

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.