development, the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14

20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

- (2) For senior housing units, the density bonus shall be 20 percent.
- (3) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.
- (f) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to Tulare County in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26

22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

- (2) This increase shall be in addition to any increase in density up to a maximum combined mandated density increase of 35 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of Tulare County to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:
- (A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - (B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
 - (C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development and is or will be served by adequate public facilities and infrastructure.
 - (D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that Tulare County may subject the proposed development to subsequent design review if the design is not reviewed by Tulare County prior to the time of transfer.
 - (E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability, which shall be recorded on the property at the time of the transfer.
 - (F) The land is transferred to Tulare County or to a housing developer approved by Tulare County. Tulare County may require the applicant to identify and transfer the land to the developer.
 - (G) The transferred land shall be within the boundary of the proposed development or, if Tulare County agrees, within one-quarter mile of the boundary of the proposed development.

- (H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.
- (g)
 - (1) When an applicant proposes to construct a housing development and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, Tulare County shall grant either of the following:
 - (A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
 - (B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
 - (2) Tulare County shall require, as a condition of approving the housing development that the following occur:
 - (A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
 - (B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income.
 - (3) Tulare County shall not provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.
 - (4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.
- (h) "Housing development," as used in this section, means a development project for five or more residential units. For the purposes of this section, "housing development" also includes a subdivision or common interest development, approved by Tulare County and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.
 - (1) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to the zoning ordinance, general plan element, specific plan, charter, or other law, policy, resolution, or regulation.
 - (2) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range

and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

- (1) Upon the request of the developer, Tulare County shall require a vehicular parking ratio, inclusive of handicapped and guest parking that exceeds the following ratios:
 - (A) Zero to one bedroom: one onsite parking space.
 - (B) Two to three bedrooms: two onsite parking spaces.
 - (C) Four and more bedrooms: two and one-half parking spaces.
 - (2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through onstreet parking.
 - (3) An applicant may request other parking incentives or concessions.
- (j) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income, or 15 percent of the total units of the proposed condominium project to lower income households, and agrees to pay for the reasonably necessary administrative costs, Tulare County shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. Tulare County may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.
- (k) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.
- (l) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require Tulare County to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the Tulare County might otherwise apply as conditions of conversion approval.
- (m) An applicant for approval to convert apartments to a condominium project may submit to Tulare County a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. Tulare County shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. Tulare County shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.
- (n) Nothing in this section shall be construed to require Tulare County to approve a proposal to convert apartments to condominiums.
- (o) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were already provided.

- (1) "Child care facility" means a facility installed, operated, and maintained under this section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.
- (2) "Density bonus" means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the Tulare County general:
 - (A) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility for existing structures.
 - (B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility for new structures.For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.
- (3) "Developer" means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of Tulare County to make an application for development approvals for the development or redevelopment of a commercial or industrial project.
- (4) "Floor area" means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of Tulare County and as to a child care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child care licensing requirements.

STATE CHILDCARE FACILITY DENSITY BONUS

- (a) Basic Requirements. When an applicant proposes to construct a housing development that conforms to the requirements of the State Density Bonus law and includes a childcare facility other than a Family Day Care Home that will be located on the premises of, as part of, or adjacent to, the project, Tulare County shall grant either of the following:
 - (1) Additional Density Bonus. A density bonus of additional residential units equal in square footage to the amount of square feet of the childcare facility.
 - (2) Additional Concession or Incentive. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
- (b) Conditions of Approval. Tulare County shall require, as a condition of approving the housing development, that the following occur:
 - (1) Length of Operation. The childcare facility remains in operation for a period of time that is as long as, or longer than the length of time during which the affordable housing units shall remain affordable.
 - (2) Attending Children. The percentage of children of very low, low or moderate income households who attend the childcare facility shall be the same or greater than the percentage of dwelling units in the project that are required for households at each income level.
- (c) Exceptions. Tulare County shall not be required to provide a density bonus or concession for a childcare facility if it finds that, based upon substantial evidence, the community has adequate childcare facilities.

CHILD CARE FACILITY

- (a) The developer may operate the child care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a child care resource and referral network or child care coordinator in order to qualify for the density bonus.
- (b) If the developer uses space allocated for child care facility purposes, for purposes other than for a child care facility, an assessment based on the square footage of the project may be levied and collected by Tulare County. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by Tulare County. The assessment shall be consistent with the market value of the space. A penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by Tulare County into a special account to be used for child care services or child care facilities.
- (c) Once the child care facility has been established, prior to the closure, change in use, or reduction in the physical size of, the facility, Tulare County shall be required to make a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.
- (d) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

RECAPTURE OF APPRECIATION

An applicant shall agree to, and Tulare County shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the common interest development, are persons and families of moderate income, and that the units are offered at an affordable housing cost. Tulare County shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

- (a) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. Tulare County shall recapture any initial subsidy, and its proportionate share of appreciation, which amount shall be used within five years that promote home ownership.
- (b) For purposes of this subdivision, Tulare County's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
- (c) For purposes of this subdivision, Tulare County's proportionate share of appreciation shall be equal to the ratio of Tulare County's initial subsidy to the fair market value of the home at the time of initial sale.

SECTION 15.8 SMALL RESIDENTIAL ROOFTOP SOLAR

(Added by Ord. No. 3477, effective 7-30-2015)

DEFINITIONS

A "Solar Energy System" means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

A "small residential rooftop solar energy system" means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the County of Tulare and all state and County of Tulare health and safety standards.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the County of Tulare.

"Electronic submittal" means the utilization of one or more of the following:

1. Email;
2. The Internet;
3. Facsimile.

An "association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

A "common interest development" means any of the following:

1. A community apartment project.
2. A condominium project.
3. A planned development.
4. A stock cooperative.

"Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

"Reasonable restrictions" on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

"Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance" means:

1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.
2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

PURPOSE

The purpose of the Ordinance is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. The Ordinance encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the County, and expanding the ability of property owners to install solar energy systems.

The Ordinance allows the County of Tulare to achieve these goals while protecting the public health and safety.

APPLICABILITY

1. This Ordinance applies to the permitting of all small residential rooftop solar energy systems in Tulare County.
2. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Ordinance are not subject to the requirements of this Ordinance unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

SOLAR ENERGY SYSTEM REQUIREMENTS

1. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the County of Tulare local fire department or district [and utility director, if applicable].
2. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
3. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

DUTIES OF [BUILDING DEPARTMENT] AND [BUILDING] OFFICIAL

1. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible County of Tulare Website.
2. Electronic submittal of the required permit application and documents by [email, the Internet, or facsimile] shall be made available to all small residential rooftop solar energy system permit applicants.
3. The Tulare County Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
4. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.
5. All fees prescribed for the permitting of small residential rooftop solar energy system must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.

PERMIT REVIEW AND INSPECTION REQUIREMENTS

1. The Tulare County Building Department shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within 30 days of the adoption on this Ordinance. [Note: A jurisdiction must create their permitting process on or before September 30, 2015.] The Tulare County Building Department shall issue a building permit or other nondiscretionary permit [the same day for over-the-counter applications or within 1-3 business days for electronic applications] of receipt of a complete application and meets the requirements of the approved checklist and standard plan. A building official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Tulare County Planning Commission.
2. Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.
3. If a use permit is required, a building official may deny an application for the use permit if the official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the Tulare County Planning Commission.
4. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
5. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by County of Tulare on another similarly situated application in a prior successful application for a permit. Tulare County shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of

subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

6. The County of Tulare shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.
7. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
8. Only one inspection shall be required and performed by the Tulare County Building Department for small residential rooftop solar energy systems eligible for expedited review. [A separate fire inspection may be performed if an agreement with the local fire authority does not exist to perform safety inspections on behalf of the fire authority.]
9. The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two 2 business days of a request and provide a two-hour inspection window.
10. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Ordinance.

SECTION 16: VARIANCES AND SPECIAL USE PERMITS

(Amended by Ord. No. 810, effective 1-11-62; title
amended by Ord. No. 2719, effective 8-28-86)

(Initial paragraph repealed by Ord. No. 2719, effective 8-28-86.)

VARIANCES I.

(Part I was repealed and a new Part I added by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2982, effective 1-2-92.)

A.

When practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Ordinance result through the strict and literal interpretation and enforcement of the provisions thereof, the Planning Commission of the County of Tulare, upon the receipt of a verified application from the owner of the property affected, stating fully the grounds for the application and the facts relied upon, or upon the motion of said Commission, shall have authority as an administrative act, to grant, upon such conditions and safeguards as it may determine, such variances to the provisions of this Ordinance as may be in harmony with its general purpose and intent, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Except, certain variances to the terms set forth in Subsection E of Part 15 of this Ordinance needed to obtain a building permit may be granted in the manner provided in Subsection B of this Part I.

MINOR MODIFICATIONS ON BUILDING PERMITS IN A STATE RESPONSIBILITY AREA B.

On building permits within a State Responsibility Area, the Tulare County Fire Warden or his duly authorized deputy, upon the receipt of a verified application from the owner of the property affected, stating fully the grounds for the application and the facts relied upon, shall have authority as an administrative act to grant, without notice and hearing, certain minor modifications as variances to the terms of Subsection E of Section 15 of this Ordinance as may be in harmony with its general purpose and intent, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. For such purpose alone, the Tulare County Fire Warden or his duly authorized deputy is designated a Zoning Administrator. As Zoning Administrator, the Tulare County Fire Warden or his duly authorized deputy shall grant variances only in compliance with Government Code section 65906 and upon determining such variances are consistent with the intent of this Ordinance and Title 14 of the California Code of Regulations, sections 1270 through 1274.04. Such authority to grant variances is limited to the following:

1. Decreases not to exceed 10% of the lane width minimum requirements of Subsection E, Subpart 2, paragraphs a through c of this Ordinance.
2. Decreases not to exceed 10% of the clearance minimum or the grade maximum requirements of Subsection E, Subpart 2, paragraph a of this Ordinance.
3. Increases not to exceed 25% of the maximum distance before a turnout is required in Subsection E, Subpart 2, paragraph a of this Ordinance.
4. Decreases not to exceed 10% of the minimum width or length requirements for turnouts specified in Subsection E, Subpart 2, paragraph a of this Ordinance.
5. Changes not to exceed 20% of the minimum requirements set for turnaround or

- Hammerhead Ts in Subsection E, Subpart 2, paragraph a of this Ordinance.
6. Decreases not to exceed 10% of the setback requirements in Subsection E, Subpart 5, paragraph a of this Ordinance.
 7. Changes consisting of allowing compliance with one or more of the Standards set forth in the most current edition at the time of adoption of this Subpart of the National Fire Protection Association Pamphlet 80-A as an alternative to the requirements in Subsection E, Subpart 5, paragraph b.

VARIANCE APPEALS C.

All variances granted or denied by the Planning Commission or by the Tulare County Fire Warden or his duly authorized deputy under Subsection B shall be subject to appeal to the Board of Supervisors in the manner provided in Section 18 of this Ordinance.

MINOR DEVIATIONS D.

(Section D added by Ord. No. 3160, effective 06-15-96) The Planning and Development Director or his designee may grant certain minor deviations from established zoning development standards or restrictions within the following limits and according to the following procedures, provided the Director finds the request to be consistent with the General Plan, is in substantial compliance with this ordinance, is exempt from California Environmental Quality Act review, does not adversely affect surrounding properties or the property of the applicant, and is for good cause and to avoid a substantial hardship:

1. Any minor deviation granted shall be within the following limits:
 - a. A decrease of not more than ten percent (10%) of the required minimum lot size, width or depth.
 - b. A decrease of not more than ten percent (10%) of the required width of a side yard or the required setback distance between buildings.
 - c. A decrease of not more than ten percent (10%) of the required front or rear yard.
 - d. An increase of not more than one (1) foot in the permitted height of a fence or wall.
 - e. An increase of not more than ten percent (10%) of the permitted projection of eaves, overhangs, or similar structures, into any required front, rear, or side yard.
 - f. An increase of not more than ten percent (10%) in the maximum allowable lot coverage.
 - g. An increase of not more than ten percent (10%) in the permitted height of buildings.
 - h. A single story addition built along existing building lines that encroaches into a front, side or rear yard where that yard was legally established but is nonconforming
 - i. The permitted height of solid material fencing allowed in the rear and side setbacks where there is a grade differential of more than thirty-six inches (36") between adjoining lots in the residential zones.
 - j. Any encroachment into a required front yard of a developed residential lot, which does not project closer to the front property line than the forwardmost building line
 - k. An increase of not more than ten percent (10%) of the maximum lot size required for a homesite in an agricultural zone.
 - l. A decrease of not more than ten percent (10%) in required setbacks for water-courses, not including sewage disposal systems.
 - m. A decrease of not more than five (5) feet in the required separation between a main

building and an accessory building located in a rear yard.

- n. An increase of not more than one (1) foot in the maximum height of a fence, hedge or landscape architectural feature located in any front, side or rear yard.
- o. A decrease of not more than twenty-five percent (25%) of the required separation between a structure used for human habitation and a pen, coop, stable, barn, corral, or other structure housing livestock or poultry.
- p. Such other circumstances as the Board of Supervisors may by resolution direct to be processed as a minor deviation.

(NOTE: The following is a list of the circumstances established by the Board of Supervisors which may be processed as a minor deviation.)

Second story additions built along existing building lines that encroach into a front, side or rear yard where that yard was legally established but is nonconforming (Resolution No. 96-0737, adopted 8/20/96).

- 2. A request for approval of a minor deviation shall be considered in accordance with the following process:

- a. Application for Minor Deviations shall be made to the Planning and Development Director, in writing, on forms authorized, accompanied by the fee set forth in Section 18.
- b. Notice of the application and the comment period shall be given to all owners of contiguous properties as shown on the latest equalized assessment roll by first-class mail at least ten (10) working days prior to the rendering of a decision by the Director. After receiving a request for a Minor Deviation for any of those items specified in paragraph 1, the Planning and Development Director shall either grant, deny, or grant with conditions, the application. The applicant, all owners of contiguous and adjacent property and members of the Planning Commission and Board of Supervisors shall be mailed a copy of the Director's decision. The decision shall be final unless appealed.
- c. Appeals:
 - i. Any person adversely affected by the decision of the Director on a Minor Deviation may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors in accordance with Section 165 of the Ordinance Code of Tulare County.
 - ii. At the next regular meeting of the Board of Supervisors following the filing of the appeal, the Board of Supervisors shall set the matter for hearing. The Clerk shall give notice of the time and place of the hearing in the manner provided in paragraph 2.b and in Section 165 of the Ordinance Code of Tulare County. In addition, the Clerk shall give notice to any other interested person who has requested notice of such hearing.
 - iii. The Board of Supervisors shall hear the appeal in accordance with Section 165 of the Ordinance Code of Tulare County. After the appeal hearing, the Board of Supervisors may affirm, reverse, or modify the decision of the Planning and Development Director, or refer the matter to the Director for further action. The decision of the Board of Supervisors shall be final and conclusive as to all things involved in the matter.
 - iv. Within seven (7) days after the action by the Board of Supervisors, the Clerk of the Board shall give written notice of the decision to the person filing the appeal, the applicant, the Planning and Development Director, the Planning Commission, and to any other person who requests such written

notice.

SPECIAL USE PERMITS II. A.

The Planning Commission, upon receipt of a verified application from the owner of the property affected, stating fully the grounds for the application and the facts relied upon, or upon the motion of the said Commission, shall have authority, as an administrative act, to grant or deny Special Use Permits for the uses set forth in Subsection B of this Part. Such Special Use Permits shall be granted or appeal to the Board of Supervisors in the manner provided in Section 18 of this Ordinance. (Amended by Ord. No. 2179, effective 11-23-78; amended by Ord. No. 2719, effective 8-28-86.)

SPECIAL USES AND ZONES IN WHICH ALLOWABLE B.

All of the following, and all structures and accessory uses directly related thereto, are declared to be special uses and permitted only in the various zones indicated below upon the granting of a Special Use Permit, and authority for the location and operation thereof shall be granted only under the provisions of Part II of this section. This declaration is based upon the fact that all of the uses herein enumerated possess characteristics of unique and special forms so as to make impractical their being included automatically in any specific zone. (Uses repealed from use list by Ord. No. 703, effective 8-27-59 and Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

Aircraft industries and service establishments engaged in manufacturing, testing, repair or maintenance services to aircraft used solely for agricultural purposes where such industries and services are located with an airport and/or heliport - AE, AE-10, AE-20, AE-40, AE-80, A-1. (Added by Ord. No. 2388, effective 12-12-80; amended by Ord. No. 2754, effective 1-15-87.)

Airport - AE-20, AE-40, AE-80, A-1, AF, RC, O, M-1, M-2, AP. However, no permit is required to locate an airport in the A-1 Zone in conformance with the Tulare County Airport Master Plan. (Amended by Ord. No. 422, effective 3-28-50; amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731; effective 10-13-60; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2956, effective 4-11-91.)

Airport, agricultural - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, O, M-1, M-2, AP. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81.)

Alcoholic beverages, sale of under an on-sale license - C-1, C-2, C-3, CO, O, M-1. (Amended by Ord. No. 1382, effective 5-28-70; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

Animal hospital, clinic, and veterinarian office for large animals (i.e. horses, cattle, sheep, etc.) and/or small/domestic animals (i.e. dogs, cats, etc.) - RC, R-A, O, C-3, M-1, M-2, A-1, AE.

(Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2566, effective 9-29-83; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2956, effective 4-11-91; amended by Ord. No. 3131, effective 10-12-95.)

Animal hospital, clinic, and veterinarian office wherein only small/domestic animals (i.e. dogs, cats, etc.) are treated, providing all operations are conducted within a completely enclosed soundproof structure - CO, C-2, C-3. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 3131, effective 10-12-95.)

Animal hospital, clinic, and veterinarian office wherein primarily large animals (i.e. horses, cattle, sheep, etc.) are treated; not to include facilities whose primary purpose is to treat small/domestic animals (i.e. dogs, cats, etc.) - AE-10, AE-20, AE-40, AE-80. (Added by Ord. No. 3131, effective 10-12-95.)

Animal sales yard - AE, AE-20, AE-40, AE-80, A-1, AF, M-2. (Added by Ord. No. 702, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81.)

Assemblage of people for educational or entertainment purposes. (Repealed by Ord. No. 3416, effective 11-9-10.)

Automobile parking lots, public parking areas or storage garages on property adjacent to any "C" Zone (CO, C-1, C-2 or C-3 Zones) - R-A, R-O, R-1, R-2, R-3. (Relocated from Part I.C and amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

Automobile wrecking - C-3, M-1, M-2; provided, however, that in the C-3 and M-1 Zones automobile wrecking shall be limited to only the dismantling, storage or sale of used motor vehicle parts and no outside storage or wrecking of car bodies or wrecked vehicles shall be allowed. (Added by Ord. No. 2542, effective 7-7-83; amended by Ord. No. 2719, effective 8-28-86.)

Ball Park - A-1, AE, O, CO, C-2, C-3, M-1, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

Bed and Breakfast Home with three or more guests rooms - A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, RC, R-A, MR, R-O, R-1, R-2, R-3. (Added by Ord. No. 3222, effective 4-22-99.)

Biomass Fuel Manufacture, commercial - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, M-1, M-2. (Added by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2956, effective 4-11-91.)

Biomass Fuel Manufacture, personal - AE, A-1, M-1, M-2. (Added by Ord. No. 2350, effective 7-31-80.)

Borrow pit - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, O, M-1, M-2, AP; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7700 et. seq. of the Ordinance Code of Tulare County. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2220, effective 3-29-79; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2956, effective 4-11-91.)

Bowling Alley - CO, C-2, C-3, O, M-1. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1539, effective 11-1-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

Cabaret, night club, dancing or entertainment in a bar, cafe or restaurant - O, CO, C-2, C-3, M-1. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

Campground - MR, O, A-1, CO, C-2, AE-10, AE-20, AE-40, AE-80, AF, RC. (Added by Ord. No. 1527, effective 10-12-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Carnival - A-1, CO, C-2, C-3, M-1, M-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

Cemetery, columbarium, mausoleum, crematory - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-3, AP. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2956, effective 4-11-91.)

Church - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, CO, C-1, C-2, C-3. (Added by Ord. No. 703, effective 8-27-59, amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1169, effective 10-16-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Circus - A-1, AE, C-3, M-1, M-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86.)

Contractor's Storage Yards that do not qualify as a rural home occupation pursuant to Section 15, Subsection A, paragraph 7c, and which do not involve any manufacturing, fabrication or retail sales of construction material or equipment, provided that the use is accessory to an on-site dwelling unit occupied by the owner of the facility and provided that the lot or parcel does not exceed five (5) acres in size A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, RC, and R-A, provided that

contractor's storage yards in the RA Zone shall also comply with Section 15.A.10. No special use permit for a contractor's storage yard shall be approved unless the open storage of materials and equipment is restricted to an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence or hedge. (Added by Ord. No. 2810, effective 12-31-87; amended by Ord. No. 2956, effective 4-11-91; amended by Ord. No. 3356, effective 2-8-08)

Dairy - when more than 25 cows are on the property at any time - A-E, AE-20, AE-40, AE-80, A-1, AF. (Added by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1526, effective 10-5-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81.)

Dance hall - CO, C-2, C-3, M-1, O. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

Equestrian establishments such as academies, schools, and stables - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, O, CO, M-1. (Added by Ord. No. 731, effective 10-13-60; amended by Ord. No. 967, effective 10-15-64; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Expansion, Alteration or Replacement of non- conforming buildings and uses which were legally established in accordance with all applicable building and zoning regulations on or before the effective date of a reclassification of zones encompassing the property and which are now nonconforming under Section 15, Subsection A, USE, paragraph 4, - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, P-O, P-1, CO, C-1, C-2, C-3, M-1, M-2, AP. (Added by Ord. No. 2708, effective 5-30-86; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Fairground - A-1, C-2, C-3, M-1, M-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 2719, effective 8-28-86.)

Family Day Care Home, Large - A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, RC, R-A, MR, R-O, R-1, R-2, R-3. (Added by Ord. No. 3222, effective 4-22-99)

Farmworker Housing - R-A, AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, and where the farmworker housing consists of manufactured homes, mobilehomes or recreation vehicles - R-2, R-3, C-2. (Added by Ord. No. 3009, effective 9-24-92.)

Fire Station - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, CO, P-O, P-1, C-1, C-2, C-3, M-1, M-2, AP. (Added by Ord. No. 1311, effective 6-19-69; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Flammable liquids stored above ground for a period of forty-eight (48) hours or more in containers having an aggregate capacity in excess of two thousand (2,000) gallons per lot or parcel, or contiguous lots or parcels, in permanent, temporary or mobile containers, indoors or outdoors, whether intended for commercial or private use on or off the premises, and where stored as a primary, accessory or incidental use - A-1, AE-20, AE-40, AE-80, AF, RC, CO, C-3, M-1, M-2; except that a Special Use Permit shall not be required to locate propane and/or gasoline tanks with an aggregate capacity of 10,000 gallons in size or smaller, for personal agricultural use exclusively, in the AE-10, AE-20, AE-40, AE-80, AF, and RC zones, provided the property upon which the storage tank(s) is/are to be placed is outside of any Urban Area Boundary, Urban Improvement Area or Urban Development Boundary; also provided that the parcel or contiguous parcels upon which the tank(s) is/are to be placed contain at least ten (10) acres or more (sectional 10 acres included); and further provided that the development standards incorporated herein under Section 15 are met in full. For all contiguous ownership, regardless of the number of parcels or overall amount of acreage, the maximum aggregate above-ground storage of flammable fuel shall not exceed 10,000 gallons unless a Special Use Permit is approved. Regardless of the foregoing, no permit is required to store flammable liquids in railroad tank cars when such tank cars are located on property under railroad company ownership. Also, regardless of the foregoing, a special use permit shall not be required for cargo tanks on vehicles used for highway transportation of flammable liquids even though they may be parked or stored at one location for a period in excess of forty-eight (48) hours because of vehicle repairs, acts of God or other reasons that make it impractical for the vehicle to deliver the flammable liquids within said forty-eight (48) hour period, so long as the owner of the vehicle or the load, or anyone acting on their behalf, notifies the Director of the Tulare County Resource Management Agency or his/her designee within said forty-eight (48) hour period of the location of the vehicle and the reason for the storage. The Director of the Tulare County Resource Management Agency or his/her designee shall notify the County Fire Warden of the location of such vehicles. (Added by Ord. No. 1557, effective 4-12-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91; amended by Ord. No. 3219, effective 3-11-99).

Golf Course - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, R-O, O, CO, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2-9-10, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Golf driving range - A-1, O, CO, C-2, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2910, effective 12-28-89.)

Hazardous waste facility, Specified - AE-10, AE-20, AE-40, AE-80, AF, M-1, M-2. No special use permit for a specified hazardous waste facility shall be approved unless the Board of Supervisors finds, based upon substantial evidence in the record, that the facility is consistent with Sections 7.2 and 7.3 of the Tulare County Hazardous Waste Management Plan which identify siting criteria for hazardous waste facilities. (Added by Ord. No. 2918, effective 8-25-90.)

Heliport - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, O, P-O, CO, C-2, C-3, M-1, M-2, AP.

(Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Helipoint, agricultural - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, O, M-2, AP. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2956, effective 4-11-91.)

Hospital, sanitarium and nursing home - A-1, R-A, MR, R-3, P-O, C-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2956, effective 4-11-91.)

Jails or correctional institution - AE-20, AE-40, AE-80, A-1, AF, C-2, C-3, M-1, M-2. However, no permit is required to locate a jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan. (Added by Ord. No. 2430, effective 8-28-81; amended by Ord. No. 2719, effective 8-28-86.)

Kennels - for commercial breeding, boarding, training or other commercial purposes. AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, O, CO, C-2, C-3, M-1, M-2, AP (Added by Ord. No. 2335, effective 6-5-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2-5-66, effective 9-29-83; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2828, effective 3-31-88; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91; amended by Ord. No. 3435).

Labor camp, permanent - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-3, C-2. (Amended by Ord. No. 1073, effective 6-16-66; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81.)

Memorial building, theatre, auditorium, not including school auditorium - R-3, CO, C-1, C-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 2910, effective 12-28-89.)

Miniature golf course - O, CO, C-2, C-3, M-1. (Added by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

Mining or extraction of metals, minerals, oil, gas, or hydrocarbons, together with necessary buildings, apparatus, and appurtenances incidental thereto - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, P-O, P-1, C-1, C-2, C-3, M-1, M-2, AP; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7700 et. seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-13-72; amended by Ord. No. 1946, effective 8-12-76;

amended by Ord. No. 2220, effective 3-29-79; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2956, effective 4-11-91.)

Mobilehome development - R-A, MR, R-O, R-1, R-2, R-3. However, no special use permit shall be required if any of the aforementioned zones is combined with the M, Special Mobilehome Combining, Zone as set forth in Section 14.3 of this Ordinance. (Added by Ord. No. 2480, effective 7-1-82; amended by Ord. No. 2956, effective 4-11-91.)

Mobilehome parks - R-A, MR, R-O, R-1, R-2, R-3, O, CO. (Added by Ord. No. 1149, effective 7-27-67; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2480, effective 7-1-82; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Motion picture studio - C-2, C-3. (Relocated From Part I.D and amended by Ord. No. 2719, effective 8-28-86.)

Nursery school - R-A, MR, R-1, R-2, R-3, O, CO, C-1, C-2. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Police station - MR, AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, O, CO, P-O, C-1, C-2, C-3, M-1, M-2, AP. (Added by Ord. No. 1528, effective 10-12-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Private club, lodge, fraternity, sorority, excluding those the chief activity of which is a service customarily carried on as a business - R-A, MR, R-3, O, CO, C-1, C-2, C-3. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Public Park or playground - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, CO, C-1, C-2, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Public utility structure - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, P-O, P-1, O, CO, C-1, C-2, C-3, AP. (Added by Ord. No. 1169, effective 10-26-27; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-83; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Public Works Maintenance Facilities - MR, AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, AP. (Added by Ord. No. 1717, effective 5-7-74; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2956, effective 4-11-91.)

Race track, including drag track, quarter midget track, go-cart track, motorcycle track, automobile, horse, and other tracks, excepting school track - A-1, C-3, M- 1, M-2, AP. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2719, effective 8-28-86.)

Radio, microwave and television towers - All Zones. Special Use Permits are required for all towers over 75 feet in height. Special Use Permits are required for towers 75 feet in height or less if located in an Urban Development Boundary (UDB) established in the General Plan, within two miles of an airport or heliport, or in a Scenic Corridor "SC" combining zone. Special Use Permit requirements must be in compliance with the Federal Telecommunications Act of 1996 and other requirements of Federal and State law. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91; amended by Ord. No. 3349, effective 11-2-07.)

Recreation center - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, MR, R-O, R-1, R-2, R-3, O, CO, C-1, C-2, C-3. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Recreation Vehicle Park - MR, O, A-1, CO, C-2, AE-10, AE-20, AE-40, AE-80, AF, RC. (Added by Ord. No. 2453, effective 12-24-81; amended by Ord. No. 2956, effective 4-11-91.)

Religious revival meeting - (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2956, effective 4-11-91; repealed by Ord. No. 3131, effective 10-12-95.)

Rifle, pistol, shotgun, and archery clubs and ranges - A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, RC, O. Regardless of the foregoing, no permit is required for rifle, pistol, shotgun and archery ranges maintained for private use by residents residing on the property on which the range is located. Also, regardless of the foregoing, a special use permit shall not be required for indoor ranges which are customarily accessory and incidental to the conduct of an allowed use. (Added by Ord. No. 1602, effective 7-5-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-2-61; amended by Ord. No. 2956, effective 4-11-91.)

Rodeo ground or roping arena - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, O, CO, M-1, M-2, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67;

amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 8-26-81; amended by Ord. No. 2956, effective 4-11-91.)

Satellite television antennas with a reflector area exceeding one hundred twenty (120) square feet - CO, R-A, MR, R-O, R-1, R-2. As used herein, the reflector area shall be determined by computing the area of the horizontal plane or space across the face of the receiving component. (Added by Ord. No. 2538, effective 6-6-83; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

School, private - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, P-O, P-1, CO, C-1, C-2, C-3, M-1. (Added by Ord. No. 1169, effective 10-16-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 1407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

School, public - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, P-O, P-1, CO, C-1, C-2, C-3, M-1. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89 amended by Ord. No. 2956, effective 4-11-91.)

Skating rink, roller and ice - O, CO, C-2, C-3, M-1. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

Solid Waste Disposal Truck Facility - if located within the Urban Area Boundary or Urban Development Boundary of an unincorporated community and if more than one-half (1/2) of the solid waste collection service within Tulare County, measured by tonnage, is provided to unincorporated areas - AE- 20, AE-40, AE-80, A-1, AF. (Added by Ord. No. 3026, effective 4-22-93.)

Solid Waste Recycling Operation - AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, C-2, C-3, M-1, M-2, AP; provided, however, that in the C-2 and C-3 Zones a solid waste recycling operation shall be limited only to the collection and assemblage of solid waste materials from previously prepared products, not including waste food materials, for transport to other sites for recycling, processing, manufacture or treatment; and provided further that a special use permit shall not be required for a recycling collection center which is operated as an accessory use in the C-2, C-3, M-1, and M-2 Zones and for permitted transfer facilities in the M-1 and M-2 Zones. (Added by Ord. No. 2542, effective 7-7-83; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2817, effective 2-18-88; amended by Ord. No. 2901, effective 11-2-89; amended by Ord. No. 2956, effective 4-11-91.)

Stadium or sports arena, excluding school - A-1, O, CO, C-2, C-3, M-1. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

Swap Meet - C-2, C-3, M-1. (Added by Ord. No. 2719, effective 8-28-86.)

Tallow manufacture and/or disposal of agricultural animals - AE-40, AE-80, AF (Added by Ord. No. 2977, effective 10-30-91.)

Temporary buildings and uses not otherwise expressly permitted by the zone in which located, for periods of not to exceed two (2) years if located outside of an Urban Improvement Area or Urban Development Boundary adopted pursuant to the Urban Boundaries Element of the General Plan, and for periods of not to exceed six (6) months if located within an Urban Improvement Area or Urban Development Boundary - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, P-O, P-1, CO, C-1, C-2, C-3, M-1, M-2, AP. (Relocated from Part I.G and amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

Theatre, open air and drive in - CO, C-2, C-3, M-1. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

Waste and refuse disposal sites, private and public - A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, RC, M-2. (Added by Ord. No. 1602, effective 7-5-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2956, effective 4-11-91.)

A Special Use Permit shall be granted only if it is found that the establishment, maintenance and operation of the use of building or land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or to the general welfare of the County. Special Use Permits may be granted subject to such conditions as will ensure compliance with the aforementioned standards. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67.)

In addition to the special uses listed hereinabove, certain zones included in this Ordinance also contain additional special uses which require Special Use Permits. (Added by Ord. No. 1371, effective 4-16-70; amended by Ord. No. 1520, effective 8-31-72.)

AUTHORITY TO IMPOSE CONDITIONS C.

All Special Use Permits shall be approved and allowed subject to such conditions and safeguards as the authority granting the permit shall specify, under the provisions of this Part and Part III of this Section pertaining to Variances, provided that showings required by Paragraph C of part III of this Section need not be made (Amended by Ord. No. 481, effective 11-29-51; amended by Ord. No. 1557, effective 4-12-73; amended by Ord. No. 2179, effective 11-12-78.)

SPECIAL USE PERMITS AND VARIANCES: ZONING ADMINISTRATOR D.

1. As an alternative to the procedures otherwise set forth in this Ordinance for acting on Special Use Permits and for acting on variances allowed under Parts I and II of this Section, the Board of Supervisors may, by resolution, authorize the Zoning Administrator to hold the hearing and make the decision on applications for specified Special Use Permits and

- variances. The Board may also adopt criteria, standards, policies and controls to provide assistance and guidance to the Zoning Administrator in making decisions under the standards which are set forth in this Ordinance. (Added by Ord. No. 481, effective 11-29-51; amended by Ord. No. 1972, effective 11-8-76.)
2. When so authorized, the Zoning Administrator shall hear and decide applications for such Special Use Permits and variances pursuant to the following procedures: (Added by Ord. No. 1972, effective 11-8-76.)
- a. The Zoning Administrator shall prescribe the form, contents and manner of preparing and submitting the application for a Special Use Permit or variance. The fee prescribe in Section 18 of this Ordinance shall be paid at the time that the application for Special Use Permit or variance is filed.
 - b. There shall be a public hearing before the Zoning Administrator on each application. The Zoning Administrator shall set the public hearing on a date not more than thirty (30) days after the filing of the application. However, if an environmental impact report is required to be prepared under the Environmental Quality Act of 1970, and regulations adopted pursuant thereto, the thirty (30) day period shall not start to run until all required procedures in connection with the environmental impact report have been completed.
 - (1) If the Special Use Permit or variance will allow new residential use of the property and such residential use is not allowed without such Permit or variance, the following shall apply:
 - (a) If a school district in which the proposed special use or variance is located has made the findings specified in Section 7-21-1015 of the Ordinance Code of Tulare County and the Board of Supervisors has concurred in such findings and determined the fees payable by a developer in accordance with Sections 7-21-1020 and 7-21-1040 of the Ordinance Code, the Zoning Administrator shall not approve the proposed Special Use Permit or variance without finding that the fees previously determined by the Board are required, and imposing such fees as a condition of approval.
 - (b) The applicant may appeal the requirements of fees to the Board of Supervisors in accordance with Section 7-21-1030 of the Ordinance Code of Tulare County. (Amended by Ord. No. 2668, effective 10-3-85.)
 - (2) If the Special Use Permit or variance will allow a use of real property which is subject to review by the Site Plan Review Committee under Section 16.2 of this Ordinance, the Zoning Administrator shall notify the Site Plan Review Committee of the fact that the permit or variance is under consideration. No decision of the Zoning Administrator on a Special Use Permit or variance subject to review by the Site Plan Review Committee shall be made unless and until the Site Plan Review Committee submits a written report as required by this Ordinance. (Paragraph (2) added by Ord. No. 2417, effective 5-28-82; amended by Ord. No. 2668, effective 10-3-85.)
 - c. Not less than ten (10) days prior to the public hearing, the Zoning Administrator shall cause notice of hearing to be given in accordance with Section 65905 of the Government Code of the State of California. (Amended by Ord. No. 2647, effective 2-28-85.)
 - d. The decision of the Zoning Administrator shall be in writing and shall include

- findings of facts relied on in making the decision.
- e. A copy of the decision of the Zoning Administrator shall be publicly posted at or near the door of the Planning Department for a period of one (1) week following the making thereof. Not more than two (2) days after making the decision on the application, the Zoning Administrator shall cause a copy of the decision to be mailed to the applicant, to the Board of Supervisors, and to any other person who has expressed an interest therein and has deposited with the Zoning Administrator a self-addressed, stamped envelope for this purpose. Failure to mail or to receive such notice, as a result of mistake or inadvertence, shall not affect the validity of the decision.
 - f. Any person adversely affected by a decision of the Zoning Administrator on the Special use Permit or variance may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors within ten (10) days after the date on which the decision of the Zoning Administrator was made. An appeal shall specifically set forth the grounds for the appeal. Notice of the appeal hearing shall be given by the Clerk of the Board of Supervisors in the same manner as set forth in subparagraph c above. Action on the appeal shall be taken in accordance with Section 65903 of the Government Code and the required notices under Section 65863.5 of the Government Code. (Amended by Ord. No. 2069, effective 12-8-77.)
 - g. The decision of the Zoning Administrator shall become final ten (10) days after the date the decision is made if no appeal has been filed pursuant to paragraph f above. When no appeal has been filed, the Zoning Administrator shall give the required notices under Section 65863.5 of the Government Code on behalf of the Board of Supervisors.
 - h. The procedures set forth above constitutes an alternative procedure to any otherwise provided in this Ordinance for granting Special Use Permits and variances. However, unless the applicant requests that the Planning Commission hear the application, the procedure set forth herein shall be followed by the Zoning Administrator whenever applicable.

AMENDMENTS E.

Any person holding a Special Use Permit may apply for an amendment to the permit by filing an application with the Planning and Development Director. For purposes of this subpart, the amendment of a Special Use Permit may include modifications of the terms of the permit itself, or the application, waiver or alteration of conditions. The same procedures shall be followed in processing an application for the amendment of a Special Use Permit as are applicable to a new permit under this ordinance including, but not limited to, the public notices, hearings and appeal rights set forth in Section 18. (Former provision for temporary buildings and uses added by Ord. No. 764, effective 4-23-61; amended by Ord. No. 1094, effective 9-1-66; repealed by Ord. No. 1972, effective 11-8-76; new subpart added by Ord. No. 2884, effective 9-9-89.)

SPECIAL USE PERMITS SUBJECT TO THE RURAL VALLEY LANDS PLAN (RVLP) PARCEL EVALUATION CRITERIA F.

Special Use Permits for the following uses shall not be approved in the AE, AE-10, AE-20, AE-40, or AE-80 zones on property located outside of an Urban Area Boundary or outside of an Urban Development Boundary (if no Urban Area Boundary has been established) as adopted pursuant to the

Urban Boundaries Element of the General Plan, unless or until an RVLP parcel evaluation results in a determination of "suitable for nonagricultural zoning" pursuant to Section II.B et. seq. of the Rural Valley Lands Plan Element of the County of Tulare General Plan (Added by Ord. No. 3131, effective 10-12-95):

- Campground
- Church Facilities
- Guest Ranch or Summer Camp
- Hunting and Fishing Clubs and Hunting and Fishing on a commercial basis for members of the general public
- Public Park or Playground Recreation Center Recreation Vehicle Park Public School Facilities
Private School Facilities

(NOTE: When implementing this subsection for existing facilities, see the "Additional Non-conforming Use Rule in Ord. 3120 in Section 15, pp. 7-8.)

ADMINISTRATIVE SPECIAL USE PERMITS G.

In all matters required by this Ordinance to be reviewed or which are made subject to securing a Special Use Permit, the review and the determination following such review, and the approval or denial of a Special Use Permit, may be handled as administrative acts by the Planning and Development Director, provided that the Planning Commission, with the approval of the Board of Supervisors, each by Resolution, have declared the criteria, standards, policies and controls to apply in each or all cases. A request for approval of a Special Use Permit which has been authorized as an administrative act under this subsection shall be processed in accordance with the procedures set forth for minor deviations in Part I, Subsection D, paragraph 2 of this section; including, but not limited to, the provisions for notices and appeals set forth therein. (Added by Ord. No. 3183, effective 7-1-97)

NOTE: The Planning and Development Director has been authorized to handle the following special uses as administrative acts. Refer to Appendix 3.

- Alcoholic Beverages, sale of under an on-sale license, beer and wine only in conjunction with meals served in an existing restaurant (Planning Commission Resolution No. 7776).
- Second Residences or mobilehomes in agricultural zones (Planning Commission Resolution No. 7777).
- Exploration of oil and gas under a temporary (2 year) permit for wells no closer than ¼ mile to an off-site residence (Planning Commission Resolution No. 7778).
- Increased density of existing residences caused by division or adjustments of land in agricultural zones (Planning Commission Resolution No. 7779).
- Second Units (Planning Commission Resolution No. 8042).
- Kennels for private, non-commercial use (Added by Ord. No. 3435, effective 3-27-12).
- Public works staging areas for the storing of equipment and materials, and temporary construction offices associated with public projects (Added by Ord. No. 3434, effective 2-23-12).

Mixed Use Overlay

H. All of the following, and all structures and accessory uses directly related thereto in this section are entitled without a Special Use Permit (Conditional Use Permit). The following is allowed only in the various zones indicated below and within a community plan that adopted development standards for such entitled use. The proposed use must adhere to the adopted development standards

of the community. The proposed use must also qualify for an exemption under the California Environmental Quality Act as determined by the Permit Center. The Permit Center will review the project for General Plan Policy, Community Plan Policy and development standard consistency and determine which environmental document is appropriate. Projects where the Permit Center is unable to make an immediate determination will be required to go through the Project Review Committee (PRC). (added by Ord. No. 3466, effective 1-15-15)

Uses that have an environmental effect on adjacent properties or necessitate mitigation measures through the California Environmental Quality Act will be required to apply for a PRC and a traditional use permit and legislative process through the County. Projects with a square footage of 80,000 or more will also require traditional use permit. Uses may have environmental or land use issues that may not be compatible with adjacent uses. These impacts may include but are not limited to; hours of operation (night time), noise (i.e. power tools such as impact drivers, or loudspeaker, etc.) air quality (idle running vehicles) traffic, (number of vehicles) and odor. The Permit Center process is to determine the whether the use is by right or must go through the traditional use permit process. (added by Ord. No. 3466, effective 1-15-15)

APPLICATION: Communities of Ducor, Terra Bella, Traver, Strathmore, Pixley, and Tipton. The following uses and zones shall be considered: (amended by Ord. 3471, effective 7-15-2015, amended by Ord. 3485, effective 12-3-15)

Animal hospital, clinic, and veterinarian office wherein only small/domestic animals (i.e. dogs, cats, etc.) are treated. C-1, C-2, C-3, M-1, M-2.

Antique and art store. C-2, C-3, M-1, M-2, R-3.

Antique store. C-1, C-2, C-3, M-1, R-2, R-3.

Apartment Hotel O, CO, C-1, C-2, C-3, M-1, R-3.

Apparel stores. CO, C-1, C-2, C-3, M-1, R-3.

Arcades, including video. O, CO, C-1, C-2, C-3, M-1, R-3.

Assemblage of people for educational or entertainment purposes. O, CO, C-1, C-2, C-3, M-1, M-2.

Assembly of electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, refrigerators, washing machines, dryers, dishwashers and similar home appliances. C-2, C-3, M-1, M-2.

Assembly of small electrical equipment such as home and television receivers. O, CO, C-1, C-2, C-3, M-1, R-3.

Assembly of typewriters, business machines, computers, and similar mechanical equipment. O, CO, C-1, C-2, C-3, M-1, M-2, R-3.

Automated car wash (coin operated only). O, CO, C-1, C-2, C-3, M-1, M-2, R-3, AP.

Automobile parking lots, public parking areas or storage garages. O, CO, C-1, C-2, C-3, M-1, M-2, R-3, AP.

Automobile supply stores. O, CO, C-1, C-2, C-3, M-1, R-3.

Automobile washing, including the use of mechanical conveyors, blowers and steam cleaning. C-2, C-3, M-1, M-2.

Bakery (employing not more than five (5) persons on premises). O, CO, C-1, C-2, C-3, M-1, R-3.

Bakery goods store. CO, C-1, C-2, C-3, M-1.

Banks and financial institutions. C-1, C-2, C-3, M-1, R-3.

Barber shop or beauty parlor. C-1, C-2, C-3, M-1, R-3.

Bed and Breakfast Home with three or more guests rooms (Up to 5). CO, C-1, C-2, C-3, M-1, R-3, R-2.

Bicycle shops. Structure. CO, C-1, C-2, C-3, M-1, R-3.

Billiard or Pool hall Structure. C-2, C-3, M-1.

Bird store or pet shop. O, CO, C-1, C-2, C-3, M-1.

Blueprinting and Photostatting shop. CO, C-1, C-2, C-3, M-1, AP.

Boat sales and service. O, CO, C-1, C-2, C-3, M-1.

Book binding. O, CO, C-1, C-2, C-3, M-1, R-3.

Book or stationary store. O, CO, C-1, C-2, C-3, M-1, R-3.

Business and professional schools and colleges. CO, C-1, C-2, C-3, M-1.

Business, professional and trade schools and colleges. CO, C-1, C-2, C-3, M-1.

Catering Shops. CO, C-1, C-2, C-3, M-1.

Ceramic shops. CO, C-1, C-2, C-3, M-1.

Christmas tree sales lots as a temporary use. CO, C-1, C-2, C-3, M-1.

Church. CO, C-1, C-2, C-3, M-1.

Clothes cleaning and pressing establishment. CO, C-1, C-2, C-3, M-1.

Clothing and costume rental. CO, C-1, C-2, C-3, M-1.

Confectionery store.CO, C-1, C-2, C-3, M-1.

Conservatory of Music. CO, C-1, C-2, C-3, M-1.

Contractor's Storage Yards. CO, C-1, C-2, C-3, M-1, AP.

Dairy products store. CO, C-1, C-2, C-3, M-1.

Digesters. M-1

Department store. CO, C-1, C-2, C-3, M-1.

Drug store or pharmacy. CO, C-1, C-2, C-3, M-1.

Dry goods or notions store. CO, C-1, C-2, C-3, M-1.

Electric appliance stores and repairs. CO, C-1, C-2, C-3, M-1.

Expansion, Alteration or Replacement of non-conforming buildings and uses. CO, C-1, C-2, M-1, R-1, R-2, R-3, R-A.

Family Day Care Home, Large (Up to CA State maximum). CO, C-1, C-2, R-1, R-2, R-3, RA.

Family Day Care Home, small. CO, C-1, C-2, R-1, R-2, R-3, RA.

Feed and seed stores. CO, C-1, C-2, C-3, M-1, AP.

Fire Station. CO, C-1, C-2, C-3, M-1, AP.

Firewood sales yard. CO, C-1, C-2, C-3, M-1.

Florist shop. CO, C-1, C-2, M-1, R-1, R-2, R-3, RA.

Furniture store. CO, C-1, C-2, C-3, M-1.

Furniture warehouses for storing personal household goods, provided ground floor front is devoted to stores. CO, C-1, C-2, C-3, M-1.

Gasoline filling station. CO, C-1, C-2, C-3, M-1.

Gift, novelty or souvenir. CO, C-1, C-2, M-1, R-2, R-3, RA.

Glass shop, retail, excluding major service activities. C-2, C-3, M-1.

Grocery store. CO, C-1, C-2, C-3, M-1.

Grocery store, fruit store or supermarket. C-1, C-2, C-3, M-1.

Gunsmith shops. CO, C-1, C-2, C-3, M-1.

Healthcare Facilities. All Zones

Hobby and art supply store. CO, C-1, C-2, C-3, M-1.

Hospital, sanitarium and nursing home. C-1, C-2, C-3, M-1, PO.

Household and office equipment and machinery repair shops. C-2, C-3, M-1, PO.

Household appliance stores. CO, C-1, C-2, C-3, M-1.

Ice storage house of not more than 5-ton storage capacity. CO, C-1, C-2, C-3, M-1, AP.

Incidental manufacturing, processing and treatment of products. C-2, C-3, M-1.

Interior decorating store. CO, C-1, C-2, C-3, M-1.

Jail or correctional (public facilities only). C-2, C-3, M-1, M-2.

Jewelry store, including clock and watch repair. CO, C-1, C-2, C-3, M-1.

Laundries. C-2, C-3, M-1.

Laundry, coin operated machines only. CO, C-1, C-2, C-3, M-1.

Leather goods and luggage stores. CO, C-1, C-2, C-3, M-1.

Linen supply services. C-2, C-3, M-1.

Liquor store. Not within 300' of residential/School Site. CO, C-1, C-2, C-3, M-1.

Locksmiths. CO, C-1, C-2, C-3, M-1.

Massage or physiotherapy establishment. CO, C-1, C-2, C-3, M-1.

Meat market or delicatessen store. CO, C-1, C-2, C-3, M-1.

Medical and orthopedic appliance stores. CO, C-1, C-2, C-3, M-1, PO.

Medical laboratory. CO, C-1, C-2, C-3, M-1, PO.

Memorial building, theatre, auditorium. CO, C-1, C-2, C-3, M-1, R-3.

Micro-brewery. *Allowed in C-1 and C-2 in conjunction with a restaurant. M-1, M-2, C-3, *C-2, *C-1

Mini-warehouses. C-2, C-3, M-1, AP.

Mobile home for use by caretaker or night watchman. CO, C-1, C-2, C-3, M-1.

Motorcycle sales and service. C-2, C-3.

Musical instrument repair shops. CO, C-1, C-2, C-3, M-1.

Name plates. CO, C-1, C-2, C-3, M-1, R-3.

Nursery school. CO, C-1, C-2, M-1, R-1, R-2, RA, R3, R-A.

Office, business or professional. CO, C-1, C-2, M-1, R-1, R-2, R-3, PO.

Opticians and optometrists shops. CO, C-1, C-2, C-3, M-1, PO.

Paint and wallpaper stores. C-1, C-2, C-3, M-1. Pet shops. CO, C-1, C-2, C-3, M-1.

Photo processing pick-up and delivery outlets. CO, C-1, C-2, C-3, M-1.

Photographic and blueprint processing and printing. CO, C-1, C-2, C-3, M-1.

Photographic developing and printing. CO, C-1, C-2, C-3, M-1.

Photographic supply stores. CO, C-1, C-2, C-3, M-1.

Picture framing shops. CO, C-1, C-2, C-3, M-1.

Plumbing fixtures for retail sales. CO, C-1, C-2, C-3, M-1.

Plumbing shops. C-2, C-3, M-1.

Police station. O, CO, C-1, C-2, C-3, M-1, M-2.

Post Office.CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, PO.

Pressing establishments. C-2, C-3, M-1.

Printing, lithography, engraving. CO, C-1, C-2, C-3, M-1.

Private club, fraternity, sorority and lodge. CO, C-1, C-2, C-3, M-1.

Private greenhouses and horticultural collections. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A.

Public library. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A.

Public Park or playground. O, MR, CO, C-1, C-2, C-3, M-1, M-2 R-1, R-2, R-3, R-A, AP.

Public utility structure. CO, C-1, C-2, C-3, M-1, MR, RO, R-1, R-2, R-3, R-A, PO, O, AP.

Radio and television broadcasting studios. C-2, C-3, M-1.

Radio and television repair shops. C-2, C-3, M-1.

Radio, microwave and television towers (Over 75 feet or within 2 miles of an airport) C-2, C-3, M-1, M-2.

Real Estate Offices. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A

Recreation center. CO, C-1, C-2, C-3, M-1.

Repairing and altering of wearing apparel. CO, C-1, C-2, C-3, M-1.

Resort. CO, C-1, C-2, C-3, M-1.

Restaurant. CO, C-1, C-2, C-3, M-1.

Restaurant, tea room or cafe. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A.

Retail office equipment sales. CO, C-1, C-2, C-3, M-1.

Retail sales of sporting goods, boats, boat motors, boat trailers, trailer coaches and their repair, rental and storage. O, CO, C-1, C-2, C-3, M-1.

Retail stores and offices incidental to and located on the site of a hotel, motel, resort, restaurant or guest ranch. O, CO, C-1, C-2, C-3, M-1.

Rug and carpet cleaning and dyeing. CO, C-1, C-2, C-3; M-1.

Satellite antenna sales. CO, C-1, C-2, C-3, M-1.

Satellite television antennas. CO, C-1, C-2, C-3, M-1.

School, private. CO, C-1, C-2, C-3, M-1, PO.

School, public. CO, C-1, C-2, C-3, M-1, PO.

Scientific instrument stores. CO, C-1, C-2, C-3, M-1.

Secondhand stores, pawn shops and thrift shops. CO, C-1, C-2, C-3, M-1.

Shoe repair shop. CO, C-1, C-2, C-3, M-1.

Shoe store. CO, C-1, C-2, C-3, M-1.

Sign painting shops. C-2, C-3, M-1.

Small appliance sales and service. CO, C-1, C-2, C-3, M-1.

Soda fountains. CO, C-1, C-2, C-3, M-1.

Sporting goods store. CO, C-1, C-2, C-3, M-1.

Stamp and coin stores. CO, C-1, C-2, C-3, M-1.

Storage of petroleum products for use on the premises. CO, C-1, C-2, C-3, M-1.

Studios (except motion picture). CO, C-1, C-2, C-3, M-1.

Tinsmith. C-2, C-3, M-1.

Tire sales (no retreading or recapping). C-2, C-3.

Tobacco and cigar stores. CO, C-1, C-2, C-3, M-1

Tourist Court. CO, C-1, C-2, C-3, M-1.

Toy store. CO, C-1, C-2, C-3, M-1.

Trailer and recreation vehicle sales, service and rentals. C-2, C-3, M-1, M-2, AP.

Travel agencies. CO, C-1, C-2, C-3, M-1.

Variety store. CO, C-1, C-2, C-3, M-1.

Video machine and tape sales/rental. CO, C-1, C-2, C-3, M-1.

Warehouses except for the storage of fuel or flammable liquids and explosives. CO, C-1, C-2, C-3, M-1.

Watch and clock repair shop. CO, C-1, C-2, C-3, M-1.

Wedding chapel. CO, C-1, C-2, C-3, M-1.

VARIANCE PROCEDURES III. Notice A.

Upon the filing of a verified application by a property owner or upon its own motion, the Planning Commission shall give public notice of the intention to consider the granting of a variance as provided in Section 18. (Amended by Ord. No. 810, effective 1-11-62.)

1. If the variance will allow new residential use of the property, and such residential use is not allowed without such variance, the following shall apply:
 - a. If a school district in which the proposed variance is located has made the findings specified in Section 7602 of the Ordinance Code of Tulare County and the Board of Supervisors has concurred in such findings and determined the fees payable by a

developer in accordance with Sections 7-21-1020 and 7-21-1040 of the Ordinance Code, the Planning Commission shall not approve the proposed variance without finding that the fees previously determined by the Board are required, and imposing such fees as a condition of approval.

- b. The applicant may appeal the requirement of fees to the Board of Supervisors in accordance with Section 7-21-1030 of the Ordinance Code of Tulare County. (Paragraph 1. added by Ord. No. 2217, effective 3-22-79; amended by Ord. No. 2668, effective 10-3-85.)
2. If the variance will allow a use of real property which is subject to review by the Site Plan Review Committee under Section 16.2 of this Ordinance, the Planning Commission shall notify the Site Plan Review Committee of the fact that the permit or variance is under consideration. No decision of the Planning Commission on a variance subject to review by the Site Plan Review Committee shall be made unless and until the Site Plan Review Committee submits a written report as required by this Ordinance. (Paragraph 2. added by Ord. No. 2417, effective 5-28-81.)

Action by Planning Commission B.

Not more than thirty-five (35) days following said hearing, the Planning Commission shall announce its findings by formal resolution and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the granting or denial of the variance necessary to carry out the provisions of this Section and the general purposes of this Ordinance. If such resolution grants the variance, it shall also impose such conditions and limitations as may be needed to carry out the purposes of this Section. Such resolutions shall be numbered consecutively in the order of their passage and shall become a permanent record of the Planning Commission. (Amended by Ord. No. 2179, effective 11-23-78.)

Variance Findings C.

Before any variance may be granted, it shall be shown:

1. That there are special circumstances applicable to the property involved including size, shape, topography, location or surroundings, so that the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. That the granting of the variance will be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
3. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property.
4. That the granting of the variance is consistent with the General Plan.

In addition, if the variance pertains to a building or structure located within the building line setbacks established pursuant to Sections 7-19-1000 et seq. of the Ordinance Code of Tulare County, the findings required in Section 7-19-1215 of the Ordinance Code shall also be made before any variance may be granted. (Amended by Ord. No. 2107, effective 5-4-78; amended by Ord. No. 2481, effective 7-1-82.)

Further, if the variance pertains to any aspect of a specified hazardous waste facility, such variance shall not be approved unless the Board of Supervisors finds, based upon substantial evidence in the record, that the granting of the variance is consistent with Sections 7.2 and 7.3 of the Tulare County Hazardous Waste Management plan which identify siting criteria for hazardous waste facilities. (Amended by Ord. No. 2918, effective 8-25-90.)

Application Requirements D.

Application for a variance shall set forth in detail such factors as, in the opinion of the applicant, pertain to subparagraphs 1, 2, 3, and 4 of Paragraph C next above.

Amendments E.

Any person holding a variance may apply for an amendment to the variance by filing an application with the Planning and Development Director. For purposes of this subpart, the amendment of a variance may include modifications of the terms of the variance itself, or the application, waiver or alteration of conditions. The same procedures shall be followed in processing the application for amendment of a variance as are applicable to a new variance under this ordinance including, but not limited to, the public notices, hearings and appeal rights set forth in Section 18. (Added by Ord. No. 2884, effective 9-9-89.)

SECTION 16.2: SITE PLAN REVIEW

(Added by Ord. No. 2417, effective 5-28-81)

(Amended by Ord. No. 3422, effective 5-5-11)

PURPOSE

- A.** The purpose of this section is to enable the County to make a finding that proposed development is in conformity with the provisions of this ordinance and the goals and objectives of the General Plan. (Amended by Ord. No. 3422, effective 5-5-11)

APPLICATION

- B.** When a Site Plan Review is required by this ordinance or by the Tulare County Ordinance Code, the following procedures shall apply.

SITE PLAN REVIEW COMMITTEE: PLANNING COMMISSION

- C.** The Site Plan Review Committee is hereby abolished. All duties of the Site Plan Review Committee are transferred to the Tulare County Planning Commission and the Tulare County Planning Commission is directed and authorized to execute all of the duties, responsibilities and authority formerly vested in the Site Plan Review Committee by any and all state and federal laws, statutes, regulations, agreements and directives and other official instruments and all of the duties, responsibilities, and authority formerly vested in the Site Plan Review Committee by any and all County of Tulare Ordinances, resolutions, agreements, directives, letters, certifications or other official instruments. All references to the Site Plan Review Committee in the Ordinance Code of Tulare County, this Tulare County Ordinance No. 352 as amended (commonly referred to as the Zoning Ordinance of Tulare County), any and all other County of Tulare Ordinances, resolutions, agreements, directives, letters, certifications or other official instruments shall be deemed to refer to the Tulare County Planning Commission. All rules adopted by the Site Plan Review Committee to govern the transaction of business or other affairs of the Committee are repealed and the rules adopted by the Tulare County Planning Commission shall apply. (Amended by Ord. No. 3422, effective 5-5-11)

POWERS AND DUTIES OF THE SITE PLAN REVIEW COMMITTEE

- D.** All powers and duties of the Site Plan Review Committee are transferred and assigned to the Tulare County Planning Commission. The powers and duties include:
1. Any power or duty of the Site Plan Review Committee to serve in an advisory capacity to the Planning Commission required by this Ordinance is abolished. Instead, the Planning Commission will take into consideration, as part of the Planning Commission's decision making process, the same matters that the Site Plan Review

Committee would have considered in advising the Planning Commission. Any power or duty of the Site Plan Review Committee to serve in an advisory capacity to the Board of Supervisors required by this Ordinance shall be transferred to and performed by the Planning Commission.

2. Review and approval, conditionally approval or disapproval of site plans where required by this Ordinance.
3. Review and make recommendations to applicants on the conformity of preliminary development plans with the provisions of County Plans, policies and regulations.
4. Such other duties as the Board of Supervisors has directed the Site Plan Review Committee to exercise.

(Amended by Ord. No. 3422, effective 5-5-11)

**PROCEDURES E.
FOR FILING SITE
PLAN**

**Preliminary
Site Plan**

1. a. The applicant shall submit twelve (12) copies of the preliminary site plan to the Planning Director.
- b. At the time the preliminary site plan is submitted, the applicant shall pay to the Planning Director the appropriate fee as set forth in Section 18 of this ordinance to defray the expenses incidental to processing the plan, and, in addition, any required fee for the environmental studies and reports that may be required for the proposed project under the Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq.)

**Final
Site Plan**

2. a. After the preliminary site plan is approved, the applicant shall submit twelve (12) copies of the final site plan to the Planning Director.
- b. At the time the final site plan is submitted, the applicant shall pay to the Planning Director the appropriate fee as set forth in Section 18 of this ordinance to defray the expenses incidental to processing the plan.

Acceptance

3. No site plan shall be deemed to be accepted for processing until the Planning Director has made the review authorized by Section 65943 of the Government Code of the State of California and has determined whether the site plan and accompanying documents are complete. When the Planning Director has determined that said plan and documents are complete, and transmitted the written notice that the plan and documents are complete, or when the thirty (30) day period has expired, all as set forth in said Section 65943, the site plan shall be deemed to be accepted for processing. If the Planning Director notifies the applicant that the plan and documents are not complete, the site plan shall not be processed until the Planning Director determines that all information required by the notice has been supplied by the applicant.

Notices to Agencies

4. Within five (5) working days after the submittal of a site plan and accompanying documents, the Planning Director shall transmit copies of the site plan to the Public Works Director, the County Health Department, the County Fire Warden, the County Building Department and to each of the public utilities affected, together with requests for recommendations on the proposed project. In addition, the County Planning Director shall transmit copies of the site plan to the following public and private agencies together with requests for recommendations on the proposed project:
 - a. Affected cities, if the proposed site is within the Urban Area Boundary of an incorporated city as adopted pursuant to the Urban Boundaries Element of the Tulare County General Plan.
 - b. Municipal Advisory Councils if the project site is within the sphere of influence of a Council.
 - c. School districts within which the project site is located, unless no residential development is proposed and the site is more than 1,320 feet from a public school.
 - d. Community services districts within which the project site is located.
 - e. Water districts, irrigation districts and any other

public or private agencies which, in the judgment of the Planning Director, would be affected by the proposed project.

SITE PLAN CONTENTS

F.

Preliminary Site Plan

1. The preliminary site plan maps shall be clearly and legibly drawn. The size of the sheet shall be appropriate to allow proper review, as determined by the Building and Planning Director. The scale of the map shall be one (1) inch equals one hundred (100) feet or a decimal fraction or a multiple of one hundred (100) feet. The preliminary site plan map shall contain the following information:
 - a. Location of the proposed project with reference to section, township, and range.
 - b. Name and address of record owner and applicant.
 - c. Name and address of person who prepared the site plan.
 - d. Date of preparation.
 - e. North point and scale.
 - f. Approximate lot dimensions.
 - g. General locations of existing and proposed buildings and proposed uses.
 - h. Off-street parking areas and internal circulation patterns.
 - i. Locations of proposed signs, if any.
 - j. Preliminary drainage plan.
 - k. Proposed landscaping areas.
 - l. Proposed location of utilities, sewage disposal systems and domestic water supply systems.
 - m. Approximate contour lines if necessary to illustrate

the influence of topographic conditions on the design of the project. An aerial photograph or topographic model of the property may be submitted in lieu of indicating contour lines on the preliminary site plan map.

- n. Locations and names of watercourses and areas subject to flooding or ponding of surface water.
- o. The proposed method of flood protection for any area subject to flooding or ponding of surface water.
- p. Locations of proposed public areas.
- q. Approximate grades of all streets or parts of streets exceeding six percent (6%).
- r. Proposed fire protection facilities.
- s. Such other information as may be required to be shown on preliminary site plans by other sections of this ordinance.
- t. Such other information as may be required by the Planning Director to permit the Site Plan Review Committee to make the required findings and to take action on the preliminary site plan.

**Information to
Accompany
Preliminary Site Plan
Map**

- 2. The preliminary map shall be accompanied by the following statements and documents:
 - a. Six (6) copies of a preliminary geological-hydrological report prepared in accordance with Section 7-01-1610 of the Ordinance Code of Tulare County.
 - b. Methods to be used for disposal of liquid and solid wastes.
 - c. Method of supply of domestic water.
 - d. An application and fees for the environmental studies and reports required for the proposed project under the Environmental Quality Act of 1970 (Public Resources Code Sections 21000 et seq.).

**Final
Site Plan**

- e. Such other information as may be required to accompany preliminary site plans by other sections of this ordinance.

- 3. The size of the final site plan map shall be eleven (11) by seventeen (17) inches unless a larger sheet is required in which event sheets which are eighteen (18) by twenty-six (26) inches shall be used. The final site plan map shall be legibly drawn, in pencil or ink, and shall use a decimal or engineer's scale of not less than one (1) inch equals one-hundred (100) feet unless the Planning Director determines that a different scale will be adequate and appropriate for the site plan map. The final site plan map shall clearly show the following information:

- a. The location of the proposed project with reference to Section, township and range.
- b. Names and addresses of the record owner and applicant.
- c. Name and address of the person who prepared the site plan.
- d. Date of preparation.
- e. North point and scale.
- f. Lot dimensions; existing and proposed property lines.
- g. All existing and proposed buildings and structures including location, elevations, floor plans, size, height, and proposed use.
- h. Yard areas and space between buildings.
- i. Walls and fences including location, height and materials.
- j. Off-street parking: location, number of spaces, dimensions of parking area and internal circulation pattern.

- k. Access - pedestrian, vehicular and service; points of ingress and egress; internal circulation; and type of surface paving.
- l. Names, location and dimensions of all adjoining streets, including street dedications and improvements as required in the Improvement Standards of Tulare County as adopted pursuant to Section 7-01-2025 of the Ordinance Code of Tulare County.
- m. Signs: location, size, materials and illumination.
- n. Off-street loading: location, dimensions, number of spaces, internal circulation.
- o. Exterior lighting: location, height and general nature including hooding devices and direction of illumination.
- p. Provisions for site drainage.
- q. Finish floor elevations and selected spot elevations at finished grade.
- r. The location and type of landscaping and irrigation systems.
- s. Existing topography if major changes in the topography are proposed. Topography shall be shown by sufficient elevation and contours to determine the general slope of the land and the high and low points thereof. Contours shall be shown at five (5) foot intervals for terrain having a natural slope of five percent (5%) or more. On areas with a slope of less than five percent (5%), the contours shall be shown at two (2) foot intervals.
- t. Location, percent of slope and height differential for all cut or fill slope banks over three (3) feet in height: methods and materials used for slope stabilization and drainage water diversion.
- u. Location and nature of all existing and proposed utilities including septic tanks, leach fields,

community sewer systems and domestic water systems.

- v. Location of all existing and proposed easements including those for access and public utilities.
- w. Delineation of the intermediate regional flood lines, if applicable, and any natural or man-made watercourses traversing the site, either permanent or intermittent.
- x. Fire protection facilities.
- y. Such other information as may be required by other sections of this ordinance to be shown on final site plans.
- z. Such other information as may be required by the Planning Director to permit the Site Plan Review Committee to make the required findings and take action on the site plan.

**Information to
Accompany Final
Site Plan Map**

- 4. The final site plan map shall show thereon or be accompanied by the following statements:
 - a. Legal description of the property.
 - b. Proposed uses of the property, including a statement of the relative proportions of the total area of the project site proposed to be devoted to each use.
 - c. A final geological-hydrological report prepared in conformance with Section 7-01-1725 of the Ordinance Code of Tulare County if required by the Site Plan Review Committee.
 - d. Specific source and type of water supply (e.g., drilled well, dug well, spring, etc.).
 - e. Method of sewage disposal.
 - f. A tentative drainage plan indicating provisions for drainage and storm water control and, for any area which is located within the boundaries of the intermediate regional flood, the proposed method of

flood protection.

- g. Types of street improvements and utilities which the applicant proposes to install.
- h. Description of street tree planting plan and other landscaping plans, if required.
- i. Statement of other improvements proposed to be made or installed.
- j. Statement of the time when improvements are proposed to be made or installed.
- k. Deed restriction, if any.
- l. Such other information that may be required by other sections of this ordinance to accompany final site plans.

**Notice to
Applicant's
Agent**

- 5. If the project applicant desires that notices, reports and other communications from the Site Plan Review Committee, Planning Commission, the Board of Supervisors and other officers and agents of the County be sent to him in care of his engineer, architect, or other authorized agent, he shall attach to the site plan map a statement to that effect. If such a statement is attached to the site plan map, all notices, reports and communications required under the provisions of this section shall be sent to the subdivider in care of the engineer, architect or other authorized agent named in such statement.

**Waiver of
Information**

- 6. a. Upon written application by the project's sponsor, the Site Plan Review Committee may waive any of the items required to be shown on or accompanied with a site plan map as provided in this subsection or by other sections of this ordinance. The application shall fully state the grounds for the waiver and, in particular, why the information required to be shown will not serve the purpose of this ordinance and the intent of the General Plan. If the Site Plan Review Committee determines that the filing of such information will not serve the purposes set forth in this ordinance or the goals and objectives of the General Plan, the Committee may waive such requirements and the Planning Director shall accept

the site plan map without such requirements in accordance with subsection E of this Section. However, the Site Plan Review Committee does not have the authority to waive the requirement to file a site plan if such plans are required to be filed by this Ordinance.

- b. The Site Plan Review Committee may, by resolution, delegate to the Planning Director the authority and responsibility for reviewing applications for waiver of information in accordance with the directives contained in subparagraph a of this paragraph. (Amended by Ord. No. 2492, effective 8-26-82.)

**Waiver of
Preliminary
Site Plan**

- 7. Unless otherwise requested by the applicant, the Planning Director shall waive the requirement to file a preliminary site plan for any project which meets both of the following criteria:
 - a. The property is not located within the boundaries of a zone which has been combined with the PD Zone.
 - b. The filing of a preliminary site plan would not serve the purposes of this ordinance or the intent of the General Plan.

When the requirement to file a preliminary site plan has been waived pursuant to this paragraph, the applicant may file a final site plan for decision pursuant to the procedures set forth in paragraph 1 of subsection G of this section, insofar as said paragraph may be applicable to final site plans. (Paragraph 7 added by Ord. No. 2492, effective 8-26-82.)

**SITE PLAN
REVIEW
PROCEDURES**

G.

**Procedures
When Acting
as a Decision-Making
Body**

- 1. Where the Site Plan Review Committee is authorized by this ordinance to review and approve, conditionally approve, or disapprove site plans, the following procedure shall apply:
 - a. The Site Plan Review Committee shall hold a public hearing and review and approved, conditionally

approve, or disapprove the preliminary site plan map within fifteen (15) days after the date of acceptance by the Planning Director. The date of acceptance shall be determined in accordance with subsection E of this section. Said time limit may be extended by mutual consent of the Committee and the applicant.

- b. At least ten (10) days prior to the hearing before the Site Plan Review Committee, on the preliminary site plan map, the Planning Director shall give notice in accordance with the requirements of subparagraph c of paragraph 2 of subsection D of part II of Section 16 of this ordinance.
- c. If the Site Plan Review Committee determines that the preliminary site plan complies with all the provisions of this ordinance and is consistent with the goals and objectives of the General Plan, it shall adopt written findings to that effect and approve or conditionally approve the preliminary site plan.
- d. If the preliminary site plan fails to meet one or more requirements set forth in this ordinance, or is inconsistent with one or more of the goals and objectives of the General Plan, the Site Plan Review Committee shall adopt written findings describing the inconsistencies and either deny the preliminary site plan or approve the plans subject to such conditions as may be necessary or convenient to ensure conformity to such requirements, goals and objectives. The written findings may include a description of appropriate changes in project type or design as may be necessary or convenient to ensure conformity with this ordinance and the General Plan.
- e. Within seven (7) days after the action of the Committee, a copy of the written findings shall be furnished to the applicant, the Planning Commission, the Board of Supervisors and to each public and private agency to which a copy of the preliminary site plan was transmitted in accordance with Subsection E of this Section.
- f. Once the preliminary site plan has been approved or

conditionally approved by the Site Plan Review Committee, the applicant may submit a final site plan, prepared in accordance with the approved or conditionally approved preliminary site plan, to the Planning Director for review and approval by the Site Plan Review Committee.

- g. Upon acceptance of the final site plan by the Planning Director, the Director shall transfer said map and accompanying documents to the Site Plan Review Committee. The Committee shall fix the meeting date at which the final site plan will be considered, which shall be within fifteen (15) days thereafter. The Committee shall approve, conditionally approve or disapprove the final site plan within said fifteen (15) day period unless extended by mutual consent of the Committee and the applicant.
- h. At least five (5) days prior to the meeting, the Planning Director shall provide written notice of the time and place of said meeting to the applicant. No public notice or public hearing shall be required for review of a final site plan except as set forth in subparagraph (1) of this paragraph.
- i. Any interested person may request that the Site Plan Review Committee hold a public hearing on a final site plan pursuant to this paragraph. Such a request shall be in writing and shall be filed with the Planning Director at least ten (10) days before the date on which the final site plan is scheduled for review by the Site Plan Review Committee. If a request for public hearing is filed prior to said ten (10) day period, the Site Plan Review Committee shall schedule a public hearing to review the final site plan and the Planning Director shall give public notice of said hearing in accordance with the procedure set forth in subparagraph (b) of this paragraph. If no request for hearing is filed prior to said ten (10) day period, the Site Plan Review Committee shall take action on the final site plan in accordance with this ordinance.
- j. If the Site Plan Review determines that the final site

plan complies with all the provisions of this ordinance and is consistent with the goals and objectives of the General Plan, it shall adopt findings to that effect and approve or conditionally approve the final site plan.

- k. If the final site plan fails to meet one or more requirements set forth in this ordinance, or is inconsistent with one or more of the goals and objectives of the General Plan, the Site Plan Review Committee shall adopt findings describing the inconsistencies and either deny the final site plan or approve the plan subject to such conditions as may be necessary or convenient to ensure conformity to such requirements, goals or objectives.
- l. Within seven (7) days after the action by the Site Plan Review Committee, written notice of the action of the Committee shall be furnished to the applicant, the Planning Commission, the Board of Supervisors and to each public and private agency to which a copy of the site plan was transmitted in accordance with Subsection E of this Section.
- m. Upon approval of the final site plan by the Site Plan Review Committee, the site plan shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the plan. Copies of the approved site plan shall be filed with the Planning Director, the County Health Department, the County Public Works Department, the County Fire Warden and the County Building Department.

**Procedure When
Acting as an
Advisory Body**

- 2. In those cases where the Site Plan Review Committee is required to serve in an advisor capacity to the Planning Commission, Zoning Administrator, and Board of Supervisors on special use permits, subdivisions and planned developments, the following procedures shall apply:
 - a. Prior to filing an application for a special use permit, tentative subdivision map, or planned development, an applicant shall submit a preliminary site plan for the project to the Planning Director in accordance

with paragraphs 1 and 2 of subsection F of this section. The date of acceptance of the preliminary site plan shall be determined in accordance with subsection E of this section.

- b. Within fifteen (15) days after the date of acceptance the Site Plan Review Committee shall meet and adopt written findings concerning the preliminary site plan. The date of acceptance shall be determined in accordance with Subsection E of this Section. Such time limit may be extended by mutual consent of the Committee and the applicant.
- c. At least five (5) days prior to said meeting, the Planning Director shall provide written notice to the applicant of the time and place thereof. No other public notice and no public hearing shall be required for any meetings held by the Site Plan Review Committee when serving in an advisory capacity to the Planning Commission, Zoning Administrator, and Board of Supervisors on site plans submitted for special use permits, subdivisions and planned unit developments.
- d. If the Site Plan Review Committee determines that the preliminary site plan complies with all the provisions of this Ordinance and is consistent with the goals and objectives of the General Plan, it shall adopt written findings to that effect.
- e. If the preliminary site plan fails to meet one or more requirements set forth in this Ordinance or is inconsistent with one or more of the goals and objectives of the General Plan, the Site Plan Review Committee shall adopt written findings describing the inconsistencies. The written findings may include a description of appropriate changes in project type or design as may be necessary or convenient to ensure conformity with such requirements, goals and objectives.
- f. Within seven (7) days after the action of the Committee, a copy of the written findings shall be furnished to the applicant, the Planning Commission, the Board of Supervisors and to each

public and private agency to which a copy of the preliminary site plan was transmitted in accordance with Subsection E of this Section.

- g. Once written findings for the preliminary site plan are adopted, the applicant may submit an application for a special use permit, a tentative subdivision map or a planned development. Said application shall be accompanied by a final site plan and other documents prepared in accordance with the provisions of paragraphs 3 and 4 of subsection F of this Section. An application for a special use permit or a planned unit development may not be accepted by the Planning Director without first securing written findings for a preliminary site plan pursuant to this paragraph. The date of acceptance in accordance with subsection E of this Section.
- h. Upon acceptance of the final site plan, the Director shall transfer said plan and accompanying documents to the Site Plan Review Committee. The Committee shall fix the meeting date at which the final site plan will be considered, which shall be within fifteen (15) days thereafter. The Committee shall adopt written findings and recommendations concerning the final site plan within said fifteen (15) day period unless extended by mutual consent of the Committee and the applicant.
- i. The applicant shall be given notice of the time and place of said meeting in accordance with the procedures set forth in this paragraph for preliminary site plans. No public notice or public hearing shall be required for review of a final site plan pursuant to this paragraph.
- j. If the Site Plan Review Committee finds that the proposed final site plan for the special use permit, tentative subdivision map or planned development complies with all of the provisions of this Ordinance and is consistent with the goals and objectives of the General Plan, it shall adopt written findings to that effect and recommend that the body taking final action on the application approve the project.

- k. If the final site plan for the special use permit, tentative subdivision map, or planned unit development falls to meet one or more requirements set forth in this Ordinance or is inconsistent with one or more of the goals and objectives of the General Plan, the Site Plan Review Committee shall adopt written findings describing the inconsistencies and may either recommend denial of said application or recommend that said application be approved subject to such conditions, including changes in the type of project or project design, as may be necessary or convenient to ensure conformity with the aforementioned requirements, goals and objectives.
- l. Within seven (7) days after the action by the Site Plan Review Committee, written notice of the action of the Committee shall be mailed to the applicant, the Planning Commission, the Board of Supervisors and to each public and private agency to which a copy of the final site plan was transmitted, in accordance with Subsection E of this Section.
- m. Said written notice shall be in the form of a recommendation to the appropriate decision-making body.

**Simultaneous
Processing with
Parcel Maps**

- 3. In those cases where the Site Plan Review Committee is required by this ordinance to review site plans on subdivisions for which a parcel map is required by the Subdivision Map Act (Sections 66410 et seq. of the Government Code of the State of California), the procedure set forth in paragraph 2 of this subsection shall be applicable, subject to the following exceptions:
 - a. The preliminary site plan shall be filed and processed with a preliminary parcel map in accordance with Section 7-01-1585 et seq. of the Ordinance Code of Tulare County.
 - b. The transmittal of the preliminary site plan to public and private agencies pursuant to Subsection E of this section shall be combined with the transmittal of the preliminary parcel map pursuant to Section 7-01-1585 of the Ordinance Code of Tulare County.

- c. The meeting at which the preliminary site plan is to be discussed with the subdivider shall be held in conjunction with the design conference scheduled for the preliminary parcel map pursuant to Section 7-01-1630 of the Ordinance Code of Tulare County.
- d. The written findings required for preliminary site plans shall be incorporated into the written report for the design conference required by said Section 7-01-1630.
- e. Once the written findings on the preliminary site plan are adopted, the applicant may submit a tentative parcel map. Said tentative parcel map shall be accompanied by a final site plan and other documents prepared in accordance with paragraphs 3 and 4 of Subsection F of this Section. A tentative parcel map may not be accepted by the Planning Director without first securing written findings for a preliminary site plan pursuant to this paragraph. The date of acceptance of the final site plan map shall be determined in accordance with Subsection E of this section.
- f. Following acceptance of the final site plan, the Director shall fix the meeting date at which the final site plan will be considered by the Committee, which shall be the same date established for the public hearing on the tentative parcel map pursuant to Section 7-01-2315 of the Ordinance Code of Tulare County. The final site plan shall be considered by the Committee at the same time that the tentative parcel map is considered.
- g. The transmittal of the final site plan to public and private agencies pursuant to Subsection E of this section shall be combined with the transmittal of the tentative parcel map pursuant to Section 7-01-2150 et seq. of the Ordinance Code of Tulare County.
- h. A written recommendation shall not be required for final site plans prepared for tentative parcel maps; however, written findings shall be adopted by the Committee and incorporated into the final written

decision on the tentative parcel map.

**Simultaneous
Processing with
Preliminary
Subdivision Maps**

4. In those cases where the Site Plan Review Committee is required by this Ordinance to review site plans on subdivisions for which a tentative and final map is required by the Subdivision Map Act (Sections 66410 et seq. of the Government Code of the State of California), the procedure set forth in paragraph 2 of this subsection shall be applicable, subject to the following exceptions:
 - a. The preliminary site plan shall be filed and processed in conjunction with a preliminary subdivision map in accordance with Section 7-01-1585 et seq. of the Ordinance Code of Tulare County.
 - b. The transmittal of the preliminary site plan to public and private agencies shall be combined with the transmittal of the preliminary subdivision map pursuant to Section 7-01-1585 of the Ordinance Code of Tulare County.
 - c. The meeting at which the preliminary site plan is to be discussed with the subdivider shall be held in conjunction with the design conference scheduled for the preliminary subdivision map pursuant to Section 7-01-1630 of the Ordinance Code of Tulare County.
 - d. The written findings required for preliminary site plans shall be incorporated into the written report on the design conference required by said Section 7-01-1630.

**Review of
Preliminary
Development
Plans**

5. (Paragraph 5 added by Ord. No. 2884, effective 9-9-89.) In those cases where the Site Plan Review Committee is requested to review and make recommendations on preliminary development plans, and site plan review is not otherwise required, the following procedures shall apply:
 - a. Prior to filing an application for a change of zone, Special Use Permit or variance, an applicant may submit a preliminary development plan to the Planning and Development Director.

- b. Within ten (10) days after submission, the Site Plan Review Committee shall meet with the applicant to review the preliminary development plan. Representatives of the Fire Warden, cities, school districts, the State Division of Highways, utility companies and other public and private agencies affected by the proposed project may attend the meeting. The Planning and Development Director, the Public Works Director, the Health Officer, and the Fire Warden or their authorized representatives shall make recommendations to the applicant regarding the conformity of the preliminary plan with the provisions of County plans, policies and regulations and regarding possible improvements in the design of the project. Representatives of public and private agencies to which the preliminary development plan was transmitted may also make recommendations to the applicant regarding the proposed project.
- c. The Planning and Development Director shall furnish a written report of the recommendations presented at the meeting to the applicant, the other members of the Site Plan Review Committee, the Planning Commission and to each public and private agency to which a copy of the preliminary development plan was submitted. In those cases in which the Board of Supervisors will be taking final action on the project, a copy of said report shall be filed with said Board.

**FINDINGS:
AUTHORITY TO
REQUIRE
DEDICATIONS
AND
IMPROVEMENTS**

H.

1. Before any site plan may be approved or recommended for approval, the Site Plan Review Committee shall find:
 - a. That all the provisions and requirements of this ordinance are complied with:
 - b. That all applicable provisions and requirements of the General Plan are complied with.
 - c. That the following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and there will be no adverse effects on surrounding property:
 - (1) Buildings, structures and improvements.
 - (2) Vehicular ingress and egress and internal circulation.
 - (3) Setbacks.
 - (4) Height of buildings and other structures such as signs, towers, and airwave receiving antennae.
 - (5) Location of service.
 - (6) Walls and fences.
 - (7) Landscaping.
 - d. That any proposed outdoor lighting is arranged so as to reflect the light away from adjoining properties and roadways.
 - e. That proposed signs for outdoor advertising structures will not, by reason of size, location, color or lighting, interfere with safe traffic movement,

limit visibility, or depreciate the value of adjoining property or the neighborhood.

2. In those cases where the Site Plan Review Committee is acting in a final decision-making capacity, the Committee shall have authority to grant approval of a final site plan subject to any reasonable conditions, including dedications and improvements, which are deemed necessary or convenient to ensure conformity to or implementation of the requirements of this ordinance and the goals and objectives of the General Plan. The decision of the Site Plan Review Committee shall be final unless appealed to the Board of Supervisors in a manner provided in subsection 1 of this section.
3. In those cases where the Site Plan Review Committee is acting in an advisory capacity to the Planning Commission, Board of Supervisors or Zoning Administrator, the Site Plan Review Committee may recommend, as a condition of approval of the special use permit, subdivision or planned unit development, any reasonable conditions, including dedications or improvements, which the Committee deems necessary or convenient to ensure conformity to or implementation of the requirements of this ordinance and the goals and objectives of the General Plan. The decision of the Site Plan Review Committee when it is acting in an advisory capacity to another decision-making body, is not subject to appeal.

APPEALS

I.

1. Any person adversely affected by a decision of the Site Plan Review Committee when the Committee is acting in a final decision-making capacity in accordance with paragraph 1 of Subsection G of this Section, may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors in accordance with Section 165 of the Ordinance Code of Tulare County.
2. At the next regular meeting of the Board of Supervisors following the filing of the appeal, the Board of Supervisors shall set the matter for hearing at a meeting to be held within thirty (30) days thereafter. The Clerk shall give notice of the time and place of the hearing in the manner provided in

subparagraph (b) of paragraph 1 of Subsection G of this section and in Section 165 of the Ordinance Code of Tulare County. In addition, the clerk shall give notice to any other interested person who has requested notice of such hearing.

3. The Board of Supervisors shall hear the appeal in accordance with Section 165 of the Ordinance Code of Tulare County. After the appeal hearing, the Board of Supervisors may affirm, reverse, or modify the decision of the Site Plan Review Committee, or refer the matter to the Site Plan Review Committee for further action. The decision of the Board of Supervisors shall be final and conclusive as to all things involved in the matter.
4. Within seven (7) days after the action by the Board of Supervisors, the Clerk of the Board shall give written notice of the decision to the person filing the appeal, the applicant, the Site Plan Review Committee, the Planning Commission, each public and private agency to which a copy of the site plan was transmitted, and to any other person who requests such written notice.

**ADDITIONAL
REQUIREMENTS
FOR SITE PLANS
SUBJECT TO
APPROVAL BY
COMMITTEE**

- J.** The following additional requirements shall be applicable only to site plans which are subject to final approval by the Site Plan Review Committee in accordance with paragraph 1 of Subsection G of this Section.

**Effect of Site Plan
Approval**

1. a. Before any building permits may be issued for improvements which are subject to Site Plan Review Ordinance, the Building Department shall secure a certificate from the Planning Department that:
 - (1) The proposed relocation, construction, or building alteration is in conformity with the final site plan and conditions approved by the Site Plan Review Committee.
 - (2) All required improvements have either been completed, or if not completed, the applicant has certified that they will be completed prior to issuance of an occupancy permit for the proposed use.

**Expiration and
Extension**

- (3) All required dedications have been submitted.
 - b. A final site plan approved pursuant to provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the final site plan approval.
- 2.
 - a. Preliminary Site Plans:
 - (1) A preliminary site plan approval shall lapse and become null and void one (1) year following the date of approval by the Site Plan Review Committee unless, prior to the expiration of one (1) year, a final site plan for the proposed project has been submitted to the Planning Director.
 - (2) Upon written application by the applicant filed prior to the expiration of the approved or conditionally approved preliminary site plan, the time at which such site plan expires may be extended by the Site Plan Review Committee for an additional period or periods of not more than one (1) year. If the Site Plan Review Committee denies an applicant's request for an extension, the applicant may appeal the decision to the Board of Supervisors.
 - b. Final Site Plans:
 - (1) A final site plan approval shall lapse and become null and void one (1) year following the date on which approval by the Site Plan Review Committee became effective unless, prior to the expiration of one (1) year, a building permit is issued by the Building Department and/or construction is commenced and diligently pursued toward completion of the project which was the subject of the final site plan approval.
 - (2) Upon written application of the applicant filed prior to the expiration of the approved

or conditionally approved final site plan, the time at which such site plan expires may be extended by the Site Plan Review Committee for an additional period or periods of not more than two (2) years. If the Site Plan Review Committee denies an applicant's request for extension, the applicant may appeal the decision to the Board of Supervisors.

- c. The expiration of the approved or conditionally approved site plan shall terminate all proceedings and, unless otherwise provided in this ordinance, no construction or development of the real property included within such site plan may be undertaken without first processing a new preliminary and final site plan.

Revocation of Site Plan

- 3.
 - a. Failure of an owner or operator to comply with all conditions of approval of the final site plan shall be a basis for a revocation of the approval of said site plan. When non-compliance or a violation is discovered during inspection or at any other time, the Planning Director shall give the owner or operator of the use of real property authorized by the final site plan written notice of the acts of noncompliance or violation and direct that they be corrected within a specified period of time. If said corrections are not made in compliance with the notice, the Planning Director shall report the noncompliance to the Site Plan Review Committee which may commence revocation proceedings.
 - b. Before revoking a site plan, the Site Plan Review Committee shall provide public notice and hold a public hearing pursuant to the procedures for notice and hearings on preliminary site plan as set forth in paragraph 1 of subsection G of this section. Notice of said hearing shall also be given to public and private agencies in accordance with subsection E of this section.
 - c. At the hearing the Site Plan Review Committee may revoke the final site plan approval and require that the site be restored to its condition existing prior to

original approval of the final site plan, or the Site Plan Review Committee may allow the continuation of the final site plan approval with or without additional conditions.

- d. The decision of the Committee shall be in writing and shall indicate findings of fact relied on in making the decision. Within seven (7) days after the action by the Committee, the written decision shall be furnished to the owner or operator, the Planning Commission, the Board of Supervisors and to each public and private agency who received notice of the revocation hearing in accordance with subparagraph b of this paragraph.
- e. Any person adversely affected by the decision of the Site Plan Review Committee shall be entitled to appeal to the Board of Supervisors from the decision of the Site Plan Review Committee as provided in subsection 1 of this section.

**Security for
Improvements**

- 4. If the required improvements, including construction of both public and private improvements, have not been completed at the time the applicant requests an occupancy permit from the County Building Department, the occupancy permit shall not be approved until the applicant has entered into an agreement with the Board of Supervisors to complete all of said improvements. Said agreements shall be subject to all provisions of Chapter 1 of Part VII of the Ordinance Code of Tulare County governing such agreements for subdivisions. In addition, the applicant shall provide security to guarantee to the County the completion of said improvements and said security shall be in the same form, and subject to all of the same conditions, restrictions and other provisions applicable to the similar security required for subdivisions under Chapter 1 of Part VII of this Ordinance Code.

**Revisions to
Site Plan**

- 5. a. Minor Revisions: The Planning Director is authorized to approve minor modifications or revisions of approved final site plans upon a request by the applicant, or his successors, as long as said modifications do not substantially affect the determination of the Site Plan Review Committee. The Planning Director's approval of such minor modifications or revisions shall be noted on the

approved final site plans and the Planning Director shall refer said modified plans to the Site Plan Review Committee for concurrence with his decision. If the Site Plan Review Committee concurs with the Planning Director's decision, the Planning Director shall within seven (7) days thereafter provide written notice of his decision to the applicant and to any public or private agency which, in the judgment of the Planning Director, would be affected by said minor revision. If the Site Plan Review Committee does not concur with the Planning Director's decision, the Planning Director shall within seven (7) days thereafter provide written notice of the Committee's decision to the applicant.

- b. Major Revisions: If the Planning Director determines that the proposed modifications or revisions constitute a major deviation from the approved final site plan, or that such revisions or modifications are inconsistent with the intent of the Site Plan Review Committee in its approval of the original site plan, or if the Site Plan Review Committee does not concur with the Planning Director's decision under paragraph 1 of this subsection, the applicant shall file a new preliminary and final site plan in accordance with subsections E and G of this section. The same procedures shall be applicable to a major site plan revision as are applicable to the approval of the original site plan. No deviation from the original final site plan shall be undertaken by the applicant or his successors until a new final site plan incorporating the revisions has been approved by the Site Plan Review Committee.

Effective Date

- 6. A final site plan approval will not be effective until twenty (20) days after the date on which it is granted by the Site Plan Review Committee and until the applicant, at his own expense, has executed and filed with the County Recorder, a certified copy of the resolution of the Site Plan Review Committee approving said site plan with a duly authorized acceptance in the form approved by the County Counsel, endorsed thereon.

**Interim School
Facilities Fees:**

- 7. a. If a proposed preliminary site plan will allow residential use of the property and such residential

use is not permitted without such site plan, and if a school district in which the proposed site plan is located has made the findings specified in Section 7-21-1015 of the Ordinance Code of Tulare County and the Board of Supervisors has concurred in such findings and determined the fees payable by a developer in accordance with Sections 7-21-1020 and 7-21-1040 of the Ordinance Code, the Site Plan Review Committee shall not approve the proposed preliminary site plan without finding that the fees previously determined by the Board are required, and imposing such fees as a condition of approval.

- b. The applicant may appeal the requirement of fees to the Board of Supervisors in accordance with Section 7-21-1030 of the Ordinance Code of Tulare County. (Amended by Ord. No. 2668, effective 10-3-85.)

SECTION 16.4: "SR", SITE REVIEW COMBINING ZONE

(Added by Ord. No. 2910, effective 12-28-89)

PURPOSE A.

The purpose of the Site Review Combining Zone is to designate those areas of the County where the site plan review process is required in order to determine if the proposed development is in conformance with the policies, standards, and objectives of this Ordinance, the County Ordinance Code and the General Plan.

The SR Zone is intended to be combined with the other zones set forth in this Ordinance and may not be established on the Zoning Map unless it is combined with other zones. When this zone is combined with other zones, a new zone is thereby created, and the regulations of this Section shall be applicable in addition to those which are applicable in the zone with which this zone is combined. In addition, where the provisions of the underlying or base zone conflict with the requirements of this Section, the requirements of this section shall prevail over those in the underlying or base zone. The new combined zone shall be shown on the Zoning Map by the letters "SR" following the symbol of the underlying or base zone.

SITE PLAN REVIEW REQUIRED B.

No building or relocation permit shall be issued or special use permit approved, nor shall any grading or construction work be allowed until a final site plan has been reviewed and approved or recommended for approval by the Site Plan Review Committee in accordance with the procedures set forth in Section 16.2 of this Ordinance. However, a site plan shall not be required for any of the following buildings or uses when otherwise allowed by the Zone combined with the SR Zone.

1. One (1) single-family residence or mobilehome and buildings accessory thereto on a single lot or parcel.
2. Growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber.
3. Raising of rabbits and fur bearing animals, poultry, sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds.
4. Minor improvements, as defined in Section 2 of the Zoning Ordinance.

SECTION 16.IV: TEMPORARY USE PERMITS

(Added by Ord. No. 3409, effective 6-17-10)

PURPOSE

The purpose of this Section is to provide for the review and approval of short-term activities and events that are consistent with the provisions herein, but which would otherwise be prohibited in the zoning district for which the application is being made. Limited review will ensure compatibility with adjacent land uses and availability of public services and infrastructure; thereby protecting the public health, safety and welfare. Typical temporary uses include: outdoor carnivals, itinerant shows, religious revival meetings, festivals, car shows, traveling rodeos, and similar uses that may be approved by the Planning Director, or his designee. Approval, Conditional Approval, or Disapproval shall be at the discretion of the Planning Director, or his designee, and shall not require a public hearing or public notice. Modifications from these regulations may be approved by the Planning Director, or his designee, in individual cases if the modification is in accordance with the purposes set forth herein.

DEFINITION

16.IV.01

Temporary Use: a temporary use is a use of a parcel of land when not otherwise allowed by the zoning district for a period of more than one hour but less than seventy-two hours and no more than four times per calendar year.

FREQUENCY OF USE

16.IV.02

A temporary use permit may be issued for the same parcel no more than four times per calendar year.

SUBJECT TO APPROVAL BY THE PLANNING DIRECTOR

16.IV.03

The temporary uses permitted may be approved by the Planning Director or his designee, after consultation with Sheriff's Department, Fire Department, Environmental Health, Building Division and any other agency whose review is determined to be necessary. The Planning Director, or his designee, may impose conditions for a temporary activity as otherwise necessary to protect the public health, safety and welfare.

LICENSING

16.IV.04

Temporary uses may be subject to the issuance of business licenses, permits and/or clearances from regulatory agencies, as may be imposed by the action of the Planning Director or his designee.

APPROVAL, CONDITIONAL APPROVAL OR DISAPPROVAL AUTHORIZED

16.IV.05

The Planning Director, or his designee, may approve or conditionally approve or disapprove a temporary use permit based upon evaluation of the information submitted and use proposed.

Minimum criteria and findings, as noted below, shall be required:

1. The use is exempt from the requirements of CEQA.
2. The proposed location:
 - Is adequate in land area to accommodate the proposed temporary use activity;
 - Provides for adequate off-street parking for the duration of the temporary use;
 - Identifies safe ingress and egress from the project location.

Minimum compliance and submittal:

1. An indemnification and cost recovery agreement is signed by the applicant.
2. Clearance received from the consulted agencies.
3. Implementation of requirements recommended by the consulted agencies.
4. Issuance of business licenses as may be required by the County.

EXEMPTIONS

16.IV.06

Temporary uses of a duration of less than three days which are held on county parks or public property and sponsored by bona fide charitable or nonprofit organizations are exempt from the requirements contained herein, provided such uses have prior approval of the Planning Director, or his designee, or other County agency having responsibility for the County land being utilized. Garage sales, yard sales, and similar temporary sales activities, shall be exempt from the requirements contained herein as long as such activity does not exceed three days within any thirty day period.

OTHER TEMPORARY USES NOT IDENTIFIED

16.IV.07

Those temporary uses not determined by the Planning Director, or his designee, to be compatible, shall only be permitted subject to the processing and approval of a special use permit as described in Chapter 16.II.B of Ordinance No. 352, the Zoning Ordinance.

INDEMNIFICATION

16.IV.08

The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of all temporary use permits or, at its election and in the alternative, shall relinquish such approval.

SECTION 16.V: SPECIAL USE PERMIT - ASSEMBLAGE OF PEOPLE FOR EDUCATIONAL AND/OR ENTERTAINMENT PURPOSES

(Added by Ord. No. 3416, effective 11 9-10)

PURPOSE

It is the intent of this Section to reasonably regulate the locating of assemblage of people by Special Use Permit in order to promote the health, safety, and general welfare of the citizens of the County of Tulare, and to prevent adverse secondary effects of the assemblage of people from occurring within the County. It is the intent of this Section to prevent impacts which could be brought about by the location of assemblage of people facilities in proximity to one another or proximity to other incompatible uses, such as agricultural operations and/or residences. It is not the intent of this ordinance to regulate individual and private assemblage of people where no compensation, fund raising, or exchange of value for the one-time activity has occurred. It is, therefore, the purpose of this section to establish reasonable and uniform regulations in order to allow a commercial activity reliant on an outdoor/agricultural setting, or urban setting, to be conducted without negative impact to surrounding uses and/or residents. This Section establishes a Special Use Permit process for those activities defined herein as occurring on the same parcel more than four times per calendar year and which occur within the zone districts which do not otherwise allow said use as of right. Modifications from these regulations may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth herein.

DEFINITIONS

16.V.01 Agri-Tourism: Any income-generating use conducted on a working farm or ranch for the enjoyment and education of visitors. This includes the interpretation of the natural, cultural, historical, and/or environmental assets of the land and the people working on it.

Assemblage of People: For purposes of this Section 16.V, Assemblage of People means a temporary gathering together of any number of persons, at any location, at any single time when rent or compensation of any form is paid for use of a venue for educational, entertainment or commercial purposes.

Auction: A public sale in which property or items of merchandise are sold one by one to the highest bidder.

Educational (assemblage): Any use where the primary goal of those assembled is to promote the acquisition of knowledge in order to enrich the cultural experience of those engaged in the activity.

Entertainment (assemblage): Any use where the primary goal of those assembled is to promote amusement, enjoyment, pleasure, recreation, diversion, relaxation, and other similar uses.

Exhibition: A public display pertaining to the work of artists or artisans, the products of farms or factories, the skills of performers, or objects of general interest.

Special Event: Any temporary use, generally lasting from a few hours to a few days, conducted or sponsored by an organization, entity, association, or group involving a display, demonstration, performance, exhibition, or amusement which includes, but is not limited to, festivals, concerts carnivals, arts and craft shows, fireworks displays, sporting events, socials, parties, parades, rallies, and other similar uses.

PERMITTED ZONES

16.V.02 Assemblage of people for educational or entertainment purposes in a building, structure, or open area not otherwise approved for assemblage under this Ordinance shall be allowed in the following zones:

- A. The F, RC, CO, C-1, C-2, C-3, M-1 and M-2 Zones shall include, but shall not be limited to, auto shows, boat shows, art shows, exhibitions, auctions, agri-tourism, company retreats and picnics, and special events or celebrations such as weddings and reunions.
- B. The A-1, AF, AE, AE-10, AE-20, AE-40 and AE-80 Zones shall include, but shall not be limited to, agri-tourism, company retreats and picnics, and special events or celebrations such as weddings and reunions. In no case shall auto shows, boat shows or art shows be allowed in agricultural zones.

MINIMUM PARCEL SIZE

16.V.03 The minimum parcel size permitted for the assemblage of people if located outside the Rural Valley Lands Plan shall be at least the minimum acreage of the zone in which the parcel is located. If located inside the Rural Valley Lands Plan, it shall be at least the minimum acreage of the zone in which the parcel is located, or ten (10) acres, whichever is greater.

DEVELOPMENT STANDARDS

16.V.04 Development Standards shall apply to all approvals and conditional approvals based upon the Planning Area in which the property is located. If the property is located inside the Rural Valley Lands Plan Planning Area, the "Development Standards - Assemblage of People - Rural Valley Lands Plan" shall apply. If the property is located outside the Rural Valley Lands Plan Planning Area, "Development Standards - Assemblage of People - Planning Areas Outside the RVLP" shall apply. Modifications from the Development Standards may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth in this Ordinance. Additional requirements or conditions may be imposed to assure that the assemblage of people will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

ADDITIONAL LICENSES AND/OR PERMITS

16.V.05 Special Use Permits may be subject to the issuance of business licenses, permits and/or clearances from regulatory agencies, as may be imposed by the action of the Planning Director.

ALCOHOL LICENSE

16.V.06 Notwithstanding any other provision of this Part, a special use permit for the assemblage of people may include approval of sales of alcoholic beverages under an on-sale license. The applicant shall obtain and maintain a liquor license as required from the California Department of Alcohol Beverage Control. If an outside vendor is allowed on-site to serve alcohol, the vendor shall have the necessary license as required by the California Department of Alcohol Beverage Control.

APPROVAL, CONDITIONAL APPROVAL OR DISAPPROVAL AUTHORIZED

16.V.07 The decision-making body may approve or conditionally approve or disapprove a

special use permit based upon evaluation of the information submitted and use proposed.

Minimum criteria and findings, as noted below, shall be required:

1. The proposed use is consistent with the County's general plan, any applicable community plan or area plan, and the provisions of this ordinance.
2. The proposed location shall meet the minimum acreage requirements and be adequate in land area so as to accommodate the proposed project, its required parking area, access, and site improvements.
3. The proposed land use is compatible with neighboring land use and zoning.
4. The public and private roads providing access to the subject property meet necessary standards to provide safe and adequate access, or have been amended by conditions of approval to satisfy the access requirements.
5. A Special Use Permit shall be granted only if it is found that the establishment, maintenance and operation of the use of building or land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or to the general welfare of the County. Special Use Permits may be granted subject to such conditions as will ensure compliance with the aforementioned standards.

EXEMPTIONS

16.V.08 Individual and private assemblage of people uses where no compensation, fund raising, or exchange of value for the activity shall be exempt from this Section. Neither shall this Section apply to any established permanent place of worship, stadium, arena, auditorium, athletic field, or other similar permanently established place for assemblies with a special use permit pursuant to Ordinance No. 352, the Zoning Ordinance, where regular fire, health, and safety inspections are required and conducted.

INDEMNIFICATION

16.V.09 The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of all special use permits or, at its election and in the alternative, shall relinquish such approval. Applicant shall sign an indemnification agreement upon application for a special use permit pursuant to County policy.

(See Standards in Appendix A)

Appendix A

DEVELOPMENT STANDARDS ASSEMBLAGE OF PEOPLE Rural Valley Lands Plan

1. The minimum parcel size permitted for the assemblage of people shall be at least the minimum acreage of the zone in which the parcel is located, or 10 acres, whichever is greater,
2. The use shall be secondary and incidental to the existing agricultural operations on the subject site and the use shall not change the agricultural character thereof; neither shall it require the existence of a dwelling.
3. The distance between the area utilized for the assemblage of people and all adjacent property boundaries shall be a minimum of 300 feet. The area used for parking may be located within the 300-foot buffer zone.
4. Within any single calendar year, the same property may host no more than twelve (12) special events and the events shall be scheduled on weekends only (Friday-Sunday).
5. Restroom facilities with a minimum ratio of one toilet per 100 people with an approved sewage disposal system shall be provided. If permanent restroom facilities cannot be provided; portable toilets with a minimum ratio of one toilet per 50 people shall be provided, and one toilet with an approved hand wash sink with hot water dispenser shall be made available for every 15 food handlers. Portable toilets shall be serviced regularly by a licensed liquid waste hauler.
6. The applicant and/or vendor shall obtain all required permits from, and comply with all regulations of, the State Department of Alcoholic Beverage Control. All required permits shall be obtained prior to serving alcoholic beverages and a copy of the permit shall be kept on the premises during events.
7. The applicant shall provide uniformed security by a suitably qualified and accredited organization for events: one guard for every 100 people if alcohol is being served at the site, and one guard for every 200 people if no alcohol will be served at the site.
8. The applicant shall post the Resolution approving the Special Use Permit during every event in a conspicuous location and make the Resolution available upon the request of guests of the facility and County Officials.
9. Ingress and egress to the subject site shall be improved to County standards and have direct access to a County-maintained road.
10. All intruding noise levels above 65dBA shall be contained within the site boundaries. Amplified sound shall not be permitted between the hours of 11:00 PM and 10:00 AM.
11. All parking shall be provided on the subject site. If applicable, off-site parking may be approved by the Planning Director, or his designee. Written consent shall be obtained from the property owners of all off-site parking areas. The parking of vehicles within the County right-of-way shall be prohibited.
12. The number of parking spaces provided for the assemblage shall be equal to one space for each three (1:3) persons in attendance. All on-site parking areas and driveways shall be paved or surfaced with an all-weather surfacing material in accordance with County requirements.
13. The perimeter of the entertainment and parking areas shall be fenced during events in order to prevent trespassing onto adjacent properties.

14. Any future development for the proposed use that would permanently remove more than one acre of land from agricultural production, or 10%, whichever is less, shall be expressly prohibited.
15. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission and with the Site Plan Development Standards pertaining to a use of this type.
16. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
17. This Special Use Permit shall automatically become null and void two (2) years after the date upon which it is granted by the Planning Commission, unless the applicant, or his/her successor, has actually commenced the use authorized by the permit within said two year period. The Planning Commission may grant one or more extensions of said two year time, upon request by the applicant.
18. This Special Use Permit will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission or by the Board of Supervisors if an appeal is made to and heard by the Board. The applicant shall be required to provide all signed documents and pay any and all outstanding fees within 10 days of action taken on the application(s). Upon payment of said fees and returning all signed documents, County Staff shall file all appropriate documents with the County Recorder. The applicant shall sign, at a minimum, the Right to Farm Notice, Acceptance of all Conditions and Monitoring requirement, Code Compliance Agreement, and other documents that may apply to the specific project and must return said documents within 10 days of action taken. Failure to sign all required documents may cause the application to be considered null and void.
19. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of all special use permits or, at its election and in the alternative, shall relinquish such approval. Applicant shall sign an indemnification agreement upon application for a special use permit pursuant to County policy.

DEVELOPMENT STANDARDS ASSEMBLAGE OF PEOPLE
Planning Areas Outside the RVLP

1. The minimum parcel size permitted for the assemblage of people shall be at least the minimum acreage of the zone in which the parcel is located.
2. Within any single calendar year, the same property may host no more than twelve (12) special events and the events shall be scheduled on weekends only (Friday-Sunday).
3. Restroom facilities with a minimum ratio of one toilet per 100 people with an approved sewage disposal system shall be provided. If permanent restroom facilities cannot be provided; portable toilets with a minimum ratio of one toilet per 50 people shall be provided, and one toilet with an approved hand wash sink with hot water dispenser shall be made available for every 15 food handlers. Portable toilets shall be serviced regularly by a licensed liquid waste hauler.
4. The applicant and/or vendor shall obtain all required permits from, and comply with all regulations of, the State Department of Alcoholic Beverage Control. All required permits shall be obtained prior to serving alcoholic beverages and a copy of the permit shall be kept on the premises during events.
5. The applicant shall provide uniformed security by a suitably qualified and accredited organization for events: one guard for every 100 people if alcohol is being served at the site, and one guard for every 200 people if no alcohol will be served at the site.
6. Ingress and egress to the subject site shall be improved to County standards and have access to a County maintained road.
7. All intruding noise levels above 65 dBA shall be contained within the site boundaries. Amplified sound shall not be permitted between the hours of 11:00 PM and 10:00 AM.
8. The applicant shall post the Resolution approving the Special Use Permit during every event in a conspicuous location and make the Resolution available upon the request of guests of the facility and County Officials.
9. All parking shall be provided on the subject site. If applicable, off-site parking may be approved by the Planning Director, or his designee. Written consent shall be obtained from the property owners of all off-site parking areas. The parking of vehicles within the County right-of-way shall be prohibited.
10. The number of parking spaces provided for the assemblage shall be equal to one space for each three (1:3) persons in attendance. All on-site parking areas and driveways shall be paved or surfaced with an all-weather surfacing material in accordance with County requirements.
11. The perimeter of the entertainment and parking areas shall be fenced during events in order to prevent trespassing onto adjacent properties.
12. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission and with the Site Plan Development Standards pertaining to a use of this type.
13. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
14. This Special Use Permit shall automatically become null and void two (2) years after the date upon which it is granted by the Planning Commission, unless the applicant,

or his/her successor, has actually commenced the use authorized by the permit within said two year period. The Planning Commission may grant one or more extensions of said two year time, upon request by the applicant.

15. This Special Use Permit will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission or by the Board of Supervisors if an appeal is made to and heard by the Board. The applicant shall be required to provide all signed documents and pay any and all outstanding fees within 10 days of action taken on the application(s). Upon payment of said fees and returning all signed documents, County Staff shall file all appropriate documents with the County Recorder. The applicant shall sign, at a minimum, the Right to Farm Notice, Acceptance of all Conditions and Monitoring requirement, Code Compliance Agreement, and other documents that may apply to the specific project and must return said documents within 10 days of action taken. Failure to sign all required documents may cause the application to be considered null and void.
16. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of all special use permits or, at its election and in the alternative, shall relinquish such approval. Applicant shall sign an indemnification agreement upon application for a special use permit pursuant to County policy.

SECTION 17: AMENDMENTS

Boundaries of the zones established by this Ordinance or the classification of property uses therein may be amended, reclassified and altered whenever public necessity and convenience and general welfare require. Such changes may be initiated by: (a) the verified petition of one or more of the owners of property proposed to be so changed or reclassified; (b) Resolution of Intention by the Board of Supervisors; (c) Resolution of Intention of the Planning Commission.

Whenever the owner of any land or building desires a reclassification of his/her property, he/she shall present to the Planning Commission a petition duly verified by him/her requesting an amendment, supplement or change of the regulations prescribed for such property.

Upon the filing of such verified petition, or the passage of such Resolution of Intention, the Planning Commission shall provide for such hearings thereon as may be required by law for amendments, extensions or additions to the zoning plan, and notice of such hearing or hearings shall be given, and the Planning Commission shall take such action thereon as is provided for in Section 18 hereof.

SECTION 18: PETITIONS, NOTICES, INVESTIGATIONS AND HEARINGS

PETITIONS

The Planning Commission shall prescribe the form in which applications for changes of zone boundaries or classifications or for variances are made. It may prepare and provide blanks for such purpose and may prescribe the type of information to be provided in the application by the petitioner. No petition shall be received unless it complies with such requirements. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, the application, they may be received as evidence of notice having been served upon them of the pending application or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the County of Tulare.

Petitions or applications filed pursuant to this Ordinance shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the Planning Commission, and there shall be attached thereto and permanently filed therewith copies of all notices and actions with affidavits of posting, mailing or publication pertaining thereto.

(Note: Third paragraph under "Petitions" repealed by Ord. No. 1217, effective 7-1-78.)

FEES

The Tulare County Board of Supervisors shall adopt, from time to time by resolution, fees to be paid by applicants to defray the expenses incidental to proceedings, including compliance reporting and monitoring, under this Ordinance, as amended from time to time. (Added by Ord. No. 1217, effective 7-1-68; amended by Ord. No. 1345, effective 9-30-69; amended by Ord. No. 1366, effective 4-2-70; amended by Ord. No. 1540, effective 1-11-73; amended by Ord. No. 2165, effective 10-12-78; amended by Ord. No. 2438, effective 10-1-81; amended by Ord. No. 2446, effective 11-5-81; amended by Ord. No. 2492, effective 8-26-82; amended by Ord. No. 2591, effective 3-15-84; amended by Ord. No. 2665, effective 9-12-85; amended by Ord. No. 2727, effective 10-16-86; amended by Ord. No. 2796, effective 10-24-87; amended by Ord. No. 2845, effective 9-17-88; amended by Ord. No. 2855, effective 11-5-88; amended by Ord. No. 2883, effective 9-30-89; amended by Ord. No. 2922, effective 9-8-90; amended by Ord. No. 2982, effective 1-2-92; amended by Ord. No. 3003, effective 8-29-92; amended by Ord. No. 3036, effective 8-22-93; amended by Ord. No. 3082, effective 8-13-94; amended by Ord. No. 3115, effective 6-24-95; amended by Ord. No. 3160, effective 06-15-96; amended by Ord. No. 3183, effective 7-1-97; amended by Ord. No. 3222, effective 4-22-99; amended by Ord. No. 3262, effective 12-1-02).

FEES: REFUNDS: PRIOR EIR OR NEGATIVE DECLARATION:

The Tulare County Board of Supervisors shall adopt, from time to time by resolution, fees to be paid by applicants to defray the expenses incidental to proceedings, including compliance reporting and monitoring, under this Ordinance, as amended from time to time. (Added by Ord. No. 3160, effective 06-15-96; amended by Ord. No. 3262, effective 12-1-02)

FEES FOR COMPLIANCE REPORTING AND MONITORING

The Tulare County Board of Supervisors shall adopt, from time to time by resolution, fees to be paid by applicants to defray the expenses incidental to proceedings, including compliance reporting and monitoring, under this Ordinance, as amended from time to time. (Added by Ord. No. 3030, effective 7-25-93; amended by Ord. No. 3082, effective 8-13-94; amended by Ord. No. 3262, effective 12-1-02)

FEES FOR SPECIFIED HAZARDOUS WASTE FACILITIES

The Tulare County Board of Supervisors shall adopt, from time to time by resolution, fees to be paid by applicants to defray the expenses incidental to proceedings, including compliance reporting and monitoring, under this Ordinance, as amended from time to time. (Subsection added by Ord. No. 2918, effective 8-25-90; amended by Ord. No. 3003, effective 8-29-92; amended by Ord. No. 3036, effective 8-22-93; amended by Ord. No. 3082, effective 8-13-94; amended by Ord. No. 3262, effective 12-1-02)

FEES: STATE RESPONSIBILITY AREAS

The Tulare County Board of Supervisors shall adopt, from time to time by resolution, fees to be paid by applicants to defray the expenses incidental to proceedings, including compliance reporting and monitoring, under this Ordinance, as amended from time to time. (Added by Ord. No. 3082, effective 8-13-94; amended by Ord. No. 3262, effective 12-1-02)

FEES: COMPUTER MAINTENANCE

The Tulare County Board of Supervisors shall adopt, from time to time by resolution, fees to be paid by applicants to defray the expenses incidental to proceedings, including compliance reporting and monitoring, under this Ordinance, as amended from time to time. (Added by Ord. No. 3082, effective 8-13-94; amended by Ord. No. 3262, effective 12-1-02)

NOTICES

All proposals for amending zone boundaries or classifications of property uses within such zones as are defined by this Ordinance shall be set for public hearing by the Secretary of the Planning Commission. Not less than ten (10) days prior to the public hearing, the Secretary of the Planning Commission shall cause notice of hearing to be given in accordance with section 65854 of the Government Code of the State of California.

All applications for variances and special use permits as provided in this Ordinance including proposed revocations or modifications of variances and special use permits shall be set for public hearing by the Secretary of the Planning Commission. Not less than ten (10) days prior to the public hearing, the Secretary of the Planning Commission shall cause notice of hearing to be given in accordance with section 65905 of the Government Code of the State of California. (Amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 2647, effective 2-28-85.)

INVESTIGATIONS

The Planning Commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon such application set for hearing, including an analysis of precedent cases, as will serve to provide all necessary information to assure action on each case consistent with the purpose of this ordinance and with previous amendments or variances.

If a special use permit or variance will allow a use of real property which is subject to review by the Site Plan Review Committee under Section 16.2 of this Ordinance, the Planning Commission shall notify the Site Plan Review Committee of the fact that the permit or variance is under consideration. No decision of the Planning Commission on a special use permit or variance subject to review by the Site Plan Review Committee shall be made unless and until the Site Plan Review Committee submits a written report as required by this Ordinance. (Amended by Ord. No. 2417, effective 5-28-81.)

HEARINGS

Public hearings as provided in this Section shall be conducted before the Planning Commission. The Commission may establish its own rules for the conduct of public hearings and the member of the Commission presiding at any such hearing is hereby empowered to administer oaths to any person testifying before it. (Amended by Ord. No. 2918, effective 8-25-90.)

Summary of all pertinent testimony offered at a public hearing and the names of persons so testifying shall be recorded and made a part of the permanent files of the case as provided for in the first paragraph of this Section entitled, "Petitions".

If, for any reason, testimony on any case set for public hearing cannot be completed on the day set for such hearing, the Commissioner presiding at such public hearing may, before the adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing will be continued and such announcement will serve as sufficient notice of such continuance and without recourse to the form of public notice as provided for in the first instance by this Section.

Upon completion of a public hearing, the Planning Commission shall, not later than thirty-five (35) days thereafter, render its decision on the matter so heard. Failure to so act within said thirty-five (35) days shall serve to automatically and immediately refer the whole matter to the Board of Supervisors for such action as it deems warranted under the circumstances. In the event of such failure on the part of the Planning Commission to act, the Secretary of the Planning Commission shall immediately deliver to the Board of Supervisors all the records of the matter involved.

The Planning Commission shall announce and record its action by formal resolution, and such resolution shall recite the findings of the Planning Commission upon which it bases its decision.

Not later than ten (10) days after final action by the Planning Commission on an application, notice of the decision in the matter shall be mailed to the applicant at the address shown upon the application. (Amended by Ord. No. 2918, effective 8-25-90.)

In the case of a variance or special use permit granted under the limitations of Part II of Section 16, the following procedures shall govern:

- a. Except as herein provided, all appeals regarding variances or special use permits shall be subject to the provisions of Section 115 of the Ordinance Code of Tulare County.
- b. Any person adversely affected by a decision of the Planning Commission on the special use permit or variance may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors within ten (10) calendar days after the date on which the decision of the Planning Commission was made. An appeal shall specifically set forth the grounds for the appeal. Notice of the appeal hearing shall be given by the Clerk of the Board of

Supervisors in the same manner as that required for hearing on variances before the Planning Commission. Action on the appeal shall be taken in accordance with section 65903 of the Government Code and the Board of Supervisors shall give the required notices under section 65863.5 of the Government Code.

- c. The decision of the Planning Commission shall become final ten (10) calendar days after the date the decision is made if no appeal has been filed pursuant to paragraph "a" above. When no appeal has been filed, the Planning Commission shall give the required notices under section 65863.5 of the Government Code on behalf of the Board of Supervisors. (Amended by Ord. No. 2179, effective 11-23-78; amended by Ord. No. 2545, effective 7-28-83.)

In the case of a special use permit for a specified hazardous waste facility subject to Sections 25199 et seq. of the Health and Safety Code of the State of California, the following procedures shall govern:

- a. The same procedures set forth in this section for amending zone boundaries or use classifications shall apply to a special use permit for a specified hazardous waste facility, except that the application for special use permit shall not be accepted as complete under Section 65943 of the California Government Code until (1) a financial feasibility statement and market analysis, which demonstrates that the applicant has sufficient fiscal resources to successfully complete and implement the project, has been submitted by the applicant and reviewed by the Board of Supervisors; and (2) a risk assessment which complies with Section 7.3 of the Tulare County Hazardous Waste Management Plan has been submitted by the applicant.
- b. The procedures herein established shall be exercised prior to the filing of any appeals under Section 25199.9 of the Health and Safety Code. (Added by Ord. No. 2918, effective 8-25-90.)

The decision of the Planning Commission in the legislative matter of amending zone boundaries or use classifications or other matters established by this Ordinance shall be advisory only. Once a decision is made on an application involving an amendment, then not later than ten (10) days after final action by the Planning Commission thereon, its recommendation shall be delivered to the Board of Supervisors. In addition, not more than ten (10) days after the action by the Planning Commission the applicant shall be notified by mail of the Commission's decision. The Board of Supervisors shall dispose of the matter in the manner prescribed by law. If the Planning Commission has recommended against adoption of the amendment, the Board of Supervisors shall not be required to take any further action thereon unless an interested party has requested a public hearing in accordance with section 65856 of the Government Code. Notice of such requested hearing shall be given by the Clerk of the Board of Supervisors in the same manner as notice was given for the public hearing before the Planning Commission. Except as otherwise provided by law, any such requested hearing shall be in accordance with section 115 of the Ordinance Code of Tulare County. Action by the Board of Super-visors shall be in accordance with section 65857 of the Government Code. (Amended by Ord. No. 2545, effective 7-28-83.)

EXPIRATION OF APPROVAL

All special use permits and planned unit development permits approved under this Ordinance shall automatically expire and become null and void two (2) years after the date upon which the permit was granted by the Planning Commission or Zoning Administrator, unless the applicant, or his or her successor, has actually commenced the use authorized by the permit within said two (2) year period. Upon application by the applicant, or his or her successor, the decision-making body which

originally approved the permit (Planning Commission or Zoning Administrator) may grant one or more extensions of said two (2) year period provided that no extension may exceed a period of two (2) years in duration. If the Commission or Zoning Administrator denies an application for extension, the applicant may appeal to the Board of Supervisors pursuant to the procedure and within the time limits set forth in this section for appeals of decisions on special use permits and variances. (Added by Ord. No. 2591, effective 3-15-84.)

REVOCATIONS AND MODIFICATIONS

A special use permit, planned unit development permit or variance may be revoked or modified for cause as provided by the provisions of this subsection. For purposes of this subsection, the modification of a permit or variance may include the modification of the terms of the permit itself or the waiver, alteration of imposition of new conditions pursuant to Section 16, Part II B and C. (Subsection added by Ord. No. 2719, effective 8-28-86.)

- a. Grounds for Revocation or Modification. A permit or variance may be revoked or modified pursuant to the provisions of this subsection upon a finding of any one or more of the following grounds:
 1. That such permit or variance was obtained or extended by fraud.
 2. That one or more of the conditions upon which such permit or variance was granted have been violated.
 3. That the use for which the permit or variance was granted is so conducted as to be detrimental to the public health, welfare, or safety, or as to be a nuisance.
- b. Initiation of Action. An action to revoke or modify a permit or variance may be initiated by order of the Board of Supervisors, Planning Commission, or the Zoning Administrator, whichever granted, extended or modified the permit, on its own motion or on the request of any County Officer; provided, however, that the Board of Supervisors may initiate an action to revoke or modify any permit or variance granted or modified by either the Zoning Administrator or Planning Commission. The order shall set forth grounds for revocation or modification.
- c. Other Provisions Applicable. The same procedures shall be followed in processing an action for the revocation or modification of a permit or variance as are applicable to a new permit or variance under this section including, but not limited to, the public notices, hearings and appeal rights set forth in this section, and the same body shall take final action on the revocation or modification as previously took final action on the original permit or variance.

MINOR MODIFICATIONS - DIRECTOR'S APPROVALS

The Planning Commission, Board of Supervisors or Zoning Administrator, as part of any action approving a special use permit, variance, Planned Unit Development (Section 18.5) or Planned Development (Section 18.6), may include in said approval a delegation to the Planning and Development Director of authority to approve, without notice or hearing, minor modifications to the site development plan approved by the Planning Commission, Board of Supervisors or Zoning Administrator for the special use permit, variance, Planned Unit Development (Section 18.5) or Planned Development (Section 18.6), provided that any minor modification shall not substantially change or alter the use approved or conditions imposed. If such authority is delegated by the Planning Commission, Board of Supervisors, or Zoning Administrator, the applicant may apply to the Planning and Development Director for a minor modification upon the form of application required by the Director and upon payment of the application fee set forth herein.

Such modifications shall be noted on the approved plans and shall be initialed by the Planning and Development Director. The Planning and Development Director shall not, however, approve minor modifications in approved site development plans that would modify any written condition of approval without first requesting the body which took final action on the use permit, variance, Planned Unit Development or Planned Development to determine if such change constitutes a minor modification. If said body determines by resolution that such a change constitutes a minor modification, the requested change may be approved by the Planning and Development Director as provided in this Section. If the requested minor modification is disapproved by the Planning and Development Director, the applicant may file for an amendment to the use permit, variance, Planned Unit Development or Planned Development. (Added by Ord. No. 3003, effective 8-29-92.)

DISCONTINUANCE

Each special use permit, planned unit development permit or variance granted pursuant to this Ordinance shall expire and become null and void at the expiration of two (2) years after the purpose for which it was granted shall have been discontinued or abandoned. However, upon application by the applicant, or his or her successor, the decision-making body which originally approved the permit or variance may extend the expiration date in accordance with the procedures set forth in the sixth paragraph of this Section entitled, "Expiration of Approval." (Subsection added by Ord. No. 2719, effective 8-28-86.)

ORDINANCE NO. 2719:

NOTE: Section 10 of Ordinance No. 2719, effective 8-28-86, provides as follows: It is the intent of the Board of Supervisors of the County of Tulare that the provisions of Section 9 of this Ordinance (refers to the paragraphs entitled REVOCATION AND MODIFICATION and DISCONTINUANCE) be applicable to all special use permits, planned unit development permits and variances which have been issued, granted or approved by the County of Tulare since the effective date of Ordinance No. 352, the Zoning Ordinance, except that the paragraph entitled "DISCONTINUANCE" shall not be applicable until two (2) years following the effective date of this ordinance. (Ordinance 2718 was effective on August 28, 1986; therefore, the DISCONTINUANCE paragraph is effective August 28, 1988.)

SECTION 18.5: PLANNED UNIT DEVELOPMENT

(Added by Ord. No. 1176, effective 12-14-67)

PURPOSE A.

In certain instances the objectives of the Zoning Ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map or the zoning regulations prescribed by this Ordinance. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. In order to provide locations for all well-planned developments which conform with the objectives of the zoning plan, although they deviate in certain respects from the zoning map and the zoning regulations, use permits may be granted for planned unit developments, provided the developments comply with the regulations prescribed in this Section.

PERMITTED USES B

A planned unit development shall include only those uses permitted either as permitted uses or special uses in the zone in which the planned unit development is located, subject to the following exceptions:

1. Any use permitted in an O, R-A, R-1, R-2, R-3, P-O or C-1 Zone, either as a permitted use or special use, or any combination of such uses, may be included in a planned unit development located in an O, R-A, R-1, R-2, R-3, P-O or C-1 Zone. The uses permitted in the M Zone are also permitted in a planned unit development located in an O, R-A, R-1, R-2, R-3, P-O or C-1 Zone.
2. Any use permitted in an M-1 or M-2 Zone as a permitted use, special use, or a use referred to in paragraph 35 of subsection A of Section 14 of this Ordinance, or any combination of such uses, may be located in a planned unit development located in an M-1 or M-2 Zone.
3. Any use permitted in an O, P-O, C-2 or M-1 Zone either as a permitted use or special use, or any combination of such uses, may be included in a planned unit development located in a C-2 Zone.

SITE AREA C.

The minimum site area for a planned unit development shall be five (5) acres.

STANDARDS D.

The standards of site area and dimensions, site coverage, yard spaces, height of structures, distances between structures, off-street parking and off-street loading facilities and landscaped areas need not be equivalent to the standards prescribed by the regulations for the zone in which the planned unit development is located if the applicant has demonstrated by his design proposal that the objectives of the Zoning Ordinance and the objectives of this Section will be achieved.

The average population density may exceed the maximum population density prescribed for the

zone and the maximum population density indicated by the General Plan if the applicant can demonstrate by its design proposals that the objectives of this Section will be achieved. If the planned unit development involves a subdivision of land, the applicant must show what changes in conventional street and lot design will be necessary to achieve his goal.

Zoning E.

A permit for a planned unit development shall only be granted when all of the property included in the proposed development has been zoned to the most restrictive zone which will allow all of the proposed uses in the development under subsection B of this Section.

PERMIT PROCEDURE F.

Permits for planned unit developments shall be applied for and processed pursuant to the procedure for granting special use permits referred to in paragraph B of Part II of Section 16 of this Ordinance, subject to the following exceptions.

1. Prior to submitting the application, an applicant shall submit to the Building and Planning Director a preliminary development plan of the entire planned unit development drawn to scale and showing the various elements required in paragraph 2 herein. If the planned unit development is a subdivision, the preliminary development plans shall be filed and processed in accordance with Article 7 of Chapter 1 of Part VII of the Ordinance Code of Tulare County. If the planned unit development is not a subdivision, the preliminary development plan shall be filed and processed in accordance with the requirements for preliminary site plans in Section 16.2 of this Ordinance. The application for the planned unit development permit shall not be filed until a written report of the recommendations of the Site Plan Review Committee has been prepared and furnished to the applicant.
2. The application shall be accompanied by a development plan for the entire planned unit development, drawn to scale and showing the following: contours of the site in intervals of not more than five (5) feet; provisions for draining of surface waters; water courses; railroad and public utility rights-of-way; streets, driveways and pedestrian walks; off-street parking and loading facilities; reservations and dedications for public uses; private uses including dwelling types, lot layout, locations and heights of structures, and landscaped area.
3. In addition to the data and drawings prescribed, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average population density per net acre and per gross acre in any areas proposed to be devoted to residential use.
4. The Commission may recommend that the Board of Supervisors grant a permit for a planned unit development as the permit was applied for, or in modified form, if on the basis of the application and the evidence submitted, the Commission makes the following findings:
 - a. That the proposed location of the planned unit development is in accordance with the objectives of this Ordinance and the purposes of the zone in which the site is located.
 - b. That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detrimental to the

- public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
- c. That the proposed planned unit development will comply with each of the applicable provisions of this Ordinance.
 - d. That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, off- street parking and off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of this Ordinance.
 - e. That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, and off- street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.
 - f. If applicable, that the proposed Planned Unit Development is consistent with Sections 7.2 and 7.3 of the Tulare County Hazardous Waste Management Plan, which identifies siting criteria for hazardous waste facilities. (Subsection added by Ord. No. 2918, effective 8-25-90.)
5. When the proposed planned unit development does not comply with the requirements of this section, the Commission may recommend that the Board of Supervisors deny the permit or may recommend that the permit be granted subject to such conditions as will assure compliance with the requirements of this Section. (Amended by Ord. No. 2591, effective March 15, 1985.)

SECTION 18.6: "PD", PLANNED DEVELOPMENT ZONE

(Added by Ord. No. 2417, effective 5-8-81)

PURPOSE A.

In certain instances, the objectives of the General Plan and Zoning Ordinance are best achieved by the development of parcels of land in a coordinated and comprehensive fashion so as to take advantage of the superior environment which can result from large scale community planning and development. The purposes of the PD Zone are to:

1. Provide for design flexibility in single-family, multi-family, commercial, professional, industrial and mixed-use developments.
2. Stimulate a more desirable living and working environment than would be permitted by the strict application of zoning regulations on a conventional individual-use or lot-by-lot method.
3. Encourage innovative and creative approaches to land use and development.
4. Provide the means to reduce development costs through the promotion of improved and integrated design and land planning techniques.
5. Conserve natural features and open space, while facilitating aesthetic and compatible land use patterns.
6. Implement general and specific plans which require a planned development approach.
7. Provide an alternative means of achieving the purpose of Section 18.5 of this ordinance.

APPLICATION B.

The PD Zone shall be established on the County Zoning Map in the same manner as other zones created and established under this ordinance. The PD Zone may not be established on the Zoning Map unless it is combined with another zone.

USE C.

1. When established in combination with any of the following combining zones, no building or land shall be used, no building shall be hereafter erected or structurally altered, and no construction, grading or disturbance of land for construction purposes shall be initiated except for uses as set forth in the combining zone:
F. Foothill Combining Zone
2. When established in combination with any of the other zones described in this ordinance, only those uses permitted either as permitted uses or special uses in the zone which is combined with the PD Zone shall be permitted; provided, however, that this requirement shall not be applicable to planned developments approved in accordance with Subsection G of this Section. No building or land shall be used, no building shall be hereafter erected or structurally altered, and no construction, grading or disturbance of land for construction purposes shall be initiated unless approved in accordance with paragraph 2 of Subsection F of this Section; provided, however, that the uses set forth in paragraphs 1 and 2 of Subsection D of this Section shall not be subject to this requirement.

SITE PLAN REVIEW D.

Unless otherwise specified in a zone combined with the PD Zone, no building or relocation permit shall be issued or tentative subdivision map, tentative parcel map or special use permit approved, nor shall any final surveys of streets and lots or any grading or construction work be allowed until a final site plan has been reviewed and approved or recommended for approval by the Site Plan Review Committee in accordance with the procedures set forth in Section 16.2 of this ordinance. However, when the PD Zone is combined with any of the zones set forth in Sections 4 through 14.8 of this ordinance, a site plan shall not be required for any of the following buildings or uses when otherwise allowed by the zone combined with the PD Zone.

1. One (1) single-family residence or mobilehome and buildings accessory thereto on a single lot or parcel.
2. Growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber.

SPECIFIC PLANS

- E. Notwithstanding other provisions of this ordinance, where a specific plan prepared pursuant to Section 65450 et seq. of the Government Code of the State of California has been adopted for any area or tract of land in the PD Zone, no special use permits shall be required for any use of land which is consistent with the adopted specific plan. However, approval of a final site plan by the Site Plan Review Committee shall be required for any such use in the manner provided in Paragraph 1 of Subsection G of Section 16.2 of this ordinance.

DEVELOPMENT STANDARDS F.

1. If the PD Zone is combined in the Zoning Map with any of the combining zones set forth in paragraph 1 of Subsection C of this Section, the development standards which are described in said combining zones shall be applicable to development projects within the PD Zone.
2. If the PD Zone is combined on the Zoning Map with any of the other zones described in this ordinance, the development standards applicable in the PD Zone shall be established by at least one of the following methods:
 - a. Approval of a Specific Plan pursuant to Sections 65450 et seq. of the Government Code of the State of California.
 - b. Approval of a Planned Development pursuant to Subsection G of this Section.
 - c. Approval of a development agreement pursuant to Section 65864 et seq. of the Government Code of the State of California.

PLANNED DEVELOPMENTS G.

1. The provisions of this subsection shall only be applicable to those development projects for which development standards are to be established pursuant to subparagraph b of paragraph 2 of subsection F of this Section.
2. A planned development as used in this section means an integrated development project in which the land and structures are planned and developed as a whole in a single

- development operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements as the location of structures, the circulation pattern, parking facilities, open space and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property.
3. Regardless of the provisions of the zone with which the PD Zone is combined, a planned development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. A planned development may contain any use or mixture of uses whatsoever provided that the uses are consistent with the General Plan.
 4. In order to assure that planned developments conform with the objectives of this ordinance and the general plan a use permit shall be required for any planned development in the PD Zone in accordance with the procedures set forth in Subsection B of Part II of Section 16 of this ordinance.
 5. The Commission shall not approve or conditionally approve a use permit for a planned development unless on the basis of the evidence submitted, the Commission makes the following findings:
 - a. The planned development, together with the provisions for its design and improvement, is consistent with the general plan and the objectives of this ordinance.
 - b. The planned development would not be detrimental to the public health, safety or welfare, or materially injurious to property or improvements in the vicinity.
 - c. The planned development will not result in any significant environmental effects or any significant environmental effects thereof have been reduced to an acceptable level.

SECTION 18.7: "F", FOOTHILL COMBINING ZONE

(Added by Ord. No. 2417, effective 5-28-81)

PURPOSE A.

The F Zone is intended to be combined with the PD Zone for use within areas designated as "Development Corridor" or "Foothill Extension" by the Foothill Growth Management Plan, an element of the Tulare County General Plan. The purposes of this zone are as follows:

1. To provide for a flexible and streamlined processing procedure for review and approval of development proposals in the Foothill region of Tulare County.
2. To allow for development within the foothills which varies in density and which is designed in a manner which recognizes, and takes into account, the physical limitations, visual amenities, and natural resources of the foothills.
3. To implement the goals, objectives, policies and development standards set forth in the Foothill Growth Management Plan.

This district is designed to include various types of land uses, such as single-family residential developments, multi-family residential developments, multi-family housing developments, commercial centers, light industrial parks and public or quasi-public uses or combination of uses, through the site plan review process set forth in Section 16.2 of this ordinance. The F Zone shall only be applied to the Zoning Map when in combination with the PD Zone.

USE B.

Uses Permitted Without Site Plan Review

No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:

1. a. Residential uses as follows, provided that the applicable building height, yard, setback and off- street parking requirements set forth in Subparagraphs a and e of paragraph 4 of Subsection F of this Section shall be complied with:
 - (1) One (1) one-family dwelling and accessory building on an individual lot or parcel, or
 - (2) If the F Zone is combined with the M, Special Mobilehome Zone, one (1) mobilehome and accessory building on an individual lot or parcel, and
 - (3) One (1) additional residence for each eighty (80) acres in the entire property. Such additional residences shall be occupied only by relatives of the owner or by farm employees who work on the property.
- b. Growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber, and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock.
- c. Raising and slaughter of rabbits and other similar fur bearing animals. To determine the total number of said animals that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of said animals that can be

- raised on the property. In addition, any offspring of the animals allowed under this paragraph may be retained until they are weaned.
- d. Raising and slaughter of poultry. To determine the total number of poultry that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of poultry that can be raised on the property.
 - e. Raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds, subject to the following restrictions:
 - (1) None of the aforementioned animals may be raised if there is less than twelve thousand five hundred (12,500) square feet in the entire property.
 - (2) One (1) of the aforementioned animals may be raised if there is twelve thousand five hundred (12,500) square feet in the entire property and one (1) additional animal may be raised for each additional full twelve thousand five hundred (12,500) square feet in the entire property. Any offspring of the animals allowed under this subparagraph may be retained until they reach the normal age for weaning.
 - (3) No feed lots may be maintained.
 - f. Name plates and signs as follows:
 - (1) One (1) unlighted sign not exceeding six (6) square feet in area pertaining only to the sale, lease, or hire of only the particular building, property or premises upon which displayed.
 - (2) One (1) sign not larger than twelve (12) square feet, identifying and advertising products produced on the premises as permitted in this Section.
 - (3) Name plates not exceeding two (2) square feet in area containing the name and occupation of the occupant of the premises.
 - (4) Identification signs not exceeding twenty (20) square feet in area for multiple dwellings, hotels, clubs, lodges, hospitals, institutions and similar uses.
 - g. Storage of petroleum products for use on the premises.

Uses Requiring Site Plan Review

- 2. The following uses shall be permitted in this zone only if a site plan is approved pursuant to the procedure set forth in paragraph 1 of subsection G of Section 16.2 of this ordinance:
 - a. Group houses not exceeding four (4) dwelling units on the same lot or parcel.
 - b. If the F Zone is combined with the M, Special Mobilehome Zone, more than one (1) mobilehome or combination of mobilehome and other dwellings as follows:
 - (1) One (1) or two (2) mobilehomes on a lot or parcel occupied by a permanent dwelling or dwellings; provided, however, that the total number of dwelling units on the same lot or parcel shall not exceed four (4).
 - (2) One (1) mobilehome on a lot or parcel occupied by not more than one (1) mobilehome.

- c. Two family or multiple dwellings not exceeding four (4) dwelling units on the same lot or parcel.
- d. Accessory buildings and uses customarily incidental to any of the above uses, when located on the same lot and not involving the conduct of a business, including servants' quarters and private or storage garage constructed as a part of the main building.
- e. Private, low-intensive recreation uses and accessory facilities which are not available to members of the public on a commercial basis, including but not limited to fishing and hunting clubs, lodges and summer camps. The specific types of private recreation activities and uses permitted in this subparagraph shall be determined in the manner prescribed in subparagraph b of paragraph 1 of subsection A of Section 15 of this ordinance.
- f. Signs:

Any outdoor advertising display signs except for those on-site signs and set forth in paragraph 1 of this subsection.

Special Uses

- 3. The following uses shall be permitted in this zone only if a use permit is first secured pursuant to the procedures referred to in Part II Of Section 16 of this ordinance. Prior to filing such use permits, the applicant shall file a site plan for review and recommendation by the Site Plan Review Committee pursuant to the procedures set forth in paragraph 2 of subsection G of Section 16.2 of this ordinance.
 - a. Residential uses:
 - (1) Group houses exceeding four (4) dwelling units on the same lot or parcel.
 - (2) Two-family or multiple dwellings exceeding four (4) dwelling units on the same lot or parcel.
 - (3) Boarding and lodging houses.
 - (4) Hotel or apartment hotel when located with a recreation development as set forth in subparagraph b of this paragraph.
 - (5) Mobilehome park.
 - b. Recreation uses:

Private or commercial recreation uses, businesses and associated facilities located in conformance with the Foothill Growth Management Plan, including but not limited to resorts, overnight lodging facilities, tourist-related eating and drinking establishments, entertainment establishments and various types of outdoor recreation activities. The specific types of recreation activities and uses permitted in this subparagraph shall be determined in the manner prescribed in subparagraph b of paragraph 1 of subsection A of Section 15 of this Ordinance.
 - c. Commercial uses:

Neighborhood commercial centers containing stores, shops and businesses featuring the retail sales of commercial goods and services which are designed to meet the day to day needs of local residents, including but not limited to convenience sales and personal services, eating and drinking establishments and food and beverage retail sales. The specific types of commercial activities and uses permitted in this subparagraph shall be determined in the manner prescribed in subparagraph b of paragraph 1 of subsection A of Section 15 of

- this ordinance.
- d. Light industrial uses:
Any kind of light, nonpolluting manufacturing, processing, storage or treatment of products other than those which may be obnoxious or offensive by reason of odor, dust, smoke, gas, noise or other similar causes. The specific types of light industrial activities and uses permitted in this subparagraph shall be determined in the manner prescribed in subparagraph b of paragraph 1 of Subsection A of Section 15 of this ordinance.
 - e. Public and quasi-public:
Buildings and uses of a public or quasi-public character, including but not limited to cemeteries, churches, medical facilities, educational institutions, and governmental buildings and grounds. The specific types of public and quasi-public buildings and uses permitted in this subparagraph shall be determined in the manner prescribed in subparagraph b of paragraph 1 of subsection A of Section 15 of this ordinance.
 - f. Extractive:
Borrow pit and any mining or extractive of metals, minerals, oil, gas or hydrocarbons together with necessary buildings, apparatus and appurtenances incidental thereto; provided, however, that no use permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County. If a surface mining permit and/or reclamation plan is required, a site plan review pursuant to paragraph 2 of subsection G of Section 16.2 of this ordinance shall also be required.
 - g. Public utilities, communications and transportation:
Public utility, communication and transportation uses and facilities including but not limited to airports, heliports, electrical distribution, substations and communications towers. The specific types of public utility, communications and transportation uses and facilities shall be determined in a manner prescribed in subparagraph b of paragraph 1 of subsection A of Section 15 of this ordinance.

Uses Within Agricultural Preserves

- 4. Regardless of the provisions of paragraphs 1, 2, and 3 of this subsection, the use of land within Agricultural Preserves established pursuant to the California Land Conservation Act of 1965 as amended (Section 51200 et seq. of the Government Code of the State of California) shall be restricted to uses which were set forth in the Uniform Rules adopted for the Agricultural Preserves; provided, however, that no use shall be allowed which is not otherwise permitted under paragraphs 1, 2, and 3 of this subsection. In addition, no use shall be permitted within such preserves which is incompatible with the agricultural use of the land within the preserve. Further, any use of land permitted under this paragraph which is also subject to the site plan review and/or special use permit requirements set forth in paragraphs 2 and 3 of this subsection, shall be permitted only after a site plan and/or special use permit is approved, all in accordance with said paragraphs 2 and 3. (Paragraph 4 added by Ord.

Divisions of Land C.

All real property, improved or unimproved, which is shown on the latest adopted county tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after F zoning is applied, unless a site plan for such division of land is first filed for review and recommendation by the Site Plan Review Committee in accordance with the procedure set forth in paragraphs 2, 3, and 4 of subsection G of Section 16.2 of this ordinance; provided, however, that the following transactions are not subject to this requirement:

1. Any division of land into two (2) parcels, each of a gross area of eighty (80) acres or more.
2. Any conveyance made or required by court decree and intestate or testamentary dispositions of land.
3. Any conveyance to or from the State of California, any city or county, any political subdivision of the State of California or any public utility subject to regulation by the State Public Utilities Commission. However, this exception does not apply to conveyances to any of said entities, including the State Department of Veterans Affairs, which are financing transactions.
4. Any conveyances of oil, gas or mineral rights.
5. Lot line adjustments which are subject to the procedure set forth in Sections 7-01-2510 et seq. of the Ordinance Code of Tulare County.
6. Any division of land for the purpose of financing on-site improvements which are permitted without site plan review under paragraph 1 of Subsection B of this Section.
7. Any division of land for the purpose of leasing agriculture land for agricultural purposes. As used in this paragraph, "agricultural purpose" means the cultivation of food or fiber or the grazing or pasturing of livestock.
8. Any conveyance of lots or units as follows:
 - a. Lots or units shown on a final subdivision or parcel map recorded in the Office of the Tulare County Recorder.
 - b. Lots or units shown on a parcel map when the recordation of the final parcel map has been waived.
 - c. Lots or units shown on an approved lot split map under the former County Ordinance establishing lot split procedures which do not authorize recordation of a final map.

SPECIAL FILING REQUIREMENTS D.

Preliminary Site Plans

1. In addition to the requirements of Section 16.2 of this ordinance, any preliminary site plan filed for property within the F Zone shall be accompanied by the following additional statements:
 - a. The preliminary geological-hydrological report required in Section 16.2 of this ordinance shall contain the following additional information:
 - (1) If sewage disposal systems are proposed which utilize leach lines, seepage pits or other similar means of disposal of liquid waste effluent

- in a soil medium, percolation tests shall be submitted which are conducted in accordance with the Manual of Septic Tank Practice (U.S. Department of Health, Education, Welfare and Public Health 1969).
- (2) Depth-bedrock test results (soil borings) not to exceed fifteen (15) feet in depth. A sufficient number of tests shall be conducted to permit a reasonably accurate determination regarding the depth and character of the soils in the area proposed for development.
 - (3) Soil types existing on the subject site based on information secured from the Soil Conservation Service, U.S. Department of Agriculture or field tests conducted under the direction of a registered civil engineer, geologist or soils scientist.
 - (4) Data pertaining to the constant pumping of an on-site test well over a forty-eight (48) hour period.
- b. A map drawn to a scale of one (1) inch equals one- hundred (100) feet with contours plotted at 5-foot intervals, showing slopes in the following categories:
- (1) Areas with slopes averaging thirty percent (30%) or more in grade.
 - (2) Areas with slopes ranging from fifteen percent (15%) to twenty-nine percent (29%) in grade.
 - (3) Areas with slopes of less than fifteen percent (15%) in grade.

Final Site Plans

2. In addition to the requirements of Section 16.2 of this ordinance, any final site plan filed for property within the F Zone shall be accompanied by the following additional statements and plans:
- a. A grading and slope stabilization plan prepared by a licensed civil engineer for that portion of the site which is to be disturbed. The grading and slope stabilization plan shall contain the following information:
 - (1) A contour map showing proposed property lines, if applicable, and existing and proposed ground elevations and natural drainage channels.
 - (2) A plan for slope stabilization. If the plan includes landscaping, the types of landscaping materials to be used shall be provided.
 - (3) The location of all native trees in the area to be disturbed which have a trunk diameter of six (6) inches or more at a point measured at three (3) feet above ground surface.
 - (4) The method of foundation construction.
 - b. A general development plan indicating how the construction of the project will be phased and time estimates for completion of construction.
 - c. A drainage plan that indicates the pattern of storm water run-off and explains how natural water courses will be protected against sediment overloading and contamination.
 - d. A fire protection plan which indicates how potential hazards of structural or wildland fire will be minimized.
 - e. For any non-residential development, a landscaping and parking plan shall be provided.

SPECIAL FINDINGS

- E. In addition to the findings required in Section 16.2 of this ordinance, the Site Plan Review Committee shall also make the following findings with regard to any site plan approved or recommended for approval for any project in the F Zone:
1. That the proposed use of land is consistent with the land use and circulation plan as set forth in the Foothill Growth Management Plan.
 2. That the density of uses delineated on the site plan do not exceed the holding capacity of the site as determined by the physical limitations described in the final geological-hydrological report.
 3. That the proposed site plan conforms to all policies and development standards set forth in this Section and the Foothill Growth Management Plan.

DEVELOPMENT STANDARDS F.

Residential Density

The following development standards shall be applicable to any project which is subject to site plan reviews in this zone.

1. The residential density of any new project shall be determined following an analysis of the following factors:
 - a. The quantity of water available for domestic and fire protection purposes based on the water demand specifications provided by the Health Department and the County Fire Warden.
 - b. Consistency with the slope constraint standards set forth in the Foothill Growth Management Plan.
 - c. An analysis of the consistency of the proposed development project with the goals and policies of the Foothill Growth Management Plan.

Open Space

2. Any portion of a development site which is adjacent to a water course area, within an intermediate regional flood plain, contains undeveloped slopes of thirty percent (30%) or more, or exhibits environmental, archaeological or historical sensitive areas, shall remain in open space.

Land Alteration

3. Where any portion of a development site is proposed to be graded, improved or otherwise disturbed by reason of construction activity, the following standards shall be applicable:
 - a. Grading standards:
 - (1) All disturbed slopes shall be graded so that they are contoured to harmonize and blend with the natural slopes remaining on the site and surrounding the development site.
 - (2) The slope of exposed cuts and fills shall meet the standards established in the Improvement Standards of Tulare County as adopted pursuant to Section 7-01-2025 of the Ordinance Code of

Tulare County and as said improvement standards are amended from time to time.

- (3) Where soil materials are remaining on any graded slope and stabilization is required on the slope stabilization plan, such soil areas shall be planted with vegetation types sufficient to stabilize slopes and prevent erosion. Plant materials natural to the site and surrounding areas shall be used wherever possible.
- (4) All slopes stabilization and erosion protection activities associated with the development project shall be completed immediately after grading has been concluded and before the first day of December of any calendar year. No grading activities associated with a development project shall be undertaken between December 1 and March 1 unless the applicant can demonstrate that the slope stabilization and erosion prevention methods to be utilized will be effective in eliminating any slope and erosion problems.
- (5) All lots and parcels shall be designed in a manner that minimizes future grading or land disturbance.
- (6) Where two or more cut or fill slopes intersect, the area of intersection shall be graded and shaped to closely resemble natural topography. This requirement is not applicable to cut or fill slopes composed entirely of rock material.
- (7) Where any cut or fill slope intersects with the natural grade of the land, the area of intersection shall be graded and shaped to closely resemble natural topography. This standard is not applicable to cut or fill slopes composed entirely of rock material.
- (8) Fill slopes shall not extend into natural watercourses or constructed channels. Excavated materials shall not be stored in watercourses.

b. Erosion control requirements:

- (1) Water borne sediment shall be retained on the site by means of facilities such as sediment basins and sediment traps. The drainage plan required under paragraph 2 of subsection D of this section shall set forth the proposed facilities for retaining water borne sediment on the subject site.
- (2) Immediately following completion of grading or excavation activities, temporary mulching, seeding or other suitable stabilization methods shall be undertaken to protect exposed critical areas.
- (3) Any denuded or exposed slopes caused by construction activities shall be planted with native plant material or similar climatically adapted vegetation which are determined suitable for protecting exposed slopes from erosion.

c. Drainage requirements:

- (1) For projects located on sites containing steep slopes or tight soils, the drainage plan required under paragraph 2 of subsection D of this section shall be designed to detain as much storm water run-off as possible on the site in order to prevent potential sedimentation and flooding off the site.
- (2) Within acute flooding problem areas identified in the Foothill Growth

Management Plan, said drainage plan shall be designed to retain all additional storm water run-off caused by the development within the project site.

- d. Vegetation removal requirements:
 - (1) Removal or grading around native trees with a trunk of six (6) inches or more in diameter measured at three (3) feet above ground surface shall not be permitted during construction unless the agency which is making the final decision on the development project finds that such tree removal or grading is necessary due to desirable circulation alignments or infrastructure requirements.
 - (2) Removal of any native tree as defined in this paragraph which is located within areas restricted to open space under paragraph 2 of this subsection shall not be permitted unless the retention of such native trees would endanger the safety of residents within the development site.
 - (3) Any native tree as defined in this paragraph which is proposed for removal must be indicated on or with the Site Plan and a statement shall accompany such site plan explaining why said tree or trees must be removed.

Improvement Requirements

The following improvement requirements shall be applicable to any project located within the F Zone:

- a. Height and setback requirements:
 - (1) Height: The maximum building height shall be thirty-five (35) feet to the uppermost part of the roof, except as provided in Section 15 and 16 of this ordinance.
 - (2) Front Yard: There shall be a front yard of not less than twenty-five (25) percent of the depth of the lot provided such front yard need not exceed twenty-five (25) feet.
 - (3) Side Yard: On interior lots there shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, provided that such side yard shall not be less than three (3) feet and shall not exceed five (5) feet in width. On corner lots the side yard regulation shall be the same as for interior lots except in the case of a reverse corner lot. In a case of a reverse corner lot, there shall be a side yard on the street side of the corner lot of not less than twelve and one-half (12-1/2) feet, and no accessory building on said corner lot shall project beyond the front yard line of the lot in the rear of said corner lot; provided, further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reverse corner lot of record at the time this Section becomes effective, to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.
 - (4) Rear Yard: There shall be a rear yard of not less than five (5) feet.
 - (5) Setbacks for watercourses: No building improvements whatsoever including

but not limited to residences, accessory buildings, or any other activity associated with construction shall be permitted within fifty (50) feet of a bank of an intermittent water course and one-hundred (100) feet of a bank of a perennial water course. For purposes of applying this paragraph, the Health Department shall be responsible for determining the location of the banks of said watercourses.

b. Domestic water supply systems:

- (1) No residential development project shall be approved after the effective date of this section unless there is assurance of an adequate and safe supply of water. Water may be supplied only by the means set forth in paragraphs (a) and (b) of Section 7-01-1415 of the Ordinance Code of Tulare County. Unless the agency which is making the final decision on the development project waives the requirement for a common water system based on circumstances such as lot size, number of lots, topography, existing water systems or other overriding conditions, water service from individual wells or springs located on each lot shall not be permitted.
- (2) The requirements of item (1) of this subparagraph shall not be applicable to any parcel subdivided after the effective date of this section which is ten (10) acres or more in size and complies with Section 7-01-1420 of the Ordinance Code of Tulare County.
- (3) Each water system shall be designed and installed in accordance with the standards referred to in Section 7-01-2025 of the Ordinance Code of Tulare County and shall meet the requirements of and be under permit with the Tulare County Health Department.

c. Wastewater Disposal System Requirements:

- (1) Any residential development project which utilizes a wastewater disposal system other than individual sewage disposal systems, such as septic tanks and leach lines, shall be required to join or form an association or community organization for purposes of monitoring and maintaining the waste water disposal system.
- (2) Any wastewater disposal system shall be designed to meet the requirements of the Tulare County Health Department and the State Regional Water Quality Control Board.
- (3) An application for waste discharge shall be made with and a permit received from the State Regional Water Quality Control Board for any wastewater disposal system subject to approval by the Regional Water Quality Control Board.

d. Street Design and Improvements:

- (1) All street, walkway and bike path improvements shall conform to the Tulare County Improvement Standards as adopted pursuant to Section 7-01-2025 of the Ordinance Code of Tulare County, except as modified herein.
- (2) Regardless of the provisions of the Tulare County Improvement Standards, street widths and right-of-way standards may be subject to modification by the agency which is making the final decision on the development project based on factors such as topography, soils, location of

- water courses, and proposed development densities.
- (3) Any proposed one-way street shall not be dedicated for public maintenance.
 - (4) Privately maintained streets may be developed to lesser street and right-of-way standards than required for county maintained streets depending on the location and scale of development. The Site Plan Review Committee shall recommend minimum standards for such privately maintained streets and such standards shall be made a part of the Tulare County Improvement Standards.
 - (5) Regardless of the requirements of the Tulare County Improvement Standards, the required pavement width for any street may be increased by the agency making the final decision on the development project when on-street parking is likely to occur based on the characteristics of the proposed development. In addition, the pavement width requirements may be increased when concrete curb and gutter or asphalt-concrete dikes are utilized.
 - (6) Any right-of-way width required in the Tulare County Improvement Standards may be reduced for projects utilizing underground utilities, when little or no cut or fill slopes are required, and when other similar circumstances exist where the full right-of-way width is not deemed necessary or appropriate to protect the public health and safety.
- e. Off-street Parking Requirements:
- (1) For residential uses located in areas where on-street parking is permitted, there shall be at least two (2) off-street parking spaces on the same lot with the main building for each dwelling unit and such parking space shall be not less than eight (8) feet wide by eighteen (18) feet long, with adequate provisions for ingress and egress.
 - (2) For residential uses located in areas where on-street parking is prohibited, one (1) parking space in addition to the parking requirements of item (1) of this subparagraph shall be provided for off-street guest parking. Said guest parking space shall not be less than eight (8) feet wide by eighteen (18) feet long, with adequate provisions for ingress and egress, provided further that driveways may not be utilized for said off-street guest parking.
 - (3) Off-street parking and loading requirements for commercial, industrial, and other types of nonresidential uses shall be determined based upon standards adopted by the Planning Commission.
- f. Fire Protection Requirements:
- All site plans shall be reviewed by the Tulare County Fire Warden to assure fire protection measures and standards set forth in the Improvement Standards of Tulare County are met. In addition to said Improvement Standards, all development projects shall comply to the following conditions and standards:
- (1) Water supply for fire protection purposes shall be available in sufficient quantity and pressure to serve the project in question.
 - (2) Fire retardant roofing materials shall be utilized in all new developments.
 - (3) Fire resistive construction elements shall be incorporated in stilt and cantilevered construction buildings.

- (4) House numbers shall be clearly visible from the street.
- (5) Sufficient clearance of flammable vegetation around buildings shall be provided and maintained.
- (6) Fuel breaks and greenbelts shall be utilized to protect both the developed areas and adjacent undeveloped areas.
- (7) Applicants shall be encouraged to take maximum advantage of planned or existing parks, golf courses, tennis courts and other recreational areas to provide a buffer zone between development areas and non- developed areas.
- (8) All streets, either public or private, shall be designed to provide for a safe evacuation of residents and adequate access to fire and other emergency equipment.
- (9) All bridges proposed for vehicular access shall be designed for a minimum load limit of at least 40,000 pounds.
- (10) The fire protection plan required under paragraph 2 of subsection D of this section shall be submitted to the Fire Warden for approval on all development projects.

SECTION 18.8: PLANNED COMMUNITY ZONE

(Added by Ord. No. 3348, effective 9-25-07)

PURPOSE A.

The Board of Supervisors, in adopting this section, takes legislative notice of the existence and content of the planned community ordinances in other counties and cities. The Board of Supervisors believes in certain instances, the objectives of the Tulare County General Plan (General Plan) and Zoning Ordinance are best achieved by the development of large tracts of land in a coordinated and comprehensive fashion with individualized comprehensive planning and development strategies, so as to take advantage of the superior environment which can result from large scale community planning and coordinated implementation. The purposes of the Planned Community (PC) Zone are to:

1. Provide for the orderly preplanning and long-term development of large tracts of land which may contain a variety of land uses, but are under unified ownership or development control.
2. Enable the County to adopt measures providing for the development of the area(s) compatible with the established PC Zone.

DEFINITIONS B.

The following definitions shall be applicable to this section of the Zone Ordinance. If any of these definitions conflict with the definitions in this or any other county ordinance, the definition set forth herein shall prevail in so far as they apply to this section.

For purposes of this section, the words and terms shall have the following meanings, unless it is clearly apparent from the context that another meaning is intended:

1. Area Design Plan (DP): The design guidelines for the physical site, building and landscape design within the planning area to ensure that high quality urban design and architectural concepts, along with the thematic design elements of the MDP are implemented within the planning area. The DP shall also include guidelines for energy conservation practices. The DP may identify a theme for the area and delineate that identity through streetscape and landscape design, signage programs and architectural and lighting guidelines.
2. Area Development Plan (ADP): In addition to the requirements in subsection I of this Section, at a minimum,
3. Master Development Plan (MDP): Pursuant to Subsection C of this Section the MDP shall consist of the contents described in Paragraphs 1 and 2, and must satisfy the requirements of the General Plan. Unless otherwise determined by the Planning Director an MDP shall cover the same subjects or elements required for general plans in Section 65302 and 65302.1 of the Government Code. The MDP is a legislative action and shall be adopted by the same procedure as required for a General Plan.
4. Sustainable Community: A community that maintains or enhances economic opportunity and community well-being while protecting the natural environment upon which people and economies depend.
5. Specific Plan: As defined by Section 65451 of the Government Code.

APPLICATION C.

1. Before an application to establish a PC Zone on the zoning map may be accepted, authorization to file such a request shall be secured from the Board of Supervisors in accordance with the procedures set forth for General Plan amendment requests pursuant to the Board of Supervisors Resolution No. 83-1693 as amended.
2. All applications for a change of zone to place property in the PC Zone must be accompanied by a MDP in accordance with Section D of this Ordinance. The MDP shall be subject to approval by the Tulare County Planning Commission and the adoption by the Tulare County Board of Supervisors in accordance with Subsection D, E and F of this Section.
3. The PC Zone shall be established on the County Zoning Map in the same manner as other zones created and established under this Ordinance. The PC Zone may not be approved and/or established on the Zoning Map unless a MDP in accordance with Section D is concurrently adopted defining uses and development standards within the PC Zone.
 - a. All applications for a PC Zone shall be accompanied by the appropriate fees adopted by resolution of the Board of Supervisors pursuant to Section 18.
 - b. PC Zones may be established on parcels of land which are suitable for, and of sufficient size to be planned and developed in a manner consistent with General Plan and the purposes of this section. No PC zone shall include less than two hundred (200) contiguous acres of land.
 - c. All land in each PC Zone, or approved sub-area thereof, shall be held in one ownership or under unified control, unless otherwise authorized by the Board of Supervisors. For the purposes of this section, the written consent or agreement of all owners in a PC Zone to the proposed MDP shall be deemed to indicate unified control.
 - d. Development and/or construction shall not occur in PC Zone prior to the adoption of the ADP by the Board of Supervisors.

MASTER DEVELOPMENT PLAN (MDP) D.

1. Any application to establish a PC Zone shall include a proposed MDP which shall consist of a map and text. The MDP is a legislative action and shall be adopted by the same procedure as required for a General Plan Amendment. The application shall be accompanied by the required fee(s), and shall show the following:
 - a. The natural topographic character of the land;
 - b. A concept grading and drainage plan showing the extent of grading and drainage, and statements describing the proposed concepts;
 - c. The general location of all existing and proposed uses of the land by their equivalent General Plan land use designations;
 - d. The approximate location of all major streets, roads and other circulation system components on or accessing the site; and,
 - e. The conceptual location of public uses and quasi- public uses, such as schools, parks, fire stations, major utility or infrastructure improvements, open space and undisturbed natural land.
2. The application shall include a text that provides:

- a. A description of the project, including the boundaries and names of proposed planning areas;
- b. The anticipated phasing and sequence of development by planning area;
- c. Land use statistics for the overall planned community and for each planning sub-area such as housing densities, size of commercial buildings, and types of public/recreational facilities;
- d. A description of the private and public open space and how such areas will be maintained.
- e. A Preliminary Financial Plan (PFP) that shall ensure that the proposed development is consistent with providing adequate public facilities and services concurrent with the need created by new development. The PFP shall include an analysis of infrastructure, public facilities and services, including but not limited to; sewer and water service, streets and storm drains, law enforcement, fire protection, libraries, schools, and public parks.
- f. For residential development areas the application shall include text that provides:
 - (1) The approximate number of dwelling units proposed by type of dwelling within each sub-area and for the planned community as a whole.
 - (2) The approximate total population factor anticipated in the entire community and in each planning sub-area.
 - (3) Descriptions of the development standards including (density, height, parking, etc.) for each type of proposed residential development in sufficient detail to understand the development concept.
- g. For commercial or industrial areas of any proposed PC Zone:
 - (1) Types of uses proposed in the entire community and each sub-area.
 - (2) Anticipated building square footage and employment by land use category in the entire community and in each sub-area. This may be stated as a range.
 - (3) Descriptions of the general development standards (intensity, height, bulk, parking, landscaping, and any buffering or performance standards required, etc.) for each type of proposed commercial or industrial development in sufficient detail to understand the development concept and determine that the proposed uses are appropriate within the community and at the proposed location.
- h. For institutional, recreational, open space and other public/quasi-public uses within a proposed PC Zone:
 - (1) Types of uses proposed in the entire community and each sub-area.
 - (2) A detailed description and sufficient information with respect to activities, participants or other features or characteristics of the use(s) to understand the development concept.
 - (3) Descriptions of the development standards including (intensity, height, bulk, parking, landscaping, and any buffering or performance standards required, etc.) for each type of proposed development in sufficient detail to understand the development concept and determine that the proposed uses are appropriate within the community and at the proposed location.

MDP FINDINGS E.

The Planning Commission, after a public hearing as provided in Section 18 of this Ordinance, may recommend the establishment of a PC Zone; provided it finds that:

1. The proposed development as described by the MDP is in conformity with the provisions of the General Plan.
2. In the case of residential or mixed uses including residential development, that such development will constitute an environment of sustainability that will be compatible with the character of the site and surrounding area, and that adequate public facilities, such as schools, parks, and public services to serve the anticipated population can be provided.
3. In the case of industrial and commercial uses, that such development will be appropriate in area, location, and overall design to the purpose intended; that the design and development standards are such as to create a commercial or industrial environment of sustainability that will be able to meet the performance standards required for the General Plan.
4. In the case of institutional, recreational, open space and other public/quasi-public uses, that such development will be appropriate in area, location and overall planning to the purpose proposed, and that surrounding areas are protected from any adverse effects from such development.
5. The streets and other transportation system components proposed are suitable and adequate to meet the needs of the community and surrounding area(s).
6. Any proposed commercial development can be justified economically at the location(s) proposed and will provide adequate commercial facilities of the types needed at such proposed location(s).

PLANNING COMMISSION ACTION F.

Following a public hearing, and upon making the required findings, the Planning Commission shall make a recommendation to the Board of Supervisors for approval or modified approval of a proposed PC Zone, and shall also adopt a resolution recommending that the Board of Supervisors adopt the MDP as submitted or as modified. The recommendation and the recommended MDP shall be forwarded to the Board of Supervisors for its consideration. If unable to make the required findings, the Planning Commission shall deny the application. An appeal from the action of the Planning Commission may be filed in accordance with Section 18 of this Ordinance.

BOARD OF SUPERVISORS ACTION G.

Upon receipt of a recommendation by the Planning Commission for approval or modified approval of any PC Zone and associated MDP, the Board of Supervisors shall hold a public hearing on the matter as provided by Section 65350 et seq. of the Government Code.

1. At the time of adoption of a PC Zone, the Board of Supervisors shall adopt, by resolution, the associated MDP recommended by the Planning Commission or as modified by the Board of Supervisors, provided that any substantial modification shall first be referenced to the Planning Commission as provided in Section 65356 of the California Government Code.
2. Following the adoption of the PC Zone amendment and the MDP, all development

within the zone shall thereafter be in substantial conformity with the adopted MDP and the General Plan, as both may be amended or modified.

MDP MODIFICATIONS H.

1. From time to time it may be necessary and desirable to modify the approved MDP. Modification of such a plan may be initiated by the property owner, authorized agent, developer, County Planning Commission and/or Board of Supervisors.
2. Requests for modifications shall be submitted to the Planning Commission on a prescribed form and shall be accompanied by such additional maps, statements, or other information as may be required to support the proposed modification along with the required fee(s).
3. The Planning Commission shall conduct a public hearing on all proposed modifications. The Planning Commission may recommend approval, conditional approval, or denial of a proposed modification to the Board of Supervisors, which shall conduct a separate public hearing.
4. Modification to an approved MDP shall be made only by resolution of the Board of Supervisors. Within thirty (30) days after receipt of a recommendation from the Planning Commission, the Board of Supervisors shall act on the proposed modification.
5. Minor modifications of the MDP that do not substantially change or alter the project may be processed in accordance with Section 18 of the Zoning Ordinance.

AREA DEVELOPMENT PLAN (ADP) I.

1. All PC Zones shall be divided into one or more planning sub-areas. These sub-areas or sub-communities shall be depicted on the map of the MDP of a PC Zone and addressed in the accompanying text.
2. Planning sub-areas shall be composed of identifiable planning units, within which common services and facilities, strong internal unity, and an integrated pattern of land use, circulation, and community planning are readily achievable. Planning sub-areas shall have discernible physical boundaries.
3. Prior to any development within a planning sub-area, an ADP or Specific Plan shall be approved.
4. If a Specific Plan is proposed it shall be processed in accordance with the content requirements set forth in Section 65451 of the Government Code and any optional subjects as may be required pursuant to Section 65452.
5. If an ADP is proposed pursuant to Section 65450 et seq. it shall be considered a legislative action and shall be adopted by the same procedure as required for a Specific Plan. Pursuant to Section 65450 et seq. To obtain approval, the applicant shall submit a proposed ADP, along with an application and the required fee(s). The proposed ADP shall at a minimum include the contents of a Specific Plan and/or the following information:
 - a. A site utilization plan of the planning sub-area at a scale of one inch equals two hundred feet minimum or as determined by the Planning Director. The plan shall extend a minimum of three hundred feet beyond the boundaries of the sub-planning area and show the following:

- (1) The boundaries of the planning area;
 - (2) North arrow and scale;
 - (3) Any significant natural or existing physical features of the site;
 - (4) Preliminary grading and drainage plan (including slope ratios and spot elevations where appropriate);
 - (5) Existing and proposed circulation routes with typical sections. The names of existing streets shall be indicated;
 - (6) Existing and proposed easements (identify);
 - (7) Existing and proposed on- and off-street trails;
 - (8) Proposed land uses (include the acreage of each) for;
 - (a) Parks, schools and public facilities (indicate type),
 - (b) Institutional, recreational and other public/quasi-public uses,
 - (c) Open space,
 - (d) For residential uses: Dwelling type (i.e., single family, duplex, attached, etc.), Lot sizes, Number of units (indicate density for each dwelling type), Parking (covered or open parking and parking ratio)
 - (9) Commercial and/or industrial: Location and proposed use of each commercial and/or industrial planning area.
 - (10) Employment Centers: Location and proposed use of each center with consideration to the ratio of new jobs to the number of housing units.
- b. The ADP regulations which shall be applicable within the sub-planning area. The regulations shall establish districts consistent with the MDP and standards to classify, regulate, restrict and separate the uses of land; provisions for density transfers, buildings and structures; and regulate and limit the type, height and bulk of buildings and structures in the various districts.
- c. An Area Design Plan (DP) which will guide the site, building and landscape design within the planning sub-area to ensure that high quality urban design and architectural concepts, along with the thematic design elements of the MDP, are implemented within the planning sub-area. The DP may identify a theme for the area and delineate that identity through streetscape and landscape design, signage programs and architectural and lighting guidelines graphically illustrated. The DP shall use a variety of illustrative techniques such as rendering, cross sections and photos.
- The DP shall include: prototypical building envelopes for each residential product type and guidelines for energy conservation. For single family detached residential planning sub-areas a conceptual site plan shall be provided that includes sufficient detail to determine the relationship of driveways, landscaping, sidewalks, buildings, etc., on site. For non-residential uses and multi-family residential planning sub-areas, the DP shall include guidelines for the arrangement of development components (buildings, parking, landscaping, etc.) on each site, as well as architectural and urban design guidelines buildings and structures.
- d. A Financial Plan (FP) which shall ensure that the phased development of the project is consistent with providing adequate public facilities and services concurrent with the need created by new development. The FP shall include an

analysis of infrastructure, public facilities and services, including sewer and water service, streets and storm drains, law enforcement, fire protection, libraries, school's, and public parks. The FP shall specifically address the following issues:

- (1) Provisions for public services, ongoing operations and maintenance required for the development;
 - (2) Sources of funding for all public services and improvements required for the development;
 - (3) Requirements for incremental phasing of public improvements to meet the needs of the development, and its sustainability; and,
 - (4) An open space management program for the provision and maintenance of public open spaces and natural environmental resources.
- e. Any other information or topics as determined appropriate by the Planning Director which are necessary or desirable for implementation of the General Plan.

ADP FINDINGS, ACTIONS J.

1. The Planning Commission, after a public hearing, may recommend the approval of an ADP; provided it finds that the facts submitted with the plan and presented at the hearing establish that:
 - a. The proposed ADP is in conformity with the MDP of the PC Zone and the General Plan.
 - b. The proposed ADP would promote the orderly, sequential development of the involved sub-planning area.
2. If, from the facts presented, the Planning Commission is unable to make the findings set forth in Paragraph 1 above, it shall recommend disapproval of the application or approval of the plan subject to specified modifications.
3. The Board of Supervisors, upon receipt of the recommendation of the Planning Commission on a submitted ADP, shall conduct a public hearing. The Board of Supervisors may approve, deny, or approve the plan with modifications.
4. Following the adoption of the ADP, all development within the affected planning area shall thereafter be in substantial conformity with the adopted ADP and all its components, or as it may be amended.

ADP EXPIRATION/ EXTENSION K.

The ADP shall automatically expire and become null in void 10 years from the date of adoption unless the applicant or successor has actually commenced the use authorized within the 10 year period. As used herein the use shall have been considered if final maps and the final site plan have been approved by the Board of Supervisors for 10 percent of the ADP area. Extensions of time may be granted as provided in Section 18.

ADP MODIFICATIONS L.

1. From time to time, it may be necessary and desirable to modify the approved ADP. Modification of such plan may be initiated by the property owner, authorized agent or developer.

2. Requests for modifications shall be submitted to the Planning Commission on a prescribed form and shall be accompanied by such additional maps, statements, or other information as may be required to support the proposed modification, and the required fee.
3. The Planning Commission shall conduct a public hearing on all proposed modifications. The Planning Commission may recommend approval, conditional approval, or denial of a proposed modification to the Board of Supervisors which shall also conduct a public hearing.
4. Modification to an approved ADP shall be made only by resolution of the Board of Supervisors. Within thirty days after receipt of a recommendation from the Planning Commission, the Board of Supervisors shall take action on the proposed modification.
5. Minor modifications to an adopted ADP may be approved by the planning director as an administrative matter, subject to the following findings:
 - a. That the modification will not change the essential character of the adopted plan;
 - b. That the modification will not create an environmental impact above those addressed in the certified environmental impact report for the adopted plan;
 - c. That the modification does not increase the number of dwelling units by greater than 1 percent or reduce the amount of open space in the adopted plan.

SITE PLAN REVIEW M.

Unless otherwise specified in the ADP, no building or relocation permit shall be issued or special use permit approved, nor shall any final surveys for building construction be approved until a final site plan has been reviewed and approved or recommended for approval by the Site Plan Review Committee in accordance with the procedures set forth in Section 16.2 of this Ordinance.

SECTION 18.9: “MU” MIXED-USE OVERLAY COMBINING ZONE

(Added by Ord. No. 3467, effective 1-15-15, amended by Ord. 3471, effective 7-15-2015, amended by Ord. 3485, effective 12-3-15)

PURPOSE A.

The purpose of this zone is to allow for mixed uses. Allowing a mix of uses promotes flexibility in the types of entitlements that can be issued. Economic Development can be pursued with a wide variety of development potential. In addition, mixed use can allow for decreased vehicle miles traveled if residential uses are mixed with uses for employment.

APPLICATION B.

This overlay zone only applies to the communities of Ducor, Terra Bella, Traver, Strathmore, Pixley, and Tipton.

USE C.

No building or land shall be used, and no building shall be hereafter erected or structurally altered, except for one or more of the following uses allowed in this this overlay zone, as outlined in the community plans for Ducor, Terra Bella, Traver, Strathmore, Pixley, and Tipton.

Within the Mixed Use Zoning District, all uses outlined in the M-1, C-3, C-2, C-1, R-1, R-2 and R-3 uses are allowed. Uses and activities that are found by the Planning Director to be similar to and compatible with those specific zoning districts are also allowed. In addition, use and activities determined to be compatible by the Planning Commission and the Board of Supervisors with the above mentioned zoning districts are also allowed.

All conditional uses allowed in these zoning districts shall also be allowed by right with exception of the following combination of uses:

Uses/Combination of Uses reviewed by Planning Commission
Auto wrecking and Residential
Battery Manufacture and Residential or Commercial
Biomass Fuel Production and Residential
Flammable Liquids over 10,000 gallons
Hazardous Waste Facility
Planing Mills and Residential or Commercial
Sand blasting
Slaughterhouse and Residential
Solid Waste Recycling and Residential
Super service stations and Residential

All uses shall not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, or to the general welfare of the county. All uses shall limit impacts related to smoke, fumes, dust, gas, noise, odor, vibrations and other

hazards to be considered an allowed use without the need for a special use permit. All allowed uses are subject to the determination of appropriateness by the Director of Planning.

The Director of Planning has the option of deferring any land use application allowed in this district to the Planning Commission for review and decision.

DEVELOPMENT STANDARDS D.

1. Height: No building or structure hereafter erected or structurally altered shall exceed six (6) stories or seventy five (75) feet to uppermost part of roof.
2. Front Yard: 0 Feet
3. Side Yard: Where a lot abuts upon the side of a lot in any "R" Zone (R-A, R-0, R-1, R-2 and R-3), there shall be a side yard of not less than five (5) feet. Where a reversed corner lot abuts upon a lot in any "R" Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for a commercial building shall not be required.
4. Rear Yard: Where a lot abuts upon the rear of a lot in any "R" Zone (R-A, R-0, R-1, R-2 and R-3), there shall be a rear yard of not less than fifteen (15) feet. In all other cases, a rear yard for a commercial building shall not be required.
5. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section.
6. Floor Area Ratio: The maximum Floor Area Ratio is 2. The Floor Area Ratio is the amount of square feet of all structure allowed on a parcel based on parcel size.
7. Distance between structures: The minimum distance between structures is 10 feet.
8. Parking: Off-street parking and loading shall be required in conformance with Section 15.
9. Fences, Walls, and Screening: Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone (R-A, R-0, R-1, R-2, and R-3), there shall be a solid wall, fence or equivalent landscaping screening at least six (6) feet in height located along the common lot line, except in the required front or side yard. Open storage of materials and equipment shall be permitted only within an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence, or hedge. Fulfillment of the requirement of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable buildings and zoning regulations and which were existing in a commercial or manufacturing zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of property is approved by Tulare County.

All other Development Standards are outlined in the Community Plans for Ducor, Terra Bella, Traver, Strathmore, Pixley, and Tipton. Conformance to development standards is required for all development; however, the Planning Director, Planning Commission, or Board of Supervisors may provide exemptions to particular development standards when deemed appropriate.

SECTION 19: INTERPRETATION - PURPOSE - CONFLICT

In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easement, covenant or other agreement between parties. Where this Ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this Ordinance shall control.

SECTION 20: PERMITS - LICENSES - COMPLIANCE

- A. All departments, officials, or public employees vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. No such license or permit shall be issued for uses, buildings, or purposes which are in conflict with the provisions of this Ordinance. Any such license or permit which is issued in conflict with the provisions of this Ordinance shall be null and void. (Amended by Ord. No. 1685, effective 4-4-74.)

- B. In accordance with Section 7140-7141 of the Ordinance Code of Tulare County no permits shall be issued and no approvals shall be granted pursuant to this Ordinance for the development of real property until the Planning Director determines whether the real property involved and any divisions thereof comply with the provisions of the Subdivision Map Act and all ordinances of the County adopted pursuant thereto in effect at the time such land was divided. If said property does not fully comply with said laws and ordinances, the Planning Director shall refer the matter to the Parcel Map Committee pursuant to Section 7134 of the Ordinance Code of Tulare County and the permit shall not be issued nor the approval granted until the matter has been resolved in accordance with said Section 7134 and other related sections of Chapter 3 (commencing with Section 7130) of Part VII of the Ordinance Code of Tulare County. (Added by Ord. No. 1685, effective 4-4-74.)

SECTION 21: PENALTIES: NUISANCE

(Amended by Ord. No. 2233, effective 5-17-79)

- A. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of an infraction and shall be punishable as follows:

Pursuant to Government Code section 25132, every person convicted of an infraction shall be punished upon a first conviction by a fine not exceeding Fifty Dollars (\$50) and for a second conviction of the same provision within a period of one year by a fine of not exceeding One Hundred Dollars (\$100) and for a third or any subsequent conviction of the same provision within a period of one year by a fine or not exceeding Two Hundred Fifty Dollars (\$250). For purposes of this section, a bail forfeiture shall be deemed to be a conviction of the offense charged.

Any person, firm or corporation in violation of this Ordinance shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of this Ordinance is committed, permitted or continued, and shall be punishable there for as provided herein above.

- B. Any building or structure, and any use of a building, structure or real property, which is not in full compliance with the requirements of this Ordinance shall constitute a public nuisance.

SECTION 22: COMPLIANCE REPORTING AND MONITORING

(Added by Ord. No. 3030, effective June 24, 1993)

PURPOSE A.

The purpose of this Section is to establish a program to monitor and ensure compliance with conditions imposed as part of the approval of special use permits, planned unit development permits or variances for development projects in conformance with the policies, standards and objectives of this Ordinance, the County Ordinance Code and the County General Plan.

COMPLIANCE REPORTING AND MONITORING SCHEDULE B.

In order to ensure that the proposed development project conforms to the policies, standards and objectives of this Ordinance, the County Ordinance Code and the County's General Plan, the County officer or body approving any permit or variance for which conditions have been adopted or made a part of the permit or variance shall adopt a Compliance Reporting or Monitoring Schedule for such project, and such compliance reporting or monitoring schedule shall be imposed as a condition of such permit or variance and may be combined with or encompass any CEQA mitigation reporting or monitoring program required as part of a project approval under the Tulare County Guidelines implementing the California Environmental Quality Act of 1970, as amended.

FEES C.

Each compliance reporting or monitoring schedule shall be prepared by the County Planning and Development staff or by a consultant retained for such purpose and shall be paid for by the applicant or his/her/its successor(s)-in-interest in accordance with the fees established in Section 18 of this Ordinance.

COMPLIANCE REPORTING AND MONITORING MANAGER D.

The County Planning and Development Director or his/her designee shall be the compliance reporting and monitoring program manager. As such, he or she shall coordinate preparation of compliance reporting or monitoring schedules and compliance verification efforts by County staff; shall be the contact person through which other public agencies may participate in such programs; and shall resolve conflicts between the applicant, members of the public and County staff as to any issues arising in regard to a compliance reporting or monitoring schedule, except for those issues which are more appropriately raised in the regular County public hearing and decision-making procedures on any given permit or variance.

AGREEMENTS E.

In the case of phased, major or complex projects, the County officer or body approving the permit or variance may determine that a compliance reporting or monitoring agreement is required in order to carry out the compliance reporting or monitoring schedule and compliance verification. Such agreement shall be negotiated between the program manager or his/her

designee and a qualified consultant, paid for by the applicant in accordance with the provisions of Section 18 hereof, and shall be presented for approval to the County officer or body taking final action on the requested project approval prior to said final action.

VIOLATIONS F.

Failure to comply with any provisions of a compliance reporting or monitoring schedule made a condition of any permit or variance approval, or failure to pay any compliance reporting or monitoring schedule fees established by Section 18 hereof, shall be deemed to be a violation of the conditions of the permit or variance and shall subject the applicant and/or owner to enforcement action and to such penalty as is otherwise provided by County ordinance or state law.

SECTION 22.1 CONFINED ANIMAL FEEDING OPERATIONS **COMPLIANCE REPORTING AND MONITORING**

(Added by Ord. No. 3285, effective 5-15-03)

PURPOSE A.

It is the purpose of this Section is to establish a program to monitor all confined animal feeding operations for compliance with the policies of the Animal Confinement Facilities Plan ("ACFP") regarding onsite animal numbers/density, with the conditions of approval set forth in each Special Use Permit, administrative Special Use Permit, or Minor Modification, and with the applicable mitigation measures of the Program Environmental Impact Report adopted for the ACFP regarding monitoring of groundwater quality and other potentially significant impacts.

ANNUAL COMPLIANCE REPORT B.

The owner and operator of every confined animal feeding operation shall complete and submit to the Resource Management Agency Director by November 30 of every year upon forms furnished by the Tulare County Resource Management Agency, an annual compliance report which identifies all of the following for the period from October 1 to September 30 immediately proceeding the submission date:

1. The street address of the facility;
2. The name, address, and telephone number of the legal property owner and the current facility operator;
3. The facility's on-site maximum animal count on any given day for the twelve (12) months proceeding October 1 of the subject year (broken down by animal classification and breed);
4. The on-site cropping program on the irrigable acreage receiving the facility's lagoon water for the 12 months beginning on October 1 one (1) year prior to the annual compliance report submission, including the types of crop and the acreage planted to each (identified by Assessor Parcel Numbers ("APN"), and whether double cropping or single cropping or permanent cropping;
5. Any additional cropping acreage off-site not accounted for above that receive lagoon water;
6. Any new or revised wastewater agreements affecting other properties;
7. Total acres on-site receiving manure only;
8. Manure produced at this facility that was taken off-site for use on property that is not under the site's use permit (and where taken);
9. Total acres on-site receiving both manure and lagoon water;
10. The average length of time that manure water is held in the lagoons before discharged to the fields;
11. An estimate of how much manure water was discharged per APN;
12. Site layout plan;
13. Such other information as the Resource Management Agency Director may require.

**INTERIM COMPLIANCE REPORTS DUE TO AMENDMENTS TO A
COMPREHENSIVE NUTRIENT MANAGEMENT PLAN OR ITS REQUIREMENTS
C.**

(Reserved)

COMPLIANCE INSPECTIONS D.

1. Each year, the Resource Management Agency Director shall schedule and conduct compliance inspections for confined animal feeding operations. The purpose of the compliance inspections is to determine whether the confined animal feeding operation facility owner and operator is in compliance with the ACFP, Section 15.1 of this Ordinance, this Section and with the provisions of the applicable special use permit. The goal shall be to schedule inspections so that all bovine confined animal operations in the County are inspected at least every five (5) years.
2. Compliance inspections shall include a head count of all bovine and other domesticated animals on the site by type of animal, review for compliance with the applicable Special Use Permit conditions of approval, and other matters as determined by the Resource Management Agency Director. An annual compilation of all the compliance inspections shall be prepared by the Tulare County Resource Management Agency by June 30 of each year.

ORDINANCE CODE, PART I, CHAPTER 3
ARTICLE 2. RESOURCE MANAGEMENT AGENCY

(Added by Ord. No. 3196, effective 12-25-97)

RESOURCE MANAGEMENT AGENCY:

SECTION 1-03-1070.

The Resource Management Agency is hereby established. All reference in the Tulare County Ordinance Code, any other codified or uncoded County ordinance, or any other official County contracts, resolutions or other documents, to the Tulare County Planning and Development Department, the Tulare County Public Works Department, or the Tulare County General Services Department (except as set forth in sections 2-03-1001 and 2-05-1000) shall be deemed to refer to the Tulare County Resource Management Agency.

RESOURCE MANAGEMENT DIRECTOR:

SECTION 1-03-1075.

The Resource Management Director shall be appointed pursuant to the procedure specified in 1-03-1020 of this Ordinance Code. All references in the Tulare County Ordinance Code, any other codified or uncoded County ordinance, or any other official County contracts, resolutions or other documents, to the Tulare County Planning and Development Director (or Planning and Building Director or Planning Director), the Tulare County Public Works Director, or the General Services Director/Purchasing Agent, shall be deemed to refer to the Resource Management Director or such duly authorized and qualified division manager, or managers, as the Director shall appoint.

Appendix 1
A SUMMARY* OF LAND USE CONTROLS WHICH ARE APPLICABLE
TO THE A-1 (AGRICULTURAL) ZONE AS EXCERPTED FROM
THE TULARE COUNTY ZONING ORDINANCE

* The following information is taken from various sections of the Zoning Ordinance which pertain to allowed activities in the A-1 Zone. It is not the official text of the Ordinance and may not answer all questions which may arise. Please contact the Tulare County Resource Management Agency for further information.

**REGULARLY
PERMITTED
USES**

A.

1. Mobilehomes and residences for the owners and lessees of the property and for housing farmworkers or employees who work on the property, but not including housing for ten (10) or more farmworkers and employees. Housing for ten (10) or more farmworkers and employees may be allowed under the use permit procedure set forth in Section 16 of this Ordinance.
2. One (1) mobilehome or single-family residence for persons other than those mentioned in number 1 above for each two and one-half (2-1/2) acres in the entire property. If a lot has less than two and one-half (2-1/2) acres and was of record on January 11, 1973, one (1) single-family residence or mobilehome for persons other than those mentioned in number 1 above may be constructed.
3. The growing and harvesting of field crops, grain and hay crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber, and the growing of grass for pasture and grazing, except mushroom growing.
4. The raising and slaughter of poultry up to a maximum of three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, and not to exceed a total of one thousand (1,000) birds in all, unless a Use Permit has been secured as required under subsection B.
5. The raising and slaughter of rabbits and other similar fur-bearing animals. The maximum number of mature animals allowed on any parcel shall not exceed two hundred and forty (240) unless a Use Permit has been secured as required under subsection B. Any offspring of the animals may remain on the property until they reach the normal age for weaning.

6. The raising and slaughter of sheep, goats, horses, mules, swine, bovine animals, and other similar domesticated quadrupeds. The total of such animals on the property at any time shall not exceed two (2) mature animals for each acre in the entire property, excluding feed lots or areas for concentrated feeding of more than twenty-five (25) animals, unless a Use Permit has been secured as required under subsection B. Any offspring of the animals allowed may remain until they reach the normal age for weaning.
7. Dairies when not more than 25 cows are on the property at any time.
8. Feed lots for 25 animals or less.
9. Apiary and honey extraction plant.
10. Incidental and accessory structures and uses including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, guest houses, storehouses, garden structures, greenhouses, recreation rooms, the storage and use of petroleum products, and kennels for private non-commercial use.
11. Plant nursery, not including retail sales.
12. Sale of agricultural products, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees.
13. Signs which pertain only to a permitted use of the property on which the sign is situated or which pertain to the sale, lease, or rental of the property or a structure or personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.

14. Temporary landing of aircraft engaged in agricultural uses.
15. Fish farming operations for the raising and harvesting of fish as a crop, but not including fishing clubs or fishing for the general public on a commercial basis.
16. Game preserve, private or public, but not including hunting clubs, or hunting for members of the public on a commercial basis.
17. Open space uses including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by Land conservation Act of 1965, as amended.
18. Jail or correctional institution in conformance with the Public Building Element of the Tulare County General Plan.
19. Apiary and honey extraction plant.
20. The storage and/or handling of agricultural chemicals for on-farm, noncommercial use only.
21. Land spreading of biosolids, provided that no portion of the property proposed for land spreading is located (a) within an Urban Improvement Area, Urban Development Boundary, or Urban Area Boundary adopted pursuant to the Urban Boundaries Element of the General Plan; (b) within six hundred and sixty feet (660') of said Area or Boundary; or (c) east of the easterly boundary of the Rural Valley Lands Plan Policy Area adopted pursuant to the Rural Valley Lands Plan.
22. Bed and Breakfast Home with one or two guest rooms.
23. Family Day Care Home, small.

**USES
REQUIRING A
USE PERMIT**

B.

1. Agricultural aircraft industries and services establishments located with an airport or heliport.
2. Agricultural chemicals; manufacturing and/or commercial storage and/or handling.
3. Agricultural chemical experiment stations.

4. Agricultural dehydrator with more than a combined total of one hundred (100) horsepower in all motors used.
5. Agricultural service establishments primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farmers or farm-related activities in planting, harvesting, storage, hauling and equipment repair and maintenance.
6. Airports, however, no Use Permit is required to locate an airport in conformity with the Tulare County Airport Master Plan.
7. Airport, agricultural.
8. Animal hospital, clinic and veterinarian office for large animals (i.e. horses, cattle, sheep, etc.) and/or small/domestic animals (i.e. dogs, cats, etc.).
9. Animal sales yards.
10. Asphalt manufacturing and refining.
11. Assemblage of people for educational or entertainment purposes in a building or open area not otherwise approved for assemblage. (NOTE: A use permit for the assemblage of people may include approval of sales of alcoholic beverages under an on-sale license.)
12. Ball park.
13. Biomass fuel manufacturing for commercial or personal use.
14. Borrow pit, however, no Use Permit is required for an operation subject to a surface mining permit or reclamation plan.
15. Brick, tile and terra cotta manufacturing, if proximate to the source of raw material.
16. Campground.
17. Carnival.
18. Cemetery, columbarium, mausoleum, or crematory.

19. Church.
20. Circus.
21. Concrete products manufacturing.
- 21a. Contractor's Storage Yards subject to certain limitations (see Section 15).
22. Cotton gin and oil mill.
23. Dairy, when more than 25 cows are on the property at any time.
24. Establishments for the curing, processing, packaging, packing, storage and shipping of agricultural products.
25. Equestrian establishments such as academies, schools and stables.
26. Expansion, alteration or replacement of non- conforming buildings and uses which were legally established in accordance with all applicable building and zoning regulations and which are now legally nonconforming.
27. Fairgrounds.
- 27a. Family Day Care Home, Large
- 27b. Farmworker housing for ten (10) or more.
28. Feed lot for more than twenty-five (25) animals.
29. Feed mill with more than a combined total of one hundred seventy-five (175) horsepower in all motors used.
30. Fertilizer manufacturing.
31. Fire Station.
32. Flammable liquids stored above ground – see Section 16 requirements.
33. Fish smoking, curing and canning.
34. Golf course.

- 35. Golf driving range.
- 36. Guest ranch and summer camps, provided the site complies with RVLP (Section 16.II.F.)
- 36a. Hazardous Waste Facility, specified.
- 37. Heliport.
- 38. Heliport, agricultural.
- 39. Hospital, sanitarium and nursing home.
- 40. Hunting and fishing clubs and hunting and fishing on a commercial basis for members of the general public, provided the site complies with RVLP (Section 16.II.F.).
- 41. Jails or correctional institutions, however, no use permit is required to locate a jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan.
- 42. Kennels for commercial breeding, boarding, training or other commercial purposes.
- 43. Labor camp, permanent.
- 44. Manufacture of irrigation pipe and accessory equipment and agricultural machinery, equipment, implements and containers, including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers.
- 45. Mining or extraction of metals, minerals, oil, gas, or hydrocarbons, together with necessary buildings, apparatus, and appurtenances incidental thereto; however, no use permit is required for an operation which is subject to a surface mining permit or reclamation plan.
- 46. Mushroom growing.
- 47. Olive processing plants.

48. Petroleum products; manufacturing and wholesale storage, if proximate to the source.
49. Police stations.
50. Potash works; provided, however, no use permit is required for an operation which is subject to a surface mining permit or reclamation plan.
51. Public park or playground.
52. Public works maintenance facilities.
53. Public utility structure.
54. Quarry and stone mill, however, no use permit is required for an operation which is subject to a surface mining permit or reclamation plan.
55. Race track.
56. Radio, microwave and television towers in excess of 75 feet in height or within two miles of an airport or heliport.
57. Raising or slaughter of poultry when more than three (3) birds for each 1,300 square feet in the entire property, or more than a total of 1,000 birds in all, are on the property at any time.
58. Raising or slaughter of rabbits or other similar fur-bearing animals when a total of more than two hundred and forty (240) mature animals are on the property at any time, excluding feed lots with more than 25 animals.
59. Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds when more than two (2) mature animals for each acre in the entire property are on the property, excluding feed lots with more than 25 animals.
60. Recreation center.
61. Recreation vehicle park.
62. (Repealed – Ord. 3131, 10-12-95).
63. Residences or mobilehomes in excess of those allowed under

subsection A (No. 2) for use by persons specified therein.

- 64. Rifle, pistol, shotgun, and archery clubs and ranges.
- 65. Rock crusher and distribution of rock, sand and gravel.
- 66. Rodeo ground or roping arena.
- 67. Sales of agricultural products and feed for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under subsection A (No. 12).
- 68. School, private.
- 69. School, public.
- 70. Sawmill, shingle mill, or box shook mill, provided the site complies with RVLP (Section 16.II.F.).
- 71. Seed cleaning and treating plants.
- 72. Sewage plant and disposal area.
- 73. Slaughterhouse.
- 73a. Solid waste disposal truck facility.
- 74. Solid waste recycling operations.
- 75. Stadium or sports arena.
- 76. Stockyard.
- 77. Temporary buildings and uses not otherwise expressly permitted in the A-1 Zone, for periods of not to exceed two (2) years if located outside of an Urban Improvement Area or Urban Development Boundary, and for periods of not to exceed six (6) months if located within an Urban Improvement Area or Urban Development Boundary.
- 78. Waste and refuse disposal sites, private and public.
- 79. Winery.
- 80. Similar uses when determined in the manner described in

section 15-A-1-b of the Zoning Ordinance.

81. Divisions of land as follows:

- a. Divisions of land resulting in parcels containing less than five (5) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
- b. Divisions of land resulting in parcels containing less than five (5) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.

82. The following R-1 uses are also allowed in the A-1 Zone

- a. One-family dwellings of a permanent character placed in permanent locations and one-family manufactured homes installed on a foundation system.
- b. Private greenhouses and horticultural collections, flower and vegetable gardens, fruit trees.
- c. One (1) unlighted sign not exceeding six (6) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.
- d. Storage of petroleum products for use on the premises.
- e. The keeping of household pets, such as dogs and cats.
- f. Bed and Breakfast Home with one or two guest rooms.
- g. Family Day Care Home, small.

**PROHIBITIONS
OF
SUBDIVISIONS**

- C. No subdivision, as that term is defined in Section 2 of this Ordinance, may be created within this zone. (Added by Ord. No. 1414, effective 12-10-70; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1807, effective 4-3-75; amended by Ord. No. 1990, effective 1-27-77.

DIVISIONS OF LAND

D. All real property, improved or unimproved, which is shown on the latest adopted County tax role as a unit or as contiguous units and which is owned by the same person or persons, shall not be divided after the effective date of this subsection, except in compliance with this subsection. No such land may be divided for any purpose, if any one (1) parcel resulting from the division of land contains less than a five (5) acres; provided, however, that the following transactions are not subject to this restriction.

1. Any conveyance made or required by court decree for intestate or testamentary dispositions of land.
2. Any conveyance to the State of California, any city or county, any political subdivision of the State of California, or any public utility subject to regulation by the State Public Utilities Commission. However, this exception does not apply to conveyances to any of said entities, including the State Department of Veterans Affairs, which are financing transactions.
3. Any conveyance of easements or oil, gas and mineral rights.
4. If a portion of a parcel of property is separated from the main portion of the property by a river, railroad, improved public road or a canal which is regularly used for the conveyance of water and the channel of which is six (6) feet or more in width, said portion of the parcel may be conveyed as a single unit even though it contains less than five (5) acres.
5. If a person desires to convey a portion of his/her property to the owner of property contiguous to the property to be conveyed, he/she may do so even though the parcel being conveyed contains less than five (5) acres. However, the parcel being retained shall contain at least five (5) acres unless the transaction comes within one of the following provisions:
 - a. The conveyance to the contiguous owner is to convey property on which improvements, including growing improvements, owned by the contiguous owner have been constructed or planted in error.
 - b. The conveyance to the contiguous owner is to convey property to provide necessary yard areas as required for the zone in which the property is located.

- c. If there is a residence or mobilehome on the property to be retained by the person making conveyance, he/she may retain the residence or mobilehome on a parcel at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, and convey the remainder of the property to the contiguous owner. Once a parcel has been divided for this purpose, the parcel containing the residence or mobilehome may not be divided again for any purpose.
- 6. (Added by Ord. No. 1414, effective 12-10-70; amended by Ord. No. 1539, effective 1-11-73; repealed by Ord. No. 1990, effective 1-27-77.)
- 7. If a person desires to construct a residence on his/her property for use in compliance with the provisions of the A-1 Zone, one (1) parcel of twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, may be divided for the purpose of financing a residence. Once a person has divided one (1) parcel from his/her property pursuant to this paragraph, he/she may not at any time thereafter cause a second parcel to be divided from the property pursuant to this paragraph. However, if a person who has created one (1) parcel pursuant to this paragraph, conveys part or all of his/her property, his/her successors in interest shall also have the right to create one (1) parcel pursuant to this paragraph if they meet all of the requirements of this paragraph.
- 8. If a person desires to sell his/her property but wishes to retain a parcel of land containing a residence or mobilehome which has been established in accordance with all applicable building and zoning regulations and which has existed on that property for at least three (3) years, one (1) parcel of at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, may be divided for this purpose. However, the provisions of this paragraph shall not be applicable if the lot or parcel being divided contains less than five (5) acres. Once a parcel has been divided for this purpose, the parcel containing the residence or mobilehome may not be divided again for any purpose. (Amended by Ord. No. 2751, effective 2-11-87.)
- 9. If a person decides to sell a residence or mobilehome which

has existed on the property for at least ten (10) years, and retain the balance of the property, a parcel of at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size may be divided for this purpose. If there is more than one such residence or mobilehome on the property, there may be more than one division of land pursuant to this paragraph. However, the provisions of this paragraph shall not be applicable if the lot or parcel being divided contains less than five (5) acres. Once a parcel has been divided for this purpose, the parcel containing the residence or mobilehome may not be divided again for any purpose. (Amended by Ord. No. 2751, effective 2-11-87.)

10. The following transactions do not conform to the aforementioned five (5) acre limitation, but they do have the following special temporary status:
 - a. A person owning two (2) or more contiguous parcels, lots or units shown on a final subdivision or parcel map recorded in the office of the Tulare County Recorder shall have the right to convey, lease or finance one or more of such parcels, lots or units, and to secure permits to develop any of such parcels, lots or units, although the individual parcels, lots or units contain less than the required five (5) acres, unless and until the circumstances stated in subparagraph d below occur.
 - b. A person owning two (2) or more contiguous parcels, lots or units shown on a parcel map, when the recordation of a final parcel map has been waived, or two (2) or more contiguous parcels, lots or units in an approved lot split map under the former County Ordinance establishing lot split procedures, which did not authorize recordation of a final map, shall also have the rights set forth in subparagraph a above, unless and until the circumstances stated in subparagraph d below occur.
 - c. A person owning property who has filed with the Building and Planning Director a tentative subdivision or parcel map which contains parcels, lots or units of a size that conform to the existing zoning, but do not conform to the five (5) acre minimum the A-1 Zone, and said filing is made before the A-1 Zone becomes

applicable to the property being divided, shall have the right to have said map processed after the A-1 Zone becomes effective and shall have the right to convey, lease or finance one or more parcels, lots or units and to secure permits to develop such parcels, lots or units, after the A-1 zoning becomes effective, even though the parcels, lots or units contain less than five (5) acres, unless and until the circumstances stated in subparagraph d below occur.

- d. Under Sections 7-01-2710 - 7-01-2735 (formerly Sections 7121-7121.7) of the Tulare County Ordinance Code, the Board of Supervisors has the power, after a public hearing, to merge existing parcels, lots or units in subdivisions, parcel maps and lot splits. If such merger occurs with regard to property described in subparagraphs a through c above, all of the contiguous parcels, lots or units under a single ownership shall merge and thereafter no parcels, lots or units may be conveyed, leased or financed until a new subdivision or parcel map has been approved when required by State law or the Tulare County Ordinance Code, and no permits for development may be issued except in conformity with the requirements of the A-1 Zone.
- e. Two (2) or more contiguous parcels, lots or units of the type described in subparagraphs a through c above shall not have the special temporary status described in subparagraphs a through c above if: (1) the parcels, lots or units lie outside of the Urban Area Boundary as designated by the General Plan; (2) the parcel, lot or unit to be conveyed, leased or financed is less than five (5) acres or the total property to be retained is less than five (5) acres; (3) the parcel, lot or unit to be conveyed was created prior to February 3, 1959; and (4) the parcels, lots, or units to be conveyed lie west of the eastern boundary of the Foothill Region, as delineated in the Foothill Growth Management Plan, said boundary to include the northern boundary of the Three Rivers Planning Area, as delineated in the Three Rivers Community Plan. Therefore, none of such parcels, lots or units may be conveyed, leased or financed under this Paragraph 10.

11. (Division of gift parcels - Repealed by Ord. No. 2858,

effective 10-20-88)

Notwithstanding the aforementioned restrictions, if the entire property contained less than five (5) acres prior to the effective date of this paragraph, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7-01-2150 to 7-01-2460 (formerly Sections 7100-7110) of the Ordinance Code of Tulare County.

Appendix 2

POLICIES AND PROCEDURES

TULARE COUNTY RESOURCE MANAGEMENT AGENCY

NUMBER	SUBJECT	EFFECTIVE DATE
706.1	Zoning Policy: Uses: F, Foothill Combining Zone	6/23/81
SOURCE: Planning Commission: Resolutions 5662, 5693, 5876 Board of Supervisors: Resolutions 81-1189, 81-1674, 83-53		

PURPOSE/BACKGROUND:

The regulations of the F, Foothill Combining Zone, require that certain classes of uses and activities be determined by resolution, rather than by inclusion in the Zoning Ordinance. This determination is required for recreation uses, commercial uses, light industrial uses, public and quasi-public uses, and public utilities, communications and transportation uses.

Determination of specific use lists by resolution rather than by formal designation in the Zoning Ordinance is a process which has been utilized successfully in other jurisdictions (i.e., San Diego County). This process facilitates and expedites modification and amendments to the use list without having to undergo formal ordinance change procedures. For example, if a discrepancy is discovered within the adopted use list, the matter can quickly be resolved by the Planning Commission at a public hearing by adoption of a resolution. The only step required is final approval by the Board of Supervisors.

It is intended that once adopted, the proposed list of uses and activities will be made a part of the appendix to the Zoning Ordinance for ready reference by persons proposing developments in the F Zone.

It is the purpose of this policy to set forth the determinations of the Planning Commission and Board of Supervisors on the specific types of uses to be permitted within the above described categories, in the F, Foothill Combining Zone.

POLICY:

Uses Requiring Site Plan Review:

Private, low-intensive recreation and accessory facilities which are not available to members of the public on a commercial basis, including but not limited to fishing and hunting clubs, lodges and summer camps (Section 18.7.B.2.e).

The Commission determined that the term "private, low-intensive recreation uses and accessory facilities" shall consist of the following uses and activities:

Private game preserve and hunting clubs, not including hunting for members of the public on a commercial basis.

Private fishing clubs, not including fishing for the general public on a commercial basis.

Private campgrounds not available to members of the public on a commercial basis.

Private lodges, not available to members of the public on a commercial basis.

Private rifle, pistol, shotgun and archery clubs, not available to members of the public on a commercial basis.

These uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A.1.b. of the Zoning Ordinance.

Accessory uses and facilities established in conjunction with private recreation uses which are clearly subordinate and incidental to that of the principal use. Accessory uses and

Appendix 2

POLICIES AND PROCEDURES

TULARE COUNTY RESOURCE MANAGEMENT AGENCY

NUMBER	SUBJECT	EFFECTIVE DATE
706.1	Zoning Policy: Uses: F, Foothill Combining Zone	1/9/98
SOURCE: Planning and Development Director/Assistant Director		

facilities shall be located adjacent to or on the same site of the private recreation use and may include such uses as storage facilities, off-street parking areas and offices (added by Building and Planning Director, effective July 5, 1984).

Special Uses:

Private or commercial recreation uses, businesses and associated facilities located in conformance with the Foothill Growth Management Plan, including but not limited to resorts, overnight lodging facilities, tourist-related eating and drinking establishments, entertainment establishments and various types of outdoor recreation activities. (Section 18.7.B.3.b)

The Commission determined that the term "recreation uses" shall consist of the following uses, businesses and associated facilities. Said uses, businesses and facilities shall be permitted in conformance with the Foothill Growth Management Plan:

Bar or tavern.

Bicycle race track.

Cabaret, nightclub, dancing or entertainment in a bar, cafe or restaurant.

Campground, excluding private summer camps.

Dance hall.

Equestrian establishments such as academies, schools and stables.

Golf course.

Guest ranch.

Hunting and fishing clubs available to members of the public, and hunting and fishing on a commercial basis for members of the public.

Kennels.

Motel.

Public park or playground.

Recreation center.

Recreation vehicle park.

Resort.

Restaurant or cafe.

Rifle, pistol shotgun and archery clubs and ranges except that no permit is required for rifle, pistol, shotgun and archery clubs not available to members of the public and for ranges maintained for private

Appendix 2

POLICIES AND PROCEDURES

TULARE COUNTY RESOURCE MANAGEMENT AGENCY

NUMBER	SUBJECT	EFFECTIVE DATE
706.1	Zoning Policy: Uses: F, Foothill Combining Zone	1/9/98
SOURCE: Planning and Development Director/Assistant Director		

use by residents residing on the property on which the range is located.

Rodeo grounds or roping arenas.

Theater including open-air and drive-in.

Tourist court.

Incidental and accessory structures and uses located on the same site with and necessary for the operation of a permitted recreation use.

Those uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A.1.b. of the Zoning Ordinance.

Small scale retail and service commercial-type uses located proximate to an existing recreation facility, including convenience stores, gift shops, sporting goods sales and rentals, boat storage, service stations, and Laundromats (added by Building and Planning Director, effective 2-17-84).

Home occupations (12/23/96)

Neighborhood commercial centers containing stores, shops and businesses featuring the retail sales of commercial goods and services which are desired to meet the day-to-day needs of local residents, including but not limited to convenience sales and personal services, eating and drinking establishments and food and beverage retail sales. (Section 18.7.B.3.c.)

Ambulance service.

Antique store.

Art gallery and art studio.

Auto service station.

Auto, minor service - repair - replacement.

Auto parts and accessory store.

Auto wash - self-service or automatic.

Bakery or pastry shop.

Bar or tavern.

Beauty shop or barber shop.

Boat sale, rent, minor service.

Appendix 2

POLICIES AND PROCEDURES

TULARE COUNTY RESOURCE MANAGEMENT AGENCY

NUMBER	SUBJECT	EFFECTIVE DATE
706.1	Zoning Policy: Uses: F, Foothill Combining Zone	1/9/98
SOURCE: Planning and Development Director/Assistant Director		

Boat part and accessory store.

Book or record store.

Bus depot.

Butcher and meat market

Cafe or restaurant.

Candy store.

Child care center.

Clothing and apparel store.

Coffee shop.

Delicatessen.

Drive-in cafe.

Drive-in food market or stand.

Drug store, non-prescription drugs and sundries.

Eyeglasses and frames, sales and service.

Fire wood - fuel sales.

Florist.

Frozen food locker.

Furniture store.

Grocery store or supermarket.

Hardware store.

Hay, seed and grain store.

Jewelry store.

Laundromat - self-service.

Liquor store.

Music store, including instrument repair.

Appendix 2

POLICIES AND PROCEDURES

TULARE COUNTY RESOURCE MANAGEMENT AGENCY

NUMBER	SUBJECT	EFFECTIVE DATE
706.1	Zoning Policy: Uses: F, Foothill Combining Zone	1/9/98
SOURCE: Planning and Development Director/Assistant Director		

Office, business or professional.

Office, finance, loan, credit, collection.

Office, bank, savings and loan.

Office, insurance.

Office, real estate.

Office, accountants, bookkeepers.

Office, medical or dental.

Prescription pharmacy.

Recreation facility, indoor.

Recreation facility, outdoor.

Shoe repair shop.

Soda fountain, ice cream parlor.

Tobacco store.

Winery sale facility - tasting room.

Those uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A..1.b. of the Zoning Ordinance.

Buildings and uses of a public or quasi-public character, including but not limited to cemeteries, churches, medical facilities, educational institutions, and government buildings and grounds. (Section 18.7.B.3.e.)

The Commission determined that the term "public and quasi-public" shall consist of the following buildings and uses:

Animal hospital/veterinarian.

Cemetery, columbarium, mausoleum, crematory.

Church.

Fire station.

Hospital, sanitarium and nursing home.

Memorial building, theater, auditorium not including school auditorium.

Appendix 2

POLICIES AND PROCEDURES

TULARE COUNTY RESOURCE MANAGEMENT AGENCY

NUMBER	SUBJECT	EFFECTIVE DATE
706.1	Zoning Policy: Uses: F, Foothill Combining Zone	1/9/98
SOURCE: Planning and Development Director/Assistant Director		

Nursery school.

Police station.

Post office.

Power/energy generation facilities.

Public library.

Public works maintenance facility.

School, public and private.

Sewage treatment plant and disposal area.

Waste and refuse disposal site, public and private.

Water treatment plant.

Those uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A..1.b. of the Zoning Ordinance.

Public utility, communication and transportation uses and facilities, including but not limited to airports, heliports, electrical distribution substations and communication towers. (Section 18.7.B.3.g.)

The Commission determined that the term "public utilities, communication and transportation" shall consist of the following uses and facilities:

Airport.

Airport, agricultural.

Heliport.

Heliport, agricultural.

Public utilities structure.

Radio, microwave and television towers in excess of seventy-five (75) feet in height or within 2 miles of an airport or heliport.

Those uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A..1.b. of the Zoning Ordinance.

Appendix 2

POLICIES AND PROCEDURES

TULARE COUNTY RESOURCE MANAGEMENT AGENCY

NUMBER	SUBJECT	EFFECTIVE DATE
706.1	Zoning Policy: Uses: F, Foothill Combining Zone	1/9/98
SOURCE: Planning and Development Director/Assistant Director		

Any kind of light, non-polluting manufacturing, processing, storage or treatment of products other than those which may be obnoxious or offensive by reason of odor, dust, smoke, gas, noise or other similar causes. (Section 18.7.B.3.d.)

The Commission determined that the above terminology shall include the following uses and activities:

Assembling of typewriters, business machines and similar mechanical equipment.

Assembly of small electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, refrigerators, washing machines, dryers, dishwashers and similar home appliances.

Assembly of small electrical equipment such as home motion picture equipment, phonographs and radio and television receivers, but not including electrical machinery.

Bottling plants.

Compounding and packaging of cosmetics, pharmaceuticals and toiletries, but excluding soap manufacture.

Food processing, packaging and storage, including milk products, fruits, nuts, vegetables, blended foods, candies, non-alcoholic beverages, preserves, bakery goods and frozen foods; but excluding dehydrating of aromatic vegetables and spices; olive processing, vinegar manufacturing by fermentation, pickle manufacturing, sauerkraut manufacturing, livestock feed manufacturing and processing, fertilizer manufacturing, butchering, slaughtering, eviscerating and fat rendering.

Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, cameras and photographic equipment except film, electronic equipment, musical instruments, precision instruments, optical goods, watches and clocks.

Manufacture of ceramic products, such as pottery, figurines and small glazed tile.

Manufacture and assembly of electrical supplies such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly.

Manufacture and assembling of jewelry, watches, clocks, precision instruments, bottles and other glass products which are made from previously prepared materials.

Manufacturing of leather goods, paper products, pens, pencils and artist supplies when such goods, products and supplies are made from previously prepared materials.

Manufacture of cutlery, hardware, hand tools and furniture; metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber and synthetic fiber, fur, glass, hair, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and

Appendix 2

POLICIES AND PROCEDURES

TULARE COUNTY RESOURCE MANAGEMENT AGENCY

NUMBER	SUBJECT	EFFECTIVE DATE
706.1	Zoning Policy: Uses: F, Foothill Combining Zone	1/9/98
SOURCE: Planning and Development Director/Assistant Director		

synthetic rubber, shell, straw, textiles, tobacco and wood.

Manufacturing of containers from previously prepared materials when such process does not include enameling, lacquering, rubber coating or electric plating.

Manufacture and maintenance of electric and neon signs, billboards and commercial advertising structures.

Printing, publishing, bookbinding and paper sales.

Lumber yards, including planing mills; mattress manufacture; storage yards for commercial vehicles.

Wholesale stores and storage warehouses.

Wholesale meat cutting and packing, provided there shall be no slaughtering, fat rendering or smoke curing.

Winery, provided that no grapes other than those grown on the same site may be crushed, not to exceed a total of 100 tons of grapes per year.

Those uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A..1.b. of the Zoning Ordinance.

Rock crushers established and operated in conjunction with a surface mining operation approved pursuant to Sections 7-25-1085 to 7-25-1205 (formerly Sections 7710-7725) of the Zoning Ordinance (added by Building and Planning Director, effective 7/6/84).