

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.