

---

## **ARTICLE 4. A AGRICULTURAL DISTRICTS**

### **Sec. 401. Purposes and objectives.**

The purpose of the A Districts is to preserve land best suited for agriculture from the encroachment of incompatible uses in order that commercial agricultural operations may continue in a manner customary in the agricultural industry. Agricultural operations shall mean and include, but not be limited to, the cultivation and tillage of the soil during the production, irrigation and frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture, the raising of livestock, fur bearing animals, fish or poultry, and any commercial agricultural practice performed incident to or in conjunction with such operations including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

The A Districts are also intended to prevent the intrusion of urban development into agricultural areas in such a manner as to make agricultural production uneconomical or impractical, to preserve in agricultural use land suited to eventual development in other uses until such time as streets, utilities and other community facilities may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to non-agricultural use; to provide appropriate areas for certain predominantly open uses of land which are not injurious to agricultural uses but which may not be harmonious with urban uses; to provide appropriate locations for certain types of establishments primarily serving agricultural producers; to permit the application of regulations to major agricultural areas of the county which will reflect basic physical differences and attractions among such areas.

(Ord. No. 269.40, § 1, 10-4-94; Ord. No. 269.64, § 1, 10-16-07)

### **Sec. 401.1 Agriculture protection policy.**

It is the declared policy of the County of Kings to support and recognize the agricultural industry as an important and major part of the County's economy by the adoption of this ordinance and policies. It is the further purpose of the County to promote good neighbor policies between agricultural and non-agricultural property owners by insuring that non-agricultural uses in agricultural zones be limited as much as possible, and that non-agricultural uses and non-agricultural residents in agricultural zones be aware that their non-agricultural activities are subservient to permitted agricultural pursuits and that the undertaking of normal, customary, and legal agricultural activities and operations may result in inconveniences to them due to their location in areas of commercial agricultural activities and operations.

(Ord. No. 269.64, § 1, 10-16-07)

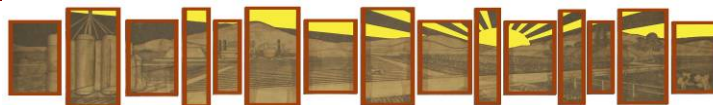
### **Sec. 402. AG-20 General Agricultural-20 District.**

#### **A. Application:**

This district is intended primarily for application to rural areas of the county which are generally characterized by extensive or intensive agricultural uses of land north of Kansas Avenue where farm sizes have historically been smaller than in other areas of the county. These areas should be reserved for commercial agricultural uses because of their high quality soil, existing or potential irrigation works, exclusive agricultural character of the area, or the need to reserve areas for intensive agricultural uses, which by their nature may be incompatible with non-agricultural or quasi-agricultural uses.

#### **B. Permitted uses:**

1. Agricultural operations including hydroponics; livestock grazing; the raising of field crops, fruit and nut trees, vines, vegetables, horticultural specialties, and timber; fish farming; poultry raising or keeping, not to exceed five hundred (500) chickens and fifty (50) turkeys; raising of other small animals, including birds, mammals, and



## AG-20 General Agricultural-20 District

reptiles for non-commercial purposes, not exceeding fifty (50) animals and their immature offspring; livestock keeping and raising, provided that the total number of animals shall not exceed two (2) animal units and their immature offspring, as defined in Article 25 of this Ordinance, for each acre of site devoted to their care, and further provided that the total number of animal units shall not exceed twenty-five (25) animal units and their immature offspring regardless of the size of the site. Such livestock keeping and raising operations are intended as supplemental income operations or hobbies of the occupant of the site.

2. One one-family dwelling, including a mobile home or manufactured home on a temporary or permanent foundation, per legal parcel.
3. Incidental and accessory structures and uses located on the same site with a permitted use including farm offices, barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos, basic animal shade structures and other farm outbuildings that have been declared agriculturally exempt projects by Chapter 5 of the *Kings County Code of Ordinances*; private garages, carports, and patio covers; one guest house or accessory living quarters, without a kitchen, for each residence on the site; storehouses, storage sheds, garden structures, greenhouses, recreation rooms, private swimming pools and private tennis courts for the use of persons residing on the site and their guests; hobby shops; and storage of petroleum products for the use of persons residing on the site, but not for resale or distribution.
4. The harvesting, curing, processing, packaging, packing and shipping of agricultural products produced upon the premises, or where such activity is carried on in conjunction with or as part of a bona fide agricultural operation.
5. Gas and oil wells.
6. Signs, subject to the provisions of Article 16, Section 1606.C.1.
7. Irrigation, flood control and drainage facilities, percolation basins, groundwater recharge wells and evaporation ponds.
8. Non-commercial kennels for the keeping of dogs and/or cats belonging to those living on the site; animal rescue shelters.
9. Roadside field retail stands located at or near the point of production for the sale of California agricultural products grown or produced by the producer.
10. Apiaries and aviaries.
11. Public utility and public service structures including electric transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and reservoirs.
12. Land excavation that does not qualify as a surface mining operation where the land is immediately leveled for farming purposes and the new grade of the site is less than one (1) foot lower than the original grade.
13. Minor home occupations, in accord with regulations prescribed in Article 16, Section 1601, subsection D.
14. Small family day care homes for eight (8) or fewer children.
15. Community care facilities, supportive housing for the target population, and transitional housing which serve six (6) or fewer persons as allowed by the Health and Safety Code.
16. Non-commercial, personal use solar electrical generation equipment with a design capacity to serve the electrical needs of only that site or use.
17. Collocation of antennas and related equipment on existing towers, poles, structures or wireless telecommunications collocation facilities.

### C. Permitted uses; site plan review:

The following uses may be permitted in accordance with the provisions of Article 21:

1. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis including the following uses, and closely related uses: Cotton gins; contract sorting, grading, shelling, and packing of fruits, nuts, and vegetables for the grower provided, however, that the processing of fruits, nuts, and vegetables shall not be included; seed storage; horticultural services such as plant nurseries including nurseries with commercial sales of other related items; landscape gardening and landscape contracting; establishments engaged in performing services such as produce picking, seed cleaning; farm equipment service and repair; offices of veterinarians and animal hospitals; poultry and fish hatcheries; boarding and



## AG-20 General Agricultural-20 District

- training of horses; commercial hunting and trapping and the operation of game preservations; agricultural trucking operations.
2. Open recreation facilities on non-Williamson Act contracted land including the following and similar uses but not including enclosed uses such as a bowling alley or the uses listed in paragraph D.2. of this section:
    - a. Private shooting and archery ranges;
    - b. Guest ranches not exceeding thirty (30) guests;
    - c. Outdoor festivals (not over 4 days in any one calendar year on any one site);
    - d. Carnivals (not over 4 days in any one calendar year on any one site);
    - e. Circuses (not over 4 days in any one calendar year on any one site).
  3. Incidental and accessory structures and uses located on the same site as a permitted use requiring site plan review or conditional use. (Basic animal shade structures constructed within existing corrals on dairies and confined animal feeding facilities which are declared to be agriculturally exempt projects pursuant to Chapter 5 of the *Kings County Code of Ordinances* are permitted uses).
  4. Mobile home or manufactured home, on a parcel which already has a dwelling, to be used as:
    - a. Farm employee housing incidental to a permitted or conditional use;
    - b. One temporary second dwelling unit per site occupied by immediate family members who are 62 years of age or older; or
    - c. One temporary second dwelling unit used to care for infirm parent, grandparent, child, grandchild, or sibling of any age for a maximum period of time necessary to care for the infirm person at which time the mobile home shall be removed and no other person or persons shall occupy it. A recreational vehicle may be used to temporarily care for an infirm parent, grandparent, child, grandchild, or sibling for a maximum period of sixty (60) days, or the condition requiring the care no longer exists, whichever is the shorter period of time.
  - 4.1 Mobile home or manufactured home storage on private property incidental to a permitted or conditional use, in accordance with the regulation prescribed in Article 21, Section 2102.C.16.
  5. Land excavation in connection with earth borrow pit operations where:
    - a. The depth of excavation will not exceed two and one-half (2½) feet, or one (1) foot within one mile of the Kings River; and
    - b. The amount of excavated material removed from the site will be less than 1,000 cubic yards; and
    - c. The land is immediately releveled for farming purposes.
  6. Reserved.
  7. Farm employee housing not exceeding five (5) dwelling units on a single parcel.
  8. Rural home occupations.
  9. Small aircraft private landing strips for non-commercial or non-crop dusting purposes which serve one farm house or one farming operation.
  10. Hazardous waste treatment equipment which is added to an existing use at the same site.
  11. Large family day care homes for nine (9) to fourteen (14) children. (Note: Not less than 10 days prior to the date on which the decision will be made on the application, the zoning administrator shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed large family day care home.)
  12. Land divisions less than the minimum parcel size required by the zone district regulations, for the following purposes:
    - a. Transfer of title between spouses, parents and children, grandparents and grandchildren, or between siblings, subject to the following requirements:
      - (1) The site requirements of Sections 402.F.2.
      - (2) Section 2102.C.10.
      - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
    - b. Retention of a farm home and the area immediately around it, subject to the following requirements:
      - (1) The site requirements of Sections 402.F.2.
      - (2) Section 2102.C.11.
      - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.



## AG-20 General Agricultural-20 District

- c. Financing farm home or agriculturally related project construction on the site, subject to the following requirements:
    - (1) The site requirements of Sections 402.F.2.
    - (2) Section 2102.C.12.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
  - d. Sale, lease or financing of an agricultural service establishment legally established and continuously operated as a legal agricultural service establishment, subject to the following requirements:
    - (1) The site requirements of section 402.F.2.
    - (2) Section 2102.C.13.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
13. The installation of cogeneration equipment, with a capacity of 50 megawatts or less at existing facilities, which comply with all local, regional, State, and Federal regulations.
14. The installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:
- a. The capacity of the generating facilities is 5 megawatts or less,
  - b. Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
    - (1) Rate and volume of flow,
    - (2) Temperature,
    - (3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and
    - (4) Timing of release.
  - c. New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right-of-way and will not be located adjacent to a wild or scenic river.
  - d. Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment.
  - e. There will be no significant upstream or downstream passage of fish affected by the project.
  - f. The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure.
  - g. The project will not cause violations of applicable state or federal water quality standards.
  - h. The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places, and
  - i. Construction will not occur in the vicinity of any endangered, rare, or threatened species.
15. New bovine stock feed yards and expansions of existing bovine stock feeding yards, including dairy calf and heifer raising facilities; new bovine dairies and expansions of existing bovine dairies, including incidental dairy calf and heifer raising facilities. Expansions include, but are not limited to, additions of farmland associated with the manure management of dairy operations, increases in herd size including dairy calf and heifer raising facilities, changes to the dairy facility, including additional corrals, feed and manure storage areas, lagoons, barns and other structures, etc., which qualify under the *Dairy Element* of the *Kings County General Plan*; goat dairies.
16. Roadside field retail stands that do not front on a State Highway and are 400 square feet in area or less, for the sale of California agricultural products which are not grown at or near the location of the roadside field retail stand subject to the requirements of the *Food and Agricultural Code*.
17. Commercial open air wedding ceremony businesses that do not make any physical change to the environment.
18. Small wind energy systems on parcels one (1) acre or more in size with a rated capacity of not more than 50 kilowatts per customer site, used primarily to reduce onsite consumption of utility power, subject to the requirements of Sections 65893-65899 of the Government Code and Section 25744 of the Public Resources Code.

### D. Conditional uses; planning commission approval:

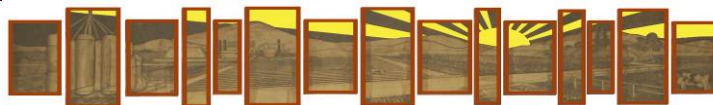
The following conditional uses may be permitted in accordance with the provisions of Article 19:

- 1. Fertilizer plants and yards; organic waste composting; and bulk storage of petroleum products; for distribution, or direct sales, to agricultural consumers.



## AG-20 General Agricultural-20 District

2. Racetracks or strips used for the racing of vehicles or animals; golf courses and golf driving ranges; commercial stables and riding academies, public shooting and archery ranges, gun clubs, guest ranches with a guest capacity of more than thirty (30) guests and guest ranches of any capacity on Williamson Act contracted land, parks.
3. Public and quasi-public uses of an educational type including preschools, elementary schools, junior high schools, high schools, and colleges.
4. Community facilities and institutions including churches, monasteries, convents and other religious institutions; philanthropic and charitable institutions; health facilities; private, non-commercial clubs and lodges; day care uses exceeding fourteen (14) individuals; community care facilities, supportive housing for the target population, and transitional housing which serve seven (7) or more persons as allowed by the Health and Safety Code.
5. Public uses of an administrative, public service or cultural type including police and fire stations, libraries, and other buildings, structures, and facilities.
6. Penal institutions.
7. Sewage treatment plants; solid and municipal waste landfills; solid and municipal waste transfer and processing stations, and material recovery (recycling) facilities; gravel plants and asphalt or concrete batch plants.
8. New, or major expansions to, animal sales and non-dairy stock feeding yards, poultry raising or keeping, exceeding five hundred (500) chickens and fifty (50) turkeys; and raising of other small animals, including birds, mammals, and reptiles, commercially for food, feathers, fur, skins, etc., exceeding fifty (50) animals and their immature offspring; new bovine dairies and expansions of existing bovine dairies which do not qualify under the *Dairy Element* of the *Kings County General Plan* for the issuance of a site plan review without additional mitigation of potential impacts.
9. Airports and heliports, including crop-dusting strips and accessory structures intended for commercial agricultural uses.
10. Grocery stores, service stations and restaurants for convenience of rural areas not closer than five (5) miles to a similar use, a city, or the communities of Armona, Kettleman City, or Stratford.
11. Radio and television broadcasting studios and accessory structures; radio, television, cellular telephone, and microwave relays and transmission towers; commercial satellite communications receiving dishes.
12. Guest houses or accessory living quarters, in excess of one per residence on the site.
13. Hazardous waste management facilities, including transfer, storage, treatment, and disposal facilities, or combinations thereof. (see section 1908.E. for additional requirements).
14. Commercial kennels.
15. Farm employee housing in excess of five (5) dwelling units on a single parcel (excluding any house on the site occupied by the owner); farm labor housing.
16. Surface mining operations pursuant to the State Surface Mining and Reclamation Act.
- 16.1. Borrow pit operations, if any of the following conditions exist:
  - a. The depth of excavation will exceed two and one-half (2½) feet, or one (1) foot within one mile of the Kings River; or
  - b. The amount of excavated material removed from the site will be one thousand (1,000) cubic yards or more; or
  - c. The land is not reveled for farming purposes.
17. Cemeteries.
18. Slaughterhouses and associated processing facilities; wineries; canneries; other agricultural produce processing facilities, including processing plants for food, feed, fiber, and fertilizer but excluding the processing for fuel which convert raw agricultural produce that is grown or raised on farmland to a ready-for-market condition by canning, bottling, cooking, mixing, combining, cutting, crushing, packing, packaging, or some other form of processing, excluding the processing for fuel; agricultural produce shipping facilities.
19. Thermal power generating facilities that commercially produce power for sale, which comply with all local, regional, State, and Federal regulations.
20. The installation of cogeneration facilities which do not meet the requirements set forth in subparagraph 402 C.13 above that commercially produce power for sale and which comply with all local, regional, State, and Federal regulations.
21. Wind and solar photovoltaic electrical generating facilities that commercially produce power for sale, which comply with all local, regional, State, and Federal regulations.



## AG-20 General Agricultural-20 District

22. The installation of hydroelectric generating facilities which do not meet the requirements set forth in subparagraph 402 C.14 above that commercially produce power for sale and which comply with all local, regional, State, and Federal regulations.
23. Roadside field retail stands that front on a State Highway and are 400 square feet in area or less, for the sale of California agricultural products which are not grown at or near the location of the roadside field retail stand subject to the requirements of the *Food and Agricultural Code*.
24. Wedding chapels, located on land that is not under California Land Conservation (Williamson) Act of 1965 contract(s).
25. Individual agricultural specialty stores.
26. Adaptive reuse of existing agricultural structures for small scale agricultural related manufacturing.

### E. Reserved.

### F. Site area:

1. The minimum site area shall be nominally twenty (20) acres and its minimum width shall be three hundred thirty (330) feet, or the equivalent fractional part of a section.
2. In the case of a division of land pursuant to Section 402.C.12, a site of not less than one (1) acre may be allowed pursuant to the provisions of Section 2102.C.10, 11, 12., and 13., of Article 21.
3. Sites of not less than one acre may be allowed for those uses listed in section 402.B.7. and B. 11. pursuant to the provisions of Section 1904 of Article 19.
4. Sites smaller than twenty (20) acres, but not less than one acre, may be allowed for uses listed in Section 402.D. provided that the site area is specifically approved as a condition of granting a conditional use permit pursuant to the provisions of Section 1904 of Article 19. Each such site shall have a minimum width of one hundred twenty-five (125) feet.
- 4.1 Sites smaller than twenty (20) acres, but not less than one acre, may be allowed for uses listed in Section 402.C.13, 14, and 15. provided that the site is specifically approved as a condition of granting a site plan review pursuant to the provision of Section 2102. Each such site shall have a minimum width of one hundred twenty-five (125) feet.
5. Any division of land which is restricted by California Land Conservation (Williamson) Act of 1965 contract(s) must comply with the minimum parcel sizes required by the Act regardless of parcel size exceptions in this Ordinance.

(Ord. No. 269.1, § 1, 6-21-66; Ord. No. 269.2, § 1, 4-4-67; Ord. No. 269.3, § 1, 5-6-69; Ord. No. 269.4, §§ 2 through 4, 6-3-70; Ord. No. 269.5, § 1, 7-7-70; Ord. No. 269.18, § 3, 9-5-78; Ord. No. 269.20, § 1, 7-3-79; Ord. No. 269.33, § 3, 9-21-82; Ord. No. 269.38, §§ 1 and 2, 9-25-90; Ord. No. 269.39, § 1, 10-1-91; Ord. No. 269.40, § 1, 10-4-94, Ord. No. 269.42, §§ 1 and 2, 5-7-96; Ord. No. 269.43, §§ 1, 2, 3 and 4, 1-21-97; Ord. No. 269.44, §§ 1 and 2, 7-29-97; Ord. No. 269.48, §§ 1 and 3, 10-5-99; Ord. No. 269.49, §§ 1 and 3, 12-7-99; Ord. No. 269.51, §§ 1, 9, 10 and 11, 7-25-00; Ord. No. 269.53, §§ 1 and 2, 6-20-01; Ord. No. 269.54, §§ 1 and 2, 7-30-02; Ord. No. 269.56, §§ 2 through 10, 9-10-03; Ord. No. 269.57, §§ 1 and 2, 10-21-03; Ord. No. 269.58, §§ 1 and 2, 1-27-04; Ord. No. 269.59, § 1, 11-9-04; Ord. No. 269.60, § 1, 1-11-05; Ord. No. 269.62, §§ 1 and 2, 10-25-05; Ord. No. 269.63, §§ 1 through 4, 4-25-06; Ord. No. 269.65, §§ 2 through 5, 10-28-08; Ord. No. 269.66, §§ 6, 7 and 8, 3-2-10; Ord. No. 269.67, §§ 2, 3 and 4 10-28-10)



## Sec. 403. AX Exclusive Agricultural District.

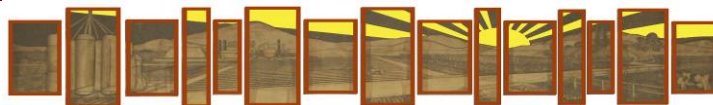
### A. Application:

This district is intended primarily for application to those rural areas of the county where it is necessary and desirable to reserve for exclusive agricultural use appropriately located areas suitable for the raising of crops or small concentrations of livestock because of high quality of soils, scenic characteristics, existing or potential irrigation works or exclusive agricultural character of the area.

It is to be applied around the Naval Air Station to reduce potential conflicts, concerning noise and safety due to the operation of military jet aircraft, by reducing the potential number of parcels where residences can be built, and to preserve lands best suited for agricultural uses from encroachment by incompatible uses.

### B. Permitted uses:

1. Agricultural operations including hydroponics, livestock grazing, the raising of field crops, fruit and nut trees, vines, vegetables, horticultural specialties, and timber; fish farming poultry raising or keeping, not to exceed five hundred (500) chickens and fifty (50) turkeys; raising other small animals, including birds, mammals, and reptiles for non-commercial purposes, not exceeding fifty (50) animals and their immature offspring; livestock keeping and raising, provided that the total number of animals shall not exceed two (2) animal units and their immature offspring, as defined in Article 25 of this Ordinance, for each acre of site devoted to their care, and further provided that the total number of animal units shall not exceed twenty-five (25) animal units and their immature offspring regardless of the size of the site. Such livestock keeping and raising operations are intended as supplemental income operations or hobbies of the occupant of the site.
2. One one-family dwelling, including a mobile home or manufactured home on a temporary or permanent foundation, per legal parcel.
3. Incidental and accessory structures and uses located on the same site with a permitted use including farm offices; barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos, basic animal shade structures and other farm outbuildings that have been declared agriculturally exempt projects by Chapter 5 of the *Kings County Code of Ordinances*; private garages, carports, and patio covers; one guest house or accessory living quarters, without a kitchen, for each residence on the site; storehouses, storage sheds, garden structures, greenhouses, recreation rooms, private swimming pools and private tennis courts for the use of the persons residing on the site and their guests, and hobby shops; storage of petroleum products for the use of persons residing on the site.
4. The harvesting, curing, processing, packaging, packing and shipping of agricultural products produced upon the premises, or where such activity is carried on in conjunction with or as part of a bona fide agricultural operation.
5. Signs, subject to the provisions of Article 16, Section 1606.C.1.
6. Irrigation, flood control and drainage facilities, percolation basins, groundwater recharge wells and evaporation ponds.
7. Non commercial kennels for the keeping of dogs and/or cats belonging to those living on the site; animal rescue shelters.
8. Roadside field retail stands located at or near the point of production for the sale of California agricultural products grown or produced by the producer.
9. Apiaries and aviaries.
10. Public utility and public service structures including electric transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and reservoirs.
11. Gas and oil wells.
12. Land excavation that does not qualify as a surface mining operation where the land is immediately releveled for farming purposes and the new grade of the site is less than one (1) foot lower than the original grade.
13. Minor home occupations, in accord with regulations prescribed in Article 16, Section 1601, subsection D.
14. Non-commercial, personal use solar electrical generation equipment with a design capacity to serve the electrical needs of only that site or use.
15. Collocation of antennas and related equipment on existing towers, poles, structures or wireless telecommunications collocation facilities.



## AX Exclusive Agricultural District

### C. Permitted uses; site plan review:

The following uses may be permitted in accordance with the provisions of Article 21:

1. Incidental and accessory structures and uses located on the same site as a permitted use requiring site plan review, or conditional use. (Basic animal shade structures constructed within existing corrals on dairies and confined animal feeding facilities which are declared to be agriculturally exempt projects pursuant to Chapter 5 of the *Kings County Code of Ordinances* are permitted uses.)
2. Farm employee housing not exceeding five (5) dwelling units on a single parcel (excluding any house on the site occupied by the owner).
3. Mobile home or manufactured home, on a parcel which already has a dwelling, to be used as:
  - a. Farm employee housing incidental to a permitted or conditional use;
  - b. One temporary second dwelling unit per site occupied by immediate family members who are 62 years of age or older; or
  - c. One temporary second dwelling unit used to care for infirm parent, grandparent, child, grandchild, or sibling of any age for a maximum period of time necessary to care for the infirm person at which time the mobile home shall be removed and no other person or persons shall occupy it. A recreational vehicle may be used to temporarily care for an infirm parent, grandparent, child, grandchild, or sibling for a maximum period of sixty (60) days, or the condition requiring the care no longer exists, whichever is the shorter period of time.
- 3.1 Mobile home or manufactured home storage on private property incidental to a permitted or conditional use, in accordance with the regulation prescribed in Article 21, Section 2102.C.16.
4. Land excavation in connection with earth borrow pit operations where:
  - a. The depth of excavation will not exceed two and one-half (2½) feet, or one (1) foot within one (1) mile of the Kings River; and
  - b. The amount of excavated material removed from the site will be less than 1,000 cubic yards; and
  - c. The land is immediately releveled for farming purposes.
5. Rural home occupations.
6. Hazardous waste treatment equipment which is added to an existing use at the same site.
7. Land divisions less than the minimum parcel size required by the zone district regulations, for the following purposes:
  - a. Transfer of title between spouses, parents and children, grandparents and grandchildren, or between siblings, subject to the following requirements:
    - (1) The site requirements of Sections 403.F.2.
    - (2) Section 2102.C.10.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
  - b. Retention of a farm home and the area immediately around it, subject to the following requirements:
    - (1) The site requirements of Sections 403.F.2.
    - (2) Section 2102.C.11.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
  - c. Financing of a farm home or agriculturally-related project construction on the site, subject to the following requirements:
    - (1) The site requirements of Sections 403.F.2.
    - (2) Section 2102.C.12.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
8. The installation of cogeneration equipment, with a capacity of 50 megawatts or less at existing facilities, which comply with all local, regional, State, and Federal regulations.
9. The installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:
  - a. The capacity of the generating facilities is 5 megawatts or less,
  - b. Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
    - (1) Rate and volume of flow,
    - (2) Temperature,



## AX Exclusive Agricultural District

- (3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and
  - (4) Timing of release.
  - c. New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right-of-way and will not be located adjacent to a wild or scenic river.
  - d. Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment.
  - e. There will be no significant upstream or downstream passage of fish affected by the project.
  - f. The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure.
  - g. The project will not cause violations of applicable state or federal water quality standards.
  - h. The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places, and construction will not occur in the vicinity of any endangered, rare, or threatened species.
10. Expansions of existing bovine dairy herd sizes, including incidental dairy calf and heifer raising facilities; and changes to the dairy facility including additions of farmland associated with the manure management of dairy operations, additional corrals, feed and manure storage areas, lagoons, barns and other structures, etc., which qualify under the *Dairy Element* of the *Kings County General Plan*.
  11. Roadside field retail stands that do not front on a State Highway and are 400 square feet in area or less, for the sale of California agricultural products which are not grown at or near the location of the roadside field retail stand subject to the requirements of the *Food and Agricultural Code*.
  12. Commercial open air wedding ceremony businesses that do not make any physical change to the environment.
  13. Agricultural service establishments primarily engaged in performing agricultural or animal husbandry services on a fee or contract basis including the following uses, and closely related uses: Contract sorting, grading, shelling, and packing of fruits, nuts, and vegetables for the grower provided, however, that processing of fruits, nuts, and vegetables shall not be included; seed storage; establishments engaged in performing services such as produce picking and seed cleaning; farm equipment service and repair; agricultural trucking operations.
  14. Small wind energy systems on parcels one (1) acre or more in size with a rated capacity of not more than 50 kilowatts per customer site, used primarily to reduce onsite consumption of utility power, subject to the requirements of Sections 65893-65899 of the Government Code and Section 25744 of the Public Resources Code.

### D. Conditional uses; planning commission approval:

The following conditional uses may be permitted in accordance with the provisions of Article 19:

1. Fertilizer plants and yards; organic waste composting; and bulk storage of petroleum products; for distribution, or direct sales, to agricultural consumers.
2. Public and quasi-public uses of an educational type including preschools, elementary schools, junior high schools, high schools, and colleges.
3. Community facilities and institutions including churches, monasteries, convents and other religious institutions; public and private philanthropic and charitable institutions.
4. Farm equipment service and repair; offices of veterinarians and animal hospitals; commercial hunting and trapping and the operation of game preservations.
5. Open recreation facilities including golf courses, archery ranges, riding academies, parks, gun clubs, but not including enclosed uses such as a bowling alley or the uses listed in section 402.D.2. of this article.
6. Airports, private aircraft landing strips and heliports, including crop-dusting strips with specific clearance from the Department of the Navy and Naval Air Station, Lemoore.
7. Libraries, police and fire stations.
8. Publicly owned sewage treatment plants; solid and municipal waste landfills, and solid waste transfer and processing stations; material recovery (recycling) facilities.



## AX Exclusive Agricultural District

9. Surface mining operations pursuant to the State Surface Mining and Reclamation Act.
- 9.5. Borrow pit operations, if any of the following conditions exist:
  - a. The depth of excavation will exceed two and one-half (2½) feet, or one (1) foot within one (1) mile of the Kings River; or
  - b. The amount of excavated material removed from the site will be one thousand (1,000) cubic yards or more; or
  - c. The land is not immediately releveled for farming purposes.
10. Cemeteries.
11. Thermal power generating facilities that commercially produce power for sale, which comply with all local, regional, State, and Federal regulations.
12. The installation of cogeneration facilities which do not meet the requirements set forth in subparagraph 403 C.8 above that commercially produce power for sale and which comply with all local, regional, State, and Federal regulations.
13. Wind and solar photovoltaic electrical generating facilities that commercially produce power for sale, which comply with all local, regional, State, and Federal regulations.
14. The installation of hydroelectric generating facilities which do not meet the requirements set forth in subparagraph 403 C.9 above that commercially produce power for sale and which comply with all local, regional, State, and Federal regulations.
15. Expansions of bovine dairies that have been in operation since 1993, including incidental dairy calf and heifer raising facilities. Expansions include, but are not limited to, additions of farmland associated with the manure management of dairy operations, increases in herd size including dairy calf and heifer raising facilities, changes to the dairy facility, including additional corrals, feed and manure storage areas, lagoons, barns and other structures, etc., which do not qualify under the *Dairy Element* of the *Kings County General Plan*.
16. Farm employee housing in excess of five (5) dwelling units on a single parcel (excluding any house on the site occupied by the owner); farm labor housing.
17. Roadside field retail stands that front on a State Highway and are 400 square feet in area or less, for the sale of California agricultural products which are not grown at or near the location of the roadside field retail stand subject to the requirements of the *Food and Agricultural Code*.
18. Commercial kennels.
19. Individual agricultural specialty stores.
20. Adaptive reuse of existing agricultural structures for small scale agricultural related manufacturing.

### E. Reserved.

### F. Site area:

1. The minimum site area shall be nominally forty (40) acres and its minimum width shall be six hundred sixty (660) feet, or the equivalent fractional part of a section.
2. In the case of a division of land pursuant to Section 403.C.7, a site of not less than one (1) acre may be allowed pursuant to the provisions of Section 2102.C.10, 11, and 12, of Article 21.
3. Sites of not less than one acre may be allowed for those uses listed in section 403.B.6. and B.10. pursuant to the provisions of Section 1904 of Article 19.
4. Sites smaller than forty (40) acres, but not less than one acre, may be allowed for uses listed in Section 403.D. provided that the site is specifically approved as a condition of granting a conditional use permit pursuant to the provisions of Section 1904. Each such site shall have a minimum width of one hundred twenty-five (125) feet.
- 4.1 Sites smaller than forty (40) acres, but not less than one acre, may be allowed for uses listed in Section 403.C.8, 9, and 10, provided that the site is specifically approved as a condition of granting a site plan review pursuant to the provisions of Section 2102. Each such site shall have a minimum width of one hundred twenty-five (125) feet.
5. Any division of land which is restricted by California Land Conservation (Williamson) Act of 1965 contract(s) must comply with the minimum parcel sizes required by the Act regardless of parcel size exceptions in this Ordinance.

(Ord. No. 269.1, § 2, 6-21-66; Ord. No. 269.2, § 2, 4-4-67; Ord. No. 269.3, § 2, 5-6-69; Ord. No. 269.4, §§ 5 through 8, 6-3-70; Ord. No. 269.18, § 4, 9-5-78; Ord. No. 269.20, § 2, 7-3-79; Ord. No. 269.33, § 4, 9-21-82; Ord. No. 269.38, § 3, 9-25-90; Ord. No. 269.40, § 1, 10-4-94; Ord. No. 269.43, §§ 5, 6 and 7, 1-21-97; Ord. No. 269.44, §§ 3 and 4, 7-29-97; Ord. No. 269.45, § 1, 6-23-98; Ord. No. 269.49, §§ 1



and 3, 12-7-99; Ord. No. 269.51, §§ 2 and 12, 7-25-00; Ord. No. 269.53, §§ 3 and 4, 6-20-01; Ord. No. 269.54, §§ 3 and 4, 7-30-02; Ord. No. 269.56, §§ 11 through 19, 9-10-03; Ord. No. 269.58, § 3, 1-27-04; Ord. No. 269.60, §§ 2 & 3, 1-11-05; Ord. No. 269.62, §§ 3, 4, and 5, 10-25-05; Ord. No. 269.63, § 5, 4-25-06; Ord. No. 269.65, §§ 6 through 9, 10-28-08; Ord. No. 269.66, §§ 9, 10 and 11, 3-2-2010; Ord. No. 269.67, §§ 5, 6 and 7, 10-28-10)

## **Sec. 404. AL-10 Limited Agricultural-10 District.**

### **A. Application:**

This district is intended primarily for application in rural areas of the county around its various cities and communities as a buffer between the more intensive agricultural uses, such as animal concentrations of the General Agricultural district and urban uses. These areas are generally conducive to agricultural operations and compatible with non-agricultural uses.

### **B. Permitted uses:**

1. Agricultural operations including hydroponics, the raising of field crops, fruit and nut trees, Christmas trees, vines, vegetables, horticultural specialties, and timber; fish farming; poultry raising or keeping, not to exceed five hundred (500) chickens and fifty (50) turkeys; aviaries; raising other small animals, including birds, mammals, and reptiles for non-commercial purposes, not exceeding fifty (50) animals and their immature offspring.
2. One one-family dwelling, including a mobile home or manufactured home on a temporary or permanent foundation, per legal parcel.
3. Incidental and accessory structures and uses located on the same site with a permitted use including farm offices, barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos, basic animal shade structures and other farm outbuildings that have been declared agriculturally exempt projects by Chapter 5 of the *Kings County Code of Ordinances*; private garages carports, and patio covers; one guest house or accessory living quarters, without a kitchen, for each residence on the site; storehouses, storage sheds, garden structures, greenhouses, recreation rooms, private swimming pools and tennis courts for the use of the persons residing on the site and their guests, and hobby shops; storage of petroleum products for the use of persons residing on the site, but not for resale or distribution.
4. The harvesting, curing, processing, packaging, packing and shipping of agricultural products produced upon the premises, or where such activity is carried on in conjunction with or as part of a bona fide agricultural operation.
5. Non-commercial kennels for the keeping of dogs and/or cats belonging to those living on the site; animal rescue shelters.
6. Irrigation, flood control and drainage facilities, percolation basins, groundwater recharge wells and evaporation ponds.
7. Roadside field retail stands located at or near the point of production for the sale of California agricultural products grown or produced by the producer.
8. Public utility and public service structures including electric transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and reservoirs.
9. Signs, subject to the provisions of Article 16, Section 1606.C.1.
10. Animal keeping and raising, provided that the total number of animals shall not exceed two (2) animal units and their immature offspring, as defined in Article 25 of this Ordinance, for each acre of site devoted to their care, and further provided that the total number of animal units shall not exceed twenty-five (25) animal units and their immature offspring.
11. Land excavation that does not qualify as a surface mining operation where the land is immediately re-leveled for farming purposes and the new grade of the site is less than one (1) foot lower than the original grade.
12. Minor home occupations, in accordance with regulations prescribed in Article 16, Section 1601, subsection D.
13. Small family day care homes for eight (8) or fewer children.
14. Community care facilities, supportive housing for the target population, and transitional housing which serve six (6) or fewer persons as allowed by the Health and Safety Code.

## **AL-10 Limited Agricultural-10 District**



15. Non-commercial, personal use solar electrical generation equipment with a design capacity to serve the electrical needs of only that site or use.
16. Collocation of antennas and related equipment on existing towers, poles, structures or wireless telecommunications collocation facilities.

**C. Permitted uses; site plan review:**

The following uses may be permitted in accordance with the provisions of Article 21:

1. Agricultural service establishments, subject to the following requirements:
  - a. New agricultural service establishments shall be located within existing or temporary structures. New agricultural service establishments that involve the construction of new structures shall be prohibited.
  - b. Agricultural service establishments shall be primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis including the following uses, and closely related uses: Corn shelling; contract sorting, grading and packing of fruits, nuts, and vegetables for the grower; seed storage; horticultural services such as plant nurseries including nurseries with commercial sales of other related items; landscape gardening, and landscape contracting; establishments engaged in performing services such as fruit, nut, and produce picking, seed cleaning; farm equipment sales, service and repair; honey houses; agricultural trucking operations.
  - c. Existing agricultural service establishments that were established prior to November 16, 2000, may construct new accessory structures incidental to the existing use.
2. Incidental and accessory structures and uses located on the same site as a permitted use requiring site plan review or conditional use. (Basic animal shade structures constructed within existing corrals on dairies and confined animal feeding facilities which are declared to be agriculturally exempt projects pursuant to Chapter 5 of the *Kings County Code of Ordinances* are permitted uses).
3. Mobile home or manufactured home, on a parcel which already has a dwelling, to be used as:
  - a. Farm employee housing incidental to a permitted or conditional use;
  - b. One temporary second dwelling unit per site occupied by immediate family members who are 62 years of age or older; or
  - c. One temporary second dwelling unit used to care for an infirm parent, grandparent, child, grandchild, or sibling of any age for a maximum period of time necessary to care for the infirm person at which time the mobile home shall be removed and no other person or persons shall occupy it. A recreational vehicle may be used to temporarily care for an infirm parent, grandparent, child, grandchild, or sibling for a maximum period of sixty (60) days, or the condition requiring the care no longer exists, whichever is the shorter period of time.
- 3.1 Mobile home or manufactured home storage on private property incidental to a permitted or conditional use, in accordance with the regulations prescribed in Article 21, Section 2102.C.16.
4. Land excavation in connection with earth borrow pit operations where:
  - a. The depth of excavation will not exceed two and one half (2½) feet, or one (1) foot within one (1) mile of the Kings River; and
  - b. The amount of excavated material removed from the site will be less than 1,000 cubic yards; and
  - c. The land is immediately re-leveled for farming purposes.
5. Reserved.
6. Farm employee housing not exceeding five (5) dwelling units on a single parcel (excluding any house on the site occupied by the owner).
7. Rural home occupations.
8. Gas and oil wells.
9. Hazardous waste treatment equipment which is added to an existing use at the same site.
10. Large family day care homes for nine (9) to fourteen (14) children. (Note: Not less than 10 days prior to the date on which the decision will be made on the application, the Zoning Administrator shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed large family day care home.)

**AL-10 Limited Agricultural-10 District**



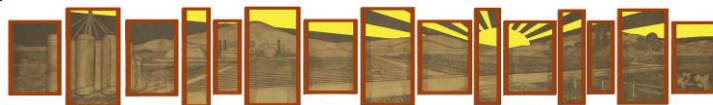
11. Land divisions less than the minimum parcel size required by the zone district regulations, for the following purposes:
  - a. Transfer of title between spouses, parents and children, grandparents and grandchildren, or between siblings, subject to the following requirements:
    - (1) The site requirements of Sections 404.F.2.
    - (2) Section 2102.C.10.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
  - b. Retention of a farm home and the area immediately around it, subject to the following requirements:
    - (1) The site requirements of Sections 404.F.2.
    - (2) Section 2102.C.11.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
  - c. Financing of a farm home or agriculturally-related project construction on the site, subject to the following requirements:
    - (1) The site requirements of Sections 404.F.2.
    - (2) Section 2102.C.12.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
  - d. Sale, lease or financing of an agricultural service establishment legally established prior to October 4, 1994, and continuously operated as a legal agricultural service establishment since that date, subject to the following requirements:
    - (1) The site requirements of section 404.F.2.
    - (2) Section 2102.C.13.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
12. Additions to an existing dairy's structures and facilities that do not increase the herd size.
13. Roadside field retail stands that do not front on a State Highway and are 400 square feet in area or less, for the sale of California agricultural products which are not grown at or near the location of the roadside field retail stand subject to the requirements of the *Food and Agricultural Code*.
14. Commercial open air wedding ceremony businesses that do not make any physical changes to the environment.
15. Small wind energy systems on parcels one (1) acre or more in size with a rated capacity of not more than 50 kilowatts per customer site, used primarily to reduce onsite consumption of utility power, subject to the requirements of Sections 65893-65899 of the Government Code and Section 25744 of the Public Resources Code.

**D. Conditional uses, planning commission approval:**

The following conditional uses may be permitted in accordance with the provisions of Article 19:

1. Surface mining operations pursuant to the *State Surface Mining and Reclamation Act*.
- 1.1. Borrow pit operations, if any of the following conditions exist:
  - a. The depth of excavation will exceed two and one-half (2½) feet, or one (1) foot within one (1) mile of the Kings River; or
  - b. The amount of excavated material removed from the site will be one thousand (1,000) cubic yards or more; or
  - c. The land is not immediately leveled for farming purposes.
2. Open recreational facilities and uses on non-Williamson Act contracted land including the following uses: golf courses, golf driving ranges, archery ranges, swimming pools, fish ponds, riding academies, parks, community centers, guest ranches, drive-in theaters, outdoor festivals, carnivals, circuses; but not including enclosed uses such as a bowling alley, or racetracks or strips used for racing motorized vehicles or motorcycles.
3. Public and quasi-public uses of an educational type including preschools, elementary schools, junior high schools, high schools, and colleges.
4. Community facilities and institutions including churches, monasteries, convents, and other religious institutions; philanthropic and charitable institutions; health facilities; private, non-commercial clubs and lodges; day care uses exceeding fourteen (14) individuals; community care facilities, supportive housing for the target population, and transitional housing which serve seven (7) or more persons as allowed by the Health and Safety Code.

**AL-10 Limited Agricultural-10 District**



5. Public uses of an administrative, public service or cultural type including libraries, museums, art galleries, police and fire stations and other buildings, structures and facilities.
6. Penal institutions.
7. Sewage treatment plants; publicly owned solid or municipal landfills, solid or municipal waste transfer and processing stations, and material recovery (recycling) facilities.
8. Commercial kennels.
9. Radio and television broadcasting studios and accessory structures; radio, television, cellular telephone, and microwave relay and transmission towers; commercial satellite communications receiving dishes.
10. Airports, heliports, crop dusting landing strips and establishments, and accessory structures intended for commercial agricultural uses.
11. Offices of veterinarians and animal hospitals.
12. Farm employee housing in excess of five (5) dwelling units per parcel.
13. Cemeteries.
14. Expansions of bovine dairies that have been in continuous operation since 1978 or earlier, including incidental dairy calf and heifer raising facilities. Expansions include, but are not limited to, additions of farmland associated with the manure management of dairy operations, increases in herd size including dairy calf and heifer raising facilities, changes to the dairy facility, including additional corrals, feed and manure storage areas, lagoons, barns and other structures, etc.
15. Roadside field retail stands that front on a State Highway and are 400 square feet in area or less, for the sale of California agricultural products which are not grown at or near the location of the roadside field retail stand subject to the requirements of the *Food and Agricultural Code*
16. Individual agricultural specialty stores.
17. Adaptive reuse of existing agricultural structures for small scale agricultural related manufacturing.

**E. Reserved.**

**F. Site area:**

1. The minimum site area shall be nominally ten (10) acres and its minimum width shall be three hundred thirty (330) feet, or the equivalent fractional part of a section.
2. In the case of a division of land pursuant to Section 404.C.11, a site of not less than one (1) acre may be allowed pursuant to the provisions of Section 2102.C.10, 11, 12., and 13., of Article 21.
3. Sites of not less than one acre may be allowed for those uses listed in section 404 B.6. and B.8. pursuant to the provisions of Section 1904 of Article 19.
4. Sites smaller than ten (10) acres, but not less than one acre, may be allowed for uses listed in Section 404.D. provided that the site is specifically approved as a condition of granting a conditional use permit pursuant to the provisions of Section 1904. Each such site shall have a minimum width of one hundred twenty-five (125) feet.
5. Any division of land which is restricted by California Land Conservation (Williamson) Act of 1965 contract(s) must comply with the minimum parcel sizes required by the Act regardless of parcel size exceptions in this Ordinance.

(Ord. No. 269.18, § 5, 9-5-78; Ord. No. 269.20, § 3, 7-3-79; Ord. No. 269.33 § 5, 9-21-82; Ord. No. 269.38, § 4, 9-25-90; Ord. No. 269.40, § 1, 10-4-94; Ord. No. 269.43, §§ 8, 9, 10 and 11, 1-21-97; Ord. No. 269.44, §§ 5 and 6, 7-29-97; Ord. No. 269.48, §§ 2 and 4, 10-5-99; Ord. No. 269.49, §§ 1 and 3, 12-7-99; Ord. No. 269.51, §§ 13 and 14, 7-25-00; Ord. No. 269.52, § 1, 10-17-00; Ord. No. 269.54, §§ 5 and 6, 7-30-02; Ord. No. 269.56, §§ 20 through 26, 9-10-03; Ord. No. 269.58, § 4, 1-27-04; Ord. No. 269.59, § 2, 11-9-04; Ord. No. 269.62, §§ 6 and 7, 10-25-05; Ord. No. 269.63, §§ 6 through 9, 4-25-06; Ord. No. 269.65, §§ 10 through 13, 10-28-08; Ord. No. 269.66, §§ 12, 13 and 14, 3-2-2010; Ord. No. 269.67, §§ 8, 9 and 10, 10-28-10)



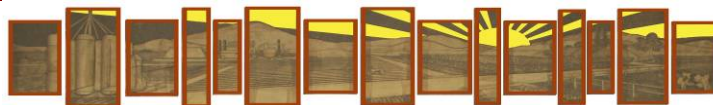
## Sec. 405. AG-40 General Agricultural-40 District.

### A. Application:

This district is intended primarily for application to rural areas of the county south of Kansas Avenue, including the valley floor generally characterized by extensive and intensive agricultural uses of land, and the southwestern mountainous part of the county, an area generally characterized by extensive and intensive agricultural and grazing uses of land. This area should be reserved for commercial agricultural uses because of its high quality soil, existing or potential irrigation works, exclusive agricultural character of the area, or the need to reserve areas for intensive agricultural uses, which by their nature may be incompatible with non-agricultural or quasi-agricultural uses, as well as to reduce other potential conflicts which may be identified, including but not limited to, flooding and wildfires, and to preserve land best suited for agriculture uses from the encroachment of incompatible uses and the service demands they create.

### B. Permitted uses:

1. Agricultural operations including hydroponics, livestock grazing, the raising of field crops, fruit and nut trees, vines, vegetables, horticultural specialties, livestock and timber; fish farming; poultry raising or keeping, not to exceed five hundred (500) chickens and fifty (50) turkeys; raising of other small animals, including birds, mammals, and reptiles for non-commercial purposes, not exceeding fifty (50) animals and their immature offspring; livestock keeping and raising, provided that the total number of animals shall not exceed two (2) animal units and their immature offspring, as defined in Article 25 of this Ordinance, for each acre of site devoted to their care, and further provided that the total number of animal units shall not exceed twenty-five (25) animal units and their immature offspring regardless of the size of the site. Such livestock keeping and raising operations are intended as supplemental income operations or hobbies of the occupant of the site. If the livestock keeping and raising operation becomes a nuisance it will be abated under nuisance laws.
2. One one-family dwelling, including a mobile home or manufactured home on a temporary or permanent foundation, per legal parcel.
3. Incidental and accessory structures and uses located on the same site with a permitted use including farm offices, barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos, basic animal shade structures and other farm outbuildings that have been declared agriculturally exempt projects by Chapter 5 of the *Kings County Code of Ordinances*; private garages carports, and patio covers; one guest house or accessory living quarters, without a kitchen, for each residence on the site; storehouses, storage sheds, garden structures, greenhouses, recreation rooms, private swimming pools and private tennis courts for the use of persons residing on the site and their guests, and hobby shops; storage of petroleum products for the use of persons residing on the site, but not for resale or distribution.
4. The harvesting, curing, processing, packaging, packing and shipping of agricultural products produced upon the premises, or where such activity is carried on in conjunction with or as part of a bona fide agricultural operation.
5. Gas and oil wells.
6. Signs, subject to the provisions of Article 16, Section 1606.C.1.
7. Irrigation, flood control and drainage facilities, percolation basins, ground water recharge wells and evaporation ponds.
8. Non-commercial kennels for the keeping of dogs and/or cats belonging to those living on the site; animal rescue shelters.
9. Roadside field retail stands located at or near the point of production for the sale of California agricultural products grown or produced by the producer.
10. Apiaries and aviaries.
11. Public utility and public service structures including electric transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and reservoirs.
12. Land excavation that does not qualify as a surface mining operation where the land is immediately leveled for farming purposes and the new grade of the site is less than one (1) foot lower than the original grade.
13. Minor home occupations, in accord with regulations prescribed in Article 16, Section 1601, subsection D.
14. Small family day care homes for eight (8) or fewer children.



15. Community care facilities, supportive housing for the target population, and transitional housing which serve six (6) or fewer persons as allowed by the Health and Safety Code.

### **AG-40 General Agricultural-40 District**

16. Non-commercial, personal use solar electrical generation equipment with a design capacity to serve the electrical needs of only that site or use.
17. Collocation of antennas and related equipment on existing towers, poles, structures or wireless telecommunications collocation facilities.

#### **C. Permitted uses; site plan review:**

The following uses may be permitted in accordance with the provisions of Article 21:

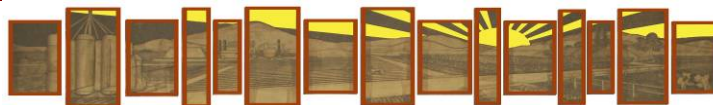
1. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis including the following uses, and closely related uses: Cotton gins; contract sorting, grading, shelling, and packing of fruits and vegetables for the grower provided, however, that the processing of fruits, nuts, and vegetables shall not be included; seed storage; horticultural services such as plant nurseries including nurseries with commercial sales of other related items; landscape gardening, and landscape contracting; establishments engaged in performing services such as produce picking, seed cleaning; farm equipment service and repair; offices of veterinarians and animal hospitals; fish and poultry hatcheries; boarding and training of horses; commercial hunting and trapping and the operation of game preserves; agricultural trucking operations.
2. Open recreation facilities on non-contracted land under the California Land Conservation (Williamson) Act of 1965 including the following and similar uses but not including enclosed uses such as a bowling alley or the uses listed in paragraph D.2. of this section:
  - a. Private shooting and archery ranges;
  - b. Guest ranches not exceeding thirty (30) guests;
  - c. Outdoor festivals (not over 4 days in any one calendar year on any one site);
  - d. Carnivals (not over 4 days in any one calendar year on any one site);
  - e. Circuses (not over 4 days in any one calendar year on any one site).
3. Incidental and accessory structures and uses located on the same site as a permitted use requiring site plan review or conditional use. (Basic animal shade structures constructed within existing corrals on dairies and confined animal feeding facilities which are declared to be agriculturally exempt projects pursuant to Chapter 5 of the Kings County Code of Ordinances are permitted uses.)
4. Mobile home or manufactured home, on a parcel which already has a dwelling, to be used as:
  - a. Farm employee housing incidental to a permitted or conditional use;
  - b. Farm labor housing;
  - c. One temporary second dwelling unit per site occupied by immediate family members who are 62 years of age or older; or
  - d. One temporary second dwelling unit used to care for infirm parent, grandparent, child, grandchild, or sibling of any age for a maximum period of time necessary to care for the infirm person at which time the mobile home shall be removed and no other person or persons shall occupy it. A recreation vehicle may be used to temporarily care for an infirm parent, grandparent, child, grandchild, or sibling for a maximum period of sixty (60) days, or the condition requiring the care no longer exists, whichever is the shorter period of time.
- 4.1 Mobile home or manufactured home storage on private property incidental to a permitted or conditional use, in accordance with the regulation prescribed in Article 21, Section 2102.C.16.
5. Land excavation in connection with earth borrow pit operations where:
  - a. The depth of excavation will not exceed two and one-half (2½) feet, or one foot within one mile of the Kings River; and
  - b. The amount of excavated material removed from the site will be less than 1,000 cubic yards; and
  - c. The land is immediately releveled for farming purposes.
6. Reserved.
7. Farm employee housing not exceeding five (5) dwelling units on a single parcel (excluding any house on the site occupied by the owner).



8. Rural home occupations.
9. Small aircraft private landing strips for non-commercial or non-crop dusting purposes which serve one farm house or one farming operation.

### AG-40 General Agricultural-40 District

10. Hazardous waste treatment equipment which is added to an existing use at the same site.
11. Land divisions less than the minimum parcel size required by the zone district regulations, for the following purposes:
  - a. Transfer of title between spouses, parents and children, grandparents and grandchildren, or between siblings, subject to the following requirements:
    - (1) The site requirements of Sections 405.F.2.
    - (2) Section 2102.C.10.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
  - b. Retention of a farm home and the area immediately around it, subject to the following requirements:
    - (1) The site requirements of Sections 405.F.2.
    - (2) Section 2102.C.11.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
  - c. Financing of a farm home or agriculturally-related project construction on the site, subject to the following requirements:
    - (1) The site requirements of Sections 405.F.2.
    - (2) Section 2102.C.12.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
  - d. Sale, lease or financing of an agricultural service establishment legally established and continuously operated as a legal agricultural service establishment, subject to the following requirements:
    - (1) The site requirements of section 405.F.2.
    - (2) Section 2102.C.13.
    - (3) The California Land Conservation (Williamson) Act of 1965, when the site is under contract.
12. The installation of cogeneration equipment, with a capacity of 50 megawatts or less at existing facilities, which comply with all local, regional, State, and Federal regulations.
13. The installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:
  - a. The capacity of the generating facilities is 5 megawatts or less,
  - b. Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
    - (1) Rate and volume of flow,
    - (2) Temperature,
    - (3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and
    - (4) Timing of release.
  - c. New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right-of-way and will not be located adjacent to a wild or scenic river.
  - d. Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment.
  - e. There will be no significant upstream or downstream passage of fish affected by the project.
  - f. The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure.
  - g. The project will not cause violations of applicable state or federal water quality standards.
  - h. The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places, and
  - i. Construction will not occur in the vicinity of any endangered, rare, or threatened species.
14. New bovine stock feed yards and expansions of existing bovine stock feeding yards, including dairy calf and heifer raising facilities; new bovine dairies and expansions of existing bovine dairies, including incidental dairy calf and heifer raising facilities. Expansions include, but are not limited to, additions of farmland associated with the manure management of dairy operations, increases in herd size including dairy calf and heifer raising facilities, changes to the dairy facility, including additional corrals, feed and manure storage areas, lagoons, barns and other structures, etc., which qualify under the *Dairy Element* of the *Kings County General Plan*; goat dairies.



15. Roadside field retail stands that do not front on a State Highway and are 400 square feet in area or less, for the sale of California agricultural products which are not grown at or near the location of the roadside field retail stand subject to the requirements of the *Food and Agricultural Code*.

#### **AG-40 General Agricultural-40 District**

16. Commercial open air wedding ceremony businesses that do not make any physical changes to the environment.
17. Large family day care homes for nine (9) to fourteen (14) children. (Note: Not less than 10 days prior to the date on which the decision will be made on the application, the Zoning Administrator shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed large family day care home.)
18. Small wind energy systems on parcels one (1) acre or more in size with a rated capacity of not more than 50 kilowatts per customer site, used primarily to reduce onsite consumption of utility power, subject to the requirements of Sections 65893-65899 of the Government Code and Section 25744 of the Public Resources Code.

#### **D. Conditional uses; planning commission approval:**

The following conditional uses may be permitted in accordance with the provisions of Article 19:

1. Fertilizer plants and yards; organic waste composting; and bulk storage of petroleum products for distribution, or direct sales, to agricultural consumers.
2. Racetracks or strips used for the racing of vehicles or animals; golf courses and golf driving ranges; commercial stables and riding academies, public shooting and archery ranges, gun clubs, guest ranches with a capacity of more than thirty (30) guests and guest ranches of any capacity on Williamson Act contracted land.
3. Public and quasi-public uses of an educational type including preschools, elementary schools, junior high schools, high schools, and colleges.
4. Community facilities and institutions including churches, monasteries, convents and other religious institutions; philanthropic and charitable institutions; health facilities; private, non commercial clubs and lodges; in home day care uses exceeding fourteen (14) individuals; community care facilities, supportive housing for the target population, and transitional housing which serve seven (7) or more persons as allowed by the Health and Safety Code.
5. Public uses of an administrative, public service or cultural type including police and fire stations, libraries, and other buildings, structures, and facilities.
6. Penal institutions.
7. Sewage treatment plants; solid and municipal waste landfills; solid and municipal waste transfer and processing stations, and material recovery (recycling) facilities; gravel plants and asphalt or concrete batch plants.
8. New, or major expansions to, animal sales and non-dairy stock feeding yards, poultry raising or keeping, exceeding five hundred (500) chickens and fifty (50) turkeys; and raising of other small animals, including birds, mammals, and reptiles, commercially for food, feathers, fur, skins, etc., exceeding fifty (50) animals and their immature offspring; new bovine dairies and expansions of existing bovine dairies which do not qualify under the *Dairy Element* of the *Kings County General Plan* for the issuance of a site plan review without additional mitigation of potential impacts.
9. Airports and heliports, including crop-dusting strips and accessory structures intended for commercial agricultural uses.
10. Grocery stores, service stations and restaurants for convenience of rural areas not closer than five (5) miles to a similar use, a city, or the communities of Armona, Kettleman City, or Stratford.
11. Guest houses or accessory living quarters, in excess of one per residence on the site.
12. Hazardous waste management facilities, including transfer, storage, treatment, and disposal facilities, or combinations thereof. (see Section 1908.E. for additional restrictions).
13. Farm employee housing in excess of five (5) dwelling units on a single parcel (excluding any house on the site occupied by the owner); farm labor housing.
14. Surface mining operations pursuant to the State Surface Mining and Reclamation Act.
- 14.1 Borrow pit operations, if any of the following conditions exist:



- a. The depth of excavation will exceed two and one-half (2½) feet, or one (1) foot within one (1) mile of the Kings River; or
- b. The amount of excavated material removed from the site will be one thousand (1,000) cubic yards or more; or
- c. The land is not immediately leveled for farming purposes.

**AG-40 General Agricultural-40 District**

15. Cemeteries.
16. Radio and television broadcasting studios and accessory structures; radio, television, cellular telephone, and microwave relay and transmission towers; commercial satellite communications receiving dishes.
17. Slaughterhouses and associated processing facilities; wineries; canneries; other agricultural produce processing facilities, including processing plants for food, feed, fiber, and fertilizer but excluding the processing for fuel which convert raw agricultural produce that is grown or raised on farmland to a ready-for-market condition by canning, bottling, cooking, mixing, combining, cutting, crushing, packing, packaging, or some other form of processing; agricultural produce packing and/or shipping facilities.
18. Thermal power generating facilities that commercially produce power for sale, which comply with all local, regional, State, and Federal regulations.
19. The installation of cogeneration facilities which do not meet the requirements set forth in subparagraph 405 C.12 above that commercially produce power for sale and which comply with all local, regional, State, and Federal regulations.
20. Wind and solar photovoltaic electrical generating facilities that commercially produce power for sale, which comply with all local, regional, State, and Federal regulations.
21. The installation of hydroelectric generating facilities which do not meet the requirements set forth in subparagraph 405 C.13 above that commercially produce power for sale and which comply with all local, regional, State, and Federal regulations.
22. Roadside field retail stands that front on a State Highway and are 400 square feet in area or less, for the sale of California agricultural products which are not grown at or near the location of the roadside field retail stand subject to the requirements of the *Food and Agricultural Code*.
23. Wedding chapels, located on land that is not under California Land Conservation (Williamson) Act of 1965 contract(s).
24. Commercial kennels.
25. Individual agricultural specialty stores.
26. Adaptive reuse of existing agricultural structures for small scale agricultural related manufacturing.

**E. Reserved.**

**F. Site area:**

1. The minimum site area shall be nominally forty (40) acres and its minimum width shall be six hundred sixty (660) feet, or the equivalent fractional part of a section.
2. In the case of a division of land pursuant to Section 405.C.11, a site of not less than one (1) acre may be allowed pursuant to the provisions of Section 2102.C.10, 11, 12., and 13., of Article 21.
3. Sites of not less than one acre may be allowed for those uses listed in section 405.B.7. and B.11. pursuant to the provisions of Section 1904 of Article 19.
4. Sites of not less than one acre may be allowed for uses listed in Section 405.D. provided that the site area is specifically approved as a condition of granting a conditional use permit pursuant to the provisions of Section 1904 of Article 19. Each such site shall have a minimum width of one hundred twenty-five (125) feet.
- 4.1 Sites smaller than forty (40) acres, but not less than one acre, may be allowed for uses listed in Section 405.C.12, 13, and 14. provided that the site is specifically approved as a condition of granting a site plan review pursuant to the provision of Section 2102. Each such site shall have a minimum width of one hundred twenty-five (125) feet.
5. Any division of land which is restricted by California Land Conservation (Williamson) Act of 1965 contract(s) must comply with the minimum parcel sizes required by the Act regardless of parcel size exceptions in this Ordinance.

(Ord. No. 269.40, § 1, 10-4-94; Ord. No. 269.42, §§ 3 and 4, 5-7-96; Ord. No. 269.43, §§ 12, 13, 14, 15 and 16, 1-21-97; Ord. No. 269.44, §§ 7 and 8, 7-29-97; Ord. No. 269.48, §§ 1 and 5, 10-5-99; Ord. No. 269.49, §§ 1 and 3, 12-7-99; Ord. No. 269.51, §§ 3, 15 and 16, 7-25-



00; Ord. No. 269.53, §§ 5 and 6, 6-20-01; Ord. No. 269.54, §§ 7 and 8, 7-30-02; Ord. No. 269.56, §§ 27 through 35, 9-10-03; Ord. No. 269.57, §§ 3 and 4, 10-21-03; Ord. No. 269.58, §§ 5 and 6, 1-27-04; Ord. No. 269.60, § 4, 1-11-05; Ord. No. 269.62, §§ 8, 9, and 10, 10-25-05; Ord. No. 269.63, §§ 10, 11, & 12, 4-25-06; Ord. No. 269.65, §§ 14 through 17, 10-28-08; Ord. No. 269.66, §§ 15, 16 and 17, 3-2-2010; Ord. No. 269.67, §§ 11, 12 and 13, 10-28-10)

**Sec. 406. Standards generally applicable to all Agricultural zone districts.**

**A. Site area per dwelling unit:**

No limitation.

**B. Coverage:**

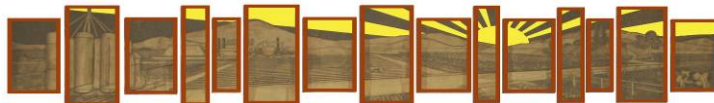
No limitation.

**C. Fences, walls, gates, hedges, and screening:**

Fences, walls, gates, hedges, and screening shall be allowed under the provisions of Article 16, Section 1605.

**D. Yard requirements:**

1. Front yard minimum setback requirements:
  - a. Occupied structures including residential dwellings; public and quasi-public uses of an educational type; community facilities and institutions; public uses of an administrative, public service or cultural type; and dairy milk barns shall be not less than fifty (50) feet from the public road right-of-way line or the property line if not fronting on a public road right-of-way.
  - b. Non-occupied uses including open sided carports, shall be not less than thirty-five (35) feet from the public road right-of-way line or property line if not fronting on a public road right-of-way. Any portion of a carport which is constructed within the area of the front yard that exists between the thirty-five (35) foot front yard setback and the fifty (50) foot front yard setback must have open sides within that setback area.
  - c. Dairy corrals, feed and manure storage areas, and open sided shade structures on dairies shall be not less than twenty (20) feet from the public road right-of-way line primarily to allow the dairy operator to operate vehicles and equipment to feed and care for the animals in the corral without encroaching into the public road right-of-way.
  - d. The front yard setbacks noted above prevail except along those streets and highways where a greater setback is required by other ordinances or standards of the County, including, but not limited to, the *Kings County Improvement Standards*.
  - e. All minimum setback requirements shall be measured from the public road right-of-way. Public road right-of-way shall be verified with the Kings County Public Works Department to ensure that required setbacks are met.
  - f. Field crops, orchards, vines, vegetables, etc., shall be planted in such a manner that does not necessitate the farmer or property owner to use the public road right-of-way to operate or turn vehicles or equipment for normal farming operations.
  - g. Ornamental trees, orchards, vines, oleander bushes, horticultural specialties, etc., shall not be planted, and shall be maintained, in a manner that canopies or other growth will obscure or conflict with road signs within the public road right-of-way.
2. Rear yard minimum setback requirement: Ten (10) feet from property lines.
3. Side yard minimum setback requirements:
  - a. Interior sites: Ten (10) feet from property lines.
  - b. Corner sites: Twenty (20) feet from the public road right-of-way line on the street side of the corner site.



- c. The side yard setbacks noted above prevail except along those streets and highways where a greater setback is required by other ordinances or standards of the County, including but not limited to, the *Kings County Improvement Standards*.
4. Required yard areas may be used for the growing of agricultural crops, horticultural specialties or for aesthetic landscaping.
5. Reserved

**E. Height of structures:**

1. No structure exceeding three (3) feet in height may be located within a Traffic Safety Visibility Area.
2. Small wind energy system towers shall be no more than 80 feet in height on parcels between one and five acres and not more than 100 feet in height on parcels larger than five acres.

**F. Distance between structures:**

1. The minimum distance between a residence and a structure housing livestock or poultry shall be forty (40) feet. The minimum distance between a residence and other structures on the site shall be ten (10) feet.
2. If greater minimum distances between structures than those listed in this section are required by the fire code regulations for safety and fire protection, such greater separation requirements shall be imposed. This includes distances from structures on adjacent properties. Construction methods using higher fire ratings may be substituted to satisfy all or part of such higher fire-related separation requirements.

**G. Off-street parking areas, aisles, access drives, access lanes and off-street loading facilities:**

Off-street parking areas, aisles, access drives, access lanes, and off-street loading facilities shall be provided on the site for each use as prescribed in Article 15.

**H. Signs.**

Signs shall be allowed pursuant to the provisions of Article 16, Section 1606.C.1.

**I. General provisions and exceptions:**

All uses shall be subject to the general provisions and exceptions prescribed in Article 17.

**J. Water well and water body setbacks:**

1. Manured and feed storage areas on dairy facilities shall be set back 100 feet from wells and water bodies as required by California Regional Water Quality Control Board (RWQCB) Central Valley Region. Deviations from the 100 foot setback shall only be permitted as allowed by RWQCB General Order No. R5-2007-0035 (or newer Order).
2. Manure and process water shall not be applied closer than 100 feet to any down gradient surface waters, open tile line intake structures, sinkholes, agricultural or domestic wells heads, or other conduits to surface waters except as specifically permitted by RWQCB General Order No. R5-2007-0035 (or newer Order).

(Ord. No. 269.40, § 1, 10-4-94; Ord. No. 269.42, § 5, 5-7-96; Ord. No. 269.43, § 17, 1-21-97; Ord. No. 269.44, §§ 9 and 10, 7-29-97; Ord. No. 269.49, § 2, 12-7-99; Ord. No. 269.55, § 1, 10-29-02; Ord. No. 269.56, § 36, 9-10-03; Ord. No. 269.59, §§ 3 and 4, 11-9-04; Ord. No. 269.63, § 13, 4-24-06; Ord. No. 269.64 §§ 2 and 3, 10-16-07; Ord. No. 269.65, §§ 18 and 19, 10-28-08; Ord. No. 269.67, §§ 14 and 15, 10-28-10)

h:\planning\ordinances\zoning ord\cur-zo\zone text\art04-67.doc



This page was left blank intentionally

