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determination of the impact on new development on the need for and cost of additional school facilities within the school district;

~~ML.~~ The adoption of this chapter is consistent with the ~~general~~ General Plan of the city.

16.48.020 Purpose.

The purpose of this chapter is to assess environmental impact mitigation fees against all new residential construction, and all remodels adding additional area to existing residential buildings, all consistent with definitions found in state law, to mitigate the impacts of said construction on the ability of the Visalia Unified School District to house new students resulting from new development in the city. Furthermore:

- A. This chapter is intended to assist in the implementation of the land use element of the ~~Visalia~~ General Plan; and
- B. The purpose of this chapter is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide school facilities in the Visalia Unified School District.

16.48.030 Short title, authority and applicability.

- A. This chapter shall be known and may be cited as the “City of Visalia Environmental Impact Mitigation – School Overcrowding – Fee Ordinance.”
- B. The ~~city council~~ City Council of the city has the authority to adopt this chapter pursuant to Article XI of Section 7 of the Constitution of the state of California, and pursuant to Government Code Sections 65300 et seq., 66000 et seq., and 66470 et. seq. and Public Resources Code Sections 21000 et seq. of California Statutes, and its Charter.
- C. This chapter shall apply in the incorporated area of the city to the extent permitted by Article XI of Section 7 of the Constitution of the state of California.

16.48.040 Rules of construction.

- A. The provisions of this chapter shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.
- B. For the purpose of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter:
 - 1. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.
 - 2. The word “shall” is always mandatory and not discretionary; the word “may” is permissive.

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3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the single, unless the context clearly indicates the contrary.
4. The phrase “used for” includes “arranged for,” “designed for,” “maintained for,” or “occupied for.”
5. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
6. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or” or “either...or,” the con-junction shall be interpreted as follows:
 - a. “And” indicates that all the connected terms, conditions, provisions or events shall apply.
 - b. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
7. The word “includes” shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of little kind or character.
8. “City engineer” means the city engineer or city officials he/she may designate to carry out the administration of this chapter.

16.48.050 Definitions.

As used in this chapter, the following terms are defined in this section:

“Assessable space” means the same as in Government Code Section 65995(b)(1).

“Building permit” means an official document or certificate issued by the city authorizing the construction of any structure used or intended for sup-orting or sheltering any use or occupancy.

“City” means the city of Visalia, a Charter Law city.

“Development permit” means a regulatory approval by the city.

“District” means the Visalia Unified School District.

“Feepayer” means a person commencing a land development activity ~~which~~ requires the issuance of a building permit or permit for mobile home installation.

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“School development impact fee” means a fee, charge, dedication or other requirement the district is authorized to levy against a development project pursuant to Government Code Section 53080 and as said fee may be adjusted from time-to-time by the state Allocation Board pursuant to Government Code Section 65995(b)(2).

16.48.060 Imposition of environmental impact mitigation – School overcrowding – Fee.

A. Any person who, after the effective date of this chapter, seeks to develop land within the city by applying for: a building permit; an extension of a building permit issued prior to that date; a permit for ~~manufactured~~mobile home installations; or an extension of a permit for ~~manufactured~~mobile home installation issued prior to that date, is required to pay an environmental impact mitigation – school overcrowding – fee in the manner set forth in this chapter.

B. No new building permit or new permit for ~~manufactured~~mobile home installation for any activity requiring payment of an impact fee pursuant to Section 16.48.060(A) shall be issued unless and until the environmental impact mitigation – school over-crowding – fee required has been paid.

C. No extension of a building permit or permit for ~~mobile-manufactured~~ home installation issued prior to the effective date of this chapter, for any activity requiring payment of an impact fee pursuant to Section 16.48.060(A) shall be granted unless and until the environmental impact mitigation – school overcrowding – fee required has been paid. This subsection shall not apply if the applicant applying for an extension of a building permit or permit for ~~manufactured~~mobile home installation can demonstrate that a good faith effort has been applied to begin construction or that substantial completion has occurred in conformance with the approved building permit or permit for ~~manufactured~~mobile home installation.

16.48.070 Fee schedule.

A. The council shall establish by resolution, a schedule of environmental impact mitigation – school overcrowding – fees calculated to provide the sum of money necessary to pay for the share of the new facilities estimated total construction cost identified to be funded with environmental impact mitigation – school overcrowding – fees, as set forth in the report entitled “Environmental Impact Mitigation – School Overcrowding – Fee Justification Report”. Such schedule shall be conditional and based on the following findings by the council:

1. The planned school facilities are in conformity with the land use element of the general plan of the city;
2. The development of property will require construction or acquisition of additional school facilities and that the fees are fairly apportioned on the basis of benefit conferred on property developed or to be developed or on the need for planned school facilities created by proposed or existing development of property;
3. That school facilities planned, including the conversion of additional elementary schools to year-round education, are in addition to any existing school facilities serving the district at the

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time of adoption of the land use element and are necessary to complete the plan for school facilities.

B. The schedule of fees shall be those amounts in effect on July 1, 1995 as established by Resolution No. 92-76 of the council and as adjusted pursuant to ordinance provisions adopted prior to the effective date of the ordinance codified in this section and shall remain in effect until July 1, 1997. Effective July 1, 1997, and each succeeding July 1st thereafter, the schedule of fees shall be adjusted in accordance with the following criteria:

1. On April 1st of each year the city engineer shall review the current National Engineering News Record Construction Cost Index (ENRCCI). When such index differs from the index for the preceding April 1st, the factor of increase or decrease shall be applied to the schedule of fees. Such factor shall be computed by dividing the ENRCCI for the current April 1st by that pertaining to the previous April 1st. The individual environmental impact mitigation – school overcrowding – fees may be multiplied by said factor to determine the adjusted schedule of fees. The engineer shall present the new fee schedule for adoption by resolution of council after at least one public hearing. The revised fees shall become effective on the July 1st following except in no case shall the revised fees become effective until sixty (60) days following the publication of the revised fees.

2. If in the determination of the city engineer the adjustments of the schedule of fees produced by the procedure in subdivision 1 of this subsection is not representative of the actual change in costs of the planned school facilities, the city engineer may, in lieu of the procedures set forth in said subdivision, compute a new schedule of fees for adoption by resolution of the council after at least one public hearing. In addition, the district may request that the ~~city council~~ City Council review the fees ~~to insure that~~ to ensure that they are representative of the actual change in costs of the planned school facilities.

3. In the event of the adoption of a new schedule of fees by resolution of the council, such new schedule shall become effective sixty (60) days after the adoption thereof by the council. The adjustment of such schedule provided in subdivision 1 of this subsection shall begin the April 1st next occurring after adoption of the new schedule.

16.48.080 Computation of the amount of environmental impact mitigation – School overcrowding – Fee.

A. ~~1.~~ The environmental impact mitigation – school overcrowding – fee shall be equal to the difference between the fee established by the schedule of fees adopted or revised pursuant to Section 16.48.070 and the school development impact fee already assessed and collected by the district but in no case shall this difference be considered a credit to the fee payer.

~~2B.~~ Government Code Section 6599(b)(3) requires the State Allocation Board to review, at regular intervals, the school development impact fees. If within one hundred eighty (180) days of any action by the State Allocation Board to modify the school development impact fee either upward or downward, the district does not adjust the school development impact fee already assessed and collected by the district to reflect the action of the State Allocation Board, the city

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shall use the amount authorized by the State Allocation Board in its calculations to determine the amount of the environmental impact mitigation – school overcrowding – fee.

BC. For new residential construction the fee paid pursuant to this chapter shall be equal to the product of the environmental impact mitigation – school overcrowding – fee identified in subsection (A) of this section and the assessable space for the building under consideration. For residential remodel construction the criteria imposed by Government Code Section 53080(a)(1) shall apply. For senior citizen housing, a residential care facility, or a multilevel facility for the elderly, criteria imposed by Government Code Section 65995.1 shall apply.

CD. This chapter shall not apply to building permits issued for commercial, office or industrial projects.

16.48.090 Payment of fee.

A. The feepayer shall pay the environmental impact mitigation – school overcrowding – fee required by this chapter prior to the issuance of a building permit or a permit for mobile home installation. This fee paid shall be in addition to and collected in the same manner as the school development impact fee already assessed and collected by the district.

B. All funds collected shall be properly identified and used solely for the purposes specified in Section 16.48.110.

16.48.100 Timing of fee payment.

A. Notwithstanding the requirements of Section 16.48.090, the ~~city council~~ **City Council** may, by resolution, authorize the payment of the fee at a time other than that identified in Section 16.48.090.

B. In adopting the resolution identified in subsection (A) of this section the ~~city council~~ **City Council** shall make the following findings:

1. That the state of the economy in the city is such that the deferment of the fee required by this chapter will stimulate the economy and enhance the provision of jobs; and
2. That the deferment of the fee required by this chapter will not materially affect the ability of the city to deliver its five-year capital improvement program.

C. In adopting the resolution identified in sub-section (A) of this section, the ~~city council~~ **City Council** shall:

1. Identify the point in time at which the fee shall be paid; provided, that in no event shall the deferral be extended beyond the time of the final inspection or issuance of the certificate of occupancy, whichever occurs first;
2. Identify to which major land use category (i.e., residential, commercial, office and/or industrial) the resolution applies;

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3. Identify whether or not a contract shall be entered into by and between the property owner, or lessee if the lessee's interest appears of record, and the city prior to the issuance of the building permit. If a contract is required to be executed, it shall be processed and recorded in accordance with Government Code Section 66007(c). In lieu of entering into a contract, if one is required, the feepayer may provide such other form of surety instrument guaranteeing payment of the fee as may be acceptable to the city engineer or his/her designees and the city attorney;
4. Impose a penalty, equal to one hundred (100) percent of the amount of the fees deferred on any party who fails to pay the deferred fee by the point in time specified in said resolution; and
5. Provide that a party who fails to pay said deferred fees by the point in time specified in said resolution shall further forfeit the future right to defer such fees on parcels in which said party has a financial interest.

16.48.110 Use of funds.

- A. Funds collected from environmental impact mitigation – school overcrowding – fees shall be used to fund or partially fund the construction or reconstruction of school facilities to meet the needs of new residential development in the district to include residential infill projects and residential remodel projects that meet the criteria of Section 16.48.080(B). The use of these fees shall be in accordance with Government Code Section 53080 et seq. and Government Code Section 65995 et seq.
- B. Funds may be used to provide refunds as described in Government Code Section 53080.3. Refunds shall be processed in accordance with Section 16.48.120.
- C. The city may retain a portion of the fee per building permit issued for which the fee is paid as compensation for the expense of collecting the fee and administering this chapter consistent with Government Code Section 53080(a)(5). The ~~city council~~City Council shall establish this amount by resolution.

16.48.120 Refund of fees paid.

- A. If a building permit or permit for ~~mobile-manufactured~~ home installation expires without commencement of construction, then the feepayer shall be entitled to a refund, without interest, of the fee paid plus a condition of its issuance; except, that the city and district shall retain three percent of the fee, to be shared equally, to offset a portion of the costs of collection and refund. The feepayer must submit an application for such refund to the city engineer within thirty (30) days of the expiration of the permit. Within ten working days of receipt of an application for refund the city engineer shall notify the district in writing of such refund request and the status of the building permit. The district shall issue a refund within twenty (20) working days or issue written findings as to why the refund shall not be made.
- B. Any funds not expended or encumbered by the end of the calendar quarter immediately following five years from the date the fee was paid shall, upon application of the then current landowner, be returned to such landowner with any interest incurred thereon; provided, that the landowner submits an application for a refund to the city engineer within one hundred eighty

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(180) days of the expiration of the ~~six-six~~-year period. Within ten working days of receipt of an application for refund the city engineer shall notify the district in writing of such refund request. The district shall issue a refund within twenty (20) working days or issue written findings as to why the refund shall not be made.

16.48.130 Exemption and credits.

A. The following shall be exempted from payment of the environmental impact mitigation – school overcrowding – fee. Any claim of exemption must be made no later than the time of application for a building permit or permit for mobile home installation. Any claim not so made shall be deemed waived.

1. The reconstruction of any residential structure that is damaged or destroyed as a result of a disaster pursuant to Government Code Section 53080.6;
2. An applicant for a development permit who has prepared and submitted a mitigation plan identifying how he/she plans to provide for the mitigation of the impacts the proposed project may have on the facilities of the district; provided that the district presents the city with a written statement signed by its superintendent, or his/her designee, indicating that the district accepts the mitigation plan. The phrase “mitigation plan” as used in this chapter shall include, but not be limited to, financing or construction measures ~~which~~that provides funds or structures (through purchase, sale, or lease-back) for permanent school district facilities or any modification to the proposed project that reduces or eliminates the impact on the district.

B. The ~~district-District~~ may grant a credit for land and facilities dedicated to the district consistent with the policies of the ~~city's-City's general-General planPlan~~. The responsibility for negotiating such a credit shall rest with the district and the fee payer and any such credit granted shall not be considered by the city unless and until a written statement signed by the superintendent, or his/her designee, of the district indicating that the district grants the credit. The responsibility for managing the accounting of such credits shall rest with the district.

16.48.140 Penalty provisions.

A violation of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution the city shall have the power to sue in civil court to enforce the provisions of this chapter.

16.48.150 Sunset clause.

This chapter shall terminate one hundred eighty (180) days following any action taken by the state of California to either eliminate the provisions of Government Code Section 53080 et seq., or the elimination of the caps on school development fees imposed by Government Code Section 65995 et seq.

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16.48.160 Severability.

If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Chapter 16.50 GENERAL FACILITIES IMPACT FEES

Sections:

- 16.50.010 Intent and purposes.**
- 16.50.020 Definitions.**
- 16.50.030 Fees and application.**
- 16.50.040 Fees schedule and computation of fee.**
- 16.50.050 Imposition and timing of fees.**
- 16.50.060 Disposition and use of fees.**
- 16.50.070 Refunds.**
- 16.50.080 Credits.**
- 16.50.090 Protest.**
- 16.50.100 Exemptions.**

16.50.010 Intent and purposes.

This chapter is intended to assist in the implementation of the policies ~~of the general~~ General Plan-Plan by providing for adequate general government public facilities (excluding public safety facilities for which a separate fee has been imposed per VMC Chapter 16.46) to support orderly development. Further, the purpose of this chapter is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide for public facilities that serve such development.

16.50.020 Definitions.

As used in this chapter, the following terms are defined in this section:

“General Government Facilities” means Civic Center and related parking structure, Library Facilities, as well as Public Works Corporation Yard Expansion Facilities identified in the Impact Fee Study conducted by MAXIMUS dated October 8, 2004.

“Gross acreage” means the area of a parcel of land, or the area of a proposed division, including those portions designated for streets and alleys and including those portions of all abutting streets

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and alley measured to the center lines thereof or to a line parallel with and thirty (30) feet from the property line, whichever shall be the lesser. In the case of a single-family residential use occupying a corner parcel, the area of the street abutting the shortest side of such parcel, or one side in the case of a square parcel, shall not be included.

“Impact fee” means a monetary exaction imposed by the city pursuant to this chapter as a condition of or in conjunction with approval of a development project for the purpose of defraying all or some of the city’s cost or repaying costs previously expended from other city funds for capital improvements.

“Impose” means to determine that a particular development project is subject to the collection of impact fees as a condition of development approval.

“New development” or “development project” means any new building, structure or improvement of any parcels of land, upon which no like building, structure or improvement previously existed.

16.50.030 Fees and application.

A. This chapter establishes development impact fees ~~which~~that are imposed as a condition of approval upon all new development projects for which a building permit is issued on or after the effective date of this chapter. Those impact fees are hereby established for the following public facilities:

1. Civic Center and related parking structure;
2. Library Facilities; and
3. Public Works Corporation Yard Expansion.

B. These impact fees are established in order to pay for the capital costs of General Governmental Facilities reasonably related to the needs of new development in the city.

16.50.040 Fees schedule and computation of fee.

A. The ~~city council~~City Council shall establish by resolution a schedule of fees to be imposed on new development, calculated to provide the sum of money necessary to pay the estimated total capital costs of the General Governmental Facilities, as identified in and in the manner prescribed by the October 8, 2004 fee study approved by council, to serve new development within the urban growth boundary. Subsequent revised fee schedules shall become effective sixty (60) days after the adoption thereof following a Public Hearing before the ~~city council~~City Council.

B. Annual review of the fee schedule initially adopted by ordinance will be made in the following manner. Each April of each year the chief financial officer shall review the current Engineering News Record Construction Cost Index (ENRCCI) for the cities of Los Angeles and San Francisco, California. When the average of such indices differs from the average of the

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indices for the preceding April 1st, the factor of increase or decrease shall be applied to the schedule of fees. Such factor shall be computed by dividing the average ENRCCI for the current April 1st by that pertaining to the previous April 1st. The individual General Governmental Facilities impact fee rates may be multiplied by said factor to determine the adjusted schedule of fees. The chief financial officer shall present the new fee schedule for adoption by resolution of council after at least one public hearing.

C. If in the determination of the chief financial officer the adjustment of the schedule of fees produced by the procedure in Subdivision (B) above of this section is not representative of the actual change in costs of the planned General Governmental Facilities, the chief financial officer may, in lieu of such procedure compute a new schedule of fees calculated to provide the sum of money necessary to pay the capital costs of the General Governmental Facilities.

D. At least once every five (5) years, the council shall review the basis for the impact fees to determine whether the fees are still reasonably related to the needs of new development. If it is necessary to update the previously approved fee study to do so, council may amortize the cost of doing so over the following five (5) year period and include such cost as an element of the impact fee.

16.50.050 Imposition and timing of fees.

A. Except as provided in this chapter, and any amendment to this chapter, the city may impose impact fees as a condition of approval of all new development projects.

B. After an individualized determination that each fee has been calculated as provided in this chapter, the impact fees shall be imposed prior to any development permit for new development.

C. The development impact fee shall be collected at the time and as a condition for issuance of a building permit, except as otherwise provided in Government Code Section 66007 or as provided herein.

D. The payment of the impact fees may be deferred until final inspection. In no case shall a certificate of occupancy be issued without the payment of the above referenced impact fee.

E. Companies classified within the following standard industrial codes shall be able to pay the impact fees over a period of five (5) years without interest or administrative fee. The first installment of twenty (20) percent shall be due upon occupancy and the balance shall be paid in five (5) equal annual installments thereafter and will be collected on the property tax roll. The collection of the balance on the property tax roll shall not preclude the earlier payment of any outstanding balance.

2000-2099	Food Processing
2200-3999	Certain other manufactures
4200-4299	Trucking and warehousing
4500-4599	Air transportation

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4700-5199 Transportation services and warehouse trade

F. A penalty equal to the amount of one hundred (100) percent of the amount of the fees deferred shall be imposed on any party who fails to pay such deferred fees by the point of time the fee is due. Further, said party will have forfeited the right to defer such fees on parcels in which said party has a financial interest.

16.50.060 Disposition and use of fees.

The chief financial officer shall establish a separate account for each type of facility listed in ~~§ Section 16.50.020030~~. All impact fees collected by the city shall be deposited in the account established for the specific type of facility for which the fee is collected. Any interest earned on funds deposited in a fund or account shall be deposited in that fund or account. Funds deposited in those accounts shall be used only to pay for facilities resulting from new development within the urban growth boundary, as identified in the resolution adopted by ~~city council~~ City Council setting the rate of the fee.

16.50.070 Refunds.

If impact fees collected by the city have not been expended or designated for the intended purpose within five (5) years following their collection, the city shall either refund those fees as provided in Government Code Section 66001, or make the findings as required by said section to retain the fees.

16.50.080 Credits.

A. A property owner who dedicates land or otherwise contributes funds for the capital costs of the facilities identified herein may be eligible for a credit for such contribution against the impact fee otherwise due.

B. The chief financial officer shall determine: (1) the value of the developer contribution; (2) whether the contribution meets capital improvement needs for which the particular impact fee has been imposed; and (3) whether the contribution will substitute or otherwise reduce the need for capital improvements anticipated to be provided with impact fee funds. In no event, however, shall the credit exceed the amount of the otherwise applicable impact fee.

C. Any application for credit must be submitted on forms provided by the city before development project approval. The application shall contain a declaration under oath of those facts ~~which that~~ qualify the property owner for the credit, accompanied by the relevant documentary evidence.

16.50.090 Protest.

Any party subject to the fees established by this chapter may protest the imposition of those fees by complying with the protest provisions in the Mitigation Fee Act (Gov. Code § 66000, et seq.) in effect at the time of the protest.

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16.50.100 Exemptions.

The fees imposed under this chapter shall not apply to the following:

- A. Remodeling or alteration of an existing dwelling or building.
- B. Additions to an existing dwelling or building that does not cause the site upon which the dwelling or building is situated to be expanded.

Chapter 16.52 AREA OF BENEFIT

Sections:

- 16.52.010 Purpose and authority.**
- 16.52.020 Findings required.**
- 16.52.030 General.**
- 16.52.040 Interest provision.**
- 16.52.050 Separate funds.**
- 16.52.060 Life of area of benefit.**
- 16.52.070 Surplus distribution.**
- 16.52.080 Credits.**
- 16.52.090 Payment of fees required.**
- 16.52.100 Exemptions.**
- 16.52.110 Reimbursements.**
- 16.52.120 Notice of hearing.**
- 16.52.130 Hearing.**

16.52.010 Purpose and authority.

The purpose of this chapter is to make provision for assessing and collecting fees as a condition of approval of a map, condition of development approval, or as a condition of issuing a building permit for the purpose of defraying the actual or estimated cost of constructing the public improvements pursuant to the city's authority to make and enforce all ordinances and regulations with respect to municipal affairs under the California Constitution, Article 11, Section 5 and Visalia Municipal Charter, Article III, Sections 1 and 2.

This chapter shall be the exclusive procedure for the establishment and operation of areas of benefit in the city.

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16.52.020 Findings required.

No area of benefit shall be established hereunder unless the ~~city-council~~City Council finds that the construction of the public facilities or improvements provided for by the area of benefit fees is required for subsequent subdivisions and developments, and that the fees are fairly apportioned within the area on either the basis of benefits conferred on property proposed for development or subdivision, or on the need for such facilities created by the proposed development and development of other property within the area.

16.52.030 General.

A. The ~~city-council~~City Council may by resolution adopt an area of benefit for the purpose of defraying the actual or estimated costs of public improvements. An area of benefit may be used for the following purposes:

- ~~A1.~~ To reimburse a subdivider or developer who installs public or public utility improvements ~~which that~~ benefit property outside the subdivision or development.
- ~~B2.~~ To reimburse the city or county ~~which that~~ constructs public or public utility improvements ~~which that~~ benefit property.
- ~~C3.~~ To establish a fund for the future construction of a needed public or public utility improvement.

B. Public or public utility improvements for which area of benefits can be established are as follows:

1. curb, gutter and sidewalk
2. street structural sections
3. tree wells and sprinkler systems
4. fences
5. street lighting
6. street signs
7. traffic signals
8. storm drainage facilities
9. sanitary sewer facilities
10. water facilities
11. fire hydrants

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12. storm drain and sanitary sewer pump stations
13. railroad crossings
14. bridges, culverts and major thoroughfares
15. fire stations
16. police substations

C. By resolution, the ~~city council~~ City Council shall establish the boundaries of the area of benefit, the estimated or actual cost, a fair method of allocation of costs, fee apportionment, and the applicable fee to be paid. The cost shall include design, construction, inspection, acquisition of land or easements, contingencies, and incidental expenses.

D. The area of benefit fees shall include a city administrative charge of ten percent of the total cost. Where used in this chapter, the phrase "subdivider or developer" shall also mean "city or county" as used in ~~subdivision~~ Subsection B-A above.

16.52.040 Interest provision.

A. Interest shall accrue on the unpaid balance of the area of benefit fee and the area of benefit fee shall be adjusted accordingly. The interest rate shall be equal to the local agency invest fund (LAIF) rate in effect at the time the resolution approving the area of benefit fee is adopted and shall be so indicated in the resolution. The interest shall begin to accrue from the time the notice of completion is filed with the county recorder for the improvements covered by the area of benefit fee. The amount of the accumulated interest shall not exceed one hundred (100) percent of the principal amount of the area of benefit fee.

B. The revised area of benefit fee shall equal the adjusted cost plus a city administrative fee of ten percent of the adjusted cost.

16.52.050 Separate funds.

A. Area of benefit fees less the ten percent city administrative charge shall be deposited in separate funds. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of the public improvements serving the area to be benefited.

E. The funds shall also accrue interest.

16.52.060 Life of area of benefit.

Fees collected twenty (20) years after the date the area of benefit is formed shall be retained by the city.

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16.52.070 Surplus distribution.

A. After completion of the public improvements and payment of all claims from any area of benefit, the ~~city council~~**City Council** may determine by resolution the amount of the surplus, if any, remaining in any of those funds.

B. There shall be transferred to the general fund any remaining portion of the surplus ~~which that~~ has not been paid to or claimed by the persons entitled thereto within two years from the date of either the completion of the improvements, or the adoption by the resolution declaring a surplus, whichever is later to occur.

16.52.080 Credits.

A. Where the city has established an area of benefit for the future construction of a needed public improvement, a subdivision or development will be credited for any portion of the improvement installed by the subdivider or developer.

B. Whenever the area of benefit fees exceed the credits, the subdivider or developer shall pay to the city the balance. Whenever the credits exceed the area of benefit fees, the city will reimburse the subdivider or developer from subsequent payments.

16.52.090 Payment of fees required.

A. Prior to the issuance of a building permit or the filing of any final or parcel map, the subdivider or developer shall pay all area of benefit fees.

B. The fees shall be paid for the entire area included within the map, including developed parcels.

16.52.100 Exemptions.

Payment of the area of benefit fees shall not be required for:

A. The following accessory buildings and structures: Private garages, children's playhouse, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops and other buildings ~~which that~~ are accessory to one-family or two-family dwellings.

B. The use, alteration or enlargement of an existing building or the erection of one or more buildings or structures accessory thereto, or both, on the same lot or parcel of land; provided, the total value, as determined by the building division of the community development department, of all such alteration, enlargement or construction does not exceed, in the aggregate, twenty-five ~~(25%)~~ percent ~~(25%)~~ of the current market value, as determined by the building division of all existing buildings on such lot or parcel of land, and the alteration or enlargement of the building is not such as to change its classification or occupancy as defined by Section 501 of the Uniform Building Code.

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Additional exemption(s) from the payment of the area of benefit fee may be obtained so long as the total accumulated value of all such alterations, enlargements or construction does not exceed twenty-five ~~(25)~~ percent ~~(25%)~~ of the then current market value, as determined above, of all existing buildings on such lot or parcel of land at the time the first such exemption is obtained.

16.52.110 Reimbursements.

A subdivider or developer who installs public improvements ~~which that~~ benefit property outside the subdivision or development is eligible for reimbursement. An area of benefit will be established to reimburse the subdivider or developer a proportionate share of the cost. The subdivider or developer will be reimbursed from area of benefit payments from future subdivisions and development. The amount of reimbursement shall equal the area of benefit payments less the ten ~~(10)~~ percent ~~(10%)~~ city administrative charge.

Reimbursements shall be payable to heirs, successors and assigns of the subdivider or developer. Payment to more than one individual, corporation, or partnership must be approved by the finance director.

16.52.120 Notice of hearing.

Prior to the adoption of a resolution creating an area of benefit under this chapter the city shall:

- A. At least ten ~~(10)~~ days prior to the date and time set for the hearing before the ~~city council~~ City Council, give a notice by first class mail, to the addresses as shown on the latest equalized assessment roll of Tulare County, to the owners of all property proposed for inclusion in the area of benefit.
- B. Publish in a newspaper pursuant to Government Code Section 6062a, as the same may be amended from time to time, notice of the date, time and location set for such hearing.
- C. Include in such notice to property owners as required under subsection A or B above a statement of the nature of the improvement to be constructed under the area of benefit, the actual or estimated costs of the project and the proposed boundaries of the area of the benefit.

16.52.130 Hearing.

The hearing on such proposed areas of benefit shall take place before the ~~city council~~ City Council, at which time all interested parties shall be heard. The Council shall establish the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment.

Following establishment of an area of benefit pursuant to this part, the city shall cause said resolution to be recorded with the Tulare County Recorder, ~~which that~~ shall then bind and run with the land included therein.

Chapter 16.54 GROUNDWATER OVERDRAFT MITIGATION

Sections:

- 16.54.010** Legislative findings.
- 16.54.020** Purpose.
- 16.54.030** Short title, authority, applicability.
- 16.54.040** Rules of construction.
- 16.54.050** Imposition of groundwater mitigation fee on new development.
- 16.54.060** Imposition of groundwater impact fee on providers of municipal water supplies, ~~which~~that include all residential, commercial and industrial water suppliers.
- 16.54.070** Computation of the amount of the fee.
- 16.54.080** Use of funds.
- 16.54.090** Refund of fees paid.
- 16.54.100** Modification of the fee.
- 16.54.110** Penalty.
- 16.54.120** Severability.

16.54.010 Legislative findings.

The ~~city council~~City Council finds, determines and declares that:

- A. Local water resources are among the most precious resources of the city and surrounding area.
- B. Management of the water resources serving the residents of the city is critical to the long-term health, welfare and safety of the citizens of the city.
- C. The city's primary water supply is from underground water resources, which are being depleted by groundwater extraction in excess of groundwater replenishment ("groundwater overdraft").

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D. Conversion of land from agricultural to urban uses increases the local groundwater overdraft and has the potential to seriously deplete available groundwater resources over time.

E. Provision of municipal water supplies by private water companies and utilities contributes substantially to the continuing groundwater overdraft.

F. The impact of existing and proposed development on groundwater overdraft has been determined through a technical study prepared for the city by the consulting engineering firm of Provost & Pritchard, which study has been reviewed and considered by the ~~city council~~City Council prior to adoption of this chapter. The technical analysis provides the basis for the fees established by this chapter.

G. California Constitution, Article XI, Section 7, California Public Utilities Code Sections 6203 and 6294, Article III and XIV of the City Charter and objective 2.4 and policies 2.4.1 and 2.4.2 of the city's General Plan authorize the city to enact this chapter.

16.54.020 Purpose.

The purpose of this chapter is to assess impact fees upon new development and a volumetric fee upon existing urban water supplies to fund programs to mitigate the impact of such new development and existing water extractions upon conditions of groundwater overdraft. Specifically, this chapter is intended to fund activities and projects to mitigate impacts to conditions of groundwater overdraft. Such activities will include, but not be limited to, the following:

- A. Acquisition of surface water rights and surface water supplies.
- B. Development of groundwater recharge facilities.
- C. Reconfiguration of stormwater facilities designed to retain as much stormwater as possible within and near the city.
- D. Enhancement of cooperative programs with local water management agencies and companies.
- E. Development of more efficient water delivery systems.

16.54.030 Short title, authority and applicability.

A. This chapter shall be known and may be cited as the "City of Visalia Water Resource Management and Groundwater Overdraft Mitigation Fee Ordinance."

B. The ~~City Council~~City Council has the authority to adopt this chapter pursuant California Constitution, Article XI, Section 7, California Public Utilities Code Sections 6203 and 6294, Article III and XIV of the City Charter and objective 2.4 and policies 2.4.1 and 2.4.2 of the city's General Plan.

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C. This chapter shall apply in the incorporated area of the city to the extent permitted by Article XI of Section 7 of the Constitution of the State of California.

16.54.040 Rules of construction.

A. The provisions of this chapter shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.

B. For the purpose of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter:

1. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.
2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the single, unless the context clearly indicates the contrary.
4. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
5. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected terms, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
6. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

16.54.050 Imposition of groundwater mitigation fee on new development.

A. Any person seeking to annex, subdivide or otherwise procure entitlement to develop property within the city, shall be required to pay the fee specified below.

1. The initial fee shall be \$950 per acre of land to be developed.
2. The obligation to pay the fee shall be made a condition of annexation or approval of a tentative subdivision map or other entitlement for development.

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3. The fee required by this chapter shall be paid as a condition of final map approval or other final discretionary development approval. The fee paid shall be in addition to all other impact fees paid prior to issuance of a building permit.

B. In lieu of payment of the fee specified in A. above, and with concurrence of the city, any person seeking to annex, subdivide or otherwise procure entitlement to develop property within the city may dedicate water rights to the city. The city, in its sole discretion, shall determine whether such dedication equals in value the amount of the fee otherwise applicable pursuant to A. above.

16.54.060 Imposition of groundwater impact fee on providers of municipal water supplies, which include all residential, commercial and industrial water suppliers.

A. Effective January 1, 2006, all municipal water suppliers providing water service in the city shall pay a groundwater impact mitigation fee of ~~fourteen (14) dollars (\$14)~~ per acre foot of water pumped to provide such service.

B. The fee shall be paid within ~~sixty (60)~~ days of the end of each month. The payment shall be accompanied by a report of the volume of water pumped from each well utilized to provide water service within the city. Fees not paid within ~~thirty (30)~~ days shall be subject to late fees and interest consistent with the city's standard practice.

C. All municipal water suppliers shall maintain records of all pumping for the purpose of supplying water within the city. Such records shall identify the volume of water pumped from each well utilized to provide water service within the city. Such records shall be subject to inspection by the city during normal business hours after providing five working days notice of intent to inspect such records.

D. In lieu of payment of the fee specified in Subsection A. above, and with concurrence of the city, a municipal water supplier may dedicate water rights to the city. The city, in its sole discretion, shall determine whether such dedication equals in value the amount of the fee otherwise applicable pursuant to Subsection A. above.

16.54.070 Computation of the amount of the fee.

The fees established by Sections 16.54.~~060-050~~ and 16.54.~~070-060~~ were determined by evaluating the impact of development on existing conditions of groundwater overdraft and calculating the cost of the water and facilities necessary to mitigate such impact. A technical study was prepared by a qualified consulting engineering company of all of the data available to make such determination.

16.54.080 Use of funds.

All funds collected shall be used exclusively for the purposes specified in Section 16.54.020.

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16.54.090 Refund of fees paid.

If a building permit or permit for ~~mobile~~ ~~manufactured~~ home installation expires without commencement of construction, then the feepayer shall be entitled to a refund, without interest, of the fee paid plus a condition of its issuance; except, that the city shall retain three ~~(3)~~ percent of the fee to offset a portion of the costs of collection and refund. The feepayer must submit an application for such refund to the city within 30 days of the expiration of the permit. Within ~~twenty~~ ~~(20)~~ working days of receipt of an application for refund the city shall issue a refund or issue written findings as to why the refund shall not be made.

16.54.100 Modification of the fee.

The ~~city council~~ City Council may modify the fees established in Sections 16.54.050 and 16.54.060 annually by resolution if the assumptions utilized in calculating the fees have changed. The modifications adopted by resolution will not be based on a change in the method of calculating the fees. Absent action by the ~~city council~~ City Council to modify the fees by resolution, each April of each year the chief financial officer shall review the current Engineering News Record Construction Cost Index (ENRCCI) for the cities of Los Angeles and San Francisco, California. When the average of such indices differs from the average of the indices for the preceding April first, the factor of increase or decrease shall be applied to the fees established in Sections 16.54.050 and 16.54.060.

16.54.110 Penalty.

Any violation of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution the city shall have the power to sue in civil court to enforce the provisions of this chapter.

16.54.120 Severability.

If any section, phrase, sentence, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

TITLE 17 ZONING

Chapters:

- 17.02 **General Provisions**
- 17.04 **Definitions**
- 17.06 **Zone Classifications**
- 17.08 **Agricultural Zone**
- 17.10 ~~**Rural Residential Zone Open Space Zone**~~
- 17.12 ~~**R-1 Single-Family Residential Zone**~~
- 17.14 ~~**P(R-1-4.5) Residential Zone [Reserved]**~~
- 17.16 ~~**P(R-M) Multi-Family Residential Zones**~~
- 17.18 ~~**Planned Commercial Zones**~~
- 17.19 ~~**Mixed Use Zones**~~
- 17.20 ~~**Planned Office Zones**~~
- 17.22 ~~**Planned Industrial Zones**~~
- 17.24 ~~**Planned Business Research Park (P-BRP) Zones**~~
- 17.25 ~~**Commercial, Mixed Use, Office, and Industrial Zones Use Matrix**~~
- 17.26 **Planned Development**
- 17.28 ~~**Planned Development**~~ **Site Plan Review** Permit
- 17.30 **Development Standards**
- 17.32 **Special Provisions**
- 17.34 **Off-Street Parking and Loading Facilities**
- 17.36 **Fences, Walls and Hedges**
- 17.38 **Conditional Use Permits**
- 17.40 **Nonconforming Uses and Structures**
- 17.42 **Variances ~~and Exceptions~~**
- 17.44 **Zoning** Amendments

City of Visalia Municipal Code Title 17 - Zoning Ordinance

- 17.46 Administration and Enforcement
- 17.48 Signs
- 17.50 Airport ~~Zoning~~Zone
- 17.52 Quasi-Public Zone
- 17.54 General Plan Amendments
- 17.56 Historic Preservation District
- 17.58 Downtown Retail Overlay District
- 17.60 Development Agreements
- 17.62 Adult-Oriented Businesses
- 17.63 Micro-Brewery/Micro-Winery Overlay District

Chapter 17.02 GENERAL PROVISIONS

Sections:

Article 1. General Provisions

- 17.02.010 Adoption.**
- 17.02.020 Purpose.**
- 17.02.030 Components.**
- 17.02.040 Application and interpretation.**
- 17.02.050 Ambiguity.**
- 17.02.060 Permitted uses only.**
- 17.02.070 Height limits.**
- 17.02.080 Open space--Encroachment.**
- 17.02.090 Open space--Other buildings.**
- 17.02.100 Addition of permitted/ conditional uses.**
- 17.02.110 Similar uses permitted or conditional.**
- 17.02.120 Use of nonconforming site.**
- 17.02.130 Yard requirements--Measurement.**
- 17.02.140 Coverage--Measurement.**
- 17.02.145 Appeal to city council.**

Article 2. Administrative Adjustments

- 17.02.150 Purpose.**
- 17.02.160 Scope of authority.**
- 17.02.170 Adjustment criteria.**
- 17.02.180 Report to planning commission.**

City of Visalia Municipal Code Title 17 - Zoning Ordinance

Article 1. General Provisions

17.02.010 Adoption.

There is adopted, as provided herein, a zoning ordinance for the city of Visalia, state of California, said ordinance being a precise and detailed plan for the use of land of said city.

17.02.020 Purpose.

This title is enacted to preserve and promote the public health, safety and welfare of the city, and of the public generally and to facilitate growth and expansion of the municipality in a precise and orderly manner. More specifically, the zoning ordinance is adopted in order to achieve the following objectives:

- A. Foster a workable relationship among land uses;
- B. Promote the stability of existing land uses ~~which~~that conform to the district in which they occur;
- C. Ensure that public and private lands ultimately are used for purposes ~~which~~that are appropriate and most beneficial for the city;
- D. Prevent excessive population densities;
- E. Avoid a concentration of structures adjoining each other or juxtaposed too closely together in close proximity to each other;
- F. Promote a safe, effective traffic circulation system;
- G. Require adequate off-street parking and truck loading facilities;
- H. Facilitate the appropriate location of community facilities and institutions;
- I. Coordinate land use policies and regulations of the city in order to facilitate the transition of land areas from county to municipal jurisdiction and to protect agricultural producers in areas planned for urban expansion;
- J. Implement the goals, policies and map of the general plan.

17.02.030 Components.

This title shall consist of a zoning map and it will determine districts, control land uses, restrain population densities, specify uses and locations of structures, designate appropriate landscaping of certain structural uses, determine areas and dimensions of sites, provide for off-street parking and loading facilities, and prescribe other regulations in order to protect the public health, safety and welfare of the city.

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17.02.040 Application and interpretation.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements. This title shall apply to all property whether owned by private persons, firms, corporations or organizations; by the United States of America or any of its agencies; by the state of California or any of its agencies or political subdivisions; by any city or county, including the city or any of its agencies; or by any authority or district organized under the laws of the state of California, all subject to the following exceptions:

- A. Public streets and alleys;
- B. Underground utility lines and facilities;
- C. Underground communications lines;
- D. Overhead communications lines;
- E. Overhead electric distribution lines, not including transmission and distribution substations;
- F. Railroad rights-of-ways;
- G. Transmission lines.

17.02.050 Ambiguity.

Except as otherwise expressly provided pursuant to other provisions of this title, if ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, or with respect to height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes in processing of materials, it shall be the duty of the planning commission to ascertain all pertinent facts and by resolution, set forth its findings and interpretations, and thereafter such interpretations shall govern unless appealed to the city council pursuant to section 17.02.145. Upon review, such interpretation may be approved, disapproved or modified by the city council.

17.02.060 Permitted uses only.

No structure or part thereof shall be erected, altered or enlarged, nor shall any site or structure be used, designated or intended for use other than the uses hereinafter listed as permitted or conditional in the zone in which such structure, land or premises is located.

17.02.070 Height limits.

No structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zones in which such structure is located.

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17.02.080 Open space—Encroachment.

No structure shall be erected, nor shall any existing structure be altered, enlarged, rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, site area and building location regulations hereinafter designated for the zone in which such structure or open space is located.

17.02.090 Open space—Other buildings.

No yard or other open space provided about any structure for the purpose of complying with provisions of this title shall be considered as providing a yard or open space for any other structure, and no yard or other open space on one site shall be considered as providing a yard or open space for a structure on any other site.

17.02.100 Addition of permitted/conditional uses.

A. Upon application or on its own initiative, the city planning commission may add to the list of permitted or conditional uses, if the commission makes the following findings:

1. That any addition to the list of permitted or conditional uses will be in accordance with the purposes of the zone in which the use is proposed;
2. That the use will be an appropriate addition to the list of permitted or conditional uses because the use has the same basic characteristics as the uses permitted in the zone;
3. That the use will not be detrimental to the public health, safety or welfare;
4. That the use will not adversely affect the character of zone in which it is to be permitted;
5. That the use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or be more objectionable than the uses permitted in the zone;
6. That the use will not create any greater hazard of fire or explosion than the hazards normally associated with the uses permitted in the zone;
7. That the use is within conformance with the purpose, intent and policies of the general plan.

B. Additions may be made to the list of permitted or conditional uses by resolution of the planning commission, subject to ratification by the city council. The planning commission and city council may, at their discretion, hold a public hearing on a proposed addition.

17.02.110 Similar uses permitted or conditional.

A. When a use is not specifically listed in the zoning ordinance and does not appear to be covered by a general category, the city planner may make the finding that the use is permitted or allowed subject to the granting of a conditional use permit if the use is similar in nature and intensity to other uses listed.

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B. It is further recognized that every conceivable use cannot be identified in this title, and anticipating that new uses will evolve over time, this establishes the city planner's authority to compare a proposed use and measure it against those listed in this title that are similar in nature and intensity in order to make a determination that the use is "similar" and may be permitted or allowed subject to the granting of a conditional use permit.

C. In determining "similarity" the city planner shall make all of the following findings:

1. The proposed use shall meet the intent of and be consistent with the goals, objectives and policies of the general plan;
2. The proposed use shall meet the stated purpose and general intent of the zone in which the use is proposed to be located;
3. The proposed use shall not adversely impact the public health, safety and general welfare of the city's residents; and
4. The proposed use shall share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the land use zone in which it is to be located.

17.02.120 Use of nonconforming site.

Except as otherwise provided in this title a site having an area, frontage, width or depth less than the minimum prescribed for the zone in which the site is located, as depicted on a duly approved and recorded subdivision map, or a site for which a deed or valid contract of sale was recorded prior to the adoption of this title, and ~~which that~~ had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, such sites may be used for any permitted use, but shall be subject to all other regulations for the zone in which the site is located.

17.02.130 Yard requirements—Measurement.

A. Required yards shall be measured as the minimum horizontal distance from the property line of the site or street line to a line parallel on the site; provided, that where a precise street plan has been adopted by the city council, required yards shall be measured from the plan line, and no provision of this title shall be construed to permit a structure or use to extend beyond such line; and provided further, that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.

B. On a site ~~which that~~ is not rectangular or approximately rectangular in shape, required yards shall be measured in the manner prescribed by the city planner in accordance with adopted codes and ordinances.

City of Visalia Municipal Code Title 17 - Zoning Ordinance

17.02.140 Coverage—Measurement.

Percentage of a site area covered by structures shall be measured by dividing the number of square feet of horizontal area covered by structures, open or enclosed, by the total horizontal area within the property line of the site.

17.02.145 Appeal to city council.

Where the planning commission is authorized to make any decision pursuant to the provisions of Title 17 of the Visalia Municipal Code and that decision is to be subject to appeal to the city council, the following procedure shall apply.

A. The subdivider or any interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the Council, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action ~~which~~that is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. Upon the filing of an appeal, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member requests. The city clerk shall give notice of the hearing according to the procedure required for the initial action by the Planning Commission, except that the timing of such notice shall be not less than 10 days before the hearing.

C. In holding the hearing on the matter, the Council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote.

Article 2. Administrative Adjustments

17.02.150 Purpose.

The purpose of an administrative adjustment is to provide action on projects ~~which~~that are routine in nature but may require an interpretation of established policies and standards set forth in the zoning ordinance.

City of Visalia Municipal Code Title 17 - Zoning Ordinance

17.02.160 Scope of authority.

- A. Notwithstanding the provisions of Chapter 17.42, the city planner or his/her designee shall have the authority to grant administrative adjustments to development standards contained within this title.
- B. Upon written request, the city planner may approve, conditionally approve or deny without notice minor adjustments to the following development standards; building and landscaping setbacks, site area, lot width, building height, parking.
- C. Any administrative adjustment shall be limited to no more than twenty percent of a required development standard. In making the adjustment, the city planner shall make a finding that the adjustment is consistent with the criteria listed in Section 17.02.170. With respect to adjustments to building setbacks and building height, the adjustment shall also be approved by the fire chief and director of public works or his/her designee prior to granting said administrative adjustment.

17.02.170 Adjustment criteria.

The city planner shall record the decision in writing and shall recite therein the basis for same. The city planner may approve and/or modify an application in whole or in part, with or without conditions, only if all the following criteria are met:

- A. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, creating a practical difficulty or unnecessary hardship;
- B. That granting of the administrative adjustment is necessary to provide consistency with properties in the same vicinity and land use designation or design district within which the administrative adjustment is sought;
- C. That granting the administrative adjustment will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use designation or design district in which the property is located;
- D. That granting the administrative adjustment will not be inconsistent with the goals and policies of the general plan.

17.02.180 Report to planning commission.

No later than January 31st, the city planner shall report to the planning commission a summary of the administrative adjustment applications that have been processed and approved during the proceeding calendar year.

Chapter 17.04 DEFINITIONS

Sections:

- 17.04.010 General.**
- 17.04.020 Commissions and officials.**
- 17.04.030 Definitions.**

17.04.010 General.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title, and words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure” and the word “shall” is mandatory and not discretionary.

17.04.020 Commissions and officials.

The words “city planning commission” and “commission” mean the planning commission duly appointed by the city council. The words “city planner” mean the city planner of the city and any succeeding position title whose function is primarily the same. The words “city engineer” mean the city engineer of the city and any succeeding position title whose function is primarily the same.

17.04.030 Definitions.

The definitions set forth in this chapter shall apply to this title.

“Affordable housing” means, under state and federal statutes, housing ~~which~~that costs no more than thirty (30) percent of gross household income. Housing costs include rent or mortgage payments, utilities, taxes, insurance, homeowner association fees, and other related costs.

“Alley” means a public way reserved as a secondary means of vehicular access to abutting property ~~which~~that is twenty-four (24) feet in width or less.

“Alter” means to do work ~~which~~that does not result in enlarging a building but ~~which~~that will prolong the life of the structure.

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“Auction House” means an establishment where the real or personal property of others is sold by a broker or auctioneer to persons who attend scheduled sales or events.

“Bail Bonds” means a facility that provides bail bonds, documents that ensure to the court system that a person facing charges, and who typically is in jail, will appear for future court appointments if released.

“Boarding / Rooming house” means a dwelling in which lodging and meals are provided for compensation for more than three but not more than fifteen (15) persons not including members of the principal occupant's immediate family. Nursing homes as defined in this section are specifically not included.

“Block” means the properties abutting on one side of street and lying between intersections or between an intersection and the end of a street.

“Building” means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels or property.

“Check Cashing Facility” means a person or business that for compensation engages, in whole or in part, in the business of cashing checks, payday advances, warrants, drafts, money orders or other commercial paper serving the same purpose. “Check cashing facility” does not include a State or Federally chartered bank, savings association, credit union or industrial loan company. “Check cashing facility” does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money order for minimum flat fee as a service that is incidental to its main purpose or business.

“Communications equipment building” means building housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without personnel. This definition does not apply to wireless telecommunication facilities and ancillary structures, and associated buildings, equipment, poles, towers, and lattice structures.

“Convalescent Home.” See nursing home.

“Craft distillery” means an establishment that produces distilled spirits in quantities totaling less than 100,000 gallons per year that are served on site and/or sold for off-site consumption. Service and sale of distilled spirits must be in conjunction with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Service of brewed beverages may be conducted with or without the service of food. Micro-distillery, boutique-style distillery, and artisan distillery are included in this definition.

“Dwelling” means a structure or portion thereof designed for or occupied for residential purposes excluding automobiles, trailers, hotels, motels, labor camps, tents, railroad cars, converted transit vehicles or any type of temporary structure.

“Dwelling, multi-family” means a structure containing more than one dwelling unit, designed for occupancy or occupied by more than one family.

City of Visalia Municipal Code Title 17 - Zoning Ordinance

“Dwelling unit” means one or more rooms with cooking facilities designed for occupancy by one family for living and sleeping purposes.

“Dwelling unit, accessory” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family dwelling situated.

“Emergency shelter” means a facility that provides shelter to homeless families and/or homeless individuals on a limited short-term basis.

“Family” means:

1. Two or more persons related by birth, marriage, or adoption [U.S. Bureau of the Census]; or
2. An individual or a group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind [California].

“Farm employee housing” means living quarters, including dwellings with sleeping accommodations and dining facilities, maintained for occupancy by persons employed principally in farming and related pursuits on land owned, leased or rented by the owner, lessee, or tenant of the site on which the farm employee housing is located; excepting a labor camp or trailer park.

“Farmer’s market” means two or more farm-producers that sell their own agricultural products directly to the general public at a fixed location, which includes fruits and vegetables, meat, fish, poultry, dairy products, and grains.

“Fast food restaurant” means an establishment that offers quick food service for consumption on or off the premises. Orders are not generally taken at the customer’s table, and food is generally served in disposable wrapping or containers.

“Fast food restaurant with drive-through” means an establishment that offers/delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages for consumption either on or off the premises.

“Floor area, gross” means the total horizontal area in square feet of the several floors of a structure, including interior balconies, mezzanines, carports, and basements, but not including the area of the inner courts.

“Frontage, primary” means that portion of a parcel ~~which that~~ is adjacent to the public right-of-way. For a corner lot, the frontage with the smallest dimension shall be considered as the primary frontage. There shall be only one primary frontage per parcel.

“Frontage, secondary” means on a corner lot, that portion of a parcel ~~which that~~ is adjacent to a public right-of-way ~~which that~~ is not the primary frontage.

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“Garage” or “carport” means an accessory structure or a portion of a main structure, having a permanent roof, and designed for the storage of motor vehicles.

“Garage, front-loading” means a garage or carport whose entry door/opening is facing the front lot line of the lot upon which it is located.

“Garage, repair” means a structure or a part thereof where motor vehicles are repaired or painted.

“Garage, side-loading” means a garage or carport whose entry door/opening is facing a side lot line of the lot upon which it is located.

“Garage, storage” means a structure or part thereof used for the storage, parking or servicing of motor vehicles, but not for the repair thereof.

“Gasoline service” means an operation that dispenses gasoline and motor fuel in conjunction with a companion permitted use or a self-service operation.

“Guest house” means living quarters within an accessory structure for use by temporary guests of the occupants of the premises having no cooking facilities and not rented or otherwise used as a separate dwelling.

“Home occupation” means any conduct of pecuniary gain by an art or profession; the offering of a service or conduct of a business, or handicraft manufacture of products within or from a dwelling in a residential zone, ~~which that~~ is clearly incidental and secondary to the use of the structure for a dwelling purpose, and ~~which that~~ does not change the character of the residential use.

“Hotel” or “motel” means a structure or portion thereof or a group of attached or detached structures containing individual guest rooms, suites, and/or meeting rooms (not to exceed three thousand five hundred (3,500) square feet in area), for the accommodation of transient occupants, provided that not more than fifty (50) percent of the guest units have kitchen facilities.

“Hospital, general” means a facility staffed and equipped to provide various types of intensified hospital care including, but not limited to, short-term care in acute medical, surgical and obstetrical services.

“Hospital, specialized” means a hospital, sanitarium, rest, nursing, or convalescent hospital care including, but not limited to, short-term care in acute psychiatric, drug addiction, or alcoholism cases or other specific illnesses.

“Household hazardous waste collection center” means city and county operated household hazardous waste collection center, a facility operated by the city and county for the collection, sorting, packing, storage and shipment of small quantities (less than five gallons or fifty (50) pounds per delivery) of hazardous wastes generated in the home. Such a facility would be operated with a state approved operating plan and would require approval of the city fire marshal. The facility would serve to implement the household hazardous waste recommendations

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of the approved Tulare County hazardous waste management plan. Such a facility would occupy an area of not more than five hundred (500) square feet, and would not use power driven processing equipment. The facility must be located over five hundred (500) feet from existing residential uses. Waste materials collected would include, but not be limited to: pesticides, cleaners and polishes, oil-based paints, hobby supplies and other household items considered hazardous as a result of flammability, corrosiveness, toxicity or reactivity. Items such as used motor oil and lead-acid batteries would be collected for recycling.

“Household pets” means animals or birds ordinarily permitted in a dwelling and kept only for the company or pleasure provided to the occupants. Household pets shall not include horses, cows, goats, sheep, other equine, bovine, ovine or ruminant animals, pigs, predatory wild animals, chickens, ducks, geese, turkeys, pigeons (except as provided in Section 17.32), game birds, fowl ~~which that~~ normally constitute an agricultural use, poisonous reptiles, and bees. Rodents and rabbits shall not exceed four per property.

“Junk yard” means a site or portion of a site on which waste, discarded or salvaged materials are bought, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, used lumber yards and the like; excepting a site on which such uses are conducted within a completely enclosed structure and excepting vehicle wrecking yards as defined in this section. An establishment for the sale, purchase or storage of used cars or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard.

“Labor camp” means living quarters including dwellings, tents, bunkhouses, railroad maintenance cars, trailer coaches, or other housing accommodations, maintained in connection with any work or place where work is being performed and the site on which they are located, and/or a site set aside providing for camping of five or more employees by a labor contractor; excepting farm employee housing as defined in this section.

“Liquor store” means a retail establishment designed and operated for the primary purpose of selling alcohol. Food stores and convenience markets for which sales of food comprise the majority of gross sales, but also sell alcohol, shall not be considered as a “liquor store.”

“Live Entertainment” means the performance by one (1) or more of any of the following performed live with amplified sound by one (1) or more persons, whether or not done for compensation and whether or not admission is charged: (i) musical act, including karaoke; (ii) theatrical act, including a play, revue, or stand-up comedy; (iii) dance; (iv) magic act; (v) disc jockey; or (vi) similar activity.

“Lodge” or “club” means an association of persons, whether incorporated or unincorporated, for some common purpose, but not including groups organized to render service carried on as a business.

“Lot, corner” means a site bounded by two or more adjacent street lines ~~which that~~ have an angle of intersection of not more than one hundred thirty-five (135) degrees.

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“Lot, interior” means a lot other than a corner lot.

“Lot, key” means the first lot to the rear of a reversed corner lot whether or not separated by an alley.

“Lot, reversed corner” means a corner lot whose side street line is substantially a continuation of the front lot line of the first lot to its rear.

“Lot, through” means a lot having frontage on two parallel or approximately parallel streets.

“Lot line, front” means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from a street.

“Lot line, rear” means the line opposite the front lot line.

“Lot line, side” means any lot line other than a front or rear lot line ~~which that~~ intersects a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

“Lot width” means the horizontal distance between the side lot lines, measured at right angles to the depth at a point midway between the front and rear lot lines.

“Market-rate housing” means housing ~~which that~~ is available on the open market without any subsidy. The price for housing is determined by the market forces of supply and demand and varies by location.

“Massage Therapy Establishment” means an establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body by a Certified Massage Therapist.

“Material” means any item that serves as crude or raw matter to be used or developed in conjunction with business or use.

“Medical buildings” means clinics or offices for doctors, dentists, oculists, chiropractors, osteopaths, chiropodists, or similar practitioners of the healing arts; including accessory laboratories and a prescription pharmacy, but not including offices for veterinarians.

“Mobile home” means a structure exceeding eight feet in width and forty (40) feet in length, having a chassis and designed to be movable, with kitchen, bathroom, and living facilities, designed for use as a single-family dwelling unit when connected to appropriate utility lines, and has no foundation other than wheels or temporary stabilizing units.

“Mobile home park” means any parcel, or contiguous parcels of land under single ownership designed or intended to be used to accommodate mobile homes on permanent or semi-permanent bases regardless of whether or not a charge is made for such accommodations.

“Mobile home site” means any portion of a mobile home park designated for the occupancy of one mobile home and approved on-site structures in connection with such occupancy.

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“Mobile recycling unit” means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles ~~which~~that is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

“Nursery school” means the use of a site or portion of a site for organized programs devoted to the education or day care of ten or more pre-elementary school age children other than those resident on the site.

“Nursing home” means a structure operating as a lodging house in which nursing, dietary and other personal services are rendered to convalescent, invalids or aged persons not including persons suffering from contagious or mental diseases, alcoholism or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

“Office” means a room or building where a particular kind of business or service for others is transacted but not including infrequent or occasional services rendered from a home.

“Office, main” means the principal location of a business where correspondence is directed, primary and current records are retained, and where the majority of the business is transacted.

“Office, temporary” means the secondary location of a business, separate and subordinate to a main office, the use of which is incidental to the main office and limited to short and specific periods of time.

“Patient” means any person who is under medical observation, care or treatment and shall include the following:

“Patient, ambulatory” means a person who is capable of demonstrating the physical ability and mental competence to leave the facility without the assistance of any person in case of an emergency.

“Patient, chronic or long-term” means a person with a prolonged illness, injury or disease including mental illness or mental or behavior disorder or other competent or incompetent person requiring an extended period of medical care and treatment.

“Patient, mentally retarded” means a person with a mental impairment who requires nursing care, protective supervision, training, or other services.

“Patient, short-term” means a person who is under medical observation, care or treatment of a short period of time and generally considered to be ambulatory.

“Planned neighborhood commercial center” means a facility to provide for convenience shopping in the residential neighborhoods planned and controlled to the extent that any such areas will provide the vital services to the neighborhood in which it is located.

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“Porte Cochere” means a roofed structure extending from the entrance of a building over an adjacent driveway to shelter those entering or exiting a vehicle, or a passageway through a structure designed to let vehicles pass from the street to an interior courtyard.

“Public utility service yard” means an area for the storage of public utility vehicles and material and office facilities for installation, maintenance and construction personnel.

“Quasi-public use” means any use ~~which~~that is listed as a conditional use within the R-1 zone.

“Railroad right-of-way” means a strip of land of a maximum width of one hundred (100) feet only for the accommodation of a main line or branch line railroad tracks, switching equipment and signals, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, section gang and other employee housing, yards or other uses are located.

“Recreational Vehicle.” See travel trailer.

“Raw materials manufacture” means asphalt paving & roofing materials manufacture; concrete, gypsum & plaster products manufacture; cotton processing/cotton gins; glass manufacturers (crushing, melting, pressing, blowing, shaping); graphite refractories; tile & brick manufacturers; metal reduction, smelting, refining (steel mills, blast furnaces); mineral product manufacture (crushing, grinding, pulverizing); paper mills; plastic & rubber compounds; sawmills & planing mills; and similar raw materials manufacturing uses.

“Recyclable material” means reusable material including, but not limited to, metals, glass, plastic and paper, ~~which~~that are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Section 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

“Recycling facility” means a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

1. Collection Facility. A collection facility means a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power driven processing equipment except as indicated in “Recycling Facilities Criteria and Standards,” as adopted or modified by resolution of the council of the city of Visalia. Collection facilities may include the following:

a. Reverse vending machine(s);

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b. Small collection facilities ~~which~~ occupy an area of not more than five hundred (500) square feet, and are limited to handling only California CRV redeemable beverage containers, and may include:

1. A mobile unit,
2. Bulk reverse vending machines occupying more than fifty (50) square feet,
3. Kiosk type units ~~which~~ may include permanent structures,
4. Unattended containers placed for the donation of recyclable materials.

c. Large collection facilities ~~which~~ may occupy an area of more than five hundred (500) square feet and may include permanent structures.

2. Processing Facility. A processing facility means a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:

a. A light processing facility occupies an area under forty-five thousand (45,000) square feet of gross collection, processing and storage area and has up to an average of two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers;

b. A heavy processing facility means any processing facility other than a light processing facility.

Rest Home. See nursing home.

“Residential boarding facility” means a building or group of buildings containing individual rooms for the accommodation of residents and having a common kitchen facility.

“Reverse vending machine(s)” means an automated mechanical device ~~which~~ accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

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“Sensitive Receptor” means a location, place or facility that contains people that have an increased sensitivity to air pollution or other environmental contaminants. Sensitive receptor locations may include, but are not limited to, schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling unit(s).

“Service station” means a place ~~which~~that supplies gasoline, diesel or other motor fuel to motor vehicles, and including grease racks or elevators, wash racks or pits, tire repairs, battery servicing and replacement ignition service, sales of motor vehicle accessories and other customary services for automobiles, but excluding painting, body work and steam cleaning.

“Shopping center” means two or more attached uses ~~which~~that are located on same property and jointly use ancillary facilities.

“Shopping center, major” means two or more uses located upon a site of ten acres or more with the major tenant occupying thirty thousand (30,000) square feet or more.

“Sign.” See Chapter 17.48.

“Single room occupancy” means a living unit that has a gross floor area of between 120 and 220 sq. ft., typically that is furnished, with or without individual bathroom or kitchen facilities, that is intended for long term occupancy by their tenant or tenants.

“Sit down restaurant/cafe” means an establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state. Customers are normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed.

“Site” means a usable parcel of land.

“Site area” means the total horizontal area included within the property lines of a site.

“Site depth” means the horizontal distance between the front and rear lot lines of a site measured along a line midway between the side property lines.

“Site width” means the horizontal distances between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

“Smoke Shop/Tobacco Store” means a business with sales of tobacco, either loose or prepared as cigarettes and products for the smoking of tobacco constituting more than thirty (30) percent of gross sales and/or thirty (30) percent of net lease area.

“Stable” means an accessory structure including but not limited to corral or paddock for the keeping of one or more horses owned by the occupants of the premises, and ~~which~~that are not kept for remuneration, hire, or sale.

“Stock yard” means an enclosed area where animals are temporarily held for concentrated feeding or displayed preliminary to slaughtering, shipping or resale.

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“Street” means a thoroughfare, dedicated as such or acquired for public use as such, other than an alley, ~~which~~that affords the principal means of access to abutting land.

“Structure” means anything constructed or erected, ~~which~~that requires location on the ground, including a building but not including a fence or a wall used as a fence ~~which~~that is seventy-two (72) inches in height or lower, or poles and appurtenances thereto used for the provision of public utilities as specifically excepted from the provision of this title pursuant to Section 17.02.040.

“Structure, accessory” means a detached subordinate structure located on the same site with the main structure or the main use of the land; attached structures open on three sides or more.

“Structure, main” means a structure housing the principal use of a site or functioning as the principal use.

“Supportive housing” means housing with a supporting environment, such as group homes or single room occupancy (SRO) housing and other housing that includes a supportive services component such as case management, medical or psychological counseling and supervision, child care, transportation, and job training.

“Transient occupancy” means occupancy, or entitlement to occupancy, by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less.

“Transitional housing” means temporary housing (six months to two years) for a homeless individual or family who is transitioning to permanent housing. Transitional housing often includes a supportive services component (e.g. job skills training, rehabilitation counseling, etc.) to allow individuals to gain necessary life skills in support of independent living.

“Travel trailer” means any vehicle ~~which~~that at no time exceeds eight feet in width at its widest point and is less than forty (40) feet in length at its longest point, and is designed for human habitation, whether self-propelled or drawn by a motor vehicle, ~~which~~that is intended for permanent or semi-permanent use and ~~which~~that has no foundation other than wheels and temporary stabilizing units.

“Use” means the purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered or enlarged on for which either a site or structure is or may be occupied or maintained.

“Vehicle wrecking yard” means a site or portion of a site on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence on a site of two or more motor vehicles ~~which~~that have not been capable of operating under their own power for thirty (30) days or more, or in the case of vehicles not self-propelled, ~~which~~that have not been towable or from which parts have been removed for reuse or sale, shall constitute prima facie evidence of a vehicle wrecking yard.

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“Yard, front” means an area back from and parallel to the front property line on which no building, structure or portion thereof shall be permitted unless specifically permitted by this title.

“Yard, rear” means an area back from and parallel to the rear property line on which no building, structure or portion thereof shall be permitted unless specifically permitted by this title.

“Yard, side” means an area back from and parallel to the side property line on which no building, structure or portion thereof shall be permitted unless specifically permitted by this title.

Chapter 17.06 ZONE CLASSIFICATIONS

Sections:

- 17.06.010** ~~Names Establishment~~ of zone ~~names.~~
- 17.06.020** Establishment of zones by map.
- 17.06.030** Division of the zoning map.
- 17.06.040** Uncertainty of zone boundaries.
- 17.06.050** Boundary changes because of annexation or right-of-way abandonment.

17.06.010 ~~Names Establishment~~ of zone ~~names.~~

A. In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, several classes of zones are established to be known as follows:

~~A1. A agricultural zone: twenty (20) acre minimum area~~ Agricultural zone, abbreviated as A.

~~B. R A rural residential zone: forty three thousand five hundred sixty (43,560) square feet (one acre) minimum site area;~~

~~C. R-1 one family residential zone:~~

~~12. Single-family residential zone – 20,000 square foot minimum site area, abbreviated as R-1-20 one family residential zone: twenty thousand (20,000) square feet minimum site area.;~~

~~23. Single-family residential zone – 12,500 square foot minimum site area, abbreviated as R-1-12.5 one family residential zone: twelve thousand five hundred (12,500) square feet minimum site area.;~~

~~34. Single-family residential zone – 5,000 square foot minimum site area, abbreviated as R-1-5; one family residential zone: six thousand (6,000) square feet minimum site area.;~~

~~4. R-1 4.5 one family residential zone: four thousand five hundred (4,500) square feet minimum site area.;~~

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~~D. — R-M multi-family zone:~~

~~15. Multi-family residential zone – 3,000 square foot minimum site area, abbreviated as R-M-2 multi-family residential zone: three thousand (3,000) square feet minimum site area per dwelling unit;~~

~~26. Multi-family residential zone – 1,200 square foot minimum site area, abbreviated as R-M-3; multi-family residential zone: one thousand five hundred (1,500) square feet minimum site area per dwelling unit;~~

~~E. — P-C planned commercial zone:~~

~~1. — P-C-C planned convenience commercial zone;~~

~~27. P-C-N planned neighborhood Neighborhood commercial zone, abbreviated as C-N;~~

~~3. — P-C-CM planned community commercial zone (specific plan required);~~

~~4. — P-C-SO planned shopping/office commercial zone;~~

~~5. P-C-DT planned central business district retail zone;~~

~~68. P-C-R planned regional Regional retail commercial zone, abbreviated as C-R;~~

~~7. — P-C-H planned highway commercial zone;~~

~~29. P-C-S planned service Service commercial zone, abbreviated as C-S;~~

~~10. Mixed use commercial zone, abbreviated as C-MU;~~

~~11. Mixed used downtown zone, abbreviated as D-MU;~~

~~F. — P-I industry zones:~~

~~1. — I-L planned light industry zone;~~

~~2. — I-H planned heavy industry zone;~~

~~G12. P-PA planned professional/administrative office zone, abbreviated as O-PA;~~

~~H13. O-OC planned office conversion zone, abbreviated as O-C;~~

~~14. Business research park zone, abbreviated as BRP;~~

~~I. — P-OG planned office garden zone~~ ~~15. Light industrial zone, abbreviated as I-I;~~

~~14. Industrial zone, abbreviated as I;~~

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~~J. P-BRP planned business research park zone;~~

~~K. QP quasi-public zone;~~

~~L. AP airport zone. 165. Airport zone, abbreviated as AP;~~

~~167. Quasi-public zone, abbreviated as QP;~~

~~178. Open space zone, abbreviated as OS.~~

~~B. The R-1-20, R-1-12.5, and R-1-5 zones may be collectively identified as Single-family Residential zones, and abbreviated as R-1.~~

~~C. The R-M-2 and R-M-3 zones may be collectively identified as Multi-family Residential zones, and abbreviated as R-M.~~

17.06.020 Establishment of zones by map.

The location and boundaries of the various zones are established ~~and~~, shown, and delineated on the "Official Zoning Map of the ~~city~~ City of Visalia," which is made a part hereof, on file in the ~~planning community development~~ department.

17.06.030 Division of the zoning map.

The zoning map may, for convenience, be divided into parts and each such part may, for purposes of more readily identifying areas within the zoning map, be subdivided into units ~~which~~that may be separately employed for purposes of amending the zoning map or for any official reference to the zoning map.

17.06.040 Uncertainty of zone boundaries.

Where uncertainty exists as to the boundaries of any of the aforesaid zones as shown on said zoning map, the ~~planning commission~~city planner, upon written application or upon ~~its~~own ~~motion~~initiative, shall determine the location of such boundaries.

17.06.050 Boundary changes because of annexation or right-of-way abandonment.

A. All territory ~~which~~that is annexed to the city shall be classified to ~~the a zone as indicated on~~that is consistent with the general plan as adopted by the city.

B. All territory ~~which~~that is unzoned or becomes unzoned through abandonment of a public street, alley or railroad right-of-way, shall be classified to the centerline the same as the property adjoining the street, alley or railroad right-of-way.

Chapter 17.08 AGRICULTURAL ZONE

Sections:

17.08.010 Purpose and intent.

17.08.015 Applicability.

17.08.020 Permitted uses.

17.08.030 Accessory uses.

17.08.040 Conditional uses.

17.08.050 Required conditions.

17.08.060 Site area.

17.08.070 Dwelling units per site.

17.08.080 Coverage.

17.08.090 Front yard.

17.08.100 Rear yard.

17.08.110 Side yards.

17.08.120 Height of structures.

17.08.130 Fences, walls, and hedges.

17.08.140 Signs.

17.08.010 Purpose and intent.

The purpose and intent of the Agricultural zone (A) is to preserve lands best suited for agriculture from the encroachment of incompatible uses, 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 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~~that are not injurious to agricultural uses but ~~which~~that may not be harmonious with urban uses.

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17.08.015 Applicability.

The requirements in this chapter shall apply to all property within the Agricultural (A) zone.

17.08.020 Permitted uses.

~~Permitted uses in the A agricultural zone include~~The following uses are permitted by right:

- A. The raising of any type of field, truck or orchard crop and horticultural specialties;
- B. The raising of livestock, except stockyards;
- C. Processing of products produced on the premises except commercial animal slaughter;
- D. ~~One-family dwellings and farm employee housing which are incidental to a permitted use or a conditional use.~~
- E. Incidental and accessory structures and uses located on the same site with a permitted use, including swimming pools used solely by persons residing on the site and their guests;
- F. Signs subject to the provisions of Chapter 17.48;
- G. The keeping of household pets subject to the definition of household pets set forth in ~~Section 17.04.030~~Section 17.04.030;
- H. ~~Second Accessory~~ dwelling units as specified in Sections 17.12.140 through 17.12.200;
- I. Employee housing, as defined in California Health and Safety Code Section 17008;
- J. Other uses similar in nature and intensity as determined by the city planner.

17.08.030 Accessory uses.

The following accessory uses are allowed in conjunction with permitted uses ~~in the A agricultural zone:~~

- A. Home occupations subject to the provisions of Section 17.32.030;
- B. Accessory buildings subject to the provisions of Section 17.08.120.

17.08.040 Conditional uses.

The following uses may be permitted, subject to approval of a conditional use permit, issued in accordance with the provisions of Chapter 17.38, ~~in the A agricultural zone:~~

- A. Ambulance service;

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- B. Public and private open recreational facilities, but not including recreational uses conducted within buildings;
- C. Bee keeping;
- D. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public buildings, structures and facilities;
- E. Roadside stands for the sale of agricultural produce grown on the site;
- F. Electric transmission substations;
- G. Electric distribution substations;
- H. Gas regulator stations;
- I. Cemeteries;
- J. Communications equipment buildings;
- K. Private pumping and drilling facilities for oil, gas or other natural materials, excluding water;
- L. Public service pumping stations and/or elevated pressure tanks;
- M. Public and private airports and related facilities;
- N. Additional residences (not to exceed one per ten acres) as needed for employees who must maintain a residence upon the site in order for the agricultural operation to operate efficiently;
- ~~Q. Dairy products, processing and packing only for products produced on-site.~~
- ~~OP. Other uses similar in nature and intensity as determined by the city planner.~~

17.08.050 Required conditions.

~~A. In the A agricultural zone, any~~Any use involving a business, service or process not completely enclosed in a structure, when located on a site abutting on or across a street or an alley from an ~~R-A, R-1 or R-M~~ zone shall be screened by a concrete block or masonry wall not less than six feet in height ~~if recommended~~required by the Site Plan Review Committee, ~~if the city planning commission finds said use to be unsightly.~~

~~B. Any -mMaterials used or created by any business or use shall not be stacked or piled so as to be visible above the fence or wall, unless specifically approved by the planning commission during allowed by a conditional use permit-site-plan-review.~~

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17.08.060 Site area.

~~In the A agricultural zone, the~~ The minimum site area shall be twenty (20) acres for all permitted uses. The minimum site area for conditional uses shall be specifically approved by the ~~city~~ planning commission in granting the conditional use permit.

17.08.070 Dwelling units per site.

~~In the A agricultural zone, E~~ each parcel shall have not more than one dwelling unit, unless specifically provided under Section 17.08.020 ~~(D)~~.

17.08.080 Coverage.

~~In the A agricultural zone, the~~ The maximum site area covered by structures shall be five (5) percent for permitted uses. Greater coverage is allowed with a conditional use permit.

17.08.090 Front yard.

~~In the A agricultural zone, the~~ The minimum front yard shall be thirty-five (35) feet.

17.08.100 Rear yard.

The minimum rear yard shall be twenty-five (25) feet.

17.08.110 Side yards.

A. The minimum interior side yard shall be fifteen (15) feet.

~~B.~~ ~~The minimum~~ ~~subject to the exception that on the street side of a corner lot the side~~ yard shall be ~~not less than~~ thirty (30) feet.

17.08.120 Height of structures.

~~In the A agricultural zone:~~

A. The maximum height of a structure occupied by a permitted use shall be thirty-five (35) feet.

B. The maximum height of accessory structures shall be thirty-five (35) feet subject to the exception that tank houses, storage tanks, windmills, radio towers and silos may exceed thirty-five (35) feet in height.

C. The maximum height of a structure occupied by a conditional use and its accessory structures shall be determined by provisions of the conditional use permit.

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17.08.130 Fences, walls, and hedges.

A. Fences, walls, concertina wire, and hedges not exceeding seven (7) feet in height shall be permitted, except that in a required front yard or street side yard, a fence, wall or hedge shall not exceed four (4) feet in height.

B. Fences may be constructed of any generally acceptable material except that barbed wire and electric charged fences are not allowed within thirty (30) feet of an R-1 or R-M zone. Exceptions to this section may be granted in accordance with Chapter 17.38.

17.08.140 Signs.

Signs shall be placed in conformance with Chapter 17.48.

Chapter 17.10
R-A RURAL RESIDENTIAL ZONE

Sections:

- 17.10.010 — Purpose and intent.**
- 17.10.020 — Permitted uses.**
- 17.10.030 — Accessory uses.**
- 17.10.040 — Conditional uses.**
- 17.10.050 — Site area and configuration.**
- 17.10.060 — One dwelling unit per site.**
- 17.10.070 — Coverage.**
- 17.10.080 — Front yard.**
- 17.10.090 — Rear yard.**
- 17.10.100 — Side yards.**
- 17.10.110 — Height of structures.**
- 17.10.120 — Off-street parking and loading facilities.**
- 17.10.130 — Fences, walls and hedges.**
- 17.10.140 — Special provisions for two dwelling units per acre.**
- 17.10.010 — Purpose and intent.**

The R-A rural residential zone is intended to provide low-density residential development to preserve the rural character and amenities of Visalia, and to allow limited numbers of animals to be kept for noncommercial purposes and to allow large lot planned developments. Rural residential lots also serve as a transition between standard residential density development and agricultural lands.

17.10.020 — Permitted uses.

In the R-A rural residential zone, permitted uses include:

- A. Single family dwellings;

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~~B.— The outdoor growing and harvesting of shrubs, plants, trees, flowers, fruits, vegetables and horticultural specialties;~~

~~C.— Accessory buildings and uses, including private garages and carports, one guest house, stereo houses, garden structures, greenhouses, recreation rooms, private stable, barn, and other similar structures subject to the provisions of Section 17.10.090B;~~

~~D.— Breeding, hatching, raising and fattening birds, rabbits, chinchillas, hamsters, other small animals and fowl, on a domestic noncommercial scale, provided that there shall not be less than one thousand (1,000) square feet of site area for each fowl or animal and provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any preproperty line, closer than twenty-five (25) feet to any dwelling on the site, or closer than fifty (50) feet to any other dwelling;~~

~~E.— The raising of livestock, except pigs of any kind, subject to the exception of not more than two cows, two horses, four sheep or four goats for each site, shall be permitted; provided, that there be no limitation on the number of livestock permitted on a site with an area of ten acres or more and provided that no stable be located closer than fifty (50) feet to any dwelling on the site or closer than one hundred (100) feet to any other dwelling;~~

~~F.— Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment be located in a required front yard or in a required side yard;~~

~~G.— Signs subject to the provisions of Chapter 17.48;~~

~~H.— The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;~~

~~I.— Licensed day care for a maximum of fourteen (14) children in addition to the residing family;~~

~~J.— Twenty-four (24) hour care facilities or foster homes for a maximum of six individuals in addition to the residing family;~~

~~K.— Second dwelling units as specified in Sections 17.12.140 through 17.12.200;~~

~~L.— Adult day care up to twelve (12) persons in addition to the residing family;~~

~~M.— Other uses similar in nature and intensity as determined by the city planner;~~

~~N.— Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.~~

~~O.— Transitional or supportive housing for six (6) or fewer resident clients.~~

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~~17.10.030—Accessory uses.~~

~~In the R-A rural residential zone, accessory uses include:~~

~~A.—Home occupations subject to the provisions of Section 17.32.030;~~

~~B.—Accessory buildings subject to the provisions of Section 17.10.090. (Ord. 2001-13 § 4 (part), 2001; Ord. 9717 § 2 (part), 1997; prior code § 7254)~~

~~17.10.040—Conditional uses.~~

~~In the R-A rural residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:~~

~~A.—Ambulance service;~~

~~B.—Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools; licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;~~

~~C.—Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;~~

~~D.—Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance services and other public buildings, structures and facilities; public playgrounds, parks and community centers;~~

~~E.—Electric distribution substations;~~

~~F.—Gas regulator stations;~~

~~G.—Public utility service yards;~~

~~H.—Public service pumping stations and/or elevated pressure tanks;~~

~~I.—Communications equipment buildings;~~

~~J.—Mobile home parks;~~

~~K.—Planned developments in accordance with Chapter 17.26;~~

~~L.—Adult day care in excess of twelve (12) persons;~~

~~M.—Two dwelling units per net acre, minimum lot size of twenty thousand (20,000) square feet;~~

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~~N.—Twenty four (24) hour residential care facilities for more than six persons;~~

~~O.—Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;~~

~~P.—Other uses similar in nature and intensity as determined by the city planner;~~

~~Q.—Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this chapter and in which the private streets are designed and constructed to meet or exceed public street standards;~~

~~R.—Transitional or supportive housing for seven (7) or more resident/clients. (Ord. 2012-12, 2012; Ord. 2000-02 § 1 (part), 2000; amended during 10/97 supplement; Ord. 9717 § 2 (part), 1997; Ord. 9605 § 30 (part), 1996; Ord. 9510 § 1, 1995; prior code § 7255)~~

~~17.10.050—Site area and configuration.~~

~~In the R-A rural residential zone, the minimum site area shall be forty three thousand five hundred sixty (43,560) square feet (one acre). Each site shall have not less than seventy (70) feet of frontage on a public street. The minimum width shall be one hundred twenty (120) feet. Each site shall have a depth of net less than two hundred (200) feet. (Ord. 9717 § 2 (part), 1997; prior code § 7256)~~

~~17.10.060—One dwelling unit per site.~~

~~In the R-A rural residential zone, not more than one dwelling unit shall be located on each site. (Ord. 9717 § 2 (part), 1997; prior code § 7257)~~

~~17.10.070—Coverage.~~

~~In the R-A rural residential zone, the maximum site area covered by structures shall be twenty-five (25) percent. (Ord. 9717 § 2 (part), 1997; prior code § 7258)~~

~~17.10.080—Front yard.~~

~~In the R-A rural residential zone, the minimum front yard shall be thirty-five (35) feet, subject to the exception that on a site situated between sites improved with buildings, the minimum front yard shall be the average depth of the front yards on the improved sites adjoining the side lines of the site to a maximum requirement of thirty-five (35) feet. (Ord. 9717 § 2 (part), 1997; prior code § 7259)~~

~~17.10.090—Rear yard.~~

~~In the R-A rural residential zone, the minimum rear yard shall be twenty-five (25) feet subject to the following exceptions:~~

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~~A.—On a reversed corner lot the minimum rear yard may be not less than twenty (20) feet along the long side of the lot nor less than twenty five (25) feet along the narrow side of the lot.~~

~~B.—Accessory structures not exceeding twelve (12) feet in height may be located in the required rear yard, but not closer than three feet to any lot line, provided that not more than twenty (20) percent of the area of the required rear yard shall be covered by structures enclosed on more than one side and not more than forty (40) percent may be covered by structures enclosed on only one side, and provided that on a reversed corner lot an accessory structure shall be located not closer to the rear property line than the required side yard on the adjoining key lot and not closer to the side property line adjoining the street than the required front yard on the adjoining key lot. (Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7260)~~

~~17.10.100—Side yards.~~

~~In the R-A rural residential zone:~~

~~A.—The minimum side yard shall be twelve (12) feet subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty five (25) feet.~~

~~B.—On a reversed corner lot the side yard adjoining the street shall be not less than the required front yard on the adjoining key lot.~~

~~C.—On corner lots, all garage doors shall be a minimum of twenty two (22) feet from the nearest public improvement or sidewalk. (Ord. 2001-13~~

~~§ 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7261)~~

~~17.10.110—Height of structures.~~

~~In the R-A rural residential zone, the maximum height of a permitted use shall be thirty five (35) feet, with the exception of structures specified in Section 17.10.090B. (Ord. 2006-07 § 2 (part), 2006: Ord. 9717 § 2 (part), 1997: prior code § 7262)~~

~~17.10.120—Off street parking and loading facilities.~~

~~In the R-A rural residential zone, off street parking and loading facilities are subject to the provisions of Chapter 17.34. (Ord. 9717 § 2 (part), 1997: prior code § 7263)~~

~~17.10.130—Fences, walls and hedges.~~

~~In the R-A rural residential zone, fences, walls and hedges are subject to the provisions of Section 17.36.020. (Ord. 9717 § 2 (part), 1997: prior code § 7264)~~

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~~17.10.140—Special provisions for two dwelling units per acre.~~

~~In the R-A rural residential zone, notwithstanding anything to the contrary in Sections 17.10.050, 17.10.070, 17.10.080, 17.10.090 and 17.10.100, the following provisions shall apply to subdivisions developed under a conditional use permit to allow two dwelling units per acre:~~

~~A.— Each site shall have not less than sixty (60) feet of frontage on a public street. The minimum width shall be one hundred (100) feet. Each site shall have an average depth of not less than one hundred thirty (130) feet.~~

~~B.— The maximum site area covered by structures, as specified by Section 17.10.070, shall not apply to this section.~~

~~C.— The minimum front yard shall be thirty (30) feet.~~

~~D.— The minimum side yard shall be ten feet subject to the exception that on the street side of a corner lot the side yard shall be not less than fifteen (15) feet.~~

~~E.— On corner lots, on the side street, all garage doors shall be a minimum of twenty-two (22) feet from the property line and from the nearest public improvement or sidewalk.~~

~~F.— The minimum rear yard shall be twenty-five (25) feet. (Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: Ord. 9510 § 2, 1995: prior code § 7265)~~

Chapter 17.10
OPEN SPACE ZONE

Sections:

17.10.010 Purpose and intent.

17.10.015 Applicability.

17.10.020 Permitted uses.

17.10.030 Accessory uses.

17.10.040 Conditional uses.

17.10.050 Required conditions.

17.10.060 Site area.

17.10.070 Dwelling units per site.

17.10.080 Coverage.

17.10.090 Front yard.

17.10.100 Rear yard.

17.10.110 Side yards.

17.10.120 Height of structures.

17.10.130 Fences, walls, and hedges.

17.10.140 Signs.

17.10.010 Purpose and intent.

The purpose and intent of the Open Space zone (OS) is to preserve lands best suited for open space from the encroachment of incompatible uses, to prevent the intrusion of urban development into open space areas in such a manner as to preserve open space for public health and safety, natural resources, outdoor recreation, and preservation of cultural sites.

17.10.015 Applicability.

The requirements in this chapter shall apply to all property within the Open Space (OS) zone.

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17.10.020 Permitted uses.

The following uses are permitted by right:

- A. The raising of any type of field, truck or orchard crop and horticultural specialties;
- B. One-family dwellings;
- C. Incidental and accessory structures and uses located on the same site with a permitted use, including swimming pools used solely by persons residing on the site and their guests;
- D. Signs subject to the provisions of Chapter 17.48;
- E. The keeping of household pets subject to the definition of household pets set forth in Section 17.04.030;
- F. Accessory dwelling units as specified in Sections 17.12.140 through 17.12.200;
- G. Parks;
- H. Storm drainage facilities;
- I. Other uses similar in nature and intensity as determined by the city planner.

17.10.030 Accessory uses.

The following accessory uses are allowed in conjunction with permitted uses:

- A. Home occupations subject to the provisions of Section 17.32.030;
- B. Accessory buildings subject to the provisions of Section 17.10.120.

17.10.040 Conditional uses.

The following uses may be permitted, subject to approval of a conditional use permit, issued in accordance with the provisions of Chapter 17.38:

- A. Public and private open recreational facilities, but not including recreational uses conducted within buildings;
- B. Bee keeping;
- C. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public buildings, structures and facilities;
- D. Roadside stands for the sale of agricultural produce grown on the site;

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E. Additional residences (not to exceed one per ten acres) as needed for employees who must maintain a residence upon the site in order for the agricultural operation to operate efficiently:

17.10.050 Required conditions.

A. Any use involving a business, service or process not completely enclosed in a structure, when located on a site abutting on or across a street or an alley from an R-1 or R-M zone shall be screened by a concrete block or masonry wall not less than six feet in height if required by the Site Plan Review Committee.

B. Any materials used or created by any business or use shall not be stacked or piled so as to be visible above the fence or wall, unless specifically allowed by a conditional use permit.

17.10.060 Site area.

The minimum site area shall be twenty (20) acres for all permitted uses. The minimum site area for conditional uses shall be specifically approved by the planning commission in granting the conditional use permit.

17.10.070 Dwelling units per site.

Each parcel shall have not more than one dwelling unit, unless specifically provided under Section 17.10.020.

17.10.080 Coverage.

The maximum site area covered by structures shall be five (5) percent for permitted uses. Greater coverage is allowed with a conditional use permit.

17.10.090 Front yard.

The minimum front yard shall be thirty-five (35) feet.

17.10.100 Rear yard.

The minimum rear yard shall be twenty-five (25) feet.

17.10.110 Side yards.

A. The minimum interior side yard shall be fifteen (15) feet.

B. The minimum street side yard shall be thirty (30) feet.

17.10.120 Height of structures.

A. The maximum height of a structure occupied by a permitted use shall be thirty-five (35) feet.

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B. The maximum height of accessory structures shall be thirty-five (35) feet subject to the exception that tank houses, storage tanks, windmills, radio towers and silos may exceed thirty-five (35) feet in height.

C. The maximum height of a structure occupied by a conditional use and its accessory structures shall be determined by provisions of the conditional use permit.

17.10.130 Fences, walls, and hedges.

A. Fences, walls, concertina wire and hedges not exceeding seven (7) feet in height shall be permitted, except that in a required front yard or street side yard, a fence, wall or hedge shall not exceed four (4) feet in height.

B. Fences may be constructed of any generally acceptable material except that barbed wire and electric charged fences are not allowed within thirty (30) feet of an R-1 or R-M zone. Exceptions to this section may be granted in accordance with Chapter 17.38.

17.10.140 Signs.

Signs shall be placed in conformance with Chapter 17.48.

Chapter 17.12
~~R-1~~ SINGLE-FAMILY RESIDENTIAL ZONE

Sections:

Article 1. General

- 17.12.010 Purpose and intent.
- ~~17.12.015 Applicability.~~
- 17.12.020 Permitted uses.
- 17.12.030 Accessory uses.
- 17.12.040 Conditional uses.
- 17.12.050 Site area.
- 17.12.060 One dwelling unit per site.
- 17.12.070 Replacement and expansion of legally existing multiple family units.
- 17.12.080 Front yard.
- 17.12.090 Side yards.
- 17.12.100 Rear yard.
- 17.12.110 Height of structures.
- 17.12.120 Off-street parking.
- 17.12.130 Fences, walls and hedges.
- ~~17.12.135 Lot area less than 5,000 square feet.~~
- ~~17.12.137 Signs.~~

Article 2. ~~Second-Accessory~~ Dwelling Units

- 17.12.140 Purpose and intent.
- 17.12.150 Definitions.
- 17.12.160 General provisions.
- 17.12.170 Process.
- 17.12.180 Development requirements.
- 17.12.190 Appeals.
- 17.12.200 Existing nonconforming ~~second-dwelling-accessory dwelling units.~~

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~~Article 3. Single Family Residential Subdivisions with Mixed Lot
Size/Frontage~~

~~17.12.210 Purpose and intent.~~

~~17.12.220 Planned development permit required.~~

~~17.12.230 Development standards.~~

~~17.12.240 Development standards matrix.~~

Article 1. General

17.12.010 Purpose and intent.

In the R-1 single-family residential zones (R-1-5, R-1-12.5, and R-1-20), the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions ~~which that~~ require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use.

17.12.015 Applicability.

The requirements in this chapter shall apply to all property within R-1 zone districts.

17.12.020 Permitted uses.

In the R-1 single-family residential zones, ~~permitted uses include~~ the following uses shall be permitted by right:

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;
- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;

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- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of Chapter 17.48;
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. ~~Second-Accessory~~ dwelling units as specified in Sections 17.12.140 through 17.12.200;
- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;

~~M. Single-family residential subdivisions with mixed lot size, subject to the provisions of Sections 17.12.210 through 17.12.240;~~

~~NM.~~ Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.

~~ON.~~ Transitional or supportive housing for six (6) or fewer resident/clients.

~~O. In the R-1-20 zone only, the breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters, other small animals and fowl, on a domestic noncommercial scale, provided that there shall not be less than one thousand (1,000) square feet of site area for each fowl or animal and provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any property line, closer than twenty-five (25) feet to any dwelling on the site, or closer than fifty (50) feet to any other dwelling;~~

~~P. In the R-1-20 zone only, the raising of livestock, except pigs of any kind, subject to the exception of not more than two cows, two horses, four sheep or four goats for each site, shall be permitted; provided, that there be no limitation on the number of livestock permitted on a site with an area of ten acres or more and provided that no stable be located closer than fifty (50) feet to any dwelling on the site or closer than one hundred (100) feet to any other dwelling;~~

17.12.030 Accessory uses.

In the R-1 single-family residential zone, ~~accessory uses include~~ the following accessory uses shall be permitted, subject to specified provisions:

- A. Home occupations subject to the provisions of Section 17.32.030;

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B. Accessory buildings subject to the provisions of Section 17.12.100(B).

C. Cottage Food Operations subject to the provisions of Health and Safety Code 113758 and Section 17.32.035.

17.12.040 Conditional uses.

In the R-1 single-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

A. Planned ~~unit~~ development subject to the provisions of Chapter 17.26;

B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;

C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;

D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire

stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;

E. Electric distribution substations;

F. Gas regulator stations;

G. Public service pumping stations, i.e., community water service wells;

H. Communications equipment buildings;

I. Planned neighborhood commercial center subject to the provisions of Chapter 17.26;

J. Residential development specifically designed for senior housing;

K. Mobile home parks in conformance with Section 17.32.040;

~~L. [Reserved.] Developments with modified residential standards in the R-1-e zone in conformance with Chapter 17.30, Article 6;~~

M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;

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- N. Adult day care in excess of twelve (12) persons;
- O. Duplexes on corner lots;
- P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;
- Q. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;
- R. Other uses similar in nature and intensity as determined by the city planner.
- S. Transitional or supportive housing for seven (7) or more resident/clients.

17.12.050 Site area.

~~In the R-1 single-family residential zones, the~~The minimum site area shall be as follows:

Zone	<u>Minimum Site Area</u>
R-1- 65	6,000 <u>5,000</u> square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

A. Each site shall have not less than forty (40) feet of frontage on the public street. The minimum width shall be as follows:

Zone	Interior Lot	Corner Lot
R-1- 65	60-50 feet	70-60 feet
R-1-12.5	90 feet	100 feet
R-1-20	100 feet	110 feet

B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet, when there is no landscape lot between the corner lot and the right of way.

17.12.060 One dwelling unit per site.

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site, with the exception to Section 17.12.020(J).

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17.12.070 Replacement and expansion of legally existing multiple family units.

In ~~the R-1 single-family residential zone, in~~ accordance with Sections ~~17.10.020, 17.12.020 and 17.14.030,~~ legally existing multiple family units may be expanded or replaced if destroyed by fire or other disaster subject to the following criteria:

- A. A ~~planned development~~site plan review permit as provided in Chapter 17.28 is required for all expansions or replacements.
- B. Replacement/expansion of unit(s) shall be designed and constructed in an architectural style compatible with the existing single-family units in the neighborhood. Review of elevations for replacement/expansion shall occur through the site plan review process. Appeals to architectural requirements of the site plan review committee shall be subject to the appeals process set forth in Chapter 17.~~32, Article 528.050.~~
- C. Setbacks and related development standards shall be consistent with existing single-family units in the neighborhood.
- D. Parking requirements set forth in Section 17.34.020 and landscaping requirements shall meet current city standards and shall apply to the entire site(s), not just the replacement unit(s) or expanded area, which may result in the reduction of the number of units on the site.
- E. The number of multiple family units on the site shall not be increased.
- F. All rights established under Sections ~~17.10.020, 17.12.020, and 17.12.070 and 17.14.030~~ shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a ~~planned development~~site plan review permit does not constitute compliance with this requirement.

17.12.080 Front yard.

~~In the R-1 single-family residential zone:~~

- A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
R-1- 65	Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages <u>or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere.</u>
R-1-12.5	Thirty (30) feet
R-1-20	Thirty-five (35) feet

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B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages.

17.12.090 Side yards.

~~In the R-1 single-family residential zones:~~

A. The minimum side yard shall be five feet in the R-1-~~6-5~~ and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cocheres.

B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.

C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.

D. On corner lots, all front-loading garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

E. Side yard requirements may be zero feet on one side of a lot if two or more consecutive lots are approved for a zero lot line development by the site plan review committee.

F. The placement of any mechanical equipment, including but not limited to, pool/spa equipment and evaporative coolers shall not be permitted in the ~~five-foot~~five-foot side yard within the buildable area of the lot, or within five feet of rear/side property lines that are adjacent to the required side yard on adjoining lots. This provision shall not apply to street side yards on corner lots, nor shall it prohibit the surface mounting of utility meters and/or the placement of fixtures and utility lines as approved by the building and planning divisions.

17.12.100 Rear yard.

In the R-1 single-family residential zones, the minimum yard shall be twenty-five (25) feet, subject to the following exceptions:

A. On a corner or reverse corner lot the rear yard shall be twenty-five (25) feet on the narrow side or twenty (20) feet on the long side of the lot. The decision as to whether the short side or long side is used as the rear yard area shall be left to the applicant's discretion as long as a minimum area of one thousand five hundred (1,500) square feet of usable rear yard area is maintained. The remaining side yard to be a minimum of five feet.

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B. Accessory structures not exceeding twelve (12) feet may be located in the required rear yard but not closer than three feet to any lot line provided that not more than twenty (20) percent of the area of the required rear yard shall be covered by structures enclosed on more than one side and not more than forty (40) percent may be covered by structures enclosed on only one side. On a reverse corner lot an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot.

C. Main structures may encroach up to five feet into a required rear yard area provided that such encroachment does not exceed one story and that a usable, open, rear yard area of at least one thousand five hundred (1,500) square feet shall be maintained. Such encroachment and rear yard area shall be approved by the city planner prior to issuing building permits.

17.12.110 Height of structures.

In the R-1 single-family residential zone, the maximum height of a permitted use shall be thirty-five (35) feet, with the exception of structures specified in Section 17.12.100(B).

17.12.120 Off-street parking.

In the R-1 single-family residential zone, subject to the provisions of Chapter 17.34.

17.12.130 Fences, walls and hedges.

In the R-1 single-family residential zone, fences, walls and hedges are subject to the provisions of Section 17.36.030.

17.12.135 Lot area less than 5,000 square feet.

A. Notwithstanding Section 17.12.050, lots in the R-1-5 zone may have a lot area of between 3,600 and 4,999 square feet if all of the following standards are met:

1. The Planning Commission finds that the development's overall density is consistent with the General Plan.

2. The maximum number of lots less than 5,000 square feet that may be approved by a tentative subdivision map shall be fifty (50) percent or less of the total lots.

3. Streets shall be constructed to public street standards.

4. Each subdivision with at least 15 lots that are less than 5,000 square feet in size shall make available to buyers at least three (3) different small lot floor plans with at least four (4) available elevation designs for each floor plan to construct on these lots.

5. The primary frontage of the dwelling unit shall face a public street, primary entryway, circulation walkway, or open space with sidewalks that provide delineated paths of travel.

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6. The primary frontage of the dwelling unit shall include the primary entrance and at least one window.

7. Required covered parking spaces shall be in garages. Carports are prohibited.

8. The width of the garage shall not be greater than fifty (50) percent of the width of the dwelling unit.

9. The garage shall not extend beyond the front building facade (living area.)

10. All dwelling units shall include a covered front porch at least four (4) feet deep and six (6) feet wide or an uncovered front courtyard at least five (5) feet wide and five (5) feet deep that is surrounded on four sides by the dwelling unit or a wall or fence between three (3) and four (4) feet high with a pedestrian gate or entryway.

11. The building official shall not approve a building permit for a new dwelling unit on a lot with a lot area less than 5,000 square feet until the city planner, or designee, has determined that the standards identified in this section are met.

12. The subdivision shall provide a common, usable open space area of a minimum 3,000 square feet or two hundred fifty (250) square feet per lot under 5,000 square feet, whichever is greater. The area shall be landscaped and maintained with funding from either a homeowner's association or a landscape and lighting act district.

B. Notwithstanding this Chapter, lots with less than five thousand (5,000) square feet shall have the following minimum dimensions and building setback areas, unless they were approved with a planned development permit:

1. The minimum lot depth shall be seventy (70) feet.

2. The minimum lot width shall be forty-six (46) feet for interior lots and fifty-one (51) feet for corner lots.

3. The minimum front building setback area shall be twelve (12) feet for livable space and twenty (20) feet for garages.

4. The minimum rear yard building setback area shall be fifteen (15) feet.

5. The minimum interior side yard building setback area shall be five (5) feet.

6. The minimum corner side yard building setback area shall be ten (10) feet.

7. The maximum building height shall be thirty-five (35) feet.

8. Lots shall provide for a usable open space area of a minimum three hundred (300) square feet. The open space shall be a minimum fifteen (15) feet wide.

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C. Lots less having a lot area of 3,600 square feet, or lots that do not meet the standards in this section may be approved through the planned development permit process per Chapter 17.26.

17.12.137 Signs.

Signs shall be placed in conformance with Chapter 17.48.

Article 2. ~~Second-Accessory~~ Dwelling Units

17.12.140 Purpose and intent.

It is the purpose of this article to provide for the following:

- A. To encourage a range of housing types, styles and costs to suit the varying needs and desires of the community;
- B. To allow homeowners a means of obtaining, through tenants and ~~second-dwelling~~ accessory dwelling units, an additional source of income, companionship, security, and services;
- C. To add inexpensive rental units to the housing stock of the city;
- D. To create homeownership opportunities for moderate income households who might otherwise be excluded from the housing market, through the additional income derived from ~~second-dwelling~~ accessory dwelling units;
- E. Develop housing in single-family neighborhoods ~~which~~that is appropriate for a variety of stages in the household life cycle, thereby lessening fluctuations in neighborhood demand for public services;
- F. Protect the stability, property values, and character of single family residential neighborhoods by insuring that ~~second-dwelling~~ accessory dwelling units are subject to the standards ~~which~~that follow.

17.12.150 Definitions.

As used in this article, the following terms are defined in this section:

“Principal dwelling unit” means a single-family dwelling unit situated on a residential lot in the ~~A, RA or~~ or R-1 zones to which an ~~second-dwelling~~ accessory dwelling unit as defined by this article has been or is proposed to be added.

“~~Second-Accessory~~ dwelling unit” means an additional dwelling unit having separate kitchen, sleeping, and sanitation facilities constructed or adopted within, onto, or detached from a single-family dwelling on a residential lot in the ~~A, RA,~~ or R-1 zones. ~~Second-Accessory~~ dwelling

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units may also be efficiency units, as defined in Section 17958.1 of the health and Safety code, and manufacturing homes, as defined in Section 18007 of the Health and Safety Code.

“Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or an accessory structure.

17.12.160 General provisions.

~~An second dwelling accessory dwelling unit~~ may be established by the conversion of an attic, basement, garage (if alternative parking area is provided for the principal dwelling unit), or other portion of a principal dwelling unit. A detached ~~second dwelling accessory dwelling unit~~ may be established by the conversion of an accessory structure or may be new construction. Second dwelling units may be mobile homes, provided that such units are subject to all applicable standards of Section 17.32.110, governing the placement of mobile homes on single-family lots. All applications for ~~second dwelling accessory dwelling units~~, whether processed as a permitted use or an exception, must comply with the general provisions stated below:

A. ~~Second-Accessory~~ dwelling units shall only be allowed on lots located in the A-~~RA~~ and R-1 zones;

B. In no case shall more than one ~~second dwelling accessory dwelling unit~~ be placed on the same lot or parcel;

C. Second dwelling units shall be subject to all applicable building, fire, health and safety codes and may not have adverse impacts on any real property that is listed in the California Register of Historic Places;

D. Second dwelling units may only be constructed on lots or parcels ~~which that~~ are at least ~~six~~ five thousand (~~6,995,000~~) square feet in area;

E. A covenant running with the land between the city and the applicant shall be recorded with the Tulare County recorder prior to the issuance of any building permits requiring that the primary or the proposed ~~second dwelling accessory dwelling unit~~ shall be occupied by the owner of record;

F. The ~~second dwelling accessory dwelling unit~~ shall be clearly subordinate to the principal dwelling unit by size, location and appearance;

G. The second unit's scale, appearance and character shall be similar to and compatible in design with the principal dwelling unit and adjacent residences;

H. In no case shall any ~~second dwelling accessory dwelling unit~~ be approved on a site on which the principal dwelling unit has been the subject of a garage conversion pursuant to the regulations of Chapter 17.32.140 governing such conversions.

I. Size. A manufactured home shall not be less than eight (8) feet wide by forty (40) feet long and ~~three hundred twenty~~ (320) square feet in living area. An efficiency unit shall not be less

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than ~~one hundred fifty~~ (150) square feet in living area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code;

J. Access. Doorway access shall be provided either to the side or rear of the second housing unit;

K. Utility Services. Second housing units shall be provided with water, sewer, and other utilities as determined by the building official.

17.12.170 Process.

The city planner ~~or his/her designee~~ shall approve or deny ~~garage conversion second dwelling~~ ~~u~~~~accessory dwelling unit~~ requests based upon the specified requirements. ~~Interested individuals may appeal the decision of the city planner to the planning commission. The planning commission's review shall be limited to compliance with the specified requirements. The applicant may appeal the decision of the city planner to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner, in writing, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The planning commission's review shall be limited to compliance with the specified requirements. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.~~

17.12.180 Development requirements.

The following development requirements shall apply to ~~second dwelling u~~~~accessory dwelling~~ ~~units~~:

A. The increased floor area of the second unit shall not exceed ~~eight hundred fifty (850) twelve~~ ~~hundred (1,200)~~ square feet or ~~thirty (30%)~~ ~~ifty (50) percent~~ of the main dwelling unit, whichever is greater, and shall be used as an accessory to the primary single family home.

B. Adequate parking area must be available on the streets adjacent to the ~~second dwelling~~ ~~u~~~~accessory dwelling unit~~. If adequate on-street parking is not available in the immediate vicinity, or in the case of all second units located on cul-de-sac lots, one additional off-street parking space must be provided. Tandem parking shall not be deemed as meeting the above parking requirement. ~~The additional parking space shall be waived if in any of the following instances:~~

~~1. The accessory dwelling unit is located within one-half (0.5) miles of public transit.~~

~~2. The accessory dwelling unit is located within an architecturally and historically significant historic district.~~

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3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

5. When there is a car share vehicle located within one block of the accessory dwelling unit.

C. All standards of the underlying zoning district including, but not limited to, height, lot and yard requirements, and lot coverage shall apply.

D. Detached ~~second dwelling u~~accessory dwelling units are subject to all applicable standards for accessory structures, as stated in the development requirements for the underlying zone, unless a variance has been granted pursuant to Chapter 17.42.

17.12.190 Appeals.

~~Interested individuals-~~The applicant may appeal the decision of the city planner to the planning commission-, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The planning commission's review shall be limited to compliance with the specified requirements. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.

17.12.200 Existing nonconforming ~~second dwelling u~~accessory dwelling units.

An existing ~~second dwelling u~~accessory dwelling unit situated on a lot or parcel in the A-,~~RA~~ or R-1 zones shall constitute a violation of this title unless: (1) the unit meets the standards and criteria of Chapter 17.12, and an agreement is recorded; or (2) the ~~second dwelling u~~accessory dwelling unit qualifies as a permitted nonconforming use and structure under the provisions of Chapter 17.40. No enlargement of habitable space shall be allowed unless the standards and criteria of Chapter 17.12 are met. This shall not apply to maintenance of the unit.

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~~Article 3. Single Family Residential Subdivisions with Mixed Lot Size/Frontage~~

~~17.12.210 Purpose and intent.~~

~~It is the purpose and intent of this article to provide an opportunity for increased residential densities utilizing techniques such as variable lot frontage, reduced lot size, zero lot line, reduced front and rear setbacks, and duplexes on corner lots (may require a conditional use permit). Allowing for increased densities will require deviation from traditional zoning standards regarding lot size/configuration, setbacks, and coverage. (Ord. 9717 § 2 (part), 1997; prior code § 7283.1(1))~~

~~17.12.220 Planned development permit required.~~

~~A planned development permit must be obtained for all development requesting increased densities, as set forth in Chapter 17.28. (Ord. 9717 § 2 (part), 1997; prior code § 7283.1(2))~~

~~17.12.230 Development standards.~~

~~The following development standards shall apply to all single family residential lots within subdivisions of mixed lot size for projects in excess of five acres, subject to review of a planned development permit:~~

~~A. The following standards apply to all lots within the subdivision that have less than sixty (60) feet frontage and less than six thousand (6,000) square feet in site area:~~

- ~~1. Maximum width for garages is two-car wide;~~
- ~~2. Maximum height of structures is thirty (30) feet;~~
- ~~3. Structures may be one or two story;~~
- ~~4. Front setbacks: twenty two (22) feet to front-loading garage; fifteen (15) feet to living area and side-loading garage;~~
- ~~5. Side yard setback: five feet per story;~~
- ~~6. Rear yard setback: twenty (20) feet;~~
- ~~7. Corner lots to meet standard R-1-6 requirements for lot configuration and building setbacks;~~
- ~~8. Every sixth lot to meet standard R-1-6 requirements for lot configuration and building setbacks;~~
- ~~9. Zero lot line (zero-foot side yard setback on one side of the lot) is allowed if approved as a part of the tentative map;~~

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~~10. Corner lots may be duplexes, as provided in Section 17.12.040.~~

~~11. On corner lots, all garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.~~

~~B. Lot Coverage. The percentage of buildable area that may be covered by structures is as follows:~~

~~1. Forty (40) percent on lots with five thousand (5,000) to five thousand four hundred ninety-nine (5,499) square feet;~~

~~2. Forty-one (41) percent on lots with five thousand five hundred (5,500) to six thousand (6,000) square feet;~~

~~3. Forty-two (42) percent on lots with six thousand (6,000) or more square feet.~~

~~C. Number/Arrangement of Units in Subdivision. The maximum number of consecutive lots of varying lot frontage or lot size is as follows:~~

~~1. Lot frontage of fifty (50) to less than/equal to fifty-five (55) feet equals two;~~

~~2. Lot frontage of more than fifty-five (55) feet but with less than five thousand five hundred (5,500) square feet equals two;~~

~~3. Lot frontage of more than fifty-five (55) feet and five thousand five hundred (5,500) to five thousand nine hundred ninety-nine (5,999) square feet equals three;~~

~~4. No limit on lots with frontage of sixty (60) feet or more and five thousand five hundred (5,500) to five thousand nine hundred ninety-nine (5,999) square feet;~~

~~5. No limit on lots with frontage of more than fifty-five (55) feet and six thousand (6,000) or more square feet.~~

~~D. The maximum percentage of lots within a subdivision are as follows:~~

~~1. Thirty (30) percent of subdivision lots may be five thousand (5,000) square foot lots;~~

~~2. An additional ten percent may be added, up to a maximum forty (40) percent if there is a mix of five thousand (5,000) to five thousand five hundred (5,500) square foot lots;~~

~~3. Another ten percent may be added, up to a maximum fifty (50) percent if there is a mix of five thousand five hundred (5,500) to six thousand (6,000) square foot lots, or a combination of the above;~~

~~4. Fifty (50) percent of the lots in the subdivision shall be standard R-1-6 lots. (Ord. 2004-20 (part), 2004; Ord. 2001-13 § 4 (part), 2001; Ord. 9717 § 2 (part), 1997; prior code § 7283.1(3))~~

~~17.12.240 — Development standards matrix.~~

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The following table illustrates development standards cited above.

LOT SIZE	Lot Frontage		
	50 to < 55 ft.	> 55 to < 60 ft.	≥ 60 feet
5000-5499 sq. ft.	a, b, c, d, e, h	a, b, c, d, e, h	a, b, c, d, e, h
5500-5999 sq. ft.	a, b, c, d, f, h	a, b, c, d, f, i	a, b, c, d, f, j
6000+ sq. ft.	a, b, c, d, g, h	a, b, c, d, g, j	R-1-6 standards apply +g

Garages ~~Number/Arrangement of Units in Subdivision~~

a. ~~2-car wide garage,~~ ~~h = max. consecutive lots = 2~~

~~maximum~~ ~~i = max. consecutive lots = 3~~

~~j = no limit re: number of consecutive units~~

Height

b. ~~max. height 30 feet~~ ~~max. % lots w/n subdivision =~~

~~30% of subdivision lots may be 5,000 sq. ft. lots~~

~~+10% more up to max. 40% if mix of 5,000-5,500 sq. ft. lots~~

Stories

e. ~~one or two story~~ ~~+10% more up to max. 50% if mix of 5,000-5,500 sq. ft. lots, or~~ ~~combination of above~~

~~50% of lots in subdivision shall be standard R-1-6 lots~~

Setbacks

d. ~~22-foot setback to~~ ~~General Conditions~~

~~front-loading garage/15~~ ~~corner lots to meet standard R-1-6 requirements~~

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~~foot setback to living area~~ ~~side yard setback~~ ~~5 feet per story~~

~~and side loading garage~~ ~~rear yard setback~~ ~~20 feet~~

~~Lot Coverage~~ ~~every 6th lot to be standard R-1-6~~

~~e = 40%~~ ~~0 lot line ok if approved at initial subdivision stage~~

~~f = 41%~~ ~~corner lots could be duplexes consistent with LUE~~

~~g = 42%~~ ~~Policy 4.1.19 (may require C.U.P.)~~

~~(Ord. 2004-20 (part), 2004: Ord. 9717 § 2 (part), 1997: prior code § 7283.1(4))~~

~~Chapter 17.14~~ ~~P(R-1-4.5) RESIDENTIAL ZONE~~

Sections:

~~17.14.010 — Purpose and intent.~~

~~17.14.020 — Planned development permit required.~~

~~17.14.030 — Uses.~~

~~17.14.040 — Site area per dwelling unit.~~

~~17.14.050 — Development standards.~~

~~17.14.060 — Landscaping.~~

~~17.14.010 — Purpose and intent.~~

~~It is the purpose and intent of the P(R-1-4.5) residential zone to provide residential living areas within the city where development is limited to moderate density concentrations using techniques such as clustering, zero lot line, and other design techniques. Developments in the P(R-1-4.5) residential zone are to be comprehensively planned, including various housing types, open spaces, pathways, and recreation facilities. Such development normally requires deviation from traditional zoning standards regarding lot size/configuration, setbacks, and coverage in an effort to create a design which is sensitive to the environment. (Ord. 9717 § 2 (part), 1997; prior code § 7284)~~

~~17.14.020 — Planned development permit required.~~

~~A planned development permit must be obtained for all development within the P(R-1-4.5) residential zone as set forth in Chapter 17.28. (Ord. 9717 § 2 (part), 1997; prior code § 7285)~~

~~17.14.030 — Uses.~~

~~The following are allowed, accessory, and conditional uses within the P(R-1-4.5) residential zone:~~

~~A. — Permitted Uses:~~

~~1. — Single family or multi-family dwelling units, as approved by the site plan review committee;~~

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- ~~2. Temporary subdivision sales offices subject to Section 17.38.070;~~
 - ~~3. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;~~
 - ~~4. Twenty-four (24) hour residential care facilities or foster homes for a maximum of six individuals in addition to the residing family;~~
 - ~~5. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;~~
 - ~~6. Second dwelling units as specified in Sections 17.12.140 through 17.12.200;~~
 - ~~7. Adult day care for up to twelve (12) persons in addition to the residing family;~~
 - ~~8. Other uses similar in nature and intensity as determined by the city planner;~~
 - ~~9. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.~~
 - ~~10. Transitional or supportive housing for six (6) or fewer resident/clients.~~
- ~~B. Conditional Uses. The following conditional uses may be granted in accordance with the provisions of Chapter 17.38:~~
- ~~1. Public or quasi-public uses of an administrative recreational, religious, ambulance service, public service or cultural type;~~
 - ~~2. Public utility distribution substation and pumping stations;~~
 - ~~3. Licensed day care centers for more than fourteen (14) children;~~
 - ~~4. Residential development specifically designed for senior housing;~~
 - ~~5. Convalescent care facilities;~~
 - ~~6. Adult day care for more than twelve (12) persons;~~
 - ~~7. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~
 - ~~8. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;~~
 - ~~9. Other uses similar in nature and intensity as determined by the city planner.~~

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~~10. Transitional or supportive housing for seven (7) or more resident/clients. (Ord. 2012-02, 2012; Ord. 2000-02 § 1 (part), 2000; amended during 10/97 supplement; Ord. 9717 § 2 (part), 1996; Ord. 9605 § 30 (part), 1996; prior code § 7286)~~

~~17.14.040 Site area per dwelling unit.~~

~~In the P(R-1-4.5) residential zone, the minimum net site area per unit shall be four thousand five hundred (4,500) square feet. Net site area shall be determined by deducting dedicated areas from the total area included within the property lines prior to development. (Ord. 9717 § 2 (part), 1996; prior code § 7287)~~

~~17.14.050 Development standards.~~

~~In the P(R-1-4.5) residential zone, the following minimum development standards shall apply, subject to review of a planned development permit:~~

~~A. Building Height. The maximum building height permitted shall be forty five (45) feet.~~

~~B. Setbacks. The minimum setback within this zone shall be determined as part of the site plan review process. The following setbacks shall be used as a guide:~~

~~1. Public streets — fifteen (15) feet;~~

~~2. Interior side — five feet per story;~~

~~3. Rear — twenty (20) feet;~~

~~4. Alley — five feet;~~

~~5. Interior adjacent to greenbelt or levee to be determined by site plan.~~

~~6. All garage doors facing front or side property line shall be a minimum of twenty two (22) feet from the nearest public improvement or sidewalk.~~

~~C. Access. Easements, installation, maintenance of improvements for public access may be required as part of development.~~

~~D. Parking. Off street parking, in compliance with Chapter 17.34, shall be required of all development. In addition, guest parking (off street) may be required as part of the planned development permit.~~

~~E. Fences/Walls. Location and height of walls and fences shall be approved as part of the planned development permit. Fences and walls adjacent to street frontages and greenways should be designed to discourage a walled-in effect.~~

~~F. Accessory structures not exceeding twelve (12) feet in height may be located in the required rear yard, but not closer than three (3) feet to any lot line, provided that not more than twenty~~

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~~(20) percent of the area of the required rear yard shall be covered by structures enclosed on more than one side and not more than forty (40) percent may be covered by structures enclosed on only one side, and provided that on a reversed corner lot an accessory structure shall be located not closer to the rear property line than the required side yard on the adjoining key lot and not closer to the side property line adjoining the street than the required front yard on the adjoining key lot.~~

~~G. Trash Enclosure. Trash enclosures for bins and/or trash cans shall be provided as part of the planned development permit.~~

~~H. Lot Size and Configuration. Minimum lot size shall be ten acres until such time as an approved planned development permit is granted. Upon approval of a planned development permit a subdivision of individual single family lots and common areas may be approved which complies with the planned development permit. Existing parcels of less than ten acres may be developed upon approval of a planned development permit. (Ord. 2004-20 (part), 2004: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7288)~~

17.14.060 Landscaping

~~In the P(R-1-4.5) residential zone, all development shall, as a part of the planned development permit, install and maintain landscaping. Such landscape plans to be reviewed and approved by the planning department prior to issuing building permits. Such landscaping shall be installed prior to occupancy of structures or, upon posting of required assurances, within thirty (30) days of occupancy. (Ord. 9717 § 2 (part), 1997: prior code § 7289)~~

Chapter 17.16

~~P(R-M)~~ MULTI-FAMILY RESIDENTIAL ZONES

Sections:

- 17.16.010 Purpose and intent.
- ~~17.16.015~~ Applicability.
- 17.16.020 Permitted uses.
- 17.16.030 Accessory uses.
- 17.16.040 Conditional uses.
- 17.16.050 Site area and configuration.
- 17.16.060 Site area per dwelling unit and per structure.
- 17.16.070 Front yard.
- 17.16.080 Side yards.
- 17.16.090 Rear yard.
- 17.16.100 Height of structures.
- 17.16.110 Off-street parking.
- 17.16.120 Fences, walls and hedges.
- 17.16.130 Trash enclosures.
- 17.16.140 ~~Planned development~~ Site plan review.
- 17.16.150 Open space and recreational areas.
- 17.16.160 Screening.
- 17.16.170 Screening fence.
- 17.16.180 Landscaping.
- 17.16.190 Model good neighbor policies
- ~~17.16.200~~ Signs.

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17.16.010 Purpose and intent.

In the ~~P(R-M)~~ multi-family residential zones, the purpose and intent is to provide living areas within the two multi-family residential zones (one medium density and one high density) with housing facilities where development is permitted with a relatively high concentration of dwelling units, and still preserve the desirable characteristics and amenities of a low density atmosphere.

17.16.015 Applicability.

The requirements in this chapter shall apply to all property within R-M zone districts.

17.16.020 Permitted uses.

In the ~~P(R-M)~~ multi-family residential zones, ~~permitted uses include the following uses are permitted by right:~~

- A. Existing one-family dwellings;
- B. Multi-family dwellings up to sixty (60) dwelling units per site in the R-M-2 zone and the R-M-3 zone;
- C. Fruit, vegetable and horticultural husbandry;
- D. Swimming pools used only by residents on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family, situated within an existing single-family dwelling;
- G. Twenty-four (24) hour care facilities or foster homes for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provision of Chapter 17.48;
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. Adult day care for a maximum of twelve (12) individuals in addition to the residing family, situated within an existing single-family dwelling;
- K. Other uses similar in nature and intensity as determined by the city planner.
- L. Transitional or supportive housing for six (6) or fewer resident/clients.

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M. Single-room occupancy (SRO), as follows:

1. Up to fifteen (15) units per gross acre in the R-M-2 zone district;
2. Up to twenty-nine (29) units per gross acre in the R-M-3 zone district.

17.16.030 Accessory uses.

In the ~~P(R-M)~~ multi-family residential zone, accessory uses include:

- A. Home occupations subject to the provisions of Section 17.32.030;
- B. Accessory buildings subject to the provisions of Section 17.16.090B.

17.16.040 Conditional uses.

In the ~~P(R-M)~~ multi-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

- A. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
- B. Public and private charitable institutions; general hospitals, sanitariums, nursing and convalescent homes; including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- C. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers;
- D. In the R-M-3 zone only, an open air public or private parking lot, subject to all provisions of Section 17.34.030, excluding trucks over 3/4 ton;
- E. Electric distribution substations;
- F. Gas regulator stations;
- G. Public service pumping stations and/or elevated or underground tanks;
- H. Communication equipment buildings;
- I. In R-M-2 zone only, mobile home parks;
- J. More than sixty (60) units per site in the R-M-2 zone, and within the R-M-3 zone;

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- K. Boarding houses and residential motels;
- L. ~~Developments with modified residential standards in the R-M-2 and R-M-3 conformance with Chapter 17.30, Article 6: [Reserved]~~
- M. Senior citizen residential developments;
- N. Adult day care in excess of twelve (12) individuals;
- O. Planned ~~unit~~ developments may utilize the, subject to provisions of Chapter 17.26;
- P. New one-family dwelling, meeting density identified in the general plan land use element designations;
- Q. Other uses similar in nature and intensity as determined by the city planner;
- R. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this chapter and in which the private streets are designed and constructed to meet or exceed public street standards.
- S. Transitional or supportive housing for seven (7) or more resident/clients.

17.16.050 Site area and configuration.

A. ~~In the P(R-M) multi-family residential zone, the The minimum site area shall be two (2) acres unless a smaller site is approved as part of a conditional use permit, zoning action or upon approval of an acceptable master plan by the site plan review committee. The division of (R-M) multi-family residential property less than two (2) acres shall be approved as part of a conditional use permit.~~

17.16.060 Site area per dwelling unit and per structure.

~~In the P(R-M) multi-family residential zone, the~~ The minimum site area per dwelling unit shall be three thousand (3,000) square feet in the R-M-2 zone and one thousand ~~five two~~ hundred ~~(1,500)(1,200)~~ square feet in the R-M-3 zone.

17.16.070 Front yard.

A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
R-M-2	15 feet
R-M-3	15 feet

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B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

C. All garage doors facing the front property line shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

17.16.080 Side yards.

~~In the P(R-M) multi-family residential zone:~~

A. The minimum side yard for a permitted or conditional use shall be five feet per story subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.

B. Side yard providing access to more than one dwelling unit shall be not less than ten feet.

C. On corner lots, all garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

17.16.090 Rear yard.

~~In the P(R-M) multi-family residential zone, the~~The minimum rear yard for a permitted use shall be fifteen (15) feet in the R-M-3 zone and twenty-five (25) feet in the R-M-2 zone, subject to the following exceptions:

A. On a corner or reverse corner lot in R-M-2 zone the rear yard shall be twenty-five (25) feet on the narrow side or twenty (20) feet on the long side of the lot. The decision as to whether the short side or long side is used as the rear yard area shall be left to the applicant's discretion, as long as a minimum area of one thousand five hundred (1,500) square feet of usable rear yard area is maintained.

B. Accessory structures not exceeding twelve (12) feet in height may be located in the required rear yard, but not closer than three feet to any lot line; provided, that on a reversed corner lot an accessory structure shall be located not closer to the rear property line than the required side yard on the adjoining key lot and not closer to the side property line adjoining the street than the required front yard on the adjoining key lot. In placing accessory structures in a required rear yard a usable, open, rear yard area of at least one thousand two hundred (1,200) square feet shall be maintained.

C. Exceptions to the rear yard setback can be granted for multiple family units ~~which~~that have their rear yard abutting an alley. The exception may be granted if the rear yard area is to be used for parking.

17.16.100 Height of structures.

~~In the P(R-M) multi-family residential zone, the~~The maximum height of structures shall be thirty-five (35) feet or three (3) stories whichever is taller in the R-M-2 zone. The maximum

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height shall be thirty-five (35) feet or three (3) stories whichever is taller in the R-M-3 zone. Where an R-M-2 or R-M-3 site adjoins an R-1 site, the second and third story shall be designed to limit visibility from the second and third story to the R-1 site. Structures specified under Section 17.16.090(B) shall be exempt.

17.16.110 Off-street parking.

~~In the P(R-M) multi-family residential zone, off-street~~ Off-street parking ~~is shall be~~ subject to the provisions of Chapter 17.34.

17.16.120 Fences, walls and hedges.

~~In the P(R-M) multi-family residential zone, fences~~ Fences, walls and hedges ~~are shall be~~ subject to the provisions of Section 17.36.040.

17.16.130 Trash enclosures.

~~In the P(R-M) multi-family residential zone, enclosures~~ Enclosures for trash receptacles are permitted ~~which that~~ comply with the specifications and requirements of Section 17.32.010 and ~~which that~~ are approved by the site plan review committee. Enclosures within the front yard setback are permitted for multiple family dwelling units when deemed necessary by city staff because no other appropriate location for an enclosure exists on the property.

17.16.140 ~~Planned development~~ Site plan review.

~~In the P(R-M) multi-family residential zone, a~~ planned development site plan review permit must be obtained for all developments other than a single-family residence in R-M zones, subject to the requirements and procedures of Chapter 17.28.

17.16.150 Open space and recreational areas.

~~In the P(R-M) multi-family residential zone, any~~ Any multiple family project approved under a conditional use permit or site plan review permit shall include dedicate at least five (5) percent of the site to open, common, usable space and/or recreational facilities for use by tenants as a part of that plan. The calculated space shall not include setback areas adjacent to a street. Shared open space could include parks, playgrounds, sports courts, swimming pools, gardens, and covered patios or gazebos open on at least three (3) sides. It would Further, the calculated space shall not include enclosed meeting or community rooms. The specific size, location and use shall be approved as a part of the conditional use permit.

17.16.160 Screening.

~~In the P(R-M) multi-family residential zone, all~~ All parking areas adjacent to public streets and R-1 sites shall be screened from view subject to the requirements and procedures of Chapter 17.28.

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17.16.170 Screening fence.

~~In the P(R-M) multi-family residential zone, where~~ **Where** a multiple family site adjoins ~~an R-A or an~~ R-1 site, a screening block wall or wood fence not less than six feet in height shall be located along the property line; except in a required front yard, or the street side of a corner lot and suitably maintained.

17.16.180 Landscaping.

~~In the P(R-M) multi-family residential zone, all~~ **All** multiple family developments shall have landscaping including plants, and ground cover to be consistent with surrounding landscaping in the vicinity. Landscape plans to be approved by city staff prior to installation and occupancy of use and such landscaping to be permanently maintained.

17.16.190 Model Good Neighbor Policies.

Before issuance of building permits, project proponents of multi-family residential developments in the R-M zones that are subject to approval by the Site Plan Review Committee or the Planning Commission, shall enter into an operational management plan (Plan), in a form approved by the City for the long term maintenance and management of the development. The Plan shall include but not be limited to: The maintenance of landscaping for the associated properties; the maintenance of private drives and open space parking; the maintenance of the fences, on-site lighting and other improvements that are not along the public street frontages; enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property; and, enforcing all provisions of the model Good Neighbor Policies as specified by Resolution of the Planning Commission, and as may be amended by resolution. ~~A statement referencing the applicability of the Plan to the project, and noting the Plan's availability at the City Community Development Department shall be recorded with the Tulare County Recorder. This Section shall be enforceable on a continuous basis pursuant to Chapter 17.46.~~

17.16.200 Signs.

~~Signs shall be placed in conformance with Chapter 17.48.~~

Chapter 17.18

~~PLANNED~~ COMMERCIAL ZONES

Sections:

17.18.010 ~~Purposes and intent.~~

~~**17.18.015** Applicability.~~

~~**17.18.020** Permitted uses.~~

~~**17.18.030** Conditional and temporary uses.~~

~~**17.18.040** Required conditions.~~

~~**17.18.030** Planned development permit required.~~

~~**17.18.0400650** Off-street parking and loading facilities.~~

~~**17.18.050** List of uses as permitted (P), conditional (C), and temporary conditional (T).~~

~~**17.18.0760** Development standards in the C-N zone.~~

~~**17.18.0870** Development standards in the C-R zone.~~

~~**17.18.0980** Development standards in the C-S zone.~~

17.18.010 Purposes.

A. The several types of commercial zones included in this chapter are designed to achieve the following:

1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons ~~which~~^{that} they serve in a manner consistent with the general plan;

~~2. Maintain the central business district (CBD) — Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court Locust corridor to the Lincoln Oval area) as Visalia's traditional, medical, professional, retail, government and cultural center;~~

~~3. Maintain Visalia's role as the regional commercial center for Tulare, Kings and southern Fresno counties;~~

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- 42. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;
- 53. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;
- 64. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;
- 75. Maintain commercial land uses ~~which~~that are responsive to the needs of shoppers, maximizing accessibility and minimizing trip length;
- 86. Ensure compatibility with adjacent land uses.

B. The purposes of the individual commercial ~~land use~~ zones are as follows:

~~1. Planned Convenience Commercial Zone (P-C-C). The purpose and intent of the planned convenience commercial zone district is to provide for the continued use, expansion and new development of commercial areas with personal and convenience goods and services that are generally needed on a daily basis for immediate residential areas. These areas, generally of three acres or less, are to be master planned and designed of a scale, building mass and landscaping consistent with the surrounding residential buildings and integrated into the neighborhood for easy pedestrian and vehicle access. Site lighting, delivery areas, and signing are to be designed so as not to intrude into adjacent residential properties.~~

~~21. Planned Neighborhood Commercial Zone (P-C-NCC-N). The purpose and intent of the planned neighborhood commercial zone district is to provide sites within residential areas that are of sufficient size to support a grocery store and drug store as major anchors, with supporting retail/commercial uses and services for residents of adjacent neighborhoods. New centers, generally up to ten acres, are to be designed with an emphasis on access and circulation to the neighborhoods and emphasis on compatibility with the surrounding neighborhood regarding noise, lighting, scale and building mass, privacy, signage and parking for small-scale commercial development that primarily serves surrounding residential areas, wherein small office uses as well as horizontal or vertical residential mixed use are also supported, and provide standards to ensure that neighborhood commercial uses are economically viable and also integrated into neighborhoods in terms of design, with negative impacts minimized, with multimodal access, and context-sensitive design. Neighborhood Commercial development shall be subject to design review and public input. There should be 10 to 15 dwelling units per gross acre where residential uses are included. Shopping centers shall be of a total size of 5 to 12 acres and located no closer than one mile from other General Plan designated Neighborhood Commercial locations, or from existing grocery stores, anchored by a grocery store or similar business no larger than 40,000 square feet in size, and include smaller in-line stores of less than 10,000 square feet. Alterations and additions in existing nonconforming centers may be permitted, subject to design review and conditions of approval to minimize neighborhood impacts.~~

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~~3. Planned Shopping/Office Zone (P-C-SO). The purpose and intent of the planned shopping/office zone district is to provide areas for a wide range of neighborhood and community level retail commercial and office uses. This district is intended to provide for the transition from service and heavy commercial uses where they exist in this district to retail and office and to provide areas for neighborhood goods and services where shopping centers may not be available.~~

~~4. Planned Community Commercial Zone (P-C-CM). The purpose and intent of the planned community commercial zone district is to provide for continued use, expansion and new development of community scale shopping centers with a range of commercial goods/services and garden offices. Community centers are to be developed and implemented by a specific plan and are intended to exclude regional and CBD scale uses and to integrate adjacent multi-family and public/institutional uses. General guidelines for development of community centers would be twenty (20) to thirty (30) acres of community level retail and ancillary facilities and up to ten acres of garden offices, along with adjacent supporting facilities of up to twenty (20) acres of multi-family residential and a minimum of twenty (20) to thirty (30) acres for institutional facilities. Precise distribution of uses would be determined at the time of development of a specific plan for the center.~~

~~5. Planned Central Business District Retail Zone (P-C-DT). The purpose and intent of the planned central business district retail zone district is to promote the continued vitality of the core of the community by providing for the continuing commercial development of the downtown and maintaining and enhancing its historic character. The zone is designed to accommodate a wide mix of land uses ranging from commercial and office to residential and public spaces, both active and passive. The zone is intended to be compatible with and support adjacent residential uses, along with meeting the needs of the city and region as the urban center of the city; to provide for neighborhood, local, and regional commercial and office needs; to accommodate the changing needs of transportation and integrate new modes of transportation and related facilities; and to maintain and enhance the historic character of the city through the application of architectural design features which compliment the existing historic core of the city.~~

~~62. Planned Regional Retail Commercial Zone (P-C-R). The purpose and intent of the planned regional retail commercial zone district is to provide areas for retail establishments that are designed to serve a regional service trade area. The uses permitted in this district are to be of a large-scale regional retail nature with supporting goods and services. Uses that are designed to provide service to residential areas and convenience, neighborhood and community level retail are not permitted, while office uses are to be limited.~~

~~7. Planned Highway Commercial Zone (P-C-H). The purpose and intent of the planned highway commercial zone district is to provide goods and services to the traveling public. The uses permitted in this district are those intended to cater to those passing through the community, rather than destination points for city residents.~~

~~83. Planned Service Commercial Zone (P-C-S). The purpose and intent of the planned service commercial zone district is to provide areas that accommodate wholesale, heavy commercial~~

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uses, such as lumberyards and construction material retail uses, etc., and services such as automotive, plumbing, and sheet metal fabrication. It is intended that uses in this district be those that can be compatible with heavy truck traffic and noise. Uses that would restrict the operation of generally permitted heavy commercial businesses are not provided in this district.

17.18.015 Applicability.

The requirements in this chapter shall apply to all property within the C-N, C-R, and C-S zone districts.

17.18.020 Permitted uses.

Permitted uses in the C-N, C-R, and C-S zones shall be determined by Table 17.25.030 in Section 17.25.030.

17.18.030 Conditional and temporary uses.

Conditional and temporary uses in the C-N, C-R, and C-S zones shall be determined by Table 17.25.030 in Section 17.25.030.

17.18.040 Required conditions.

A. A site plan review permit must be obtained for all development in all C-N, C-S, and C-R zones, subject to the requirements and procedures in Chapter 17.28.

~~AB. In a P-C-C, P-C-N, P-C-CM, P-C-DT, P-C-SO and P-C-R zone all~~ All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;

~~BC. In a P-C-C or P-C-N zone all~~ All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;

~~CD. In a P-C-C or P-C-N zone all~~ All new construction in existing ~~P-C-C or P-C-N~~ zones not a part of a previously approved planned development shall conform with development standards determined by the site plan review committee.

~~**17.18.030 Planned development permit required.**~~

~~A planned development site plan review permit must be obtained for all development in all P-(C) zones, subject to the requirements and procedures in Chapter 17.28.~~

17.18.040~~650~~ Off-street parking and loading facilities.

~~In the planned commercial zones, off~~ Off-street parking and off-street loading facilities shall be provided as prescribed in Chapter 17.34.

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~~17.18.050 List of uses as permitted (P), conditional (C), and temporary conditional (T).~~

~~The following matrix represents all of the permitted and conditional uses in the commercial, office and industrial zone districts:~~

17.18.0670 Development standards in the C-N zone.

The following development standards shall apply to property located in the C-PAC-N zone:

A. Minimum site area: five (5) acres.

B. Maximum building height: fifty (50) feet.

C. Minimum required yards (building setbacks):

1. Front: fifteen (15) feet:

2. Rear: zero (0) feet:

3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet:

4. Side: zero (0) feet:

5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet:

6. Street side yard on corner lot: ten (10) feet.

D. Minimum required landscaped yard (setback) areas:

1. Front: fifteen (15) feet:

2. Rear: five (5) feet (except where a building is located on side property line):

3. Rear yards abutting an R-1 or R-M zone district: five (5) feet:

4. Side: five (5) feet (except where a building is located on side property line):

5. Side yards abutting an R-1 or R-M zone district: five (5) feet:

6. Street side on corner lot: ten (10) feet.

17.18.0780 Development standards in the C-R zone.

The following development standards shall apply to property located in the C-R zone:

A. Minimum site area: five (5) acres.

B. Maximum building height: fifty (50) feet.

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C. Minimum required yards (building setbacks):

1. Front: twenty (20) feet:
2. Rear: zero (0) feet:
3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet:
4. Side: zero (0) feet:
5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet:
6. Street side yard on corner lot: ten (10) feet.

D. Minimum required landscaped yard (setback) areas:

1. Front: twenty (20) feet:
2. Rear: five (5) feet:
3. Rear yards abutting an R-1 or R-M zone district: five (5) feet:
4. Side: five (5) feet (except where a building is located on side property line):
5. Side yards abutting an R-1 or R-M zone district: five (5) feet:
6. Street side on corner lot: ten (10) feet.

17.18.0980 Development standards in the C-S zone.

The following development standards shall apply to property located in the C-S zone:

- A. Minimum site area: five thousand (5,000) square feet.
- B. Maximum building height: sixty (60) feet.
- C. Minimum required yards (building setbacks):
 1. Front: ten (10) feet:
 2. Rear: zero (0) feet:
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet:
 4. Side: zero (0) feet:
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet:

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6. Street side yard on corner lot: ten (10) feet.

D. Minimum required landscaped yard (setback) areas:

1. Front: ten (10) feet;

2. Rear: five (5) feet (except where a building is located on side property line);

3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;

4. Side: five (5) feet (except where a building is located on side property line);

5. Side yards abutting an R-1 or R-M zone district: five (5) feet;

6. Street side on corner lot: ten (10) feet.

Chapter 17.19
MIXED USE ZONES

Sections:

17.19.010 Purpose and intent.

17.19.015 Applicability.

17.19.020 Permitted uses.

17.19.030 Conditional and temporary uses.

17.19.040 Required conditions.

17.19.050 Off-street parking and loading facilities.

17.19.060 Development standards in the C-MU zones outside the core area.

17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the core area.

17.19.010 Purposes.

A. The several types of mixed zones included in this chapter are designed to achieve the following:

1. Encourage a wide mix of commercial, service, office, and residential land uses in horizontal or vertical mixed use development projects, or on adjacent lots, at key activity nodes and along corridors.

2. Maintain Visalia's downtown (Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as the traditional, medical, professional, retail, government and cultural center.

3. Provide zone districts that encourage and maintain vibrant, walkable environments.

B. The purposes of the individual mixed use zones are as follows:

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1. Mixed Use Commercial Zone—(C-MU). The purpose and intent of the mixed use commercial zone district is to allow for either horizontal or vertical mixed use development, and permits commercial, service, office, and residential uses at both at key activity nodes and along corridors. Any combination of these uses, including a single use, is permitted.

2. Mixed Use Downtown Zone—(D-MU). The purpose and intent of the mixed use downtown zone district is to promote the continued vitality of the core of the community by providing for the continuing commercial development of the downtown and maintaining and enhancing its historic character. The zone is designed to accommodate a wide mix of land uses ranging from commercial and office to residential and public spaces, both active and passive. The zone is intended to be compatible with and support adjacent residential uses, along with meeting the needs of the city and region as the urban center of the city; to provide for neighborhood, local, and regional commercial and office needs; to accommodate the changing needs of transportation and integrate new modes of transportation and related facilities; and to maintain and enhance the historic character of the city through the application of architectural design features that complement the existing historic core of the city.

17.19.015 Applicability.

The requirements in this chapter shall apply to all property within the C-MU and D-MU zone districts.

17.19.020 Permitted uses.

Permitted uses in C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030.

17.19.030 Conditional and temporary uses.

Conditional and temporary uses in the C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030.

17.19.040 Required conditions.

A. A site plan review permit must be obtained for allany development in allany C-MU and D-MU zones, subject to the requirements and procedures in Chapter 17.28.

B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;

C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;

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17.19.050 Off-street parking and loading facilities.

Off-street parking and off-street loading facilities shall be provided as prescribed in Chapter 17.34.

17.19.060 Development standards in the C-MU zones outside the downtown area.

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

A. Minimum site area: five (5) acres.

B. Maximum building height: fifty (50) feet.

C. Minimum required yards (building setbacks):

1. Front: fifteen (15) feet;

2. Rear: zero (0) feet;

3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;

4. Side: zero (0) feet;

5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;

6. Street side yard on corner lot: ten (10) feet.

D. Minimum required landscaped yard (setback) areas:

1. Front: fifteen (15) feet;

2. Rear: five (5) feet;

3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;

4. Side: five (5) feet (except where a building is located on side property line);

5. Side yards abutting an R-1 or R-M zone district: five (5) feet;

6. Street side on corner lot: ten (10) feet.

E. The provisions of Chapter 17.58 shall also be met, if applicable.

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17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the downtown area.

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

A. Minimum site area: No minimum.

B. Maximum building height: one hundred (100) feet.

C. Minimum required yards (building setbacks):

1. Front: zero (0) feet;

2. Rear: zero (0) feet;

3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;

4. Side: zero (0) feet;

5. Side yards abutting an R-1 or R-M zone district: zero (0) feet;

6. Street side yard on corner lot: zero (0) feet.

D. Minimum required landscaped yard (setback) areas:

1. Front: five (5) feet (except where a building is located on side property line);

2. Rear: zero (0) feet;

3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;

4. Side: five (5) feet (except where a building is located on side property line);

5. Side yards abutting an R-1 or R-M zone district: five (5) feet except where a building is located on side property);

6. Street side on corner lot: five (5) feet.

E. The provisions of Chapter 17.58 shall also be met, if applicable.

Chapter 17.20

~~PLANNED~~-OFFICE ZONES

Sections:

17.20.010 Purposes.

17.20.015 Applicability.

17.20.020 Permitted and conditional uses.

17.20.030 Required conditions.

17.20.040 Off-street parking and loading facilities.

17.20.050 Development standards in the O-PA zone.

17.20.060 Development standards in the O-C zone.

17.20.010 Purposes.

A. The several types of office zones included in this chapter are designed to achieve the following:

1. Provide appropriate areas for various types of offices to be concentrated for the convenience of the public, and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons ~~which~~that they serve in a manner consistent with the general plan;
2. Maintain the central downtown business district (~~CBD~~—Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as Visalia's traditional, medical, professional, retail, government and cultural center;
3. Protect office areas from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences;
4. Ensure compatibility with adjacent land uses.

B. The purpose of the individual office land use zones are as follows:

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1. ~~Planned~~ Professional/Administrative Office Zone—(PO-PA). The purpose and intent of the ~~planned~~ professional/administrative office zone district is to provide areas for professional and administrative offices where they can be effectively integrated into surrounding areas.

2. ~~Planned~~ Office Conversion Zone—(P-OC). The purpose and intent of the ~~planned~~ office conversion zone district is to promote the conversion, rather than the demolition, of existing residential structures where feasible, in designated areas for low-intensity administrative and professional offices. Office uses that are typically high generators of vehicle trips or parking need generators are not provided in this district. This zone will create opportunities for the long-term preservation of historic structures and the residential character of non-historic neighborhoods through the office conversion process. The development criteria will reduce the potential for land use conflicts between the office conversion sites and their adjacent residential neighborhoods. These provisions will serve to maintain the streetscape through architectural compatibility and the placement of on-site parking at the rear of the sites. This will also serve to maintain the historic and aesthetic character of the core area.

~~3. Planned Office Garden Zone—(P-OG). The purpose and intent of the planned office garden zone district is to provide for office uses in community centers via master or specific plans and in other locations as designated and as may be determined by the city council. Garden offices are intended to buffer, through site and building design measures, residential areas from high intensity commercial uses while promoting pedestrian access to reduce traffic related conflicts. (Prior code § 7372)~~

17.20.015 Applicability.

The requirements in this chapter shall apply to all property within the O-PA and O-C zone districts.

17.20.020 Permitted ~~and conditional~~ uses.

~~In the planned office zones, Permitted uses in the O-PA and OC zones shall be determined by Table 17.25.030 in Section 17.25.030 the matrix which that represents all the permitted and conditional uses for the commercial, office and industry zones is presented in Section 17.18.050.~~

17.20.025 Conditional and temporary uses.

Conditional and temporary uses in the O-PA and OC zones shall be determined by Table 17.25.030 in Section 17.25.030.

17.20.030 Required conditions.

~~In the planned office zones:~~

A. A ~~planned development~~ site plan review permit must be obtained for all development in the ~~P-PA, P-OC, and P-OG~~ O-PA and O-C zones subject to the requirements and procedures in Chapter 17.28;

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B. ~~In a P-PA, P-OC, or P-OG zone all~~All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, outdoor dining areas, and play areas.

17.20.040 Off-street parking and loading facilities.

~~A. In the planned office zones, off~~Off-street parking facilities and off-street loading facilities shall be provided as prescribed in Chapter 17.34.

~~B. On-site parking is prohibited in the front and street side setback areas for O-C zoned properties:~~

~~C. Adequate parking for OC zoned properties must be provided on site to serve the desired office use. Parking is to be developed at the rear of the subject site, and should be master planned with adjacent sites to allow the common use of planter strips, access points and handicap parking spaces to the greatest extent possible:~~

17.20.050 Development standards in the O-PA zone.

The following development standards shall apply to property located in the O-PA zone:

A. Minimum site area: five (5) acres.

B. Maximum building height: fifty (50) feet.

C. Minimum required yards (building setbacks):

1. Front: fifteen (15) feet:

2. Rear: zero (0) feet:

3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet:

4. Side: zero (0) feet:

5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet:

6. Street side yard on corner lot: ten (10) feet.

D. Minimum required landscaped yard (setback) areas:

1. Front: fifteen (15) feet:

2. Rear: five (5) feet:

3. Rear yards abutting an R-1 or R-M zone district: five (5) feet:

4. Side: five (5) feet (except where a building is located on side property line):

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5. Side yards abutting an R-1 or R-M zone district: five (5) feet.

6. Street side on corner lot: ten (10) feet.

Section 17.20.060 Development standards in the O-C zone.

The following development standards shall apply to property located in O-C zone district. These standards would include, but not be limited to, the application of consistent height and bulk, matching setbacks, and compatible architectural design that will be reviewed and approved through the site plan review process:

A. Minimum site area: five thousand (5,000) square feet.

B. Maximum building height: thirty (30) feet.

C. Minimum required yards (building setbacks):

1. Front: shall be consistent with adjacent primary setbacks or a minimum of twenty-five (25) feet. On interior lots where adjacent structures are less than twenty-five (25) feet, averaging may be used:

4. Rear: twenty-five (25) feet.

2. Side: five (5) feet;

3. Street side on corner lot: ten (10) feet;

D. Minimum required landscaped yard (setback) areas:

1. Front: twenty-five (25) feet or consistent with building setbacks;

2. Rear: five (5) feet, except where there is alley access.

3. Side: five (5) feet;

4. Street side on a corner lot: ten (10) feet or consistent with building setbacks;

F. Additional standards:

1. Maintain front and street side residential setbacks, in addition to maintaining and enhancing the historical residential streetscape;

2. Develop existing alleys to a width of eighteen (18) to twenty (20) feet. Dedication or irrevocable offer of dedication of up to two feet per lot will be required, excepting sites that have a primary structure located in the dedication area and for which there is adequate parking on the site;

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3. Signs shall be compatible with the character of the main structure, and shall comply with the provisions of Chapter 17.48.

4. Existing structures that are compatible with the adjacent properties and streetscape shall be maintained as the primary structure for a site;

5. All additions and alterations shall be consistent with the existing design of the primary unit as determined through the site plan review process;

6. Offices that are of a twenty-four (24) hour use or high-volume customer destination that cannot be accommodated through on-site parking are prohibited adjacent to residential neighborhoods;