

## Article 4. Agricultural Zoning Districts

### Sections:

- Sec. 401 – Purpose and Objectives
- Sec. 402 – Agriculture Protection Policy
- Sec. 403 – AL-10 Limited Agricultural-10 District
- Sec. 404 – AG-20 General Agricultural-20 District
- Sec. 405 - AG-40 General Agricultural-40 District
- Sec. 406 – AX Exclusive Agricultural District
- Sec. 407 – Land Use Regulations
- Sec. 408 – Agricultural Land Divisions
- Sec. 409 – Divisions for Farm Home Retention
- Sec. 410 – Divisions for Farm Home Financing
- Sec. 411 – Divisions for Transfers of Title
- Sec. 412 – New or Expanding Bovine Dairy
- Sec. 413 – Confined Animal Feeding Operations
- Sec. 414 – Conversion of a Milk Cow Dairy to a Goat Dairy
- Sec. 415 – Agricultural Service Establishment Division
- Sec. 416 – Agricultural Preserves and Land Conservation Contract Actions and Land Uses
- Sec. 417 – Adaptive Reuse of an Agricultural Facility to Another Use
- Sec. 418 – Additional Standards and Development Regulations
- Sec. 419 – Similar Use Findings

### Sec. 401. Purpose and Objectives:

- A. The purpose of the Agricultural (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, a commercial endeavor using normal, usual, customary, and legal practices for 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, apiculture or aqua-culture; dairy operations; the raising of livestock, fur bearing animals, fish or poultry, and any commercial agricultural practices performed by any farmer on land that farmer owns or currently leases or rents that is incidental to or in conjunction with such operations including preparation for market, delivery to storage or to market, or to carriers for transportation to market.
- B. The Agricultural (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 nonagricultural 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.

**Sec. 402. 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. It is the further purpose of the County to promote good neighbor policies between agricultural and nonagricultural property owners by insuring that nonagricultural uses



in agricultural zones be limited as much as possible, and that nonagricultural uses and nonagricultural residents in agricultural zones be aware that their nonagricultural 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.

- A. The Kings County “Right to Farm Ordinance”, Section 14-38 of the Kings County Code of Ordinances, establishes agricultural land use protection policies to ensure that agricultural operations are the principal and favored uses of land in the areas of Kings County designated “Agricultural” in the *2035 Kings County General Plan*.
- B. In compliance with Objective A.8.1 in Chapter 8 of each Community Plan of the General Plan, agricultural farming practices are specifically allowed to continue on properties within the Armona, Home Garden, Kettleman City and Stratford expansion or growth areas designated in the General Plan until such time as development applications have been approved by the County.

**Sec. 403. AL-10 Limited Agricultural-10 District:** 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 nonagricultural uses. The minimum parcel size in the AL-10 zoning district is 10 acres in size.

**Sec. 404. AG-20 General Agricultural-20 District:** 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 nonagricultural or quasi-agricultural uses. The minimum parcel size in the AG-20 zoning district is 20 acres in size.

**Sec. 405. AG-40 General Agricultural-40 District:** This district is intended primarily for application to rural areas of the county south of Kansas Avenue, including the valley floor, which is 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 nonagricultural 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. The minimum parcel size in the AG-40 zoning district is 40 acres in size.

**Sec. 406. AX Exclusive Agricultural District:** 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 Lemoore Naval Air Station to preserve lands best suited for agricultural uses from encroachment by incompatible uses, and 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. The minimum parcel size in the AX zoning district is 40 acres in size.

**Sec 407. Land Use Regulations:** The following table prescribes the land use regulations for “Agricultural” districts. The regulations for each district are established by letter designation shown in the key of Table 4-1:



Table 4-1 **AGRICULTURAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit. “-” Not permitted	ZONING DISTRICT				Additional Regulations and Information
	AL-10	AG-20	AG-40	AX	
<b>Agricultural Uses</b> <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				
Additions to an existing dairy’s structures and facilities that do not expand the facility “footprint”, increase the herd size or change the manure management system.	S	S	S	S	Does not require submission of a Technical Report under the <i>Dairy Element</i> of the 2035 <i>Kings County General Plan</i> .
Agricultural operations including raising of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber.	P	P	P	P	
Agricultural produce processing, packing, and shipping facilities including: • Canneries • Slaughterhouses • Wineries	-	C	C	-	Includes processing plants for food, feed, fiber and fertilizer which convert raw agricultural produce that is grown on farmland to a ready-for-market condition.
Agricultural service establishments.	S (1,2,3)	S	S	S	(1,2,3) See Table 4-1 Notes following this table for additional information on Ag Service Establishments in the AL-10 zoning district.
Agricultural Specialty Stores	C	C	C	C	See requirements listed in Article 11, Section 1116 of this Development Code
Animal keeping: Raising of small animals, including birds, mammals, and reptiles for noncommercial purposes, not exceeding 50 animals and their immature offspring.	P	P	P	P	
Animal keeping: Raising of small animals including birds, mammals, and reptiles, raised commercially for food, feathers, fur, skins, etc., exceeding 50 animals and their immature offspring.	-	C	C	-	
Animal sales yards and nondairy stock feeding yards and major expansions of existing sales and feed yards.	-	C	C	-	
Basic animal shade structures constructed within existing corrals on dairies and confined animal feeding facilities.	P	P	P	P	Declared to be agriculturally exempt projects pursuant to Chapter 5 of the <i>Kings County Code of Ordinances</i> .
Bee keeping on a commercial basis used as pollinators.	P	P	P	P	Contact the Kings County Agricultural Commissioner for details.
Boarding and training of horses.	-	S	S	-	
Bovine dairy expansions in the AL-10 zoning district, including incidental dairy calf and heifer raising facilities, provided the facility has been in continuous operation since 1978 or earlier.	C	-	-	-	Expansions include, but are not limited to, additions of farmland associated with the manure management of dairy operations, increases in herd size, changes to the dairy facility, including additional corrals, feed and manure storage areas, lagoons, barns, etc. Technical Report required.



Table 4-1

**AGRICULTURAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit. “.” Not permitted	ZONING DISTRICT				Additional Regulations and Information
	AL-10	AG-20	AG-40	AX	
<b>Agricultural Uses</b> For a definition of the use see Article 25	PERMIT REQUIRED				
Bovine dairy expansions in the AL-10 zoning district, including incidental dairy calf and heifer raising facilities, provided the facility has been in continuous operation since 1978 or earlier.	C	-	-	-	Expansions include, but are not limited to, additions of farmland associated with the manure management of dairy operations, increases in herd size, changes to the dairy facility, including additional corrals, feed and manure storage areas, lagoons, barns, etc. Technical Report required.
Bovine dairy expansions in the AX zoning district, including incidental dairy calf and heifer raising facilities, that have been in continuous operation since 1993 or earlier, which <u>DO NOT</u> or cannot meet all regulations, policies, mitigation requirements, standards, etc. in the <i>Dairy Element</i> of the 2035 Kings County General Plan.	-	-	-	C	Expansions include, but are not limited to, additions of farmland associated with the manure management of dairy operations, increases in herd size, changes to the dairy facility, including additional corrals, feed and manure storage areas, lagoons, barns, etc. Technical Report required.
Bovine dairies and expansions of existing bovine dairies which <u>DO NOT</u> or cannot meet all regulations, policies, mitigation requirements, standards, etc. in the <i>Dairy Element</i> of the 2035 Kings County General Plan for the issuance of a site plan review without additional mitigation of potential impacts.	-	C	C	-	Expansions include, but are not limited to, additions of farmland associated with the manure management of dairy operations, increases in herd size, changes to the dairy facility, including additional corrals, feed and manure storage areas, lagoons, barns, etc. Technical Report required.
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, which qualify under the <i>Dairy Element</i> of the 2035 Kings County General Plan.	-	S	S	S	Expansions include, but are not limited to, additions of farmland associated with the manure management of dairy operations, increases in herd size, changes to the dairy facility, including additional corrals, feed and manure storage areas, lagoons, barns, etc. Technical Report required.
Canneries.	-	C	C	-	
Christmas tree raising.	P	-	-	-	
Cotton gins.	-	S	S	S	
Farm equipment service and repair.	S*	S	S	C	*Includes farm equipment sales.
Goat dairies, new or expanding.	-	S	S	S	Also see Section 414.A Exceptions.
Harvesting, curing, processing, packaging, packing and shipping of agricultural products produced on premises, or where such activity is carried on in conjunction with or as part of an agricultural operation.	P	P	P	P	



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<b>Agricultural Uses</b> For a definition of the use see Article 25	PERMIT REQUIRED				
Honey houses.	S	S	S	S	
Horticultural services such as plant nurseries including nurseries with commercial sales of other related items.	S	S	S	-	
Hunting and trapping on a commercial basis and the operation of game preserves.	-	S	S	C	
Irrigation, flood control and drainage facilities, percolation basins, groundwater recharge wells and evaporation ponds.	P	P	P	P	
Landscape gardening and landscape contracting businesses.	S	S	S	-	
Livestock keeping and raising limited to 2.5 animal units and their immature offspring for each acre of land devoted to their care.	P	P	P	P	The term “Animal Units” is defined in Article 25 of this Development Code. The total number of animal units shall not exceed 25 animal units and their immature offspring regardless of the size of the site.
Nut dehydrators.	-	S	S	S	
Poultry raising or keeping, not to exceed 500 chickens and 50 turkeys.	P	P	P	P	
Poultry raising or keeping, exceeding 500 chickens and 50 turkeys.	-	C	C	-	
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.	P	P	P	P	Prepackaged food and drinks are limited to 50 square feet of storage and selling space. Field retail stands are producer-owned and operated and generally located at or near the point of production.
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.	S	S	S	S	
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.	-	C	C	C	Prepackaged food and drinks are limited to 50 square feet of storage and selling space.
Slaughterhouses.	-	C	C	-	
Wineries.	-	C	C	-	



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	AL-10	AG-20	AG-40	AX	
<b>Residential Uses</b> <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				
Accessory living quarters, without a kitchen.	P	P	P	P	One for each residence on the site. Unit shall not be rented.
Accessory living quarters, in excess of one per residence on the site.	-	C	C	-	Such quarters shall have no kitchen facilities and shall not be rented.
Community care facilities as allowed by the Health and Safety Code.	P	P	P	P	
Family day care homes (Small) for 8 or fewer children.	P	P	P	-	
Family day care homes (Large) for 9 to 14 children.	S	S	S	-	See Section 1117.
Farm employee housing incidental to an existing primary dwelling and incidental to a permitted or conditional farming operation with up to four such dwelling units permitted on a single parcel.	S	S	S	S	1. On a parcel with an existing primary dwelling, the farm employee housing shall be a mobile home or manufactured home. 2. Farm employee housing shall be located on the site which minimizes the loss of productive agricultural land and its productivity, but not to the detriment of the farm employee occupants.
Farm employee housing in excess of five or more dwelling units on a single parcel.	C	C	C	C	Farm employee housing shall be located on the site which minimizes the loss of productive agricultural land and its productivity, but not to the detriment of the farm employee occupants.
Farm labor supply housing.	-	C	C	C	Farm employee housing shall be located on the site which minimizes the loss of productive agricultural land and its productivity, but not to the detriment of the farm employee occupants.
Farm labor supply housing.	-	C	C	C	Farm employee housing shall be located on the site which minimizes the loss of productive agricultural land and its productivity, but not to the detriment of the farm employee occupants.
Recreational vehicle occupied as a temporary dwelling supplemental to an existing residence for a maximum period of 14 days.	TUP	TUP	TUP	TUP	See Article 11, Section 1107.B.3. for additional information.
Recreational vehicle occupied as a temporary dwelling to care for an Infirm Relative for a maximum period of 60 days, or until the condition requiring the care no longer exists, whichever is the shorter period of time.	TUP	TUP	TUP	TUP	See Article 11, Section 1107.B.3. for additional information. Requires documentation of the need from a Doctor.



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	AL-10	AG-20	AG-40	AX	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				
Recreational vehicle occupied as a temporary dwelling during construction of a single-family residence or due to rehabilitation of a single-family residence.	TUP	TUP	TUP	TUP	See Article 11, Section 1107.B.4 for additional information.
Recreational vehicle occupied as a temporary dwelling by agricultural and migrant farm workers.	TUP	TUP	TUP	TUP	Limited to 12 or fewer vehicles per site. See Article 11, Section 1111 for additional information.
Single-family dwelling.	P	P	P	P	One per legal parcel including a mobile home or manufactured home on a temporary or permanent foundation.
Special occupancy parks for temporary recreational vehicle use.	S	S	S	S	See Article 11, Section 1110 for additional information.
Temporary second dwelling unit for persons 62 years of age or older who are immediate family members of the occupant(s) of the primary single-family dwelling unit on the parcel.	S	S	S	S	1. The temporary unit must be a mobile home or a manufactured home. 2. The temporary unit must be removed from the parcel once the qualifying family member(s) no longer resides in the temporary second dwelling unit. 3. The temporary unit shall not be rented and no other person or persons shall occupy it if the qualifying family member no longer resides there.
Temporary second dwelling unit for an Infirm Relative for the maximum period of time necessary to care for the infirm person.	S	S	S	S	1. The temporary unit must be a mobile home or a manufactured home. 2. A letter from a Doctor shall be provided at the time of application stating that the Infirm Relative requires assistance with their care. 3. The temporary unit must be removed from the parcel once the Infirm Relative no longer resides in the temporary second dwelling unit. 4. The temporary unit shall not be rented and no other person or persons shall occupy it if the qualifying family member no longer resides there.
Active solar heating systems.	P	P	P	P	Used to convert sunlight to heat that can be used for space heating and hot water.
Biomass energy facilities and projects.	-	C	C	C	
Cogeneration equipment installations, with a capacity of 50 megawatts or less at existing facilities, which comply with all local, regional, state, and federal regulations.	-	S	S	S	Also see Section 408 requirements.



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	AL-10	AG-20	AG-40	AX	
<b>Energy Uses</b> <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				
Cogeneration facilities or the installation of cogeneration equipment, with a capacity of 51 megawatts or more that commercially produce power for sale and which comply with all local, regional, state, and federal regulations.	-	C	C	C	
Commercial solar photovoltaic electrical generating facilities.	-	C	C	C	See standards listed in Article 11, Section 1112 of this Development Code.
Electric Vehicle (EV) recharge stations.	P	P	P	P	Incidental to designated parking spaces for electric vehicles. See Article 15, Section 1511.C
Gas and oil wells.	P	P	P	P	
Hydroelectric generating facilities in connection with existing dams, canals, and pipelines where the capacity of the generating facilities is five megawatts or less and complies with Section 15328, of the Guidelines for CEQA.	-	S	S	S	
Hydroelectric generating facilities which do not meet the requirements set forth above that commercially produce power for sale and which comply with all local, regional, state, and federal regulations.	-	C	C	C	
Solar electrical generation equipment for noncommercial personal use.	P	P	P	P	With a design capacity to serve the electrical needs of only that site or use.
Storage of petroleum products for the personal use of persons residing on the site, but not for resale or distribution.	P	P	P	P	
Thermal power generating facilities that commercially produce power for sale, which comply with all local, regional, state, and federal regulations.	-	C	C	C	
Wind and solar photovoltaic electrical generating facilities that commercially produce power for sale and comply with all local, regional, state, and federal regulations.	-	C	C	C	See Article 11, Section 1112
Wind and solar photovoltaic electrical generating facilities that commercially produce power for sale, which comply with all local, regional, state, and federal regulations.	-	C	C	C	See Article 11, Section 1112



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	AL-10	AG-20	AG-40	AX	
<b>Energy Uses</b> <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				
Wind energy systems (Small) on parcels one 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.	S	S	S	S	See Article 11, Section 1112
<b>Public and Utility Uses</b> <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				Additional Regulations and Information
Co-location of antennas and related equipment on existing towers, poles, structures or wireless telecommunications collocation facilities.	P	P	P	P	
Public utility and public service structures including: <ul style="list-style-type: none"> <li>• Communications equipment buildings</li> <li>• Electric transmission and distribution substations</li> <li>• Gas regulator stations</li> <li>• Public service pumping stations</li> <li>• Reservoirs.</li> </ul>	P	P	P	P	Also see Section 408.C exceptions.
Radio and television broadcasting studios and accessory structures; radio, television, cellular telephone, and microwave relay and transmission towers; commercial satellite communications receiving dishes.	C	C	C	-	
Sewage treatment plants; publicly owned solid or municipal landfills, solid or municipal waste transfer and processing stations, and material recovery (recycling) facilities.	C	C	C	C	
<b>Miscellaneous Uses</b> <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				Additional Regulations and Information
Accessory structures located on the same site with a permitted use.	P	P	P	P	See Article 11, Section 1101.
Accessory structures located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	S	S	See Article 11, Section 1101.
Adaptive reuse of existing agricultural structures for small scale agricultural related manufacturing.	C	C	C	C	
Aircraft private landing strips (Small) for noncommercial or noncrop dusting purposes which serve one farm house or one farming operation.	-	S	S	C*	* With specific clearance from the Department of the Navy and Naval Air Station, Lemoore.



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	AL-10	AG-20	AG-40	AX	
<b>Miscellaneous Uses</b> For a definition of the use see Article 25	PERMIT REQUIRED				
Airports, heliports, crop dusting landing strips and establishments, and accessory structures intended for commercial agricultural uses.	C	C	C	C*	* With specific clearance from the Department of the Navy and Naval Air Station, Lemoore.
Animal rescue shelters.	P	P	P	P	Animals shall be maintained in compliance with Kings County Animal Control standards.
Apiaries and aviaries.	-	P	P	P	
Archery ranges, private.	C	S	S	C	Not including enclosed uses. On non-Williamson Act contracted land only.
Archery ranges, public.	C	S	C	C	Not including enclosed uses. On non-Williamson Act contracted land only.
Borrow pit operations, if any of the following conditions exist: a. The depth of excavation will exceed two and one-half feet, or one foot within one mile of the Kings River; or b. The amount of excavated material removed from the site will be 1,000 cubic yards or more; or c. The land is not immediately re-leveled for farming purposes.	C	C	C	C	
Bulk storage of petroleum products for distribution, or direct sales, to agricultural consumers.	-	C	C	C	
Cemeteries.	C	C	C	C	
Clotheslines.	P	P	P	P	Within side or rear yards – not subject to setbacks.
Commercial kennels for dogs and cats.	C	C	C	C	See definition in Article 25. Animals shall be maintained in compliance with Kings County Animal Control standards.
Commercial open air wedding ceremony businesses.	S	S	S	S	No physical changes to the environment are allowed.
Commercial stables and riding academies.	C*	C	C	C	* On non-Williamson Act contracted land only.
Community facilities and institutions including religious institutions; philanthropic and charitable institutions.	C	C	C	C	
Drive-in theaters.	C	-	-	-	On non-Williamson Act contracted land only.
Fertilizer processing plants and yards; organic waste composting for distribution, or direct sales, to agricultural consumers.	-	C	C	C	
Festivals, outdoor concerts, circuses and similar events.	TUP	TUP	TUP	TUP	See Article 11, Section 1107.B.2.



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	AL-10	AG-20	AG-40	AX	
<b>Miscellaneous Uses</b> <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				
Golf courses and golf driving ranges.	C	C	C	C	On non-Williamson Act contracted land only.
Gravel plants and asphalt or concrete batch plants.	-	C	C	-	
Guest ranches not exceeding 30 guests.	C	S	S	-	On non-Williamson Act contracted land only.
Guest ranches with a guest capacity of more than 30 guests and guest ranches of any capacity on Williamson Act contracted land.	-	C	C	-	See Section 416.
Gun clubs.	-	C	C	C	Not including enclosed uses. On non-Williamson Act contracted land only.
Hazardous waste management facilities, including transfer, storage, treatment, and disposal facilities, or combinations thereof.	-	C	C	-	See Article 17, Section 1707.C. for additional requirements.
Hazardous waste treatment equipment which is added to an existing use at the same site.	S	S	S	S	
Health facilities; private, noncommercial clubs and lodges; day care uses exceeding 14 individuals; community care facilities which serve seven or more persons as allowed by the Health and Safety Code.	C	C	C	-	
Home Occupations, Minor.	P	P	P	P	See Article 11, Section 1102.A for additional information.
Home Occupations, Rural.	S	S	S	S	See Article 11, Section 1102.B for additional information.
Household pets, such as dogs, cats, canaries and parakeets belonging to those living on the site.	P	P	P	P	See definition in Article 25. Pets shall be maintained in compliance with Kings County Animal Control standards.
Incidental Uses located on the same site with a permitted use including, Swimming pools and tennis courts for the private use of the persons residing on the site and their guests.	P	P	P	P	See Article 11, Section 1101.
Incidental Uses located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	S	S	See Article 11, Section 1101.
Kennels for the keeping of dogs and/or cats belonging to those living on the site.	P	P	P	P	
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 foot lower than the original grade.	P	P	P	P	



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<b>Miscellaneous Uses</b> <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				
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 foot lower than the original grade.	P	P	P	P	
Land excavation in connection with earth borrow pit operations where: a. The depth of excavation will not exceed two and one half 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 re-leveled for farming purposes.	S	S	S	S	
Mobile home or manufactured home storage on private property incidental to a permitted or conditional use.	S	S	S	S	See Article 11, Section 1108.
Offices of veterinarians and animal hospitals.	C	S	-	C	
Parks.	C	C	-	C	
Penal institutions.	C	C	C	-	
Public uses of an administrative, public service or cultural type including libraries, museums, art galleries, police and fire stations and other structures and facilities.	C	C	C	C	
Public and quasi-public uses of an educational type including preschools, elementary schools, junior high schools, high schools, and colleges.	C	C	C	C	
Racetracks or strips used for the racing of vehicles or animals.	-	C	C	-	On non-Williamson Act contracted land only.
Rain gardens.	P	P	P	P	See Article 15.
Recreational vehicle and boat parking.	P	P	P	P	Does not include use of the RV or boat as a dwelling or residence. See Article 11, Section 1110 and 1111 for additional information.
Shooting ranges, private.	-	S	S	C	Not including enclosed uses. On non-Williamson Act contracted land only.
Shooting ranges, public.	-	C	C	C	Not including enclosed uses. On non-Williamson Act contracted land only.
Signs, freestanding or detached.	S	S	S	S	See Table 4-3 below.



Table 4-1 AGRICULTURAL ZONING DISTRICTS LAND USE REGULATIONS					
KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit. ".2" Not permitted	ZONING DISTRICT				Additional Regulations and Information
	AL-10	AG-20	AG-40	AX	
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				
Signs, wall mounted or projecting.	P	P	P	P	Permitted without a new zoning permit provided the total amount of signage allowed for the zoning district is not exceeded and the sign meets signage regulations. See Table 4-3 below.
Signs, temporary.	P	P	P	P	See Article 14 for time limits and additional information. See Table 4-3 below.
Surface mining operations.	C	C	C	C	In compliance with the <i>State Surface Mining and Reclamation Act</i> .
Communal Swimming pools and fish ponds.	C	-	-	-	On non-Williamson Act contracted land only.
Rain water collection.	P	P	P	P	See Article 15.
Wedding chapels.	-	C	C	-	On non-Williamson Act contracted land only.

(Ord. No. 668-1-16, §1, §2, §3, 1/12/16)

**Table 4-1 Notes:**

1. New agricultural service establishments in the AL-10 zoning district shall be located within existing or temporary structures. New agricultural service establishments in the AL-10 zoning district that involve the construction of new structures shall be prohibited.
2. Existing agricultural service establishments in the AL-10 zoning district that were established prior to November 16, 2000, may construct new accessory structures incidental to the existing use.
3. Agricultural service establishments proposed in the AL-10 zoning district within the Blueprint Urban Growth Boundary as defined in the San Joaquin Valley Blueprint shall be evaluated for compatibility of the establishment with the potential future urban growth accommodation.

**Sec. 408. Agricultural Land Divisions:** In compliance with the following provisions, sites smaller than the minimum parcel size for the zoning district in which they are located may be allowed for uses specified in Table 4-2 below.

- A. Each such site shall be not less than one acre in size and shall have a minimum width of 125 feet and a minimum depth of 150 feet.
- B. 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 Section 66474.4(c) of the Government Code. (Also See Section 418 below).
- C. When an application is submitted for division of land to create a site less than the minimum area for any agricultural zoning district conditional uses (other than residential uses) the Zoning Administrator or the Planning Commission may approve the application if, after consultation with the County Agricultural Commissioner, and any other federal, state or local agencies whom it may deem in possession of information which would aid in deliberations, all of the following findings are made, such findings to be in addition to those findings required by Article 17, Section 1707:



1. The proposed use or use on the undersized parcel will not be for residential development.
2. The lot size is not less than one acre in area.
3. One or more of the following conditions exist:
  - a. The soils do not meet the criteria for productive or potentially productive agricultural land.
  - b. The proximity of incompatible nonagricultural uses, existing as of the effective date of this Development Code, severely restrict normal agricultural practices to the point that it is not economically feasible to continue farming.
  - c. The property is divided by, or bounded on at least two sides, by a physical barrier such as a railroad, canal, or other similar permanent barrier which prevents the efficient, unified agricultural operation of the land under common ownership.
  - d. There exists a recorded covenant approved by the County, running with the land which prohibits the use of the undersize lot(s) for any residential purposes.
4. The division of land shall not result in a remainder parcel less than five acres in area.

(Ord. No. 668-1-16, §4, §5, 1/12/16)

<b>Table 4-2 Land Divisions and Specific Uses</b>	Land divisions of less than the minimum parcel size required by the zoning district regulations may be permitted for the following purposes subject to the requirements shown below. Refer to Article 23 of this Development Code for details on map submission procedures.				
<i>Use Classifications</i>	<i>AL-10</i>	<i>AG-20</i>	<i>AG-40</i>	<i>AX</i>	<i>Additional Regulations and Information</i>
Cogeneration equipment installation, with a capacity of 50 megawatts or less at existing facilities, which comply with all local, regional, state, and federal regulations.	S	S	S	S	1. See Section 408 above. 2. See Article 16, Section 1602.
Farm home retention and the area immediately around it.	S	S	S	S	1. See Section 408 above. 2. See Section 409 below.
Farm home financing or financing of an agriculturally-related project construction on the site.	S	S	S	S	1. See Section 408 above. 2. See Section 410 below.
Goat dairies.	S	S	S	S	1. See Section 408 above. 2. See Article 16, Section 1602.
Hydroelectric generating facilities installation in connection with existing dams, canals, and pipelines where the capacity of the generating facilities is 5 megawatts or less and meets the additional standards listed in Table 4-1.	S	S	S	S	1. See Section 408 above. 2. See Article 16, Section 1602.
Irrigation, flood control and drainage facilities, percolation basins, groundwater recharge wells and evaporation ponds.	C	C	C	-	1. See Section 408.C above. 2. See Article 16, Section 1602.



Table 4-2 <b>Land Divisions and Specific Uses</b>	Land divisions of less than the minimum parcel size required by the zoning district regulations may be permitted for the following purposes subject to the requirements shown below. Refer to Article 23 of this Development Code for details on map submission procedures.				
<i>Use Classifications</i>	<i>AL-10</i>	<i>AG-20</i>	<i>AG-40</i>	<i>AX</i>	<i>Additional Regulations and Information</i>
New bovine stock feed yards and expansions of existing bovine stock feeding yards; new bovine dairies and expansions of existing bovine dairies, including incidental dairy calf and heifer raising facilities which qualify under the Dairy Element of the 2035 Kings County General Plan.	S	S	S	S	1. See Section 408 above. 2. See Article 16, Section 1602.
Public utility and public service structures including electric transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and reservoirs which are not subject to Public Utility Commission approval.	S	S	S	S	1. See Section 408.C above.
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.	S	S	S	S	1. See Section 408 above. 2. See Section 412 below.
Transfer of title between spouses, parents and children, grandparents and grandchildren, or between siblings.	S	S	S	S	1. See Section 408 above. 2. See Section 411 below.

**Sec. 409. Divisions for Farm Home Retention:**

- A. When an application is being considered for retention of a farm home, and the area immediately around it, divisions of land may be permitted in the AL-10, AG-20, AG-40, and AX zoning districts for sites of not less than one acre, and generally not more that two and one-half acres, subject to the following requirements or conditions:
1. The applicant shall retain no more than one farm home, which is owned by and is the actual residence of the applicant. An applicant who has moved directly from the subject residence to an assisted care living arrangement, and still owns the residence, qualifies for the actual residence requirement.
  2. The parent parcel must have been in the divider’s continuous possession for the seven years preceding the date of the application for the division.
  3. The parent parcel, before a division pursuant to this Subsection must contain at least the minimum, parcel size required under the applicable zoning district, and may not be used as rural residential use or for the operation of a “hobby farm” incidental to a residential use.
  4. The division shall not create a remainder parcel that would primarily be used as rural residential rather than for farming purposes.
  5. The new parcel shall:
    - a. Have an area of not less than one acre and not more than two and one-half acres.



- b. Have a width of not less than 125 feet and a depth of not less than 150 feet.
  - c. Comply with local set back standards for new domestic water supply and sewage disposal facilities.
  - d. Have an existing septic system with disposal lines at least 50 feet from proposed property lines.
  - e. Have a Tentative Parcel Map, an In-lieu of Tentative Parcel Map, or a Lot Line Adjustment application filed and approved by the County and record a Final Map, Parcel Map, or Parcel Map Waiver showing the division or adjustment and appropriate public dedications.
- B. Divisions of land under Williamson Act or Farmland Security Zone contract shall also comply with the following additional criteria:
- 1. The existing residence on the farm home parcel shall have been on the property for at least 5 years.
  - 2. The landowner shall have continuously owned the property for at least 10 years.
  - 3. The remaining portion of the parent parcel contains at least 10 acres of prime farmland and at least 40 acres on nonprime farmland, which is assumed to be the absolute minimum parcel size necessary for commercial farming.
- C. Any parcel of land established as a result of a Farm Home Retention action shall be restricted from later lot line adjustments which serve to increase the area of the farm home parcel boundaries beyond a maximum of 2.5 acres. Any adjusted farm home parcel must continue to meet all requirements of this Section.

**Sec. 410. Divisions for Farm Home Financing:**

- A. When an application is being considered for a division for purposes of financing a farm home, or an agriculturally related construction project, divisions of land may be permitted in the AL-10, AG-20, AG-40, and AX zoning districts for sites of not less than one acre subject to the following requirements or conditions:
- 1. Under this provision a person who is actively engaged in farming the subject land may:
    - a. Create for farm home financing purposes no more than one lot, which must be for the person’s principal residence and is not intended for sale or transfer.
    - b. Create lots for farm related project construction financing purposes, which shall be used for agriculturally related construction projects for the land farmed by the owner in the vicinity, the use of which must be in compliance with the terms of this Development Code and uses listed in the appropriate Agricultural (A) district regulations. This subparagraph may not be used for residential purposes, except for agricultural employee housing.
  - 2. In the case of a division for financing, instead of recording a Final or Parcel Map, a parcel map waiver shall be recorded, and upon completion of the terms of the financial agreement, contract, trust deed, or similar instrument, the parcels shall rejoin as a single parcel; except in the case that a creditor acquires the parcel into excess status pursuant to a bona fide involuntary foreclosure or similar involuntary process of law, including but not limited to a deed in lieu of foreclosure, in which case the creditor shall record a Parcel or Final Map prior to completing any foreclosure. The parcels shall not rejoin as a single parcel but shall continue to be separate parcels according to the parcel map.
  - 3. Land upon which a division for farm home financing, or agricultural facilities construction financing is proposed, does not have to be owned for any specific period of time, however, a parcel created for financing purposes may not be sold or transferred by the parcel owner to anyone else as a separate parcel from the parent parcel. This prohibition shall not apply to the parcel created for financing if it is acquired into excess status by a creditor pursuant to a bona fide involuntary foreclosure or similar involuntary process of law, including but not limited to a deed in lieu of foreclosure. Prior to completing any foreclosure, the creditor shall record a Parcel or Final Map.



4. Under this provision, the new parcel shall:
  - a. Have an area of not less than one acre and not more than two and one-half acres.
  - b. Have a width of not less than 125 feet and a depth of not less than 150 feet.
  - c. Comply with local set back standards for new domestic water supply and sewage disposal facilities.
  - d. Have an existing septic system with disposal lines at least 50 feet from proposed property lines.
  - e. Have a tentative parcel map filed and approved by the county with the appropriate public dedications, and record a Parcel Map Waiver in lieu of a Final or Parcel Map.
  
- B. In compliance with Government Code Section 66474.4, subdivision (b)(2), for financing divisions for land restricted by a Williamson Act or Farmland Security Zone contract, the financing parcel and any remainder parcel shall both be at least 10 acres in size in the case of prime agricultural land, or 40 acres in size in the case of land that is not prime agricultural land.

**Sec. 411. Divisions for Transfers of Title:**

- A. When an application is being considered for a transfer of title between spouses, parents and children, grandparents and grand children, or between siblings; divisions of land may be permitted in the AL-10, AG-20, AG-40, and AX zoning districts for sites of not less than one acre and not greater than two and one-half acres in size, subject to the following requirements or conditions:
  1. A person who is actively engaged in farming the subject land may receive no more than one parcel for the purpose of creating a home site of less than the required minimum area pursuant to this Development Code.
  2. The remaining portion of the parent parcel must contain at least the minimum parcel size required under the relevant zoning district. The only exception is when an undersized parent parcel is part of a larger farming operation under common ownership, and has another separate parcel that meets the required minimum parcel size which is jointly managed. 40 acres is generally recognized as a larger farming operation.
  3. Under the provisions of this Section:
    - a. When land is proposed to be divided for a Transfer of Title:
      - (1) The owner(s) and the recipient(s) must both sign and record a **“Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance”** to continue farming the parcels as a single unit at the time the Parcel or Final Map, or Parcel Map Waiver, for such divisions is recorded. A “Declaration of Intent” is recorded against the land which serves to tie the new home site parcel to the parent parcel and identifies the home site parcel as not for sale to another party. The land owner agrees and acknowledges that penalties may ensue for unlawful conveyance of undersized parcels as stated in the “Declaration of Intent”.
      - (2) The parcel that is transferred must be for the exclusive use of the recipient of the parcel for the recipient’s principal residence, and not for the transfer or sale of, or the use of, any other person so long as any restrictions on the conveyance of the parcel exist which are required as requirements or conditions of the action creating the parcels.
    - b. For land restricted by a land conservation contract pursuant to the *California Land Conservation (Williamson) Act of 1965* which does not meet the minimum parcel size requirement for the “Williamson Act”:
      - (1) The owner and the recipient, as a requirement of the “Transfer of Title” process, must execute a revision to the land conservation contract between the owner and the County which states the intended purpose of



conveying the parcel to, and for the exclusive use of, the recipient is for the recipient's principal residence.

- (2) As a requirement of the "Transfer of Title" process, the owner will retain the remainder of the property and no further conveyance is intended.
  - (3) A "**Joint Management Agreement**" shall be recorded when the parent parcel is subject to either a Williamson Act or Farmland Security Zone contract, which ensures the continued joint management of the subject parcels while under contract.
- c. Failure to comply with the terms above may result in the County imposing a penalty by taking one or more of, including but not limited to, the following actions:
- (1) Loss or rescission of entitlement to development or building permits, thereby prohibiting new or replacement construction, or improvements to existing structures.
  - (2) An action pursuant to Article 1.5 (Merger of Parcels) of Chapter 3 of the *Subdivision Map Act*, or other action pursuant to Chapter 7 (Enforcement and Judicial Review) of the *Subdivision Map Act*.
  - (3) Rescission of the land conservation contract revision.
  - (4) Any other appropriate consequence authorized by law that is necessary to remedy a violation of this Section.
- d. Relief from the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" may be considered in the case of the death, divorce, long term illness, permanent disability, or bankruptcy of a party to the declaration who wants to convey the parcel. Relief may be granted through the application and approval of a new Site Plan Review accompanied by documentation of the basis for the application, if the Zoning Administrator makes findings that the documentation is true and correct, and constitutes a hardship not foreseen at the time the declaration was recorded. The restriction in the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" shall be come null and void at such time as the territory is annexed to a city.
- Note:** If the parcel is restricted by a Williamson Act or Farmland Security Zone contract and is further restricted by a "**Joint Management Agreement**" which is recorded against the property, relief from the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" does not extend to the "Joint Management Agreement". The Joint Management Agreement will continue in force for the life of the land conservation contract.
- e. Time restrictions stated in the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" shall remain in effect for a minimum of 10 years from the date the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" is recorded; however, the declaration for land restricted by a Land Conservation Contract pursuant to the Williamson Act or Farmland Security Zone shall remain in effect for 10 years or as long as the contract is in force on the parcel, whichever is the longer time period.
- f. The terms of the "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" described in this Article shall not apply to the parcel if it is acquired by a lender pursuant to a bona fide involuntary foreclosure or similar involuntary process of law, including but not limited to a deed in lieu of foreclosure.
- g. The parent parcel, before a division for a Transfer of Title must contain at least nominally 10 acres in the AL-10 zoning district, 20 acres in the AG-20 zoning district, and 40 acres in the AX and AG-40 zoning districts, unless the Zoning Administrator makes all of the following findings:
- (1) The division is for a transfer of the new parcel to a relative listed in Section 411.A for their principal residence.



- (2) The parent parcel of the new parcel that is less than the minimum site area is jointly managed with one or more other parcels, one of which has at least the minimum site area required in the zoning district within which it is located.
- (3) The exception will reduce the loss of agricultural land on one or more parcels which are at least the minimum area required for that zoning district.

4. Under the provisions of this Section, the new parcel shall:

- a. Have an area of not less than one acre.
- b. Have a width of not less than 125 feet and a depth of not less than 150 feet.
- c. Comply with local and state standards for domestic water supply and sewage disposal facilities.
- d. Comply with other regulations of the appropriate Agricultural (A) District of this Development Code and all county improvement standards required by law or county policy.
- e. Have a Tentative Parcel Map, an In-lieu of Tentative Parcel Map, or a Lot Line Adjustment application filed and approved by the County and record a Final Map, Parcel Map, or Parcel Map Waiver showing the division or adjustment and appropriate public dedications.

B. The restrictions in this Section of the Development Code shall apply only to land within the unincorporated territory of Kings County, however, land in cities or other counties may be used for the necessary acreage for the Joint Management Agreement.

**Sec. 412. New or Expanding Bovine Dairy:**

A. When an Site Plan Review application and Technical Report is submitted for a new bovine dairy or the expansion of an existing bovine dairy, including dairy calf and heifer raising facilities, in the AG-20 or AG-40 zoning districts, or the expansion of an existing bovine dairy, including dairy calf and heifer raising facilities, in the AX zoning district, the Zoning Administrator shall:

- 1. Review and make a finding that the Technical Report accompanying the Site Plan Review application demonstrates that the dairy project will meet or exceed all applicable goals, objectives, policies, and standards of the *Dairy Element* of the *2035 Kings County General Plan* and provides a level of mitigation meeting or exceeding the mitigation measures in the Program EIR prepared for the Dairy Element.
- 2. Consult with representatives of the following agencies in a manner reasonably calculated to allow the party being consulted to provide appropriate feedback concerning the application package.

- Kings County Agricultural Commissioner (EAC)
- U.C. Cooperative Extension Service (EAC)
- Kings County Health Officer, Environmental Health Division (EAC)
- Kings County Public Works Department (EAC)
- Kings Mosquito Abatement District (EAC)
- Kings County Assessor
- Kings County Building Official/Code Compliance Division
- Kings County Fire Department



Kings County Sheriff's Department  
 Kings County Farm Bureau  
 Kings County Economic Development Corporation  
 Kings County Association of Governments (KCAG)  
 Kings Area Rural Transit  
 Tulare County Environmental Health Service (Milk Inspection Services)  
 Native American Heritage Commission  
 San Joaquin Valley Air Pollution Control District,  
 Central California Regional Water Quality Control Board, District 5  
 U.S. Fish and Wildlife Service  
 California Department of Fish and Game, District 4  
 California Department of Water Resources,  
 Caltrans, District 6  
 Any appropriate utility services, Community Service District or Public Utility District

3. Document and consider any concerns arising out of the consultations described in subparagraph 1 above.

- B. Applications for new bovine dairies, or dairy calf and heifer raising facilities, or for the expansion of existing bovine dairies, or dairy calf and heifer raising facilities, shall be approved through the Site Plan Review process only if the application meets all of the specified criteria of the *Dairy Element* of the *2035 Kings County General Plan*. The applicant shall submit one paper copy of the application and Technical Report with 21 copies submitted on CD's. The paper copy shall have original signatures affixed where signatures are required.
- C. All applications for new bovine dairies, or dairy calf and heifer raising facilities, and expansion of existing bovine dairies, or dairy calf and heifer raising facilities, shall include a "*Kings County Emergency Action Plan for Dead Animal Management*" to ensure that a plan is in place for the proper disposal of excess livestock fatalities resulting from extreme heat events or other natural disasters.

**Sec. 413. Confined Animal Feeding Operations (CAFO):**

- A. The provisions of this Development Code shall not require the elimination of bovine and goat dairies, calf and heifer raising facilities, animal sales and stock feeding yards, other commercial animal feeding operations, or commercial poultry keeping and raising operations within the AL-10, AG-20, AG-40, and AX zoning districts, which were legally established prior to the effective date of the Development Code, provided however, that expansions to said uses may be permitted only upon granting of a Conditional Use permit for poultry operation and bovine dairies in the AL-10 zoning district, or issuance of a Site Plan Review for bovine dairies in the AG-20, AG-40, and AX zoning districts.
- B. Dairies, dairy calf and heifer raising facilities, animal sales and stock feeding yards, or poultry keeping and raising operations located within AL-10, AG-20, AG-40, and AX zones may discontinue operations for a period of time not to exceed two years and reactivate operations at the same herd or flock size and in the same facility without first obtaining a Conditional Use permit or Site Plan Review.
- C. An addition to, or expansion of, an existing bovine dairy facility or site which is nonconforming solely due to its status as a dairy that was built and operated prior to this Development Code requirement for zoning permits, or a dairy that has had a zoning permit issued prior to the adoption of the *Dairy Element* of the *2035 Kings County General Plan* may be allowed without bringing the existing portion of the dairy facility or site into compliance with the Dairy Element standards. However, all new additions and the expanded areas of the dairy shall conform to the Dairy Element standards.



## **Sec. 414. Conversion of a Milk Cow Dairy to a Goat Dairy:**

- A. When a new goat dairy is proposed to occupy the site of a previously operated milk cow dairy that has been closed for less than two years, no new zoning permit will be required as long as the animal unit (AU) count does not exceed that of the previously existing dairy herd.
- B. Prior to beginning operation of a new goat dairy at a closed milk cow dairy site, the operator shall provide the Community Development Agency with documentation that the previous milk cow dairy was in operation within the previous two years, the herd size of the dairy's herd and the proposed goat herd size.
- C. The request for conversion of the milk cow dairy to goat dairy shall be made in a letter from the applicant providing the information shown above as well as any other pertinent details concerning the proposed goat dairy. The letter shall be signed by both the applicant and all of the legal owners of the property on which the dairy exists.
- D. A letter will be prepared by the Zoning Administrator to the operator and the property owners which includes the necessary finding for the compliance determination and which documents the conversion of the facility from a milk cow dairy to a goat dairy. The letter shall include the maximum goat herd size allowed on the facility based on the conversion factor of seven goats per each dairy cow previously permitted on the milk cow dairy. The purpose of the letter is to document in the record that the new goat dairy meets the requirements of this Development Code, thus eliminating confusion concerning the right of the goat dairy to operate in the future.
- E. The operator of the new goat dairy is responsible for contacting California Regional Water Quality Control Board (CRWQCB) to determine whether there is a valid waste discharge permit in place and with the San Joaquin Valley Air Pollution Control District (SJVAPCD) to determine if any additional requirements are needed in order to operate the goat dairy. The operator is also responsible for contacting any other agencies that may be required to be contacted to obtain permits necessary to operate the dairy.
- F. In the event the milk cow dairy has been closed for two years or more, or the applicant is unable to furnish documentation showing that the milk cow dairy has been closed for less than two years, then a new zoning permit is required.

## **Sec. 415. Agricultural Service Establishment Division:**

- A. When an application is being considered for a division for purposes of separating a legally established agricultural services establishment for sale, lease, or financing, the division may be permitted in the AL-10, AG-20, or AG-40 zoning district for sites of not less than one acre subject to the following requirements or conditions:
  - 1. In the AL-10 zoning district, the agricultural service establishment shall have been legally established prior to, and shall have been in continuous operation since, October 4, 1994.
  - 2. The parcel remaining after the division without the agricultural service establishment on it shall meet at least one of the following requirements:
    - a. The remaining parcel meets the requirements of the AL-10, AG-20, or AG-40 zoning district, as applicable.
    - b. The remaining parcel is merged with another parcel in the AL-10, AG-20, or AG-40 zoning district, and the new merged parcel meets the requirements of the AL-10, AG-20, or AG-40 zoning district, or
    - c. The remaining parcel is merged with a parcel in another zoning district and the parcel can be found to be consistent with the General Plan designation of the parcel it merges with, and a zoning district boundary change pursuant to Article 21 of this Development Code is accomplished.

**Sec. 416. Agricultural Preserves and Land Conservation Contract Actions and Land Uses:** This Section provides information concerning the California Land Conservation "Williamson" Act of 1965, for the management and



preservation of agricultural lands within the County.

- A. Specific guidance and procedures concerning the establishment, disestablishment, expansion, or reduction of agricultural preserve boundaries and/or cancellation or establishment of Land Conservation Contracts are contained in the *“Implementation Procedures for the California Land Conservation “Williamson” Act of 1965 Including Farmland Security Zones.”*
- B. The *“Uniform Rules for Agricultural Preserves in Kings County”* which detail the only uses permitted upon “Williamson Act” contracted land are included in Appendix A of the *“Implementation Procedures for the California Land Conservation “Williamson” Act of 1965 Including Farmland Security Zones.”*

**Sec. 417. Adaptive Reuse of an Agricultural Facility to Another Use:** In certain circumstances when a parcel or structure on a parcel within an agricultural zoning district is vacant and no longer used for its intended and permitted use, the Zoning Administrator may approve the adaptive reuse of the parcel or structure for a use not normally allowed in the agricultural zoning district but which could be considered to be consistent with the purpose of the district.

- A. The adaptive reuse must be a use that makes no significant changes to the parcel or structure and will meet all other standards and development regulations of the zoning district.
- B. Adaptive reuse requests shall be processed as a Site Plan Review in compliance with Article 16 unless the proposed use is one that would be characterized as a conditional use in nature or scope.

(Ord. No. 668-1-16, §6, 1/12/16)

**Sec. 418. Additional Standards and Development Regulations:**

**A. Site Area:**

- 1. AL-10: The minimum site area for parcels shall be nominally 10 acres and its minimum width shall be 330 feet, or the equivalent fractional part of a Section.
- 2. AG-20: The minimum site area for parcels shall be nominally 20 acres and its minimum width shall be 330 feet, or the equivalent fractional part of a Section.
- 3. AG-40: The minimum site area for parcels shall be nominally 40 acres and its minimum width shall be 660 feet, or the equivalent fractional part of a Section.
- 4. AX: The minimum site area for parcels shall be nominally 40 acres and its minimum width shall be 660 feet, or the equivalent fractional part of a Section.

Note: Exceptions to the minimum parcel size and minimum width requirements are located in Section 408, 409, 410 and 411 above.

**B. Site Coverage:** No limitation.

**C. Setback Requirements:**

- 1. Front yard minimum setback requirements:
  - a. Occupied structures including, but not limited to, 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 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. Nonoccupied uses including open sided carports, shall be not less than 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 35 foot front yard setback and the 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 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 shall apply 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 or maintained in such a manner as to cause or permit canopies or other growth to obscure or conflict with road signs within the public road right-of-way.
2. Rear yard minimum setback requirement: 10 feet from property lines.
  3. Side yard minimum setback requirements:
    - a. Interior sites: 10 feet from property lines.
    - b. Corner sites: 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 setback areas may be used for the growing of agricultural crops, horticultural specialties or for aesthetic landscaping.
  5. Water well and water body setbacks:
    - a. 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 (CRWQCB) Central Valley Region. Deviations from the 100 foot setback shall only be permitted as allowed by CRWQCB General Order No. R5-2007-0035 (or newer Order).
    - b. 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 CRWQCB General Order No. R5-2007-0035 (or newer Order).
- D. **Distance Between Structures:** The minimum distance between a residence and a structure housing livestock or poultry shall be 40 feet.



**E. Height of Structures:**

1. No structure exceeding three feet in height may be located within a Traffic Safety Visibility Area, as defined in Article 25 of this Development Code.
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. 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 13.

**G. Fences, Walls, Gates, Hedges, and Screening and Landscaping:** In order to ensure that fences, walls, gates, hedges, and screening and landscaping do not create traffic hazards at street or road intersections, and where driveways enter streets and roads, the following standards prescribed in this article shall be required by the Zoning Administrator or Planning Commission for all new uses and major alterations and enlargement of existing uses. These requirements are to protect public health and safety, conserve water resources, and where appropriate, insulate surrounding land uses from their impact.

1. **Fences, Walls, and Hedges** exceeding six feet in height shall be permitted except that fences, walls, and hedges shall not exceed three feet in height within a Traffic Safety Visibility Area as defined in Article 25 of this Development Code.
2. **Gates** shall be permitted as follows:
  - a. Gates which are used for the primary vehicular ingress and egress and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
    - (1) A minimum distance of 20 feet.
    - (2) A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use permit are able to pull completely onto their property.
  - b. Gates used for the primary vehicular ingress and egress and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
    - (1) The property owner/occupant shall obtain a building permit from the building department for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
    - (2) The gate must be operational at all times using a remote control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.
    - (3) At any time that the gate is not operational using the remote control device the gate must either be locked in the open position or it must be removed entirely.
  - c. Access gates to property which are not the primary vehicular ingress and egress such as an access gate to a rear yard to allow the parking of an RV, boat or similar use or for equipment access to be used in maintenance of the property do not require additional setback from the property line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.



**3. General Fencing and Gate Requirements:**

- a. All private, single-family home swimming pools constructed after January 1, 1998 shall be fenced, enclosed or equipped with another safety feature as provided in Sections 115920 – 115927 of the California Health and Safety Codes.
- b. Any fence or wall over seven feet in height is a structure and requires a building permit prior to construction.
- c. All heights in this Section shall be measured from the finished grade of site or the adjacent property, whichever is lower.
- d. Fences, walls, hedges, gates, walks, driveways and retaining walls may occupy any required yard or other open spaces, subject to the limitations prescribed in the district regulations.

**4. Screening Requirements:** Storage of materials attendant to a permitted use requiring a Site Plan Review, or Conditional Use permit which are not specifically permitted to be stored within public view pursuant to an approved use permit, and are not completely enclosed in a structure, when located on a site abutting on or across a street or alley from an RR, R, RM or MU Zoning District shall be screened by a solid fence or masonry wall or compact growth of natural plant materials not less than six feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence.

**5. Landscaping:** Landscaping is generally not required in these zoning districts however, as stated in Article 15 of this Development Code, all new construction and rehabilitated landscape projects installed after January 1, 2010 are subject to and shall comply with the “California Model Water Efficient Landscape Ordinance”. See Article 15 of this Development Code for additional information concerning specific landscaping requirements.

**H. Signs in Agricultural Zoning Districts:** Signs shall be allowed in compliance with the regulations contained in Article 14, and as prescribed in Table 4-3 below. All signs shall be located outside of the public right-of-way and shall not be located within a Traffic Safety Visibility Area if over three feet in height. Unless a different setback is specified for a particular zoning district, the minimum setback distance for all signs over three feet in height shall be ten feet from property lines.

Table 4-3 <b>SIGNS IN AGRICULTURAL ZONING DISTRICTS</b>			
Permitted Sign Type	Maximum Number	Maximum Aggregate Sign Area Allowed	<i>Additional Regulations See Article 14</i>
Name plates or signs with a structural area of less than 40 sq. ft. pertaining to a permitted use, permitted use with Site Plan Review or conditional use conducted on the site.	1	40 sq. ft. in area.	No direct illumination permitted.
Name plates or signs with a structural area between 40 and 150 sq. ft. pertaining to a permitted use, permitted use with Site Plan Review or conditional use conducted on the site.	1	150 sq. ft. in area.	Direct Illumination is allowed.
On-site real estate sign pertaining to the sale, lease, rental or display of a structure or land.	1	32 sq. ft. in area.	No direct illumination permitted.
Directional or information (other than advertising) adjacent to a state highway or county road listing commercial establishments accessible via the frontage road.	4 per each side of the highway or county road.	240 sq. ft. in area.	Within an area limited by points not closer than one-fourth mile or further than three-fourths mile from a frontage road turnoff.



Table 4-3 <b>SIGNS IN AGRICULTURAL ZONING DISTRICTS</b>			
Permitted Sign Type	Maximum Number	Maximum Aggregate Sign Area Allowed	<i>Additional Regulations See Article 14</i>
Signs located adjacent to a State highway or county road that is classified as an arterial or collector road (including such designations as urban or rural, major or minor) giving direction to or information about Kings County cities, communities or rural service centers.	4 per city, community or rural service center regardless of the sign's location in this district.	240 sq. ft. in area.	Such signs shall not contain information pertaining to a subdivision of land or private development, commercial establishments or quasi-public developments.
Temporary special event signs.	1 per business.	32 sq. ft. in area.	See Section 1406.C.1.
Temporary advertising/ promotional signs.	1 per business.	32 sq. ft. in area.	See Section 1406.C.2.
Temporary construction signs.	1	32 sq. ft. in area.	See Section 1406.C.5. No direct illumination permitted.
Directional signs for off-street parking and off-street loading facilities.	2	6 sq. ft. in area.	May be illuminated or non-illuminated.
Political and other noncommercial signs.	No Restriction.	32 sq. ft. per sign.	See Section 1406.D.9.

- I. **General Provisions and Exceptions:** All uses shall be subject to the general provisions and exceptions prescribed in Article 1.
- J. **Exterior Lighting:** Exterior lighting should be designed to be compatible with the architectural and landscape design of the project.
  - 1. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
  - 2. New lighting that is part of residential, commercial, industrial, or recreational development shall be oriented away from sensitive uses, and shall be hooded, shielded, and located to direct light pools downward and prevent glare.
  - 3. To achieve the desired lighting level for parking and pedestrian areas, the use of more short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.
- K. **Resource Conservation:** All property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All property owners proposing new development within the agricultural zoning districts are encouraged to implement the following resource conservation measures, as applicable, as part of their development proposals.
  - 1. **Water Meters:** The installation of water meters to encourage water conservation.
  - 2. **Stormwater Drainage:** The integration of onsite stormwater drainage features such as small catch basins, rain gardens, and landscape depression basins into site plans to increase the stormwater detention.
  - 3. **Drought Tolerant Landscaping:** The integration of drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use.

**Sec. 419. Similar Use Findings.** The Zoning Administrator may approve a use not specifically listed in a particular zoning district if the similar use findings listed in Section 1603.E can be made.

(Ord No. 668-1-16, §7, 1/12/16)

