

## Chapter 17.22

### ~~PLANNED~~ INDUSTRIAL ZONES

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**Sections:**

**17.22.010 Purposes.**

**17.22.015 Applicability.**

**17.22.020 Permitted ~~and conditional~~ uses.**

**17.22.030 Conditional and temporary uses.**

**17.22.040 Required conditions.**

**17.22.050 Off-street parking and loading facilities.**

**17.22.060 Development standards in the I-L and I zones.**

**17.22.010 Purposes.**

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

1. Encourage the location of new industries that do not generate substantial amounts of pollutant emissions, impacts on air quality, or other natural resources;
2. Ensure compatibility between industrial lands and adjacent dissimilar land uses;
3. Retain and strengthen the city's role as a regional manufacturing center in the Southern Central San Joaquin Valley;
4. Provide appropriate industrial areas to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment;
5. Provide adequate space to meet the needs of industrial development, including off-street parking and loading;
6. Direct industrial uses to and encourage expansion of the northwest industrial areas;

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7. Protect areas appropriate for industrial use from intrusion by dwellings and other conflicting uses;
8. Protect residential and commercial properties and nuisance-free nonhazardous industrial uses from noise, odor, dust, dirt, smoke, vibration, heat, glare, fire, explosion, noxious fumes, radiation and other hazards and objectionable influence incidental to certain industrial uses;
9. Preserve land designated for light and heavy industrial uses by limiting the intrusion of commercial or service commercial uses.

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

1. ~~Planned Light Industry Industrial Zone--(P-I-L)~~. The purpose and intent of the ~~planned light industry~~**Light Industrial** zone district is to provide an area for uses that are characterized by low intensity research and development, warehousing and limited manufacturing and production, processing, assembling and packaging or treatment of food products from previously prepared materials. Uses that may restrict the operation of the above due to sensitivity to noise, truck traffic, etc., are not provided in this district.
2. ~~Planned Heavy Industry Industrial Zone--(P-I-H)~~. The purpose and intent of the ~~planned heavy industry~~**Industrial** zone district is to provide an area for uses that are characterized by the manufacturing, processing or assembling of semi-finished or finished products from raw materials. Uses that may restrict the operation of the above due to sensitivity to noise, truck traffic, etc., are not provided in this district.

**17.22.015 Applicability.**

~~The requirements in this chapter shall apply to all property within the I and I-L zone districts.~~

**17.22.020 Permitted uses.**

~~Permitted uses in I and I-L zones shall be determined by Table 17.25.030 in Section 17.25.030.~~

**17.22.030 Conditional and temporary uses.**

~~Conditional and temporary uses in the I and I-L zones shall be determined by Table 17.25.030 in Section 17.25.030.~~

~~**17.22.020 Permitted and conditional uses.**~~

~~In the planned industrial zones, 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. (Prior code § 7393)~~

**17.22.040 Required conditions.**

~~In the planned industrial zones:~~

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A. No use shall be permitted and no process, equipment or materials shall be employed which is determined by the planning commission to be injurious to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinder, refuse, noise, vibration, illumination, glare or heavy truck traffic or to involve any hazard of fire or explosion or to emit electrical disturbances ~~which~~that adversely affect commercial or electronic equipment outside the boundaries of the site;

B. ~~In a P-I-L or P-I-H zone no~~No use shall emit visible smoke of a shade equal to or darker than No. 2 on a standard ~~Ringleman-Ringelmann~~ Chart issued by the United States Bureau of Mines or smoke of an equivalent opacity, except that smoke of a shade equal to No. 3 on the ~~Ringleman-Ringelmann~~ Chart may be emitted for four minutes in any thirty (30) minute period;

C. A ~~planned development~~site plan review permit must be obtained for all development in an ~~P-I-L or P-I-H~~ zone, subject to the requirements and procedures in Chapter 17.28.

**17.22.050 Off-street parking and loading facilities.**

~~In the planned industrial zones, off~~Off-street parking facilities and off-street loading facilities shall be provided on the site of each use as prescribed in Chapter 17.34.

**17.20.060 Development standards in the I-L and I zones.**

A. The I-L and I zone districts include streets of varying width, carrying capacity and intended service. The development standards vary by type of street in order to maintain a consistent streetscape and achieve a high quality visual impact necessary to sustain an attractive and viable industrial area. The following development standards shall apply to property located in the I-L and I zones:

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

B. Maximum building height: seventy-five (75) feet.

C. Minimum required yards (building setbacks):

1. Frontage on major road: twenty-five (25) feet. (Major roads are defined as roads shown as arterials or collectors on the Circulation Element Map, including but not limited to Goshen Avenue, Plaza Drive, and Avenue 308);

2. Frontage on minor road: fifteen (15) feet. (Minor roads are defined as roads shown as local streets on the Circulation Element Map, including but not limited to Elwin Court, Clancy Drive, and Rasmussen Avenue);

3. Frontage on interior roads: ten (10) feet. (Interior roads provide access only to parcels within a development.);

4. Rear: zero (0) feet;

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5. Rear yards abutting an R-1 or R-M zone district: twenty (20) feet;

6. Side: zero (0) feet;

7. Side yards abutting an R-1 or R-M zone district: twenty (20) feet;

8. Side abutting railroad right-of-way: twenty-five (25) feet.

D. Minimum required landscaped yard (setback) areas:

1. Frontage on major road: twenty-five (25) feet. (Major roads are defined as roads shown as arterials or collectors on the Circulation Element Map, including but not limited to Goshen Avenue, Plaza Drive, and Avenue 308);

2. Frontage on minor road: fifteen (15) feet. (Minor roads are defined as roads shown as local streets on the Circulation Element Map, including but not limited to Elowin Court, Clancy Drive, and Rasmussen Avenue);

3. Frontage on interior roads: ten (10) feet. (Interior roads provide access only to parcels within a development.);

4. Rear: zero (0) feet;

5. Rear yards abutting an R-1 or R-M zone district: ten (10) feet;

6. Side: zero (0) feet;

7. Side yards abutting an R-1 or R-M zone district: ten (10) feet;

8. Side abutting railroad right-of-way: twenty-five (25) feet.

E. Additional standards:

1. Properties subdivided into parcels of less than five acres shall provide a common or joint storm drainage facility or pond, to be maintained through a private property owners' association formed at the time of subdivision.

2. An eight-foot masonry wall is required along property line where a site abuts an R-1 or R-M zone district.

## Chapter 17.24

### ~~PLANNED BUSINESS RESEARCH PARK (P-BRP) ZONE~~

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**Sections:**

**17.24.010 Purpose.**

**17.24.015 Applicability.**

**17.24.020 Permitted ~~and conditional~~ uses.**

**17.24.030 Conditional and temporary uses.**

**17.24.040 Required conditions.**

**17.24.050 Off-street parking and loading facilities.**

**17.24.060 Development standards—~~Business research park (BRP).~~**

#### **17.24.010 Purpose.**

A. This chapter is designed to achieve the following:

1. Provide for large-scale office developments in the community;
2. Accommodate large-scale business and research activities;
3. Protect residential and office areas from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences;
4. Ensure compatibility with adjacent land uses.

B. The purpose and intent of the planned business research park zone district is to provide for business, scientific, educational and light industrial uses in a campus-type setting. Planned business research parks are to be planned and developed as integrated units via specific or master plans and are intended to accommodate large-scale office developments at locations ~~which~~that provide close-in employment opportunities; promote Visalia's community identity through special site development standards such as lot sizes, setbacks, landscaping, building scale, parking, open areas, etc.; and provide on-site ancillary uses including day care, food service, banks, recreation, etc., served by a variety of transportation modes to reduce vehicle trips.

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**17.24.015 Applicability.**

~~The requirements in this chapter shall apply to all property within the BRP zone district.~~

**17.24.020 Permitted uses.**

~~Permitted uses in BRP zone shall be determined by Table 17.25.030 in Section 17.25.030.~~

**17.24.030 Conditional and temporary uses.**

~~Conditional and temporary uses in the BRP zone shall be determined by Table 17.25.030 in Section 17.25.030.~~

~~**17.24.020 – Permitted and conditional uses:**~~

~~The matrix which that represents all the permitted and conditional uses for the P-BRP zone district is presented in Section 17.18.050.~~

~~**17.24.030**~~ **040 Required conditions.**

~~In the P-BRP planned business research park zone:~~

A. A ~~planned development~~ site plan review permit must be obtained for all development in the P-BRP zone subject to the requirements and procedures in Chapter 17.28.

B. ~~In a P-BRP 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.

C. ~~In a P-BRP zone all~~ All development shall be subject to a conditional use permit.

**17.24.050 Off-street parking and loading facilities.**

~~In the P-BRP planned business research park zone, off~~ Off-street parking facilities and off-street loading facilities shall be provided as prescribed in Chapter 17.34.

**17.24.060 Development standards** ~~– Business research park (BRP).~~

For properties ~~which that~~ are zoned business research park, the following development criteria shall be applied in conjunction with the design district. Where variations in standards exist the more restrictive shall apply.

A. All ~~BRP development~~ shall be subject to the conditional use permit process in Chapter 17.38;

B. All ~~BRP development~~ shall requires a master plan or a specific plan ~~as provided in the general plan land use element Policy No. 3.6.3(2).~~ The master plan shall be designed to accommodate large scale business and research activities in campus-type developments. These developments shall provide a cohesive architectural design to create a campus style setting

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within a project or center. Shared vehicular and pedestrian access, parking, and common open space and related amenities shall be integrated into project design. Overall design of ~~the BRP development~~ shall be compatible with existing and developing character of the neighboring area. The master plan or specific plan, and the architectural design elements, including a comprehensive sign program, as required by this subsection, shall be included with and approved as part of the Conditional Use Permit as required by ~~17.42.050(A) and 17.24.0350(C)~~;

C. ~~The BRP Development~~ should provide convenience/service amenities for employees within the BRP zone;

D. Alternate transportation opportunities including mass transit and ride sharing shall be encouraged;

E. Minimum ~~lot site~~ area: five (5) acres.

F. Maximum building height: seventy-five (75) feet;

G. Minimum required yards (building setbacks):

1. Front: forty-five (45) feet frontage on Plaza Drive – twenty-five (25) feet front on Hurley, Crowley, Neeley, Kelsey;

2. Side: twenty (20) feet;

3. Street side ~~on a corner lot~~: twenty-five (~~25~~20) feet;

4. Rear: thirty (30) feet;

H. Minimum required landscaped yard (setback) areas:

1. Front: thirty (30) feet frontage on Plaza Drive; twenty-five (25) front on Hurley, Crowley, Neeley, Kelsey (includes any portion of building ~~which that~~ abuts a public street): twenty-five (25) feet. Setback averaging may be used where incorporated into an approved master plan,

2. Side: twenty (20) feet,

3. Street side ~~on a corner lot~~: twenty (20) feet,

4. Rear: twenty (20) feet.

**Chapter 17.25**  
**USES IN THE COMMERCIAL, MIXED USE, OFFICE, AND**  
**INDUSTRIAL ZONES**

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**Sections:**

**17.25.010 Purpose and intent.**

**17.25.020 Applicability**

**17.25.030 Commercial, Office, and Industrial Zone Matrix**

**17.25.010 Purpose and intent.**

No structure, or any part thereof, shall be erected, enlarged, or reduced, nor shall any site or structure be used, designated, or intended to be used for any purpose or in any manner other than is included among the uses listed in the land use tables in this chapter as permitted, administratively permitted, or conditionally permitted in the zone district in which such structure, land, or site is located, except as otherwise authorized by this title.

**17.25.020 Applicability**

The requirements in this chapter shall apply to all property within the following zone districts:

**17.25.030 Commercial, Office, and Industrial Zone Use Table**

A. The following table (Table 17.25.030) identifies which land uses are permitted by right, require a use permit, or are not allowed in the C-N, C-R, C-S, C-MU, D-MU, O-PA, O-C, BRP, I-L, and I zones.

B. A "P" means that the use is permitted by right in that zone. A "C" means the use requires a conditional use permit in that zone. An "A" means the use requires an administrative use permit in that zone. A "T" means the use requires a temporary use permit in that zone. A blank box means the use is not allowed in that zone.

C. Land uses are listed alphabetically, with some uses grouped by type under a general heading.



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D. Land uses with specific land use prohibitions or standards shall meet the requirements found in the identified Chapter or Section in the last column of the table.

Table 17.25.030

<b>Commercial, Mixed Use, Office, and Industrial Zones Use Matrix</b> P = Use is Permitted by Right      C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit      Blank = Use is Not Allowed											
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
A											
AGRICULTURAL - FARMING											17.08
A1	Beekeeping										
A2	Farmers' Market		T P			T P					
A3	Grain Elevators/Silos										
A4	Greenhouses (commercial growers)									P	
A5	Horse stables/Ranch (3 or more horses)										
A6	Limited Raising of Small Animals, Livestock, and fowl on a Domestic Noncommercial Scale (2 cows, 4 sheep, goats, no pigs)										<b>not permitted 1/2-acre and less</b>
A7	Raising of Livestock and Fowl, except Stockyards (commercial)										

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USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
A8	Raising of Field, Truck or Orchard Crop & Horticultural Specialties					P	P	P	P		
A9	Riding Academies/Stables								C	C	
A10	Roadside Stands Selling Produce Grown on Site					T	T	T	T	T	T
A11	Animal Shelters/ Humane Societies								C	C	
AUDITORIUMS (see THEATERS)											
AUTOMOTIVE (for gas stations see SERVICE STATIONS)											
A12	Auto Leasing/Renting							C	C	C	
A13	Auto Dismantling/Wrecking/ <u>Salvage Yards</u>										C <u>17.32.070</u>
A14	Auto Machine Shops							P			P
A15	<u>Auto Oil, Lube &amp; Smog Test Shops</u> <del>Auto Oil/Lube Shops</del>					C	C	P	P	C	
A16	Auto Repairs, Major-Overhauling, Rebuilding, Painting						C	P	C	C	
A17	Automotive Supplies, Parts & Accessories					C	P		P	P	

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USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
A18	Automotive Upholsterers		P	P							
A19	Boat Sales/Service		P	P							
A20	Car Washing -self service	C	C	P	C	C					
A21	Car Washing - automated	C	C	P	C	C			C		
A22	Car Sales - New & Used			P		C					
A23	Motorcycles, Sales and Service			P							
A24	RV/Boat Storage Yards			P					P		
A25	Recreational Vehicles Sales and Service			P					P		
A26	Tire Sales & Service (excluding major repairs) – stand alone	C	P	P	P	C					
A27	Tire Sales & Service (excluding major repairs) - located within the primary permitted use on the site		P	P	P						
A28	Towing/Road Service			P					P		
A29	Truck/Trailer Sales and/or Service			P					C		

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USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)	
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
A30	Truck Rental/Leasing											
<b>B</b>												
<b>BANKS &amp; FINANCIAL INSTITUTIONS</b>												
B1	Stand-Alone Automatic Teller (ATM)					P	P	P	P	P	P	P
B2	Office					P	P	P	P	P		
<b>BARBERS, HAIRSTYLISTS, TANNING CENTERS, COSMETICIANS, <del>MASSAGE THERAPISTS</del> &amp; DAY SPAS</b>												
B3	Stand Alone					P	P	P	P	P	C	C
B4	Located with the Primary Permitted Use on the Site					P	P		P	P	P	P
B5	Tattooist						P	P	C	P		
<b>BED &amp; BREAKFAST ACCOMMODATIONS</b>												
B6	Traditional									C	C	17.32.150
B7	Inns									C	C	17.32.150
B8	Boarding / Rooming Houses									C		

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USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)		
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I			
<b>BUS DEPOTS</b>													
B9	Station (passenger services)							C					
B10	Repair Yard & Shops							P			P	P	
B11	Public & Private Transfer Point						C	C	C	C		C	C
C													
C1	Catering Services												
C2	Cemeteries & Mausoleums <del>(See Quasi-Public Zone)</del>											17.52	
C3	Christmas Tree Sales Lots / Other Seasonal Commercial Uses / Special Events					T	T	T	T	T			
<b>CHURCHES &amp; OTHER RELIGIOUS INSTITUTIONS</b>													
C4	Up to 200 Seats							C	C	C	C	C	
C5	More than 200 Seats								C	C	C		
C6	Clothing / Costume Rental						P		P	P			
<b>COMMUNICATIONS</b>													

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USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)	
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
C7	Communications Equipment Building	C		P	P	C	C		C	P	P	
C8	Radio and TV Broadcasting Studios - with antenna off-site		P	P	P	P			C	P	P	
C9	Radio and TV Broadcasting Studios - with antenna on-site			C	C					P	P	
C10	Wireless telecommunication facilities <u>— more than 100 feet away from property planned/zoned residential</u>	C	C	C	C	C			C	P	P	17.32.163
C11	<u>Wireless telecommunication facilities</u> - within 100-ft of property planned/zoned residential									C	C	17.32.163
<b>D</b>												
DAYCARE, LICENSED												
D1	Adult - six or few adults	P	P	P	P	P	P	P	P	P	P	
D2	Adult - 7 to 12 adults	P	P	P	P	P	P	P	P	P	P	
D3	Adult - 13 or more adults	C	C	C	C	C	C	C	C	C	C	
D4	Children - 8 or fewer	P	P	P	P	P	P	P	P	P	P	
D5	Children - 9 to 14	P	P	P	P	P	P	P	P	P	P	

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USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
D6	Children - 15 or more	C	C	C	C	C	C	C	C	C	
D7	In Conjunction with Primary Use	P	P	P	P	P		P	P	P	
D8	Drive-Thru Lanes Meeting All Standards <del>in</del> Sect. 17.32.162	P	P	P	P		P	P			17.32.162
D9	Drive-Thru Lanes Not Meeting All Standards <del>in</del> Sect. 17.32.162	C	C	C	C		C	P			17.32.162
D10	Drive-Thru Lanes in Industrial Zone								C	C	17.32.161
<b>E</b>											
<b>EATING &amp; DRINKING ESTABLISHMENTS</b>											
E1	Bars/Taverns - within 300 feet of any residence/public use	C	C		C						
E2	Bars/Taverns - not within 300 feet of any residence/public use	C	P		C						
E3	Micro- <del>brewery</del> <u>breweries</u> / micro- <del>winery</del> <u>wineries (with or without restaurants)</u>	C	P	C	C	C		C	C	C	17.63
E4	<u>Craft distilleries</u>			P	C	C			P	P	
E5	Cafeterias	P	P	P	P	P	C	P	C	C	

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USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)		
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I			
E6	<u>Fast Food Restaurants</u>											<u>See Lines D8 and D9 of Table 17.25.030 for Drive-thru lane zoning requirements.</u>	
E7	Fast Food Restaurants (Industrial Zone)									C	C	17.32.161	
E8	Pizza/Sandwich Shops - serving wine/beer					C	P	P	P	P	C		
E9	Pizza/Sandwich Shops - no alcohol					P	P	P	P	P	C	C	
E10	Ice Cream Shop					P	P		P	P	C		
E11	Night Clubs/Discotheques						C						
E12	<u>Live Entertainment</u>						<u>C</u>		<u>C</u>	<u>C</u>			<u>17.04</u>
E13	Sit-Down Restaurant/Cafe - with or without full bar using less than 25% of public area					P	P	P	P	P	P	P	
E14	Sit-Down Restaurant/Cafe - full bar using greater than 25% of public area					C	C	C	C	C	C	C	



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USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
E15	Enclosed Solid Waste Transfer Stations										
<b>F</b>											
F1	Florist										
F2	Fortunetelling / Palm Reader										5.20
<b>FUEL STORAGE</b>											
F4	Propane/Butane										
F5	Propane/Butane (maximum 2000 gallons)										
F6	Propane/Butane within 50 feet of Planned/zoned Residential										
F7	Propane/Butane within 50 feet of Planned/zoned Residential (maximum 2000 gallons)										

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USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
F8	<p>Above Ground Tanks <u>dispensing Class I, II, and III-A liquids</u> - <del>Installation of above ground tanks</del> within 100 feet of a residential use or residential zoned property <del>to dispense Class I, II, and III-A liquids</del> <b>complying with the special enclosure requirements of the Uniform Fire Code "Con Vault" type tanks. Installations are to be individually approved by the Fire Chief or his/her designee in conformance with adopted operational procedures.</b></p>										<u>17.32.025</u>
F9	<p>Above Ground Tanks <u>dispensing Class I, II, and III-A liquids</u> - <del>installation of aboveground tanks</del> more than 100 feet from a residential use or residential zoned property <del>to dispense Class I, II, and III-A liquids</del> <b>complying with the special enclosure requirements of the Uniform Fire Code "Con Vault" type tanks. Installations are to be individually approved by the Fire Chief or his/her designee in conformance with adopted operational procedures</b></p>										<u>17.32.025</u>
F10	Pump & Underground Storage Tank										

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<b>Commercial, Mixed Use, Office, and Industrial Zones Use Matrix</b> P = Use is Permitted by Right      C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit      Blank = Use is Not Allowed												
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)	
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
F11	Pump & Underground Storage Tank - 500 gallons or less									P	P	
F12	Pump & Underground Storage Tank - more than 500 gallons									P	P	
F13	Petroleum & Petroleum Products Storage									C	C	
	Public Fuel Dispensing (see Service Stations)											
F14	Funeral Home / Mortuary							C	C	C	C	
<b>G</b>												
G1	Galleries – Art / Photography / Crafts					P	P	P	P	C		
<b>H</b>												
H1	Home Occupation Businesses					P	P	P	P	P	P	P
H2	Hotels and Motels						C		C	C		
<b>I</b>												
<b>J</b>												
<b>K</b>												

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I			
K1	Kennels (located 500 feet or more from a residential zone)										C		
L													
LAUNDRY / DRY CLEANERS													
L1	Dry Cleaners (cleaning plant)					P	P	P	P	P			
L2	Dry Cleaners (cleaning plant including carpet/rug cleaning and dyeing)							P	P			P	
L3	Diaper Supply Service							P	P			P	
L4	Linen & Uniform Supply <u>Service</u>							P	P			<u>P</u>	
L5	Self service					P	P	P	P	P			
M													
MANUFACTURING / ASSEMBLING													
Building & Construction Trade													
M1	- building materials yards (storage & distribution)							P				P	P
M2	- cabinetmaker/carpenter shops							P				P	P

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
M3	- concrete & ready-mix manufacture & distribution										
M4	- contractor's equipment storage yards										
M5	- drilling/dredging/ditching service										
M6	- lumberyard (see also RETAIL)										
M7	- sheet metal shop										
	Chemical Products, <u>except as more specifically described below</u> (manufacturing, <u>blending</u> , compounding, packaging, bottling)										
M8	- laboratories (i.e., organic/inorganic)										
M9	- paint, dye & glue manufacturers										
M10	- pharmaceuticals										
M11	- manufacture of raw plastic materials, colorants, liquids, powders, resins										
M12	- soap detergent & other cleaning preparations										

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
	Food & Beverage - Preparation & Bottling/Packing & Distribution										
M13											C
M14			P						P	P	
M15									P	P	
M16											C
M17			C						P	P	
M17									C	C	
M18									P	P	
M19										C	P
M20			P						P	P	
M21											C

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
M22			P						P	P	
M23										<del>C</del> <del>P</del>	
M24			P		P			P	P	P	
<del>169</del>			<del>P</del>		<del>P</del>			<del>P</del>	<del>P</del>	<del>P</del>	
M25										<del>C</del> <del>P</del>	
<del>171</del>										<del>C</del>	
M26										C	
M27									<del>C</del> <del>P</del>	<del>C</del> <del>P</del>	
M28									P	P	
M29										<del>C</del> <del>P</del>	
M30									P	P	

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
M31	Flammable/Combustible Liquids ( <del>must be approved by Fire Chief &amp; comply with regulations of Uniform Fire Code</del> )										<a href="#">13.32.027</a>
<del>178</del>	<del>Installation of above ground tanks to dispense Class I, II, and III-A liquids (see FUEL STORAGE)</del>										
M32	Heavy Equipment/Machine Manufacture/Assembly (welding & fabrication, i.e., agricultural equipment, aircraft equipment parts & supplies, large appliances, auto/truck manufacturing, industrial machinery)										
M33	Kiln works for clay and pottery products										
M34	Light Manufacturing/Assembly (i.e., computer hardware & parts, electric supplies - coils, wire, cable, etc.)										
	Printing & Publishing Industry										
M35		P	P		P			P	P		
M36			P					P	P	P	



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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
Products Manufactured/ Assembled from Previously Prepared Materials											
M37 - manufacture of paper & plastic packaging & cartons								C	P	P	
M38 - clothing assembly/imprinting			P						P	P	
M39 - metal fabrication & die cutting			P						P	P	
M40 - rubber & plastic product manufacturing									C	P	
M41 - textile mills (dyeing, weaving, knitting, cutting)										<del>C</del> P	
M42 - packaging/distribution of prepared materials (non-food items)								P	P	P	
M43 Raw Materials Manufacture										C	<u>17.04</u>
<del>193 - asphalt paving &amp; roofing materials</del>										<del>C</del>	
<del>194 - concrete, gypsum &amp; plaster products manufacture</del>										<del>C</del>	
<del>195 - cotton processing/cotton gins</del>										<del>C</del>	

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196											C	
197											C	
198									P	P		
199									P	P		
200											C	
201											C	
202											C	
203											C	
204											C	
205											C	
206									C	P		
207											C	

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
208	<del>wood product manufacture</del>										
209	<del>petroleum product refining &amp; related product manufacturing</del>										
210	Storage Tanks, Non-Fuel										
211	<del>above or below ground less than 500 gallons</del>										
212	<del>above or below ground greater than 500 gallons</del>										
M44	<u>Stone mills/monument yards</u>										
	<u>Trucking &amp; Warehousing, and Internet Fulfillment Centers</u>										
M45			P						P	P	
M46			P						P	P	
M47			P						P		
M48			P						P	P	
M49			P						P	P	
M50			P						P		

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
M51	- trucking & freight forwarding terminal										
	<del>-wrecking/salvage yards within an allowed use</del>										
M52	Massage Therapist										
	P C	P	P	C	C	C	C				
<b>MEDICAL FACILITIES/SERVICES (for medical/dental offices see OFFICES)</b>											
M53	Hospitals, Acute Care (general medical/surgical)										
M54	Ambulance Services/Medical Transport										
M55	<del>Convalescent Hospitals / Senior Care Facilities / Nursing Homes</del> <del>Convalescent Hospitals / Nursing Homes</del>										
M56	Clinics (medical group, urgent care/walk-ins, dental, <del>counseling</del> , rehabilitation)										
M57	Dialysis Centers <u>and Blood Donation Centers</u>										
M58	Hospices										
M59	Laboratories (medical testing & diagnostic)										

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
M60	Medical Equipment/supplies (oxygen, prosthetics, walkers, etc.)										
M61	Opticians - Dispensing										
M62	Psychiatric Hospitals, including Treatment of Substance Abuse										
M63	Residential Alcohol/Substance Abuse Treatment Facility										
M64	Rehabilitation Hospitals										
M65	Museums (special interest/historical-public/private)										
N											
O											
OFFICES											
	General Business and Professional (i.e., data processing services, employment agencies, insurance agencies, etc.)										
O1	- less than 2,000 sq. ft.										
O2	- 2,000 sq. ft. to 6,000 sq. ft.										

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O3	- more than 6,000 sq. ft.	C	C	C	P	P	P	P			
O4	- up to 25% of total leased area for center	P	P				P	P	P		
O5	- more than 25% of total leased area for center	C	C				C	C	C		
O6	Medical (i.e., Physical therapists, physicians/surgeons, <del>psychologists</del> , dentists/orthodontists, optometrists, chiropractors, etc.)	C	C		P	P	P	P			
O7	Offices on the same site with a commercial or service establishment			P	P	P	P			P	P
	<del>Counseling/psychologist</del>										
O8	<del>Counseling/psychologist</del> - individuals	<del>C</del>	C		P	P	P	P			
O9	<del>Counseling/psychologist</del> - groups	<del>C</del>	C		P	C	P	<del>C</del>			
O10	Offices Associated with Industrial Uses ( <u>not exceeding 25% of total building area</u> )			P					P	P	P
O11	Temporary Trailers (construction)	T	T	T	T	T	T	T	T	T	T
		<b>P</b>									

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
P1	Parcel Delivery Services / Parcel Distribution (UPS, Federal Express, etc.)										
P2	Parking Facilities For Off-Site Uses										
P3	Park & Ride										
PHOTOCOPY SERVICES / DESKTOP PUBLISHING											
P4	With Printing Press										
P5	Without Printing Press										
PHOTOGRAPHY / PHOTO SERVICES											
P6	Photography Studio										
P7	Photography Labs/Blue Printing/Microfilming (developing, printing - no retail on site)										
P8	Photography labs (developing, printing - no retail on site)										
P9	Photography Labs with Retail on Site										
P10	Planned Unit Developments										17.26

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I					
P11	Private Clubs and Lodges												Except not allowed on C-R zoned properties fronting Mooney Boulevard between SR 198 and Visalia Parkway 17.32.115		
P12	Private Postal Service (Mail Boxes, Mailing Service) (See Also Parcel Delivery Services)					P					P				
PUBLIC COMMUNITY SERVICES															
P13	Community & Recreation Centers					C			C	C					
P14	<u>Community Gardens</u>					<u>C</u>			<u>C</u>	<u>C</u>					
P15	Fire Stations					<u>C</u>	P	C	C	C	P		C	P	P
P16	Police Stations & Substations					C	P	P	P	P	P		P	P	P
P17	Post Offices									C	P				



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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
P18	Public Buildings, Offices & Grounds	C	P		C	P	C		C		
P19	Public Golf Courses/Driving Ranges										
P20	Public Libraries	C			C	P	C		C		
P21	Public Parks/Playgrounds	C		C	C	P					
P22	Post Office Substations	C	P		P	P	P		P	P	
<b>Q</b>											
<b>R</b>											
<b>RAILROADS</b>											
R1	Freight Stations, Repair & Yards									C	C
R2	Passenger Stations					C					
<b>RECREATION FACILITIES</b>											
R3	Athletic and Health Clubs (gymnasiums, fitness centers, racquet clubs)	C	C		C	C	C		C		

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
R4	Athletic and Health Clubs (gymnasiums, fitness centers, racquet clubs) less than 5,000 sq. ft.										
R5	<del>Swimming Pools</del> Aquatic Centers										
R6	Private Libraries										
R7	Athletic/Playing Fields										
R8	Bowling Alleys										
R9	Circus, Carnivals, Fairs & Festivals, Revivals/Assemblies										
R10	Dance, Yoga & Music Studios										
R11	Martial Arts										
R12	Golf Courses & Driving Ranges										
R13	Miniature Golf Courses										
R14	Ice & Roller Skating Rinks										
R15	Pool Halls/Billiard Parlors										

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
R16	Video Machines/Coin-Operated Games - 1 to 4 machines										17.32.120
R17	Video Machines/Coin-Operated Games - 5 or more machines										17.32.120
R18	Other Recreational Facilities										
R19	Rifle and pistol range, indoor										
RECYCLING FACILITIES											
R20	Heavy Processing										17.32.160
R21	Light Processing										17.32.160
R22	Large Collection										17.32.160
R23	Small Collection										17.32.160
R24	Reverse Vending Machines										17.32.160
R25	Temporary Facilities, i.e. recycling of Christmas trees, tree trimmings, etc.										17.32.160
R26	Household Hazardous Waste Collection Center										17.32.160
RESIDENTIAL (see also Residential Zones)											

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
R27	Residential Units, New or Expansions, which may or may not be associated with a commercial activity										
R28						C					
R29						C					
R30	Emergency Shelters										
R31	Emergency/Temporary Housing										
R32	P	P	P	P	P	P	P	P	P	P	P
R33	Single Room Occupancy (SRO) units										
RETAIL											
General Merchandise											
R34	P	P		P	P			C			
R35	P	P		P	P						
R36	C	P		P	P						

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
R37	- 40,001 to 60,000 sq. ft.										17.32.050
R38	- over 60,000 sq. ft.										
	Building/Landscape Materials										
	- lumberyards (see MANUFACTURING/ASSEMBLING)										
R39			P						P		
R40	C	P	P	P	P						
R41	P	<u>P</u>	P	P							
R42	C		P	C					P		
R43			P	P							
R44			P								
R45					P						
R46	P		P	P	P						
R47		P	P	P							

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
R48	Home Improvement										
<del>343</del>	<del>Department Stores/Discount Stores (greater than 40,000 sq. ft.)</del>										
	Drugstore/Pharmacy										
R49	- including general retail merchandise										
R50	- not including general retail merchandise, 1,500 sq. ft. or more										
R51	- not including general retail merchandise, up to 1,500 sq. ft.										
<del>R64</del>	<del>—with general retail merchandise, with restrictions: parcel must be corner property at arterial/arterial or arterial/collector intersections. Parcel size not to exceed 60,000 sq. ft. Building size not to exceed 14,000 sq. ft.</del>										
R52	Farm Equipment Sales										
R53	Feed Stores										
	Food Stores										

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
R54	- convenience store - 7000 sq. ft. or less	C	C	C	C	C			C	C	C	
R55	- liquor store within 300 feet of residential/public use		C		C	C						
R56	- liquor store not within 300 feet of residential/public use	C	C		P C	P						<u>In C-R zone, 5,000 sq. ft minimum building area in per Ordinance 2012-08</u>
R57	- specialty food stores (bakery, delicatessen, butcher shop, meat market, health food, gourmet/imported food, etc.)	P	P		P	P	C		C			<u>17.32.050</u>
R58	- supermarkets/grocery stores	P			P	P						<u>17.32.050</u>
R59	-wine tasting with sales	C	P	C	C	C			C	C	C	
R60	Furniture & Furnishings - new		P	P	P	P						
R61	Furniture & Furnishings - secondhand *up to 10,000 square feet	P	P	P	P	P						
R62	Gun Shops - within primary use	P	P		P	P						

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
R63	Gun Shops - stand alone										
	Magazine/Newspaper Sales (Freestanding Booth/Stand/Kiosk)										
R64	- indoor	C	P	P	P	P		P			
R65	- outdoor	C	C	C	C	C		C			
	Outlet Stores										
R66	- bakery				P						
R67	- apparel		P		P						
R68	- furnishings				P						
R69	Pawnshops				<del>P</del> C	C					
R70	Pet Stores	P	P		P	P					<u>17.32.050</u>
R71	Pool/Spa Supplies/Equipment	P	P	P	P	P			P		<u>17.32.050</u>
R72	Secondhand Store/Thrift Shops - up to 2,000 square feet		P		P	P					



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<b>Commercial, Mixed Use, Office, and Industrial Zones Use Matrix</b> P = Use is Permitted by Right      C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit      Blank = Use is Not Allowed											
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
R73	Secondhand Store/Thrift Shops - greater than 2,000 square feet										
R74	<u>Smoke Shops (retail of cigarettes and smoke devices / paraphernalia)</u>										
<b>S</b>											
SCHOOLS, PUBLIC AND PRIVATE (see also Quasi-Public and Residential Zones)											
S1	Preschool/After-School Care										
S2	Elementary Schools, K-6 or K-8										
S3	Middle Schools										
S4	High Schools										
S5	Colleges/Universities (academic)										
S6	Business, Trade, Vocational, <u>Charter</u> or other Specialized Schools										
S7	After Hours Academic Education Facilities (After 6:00 p.m.)										
S8	<u>Tutoring Centers</u>										

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
SERVICE, COMMERCIAL											
S9	Air Conditioning Shops			P						P	
S10	Appliance, Electrical Equipment, Tools (disassemble & repair)	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>					
<del>S12</del>	<del>—small</del>	<del>P</del>		<del>P</del>	<del>P</del>	<del>P</del>					
<del>S13</del>	<del>—large</del>			<del>P</del>	<del>P</del>	<del>C</del>					
S11	Check-Cashing Service	C	<u>C</u>		C	C					
S12	Chemical Stripping/Powder Coating			P						P	P
S13	Chrome & Anodizing Shops			P						P	P
S14	Courier Services			P	P	P	C		P		
S15	<u>Auction House</u>			<u>C</u>						<u>C</u>	
S16	<u>Bail Bonds</u>				<u>C</u>	<u>C</u>	<u>C</u>				
S17	Equipment Rental — <del>construction</del> conducted outdoors			P	C					P	
S18	Equipment Rental — <del>domestic</del> conducted indoors		<u>P</u>	P	P	P				P	

City of Visalia Municipal Code Title 17 - Zoning Ordinance

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
S19	Exterminators/Fumigators										
S20	Gunsmith Shops, including incidental retail										
S21	Heavy Machinery and Equipment (welding, cutting, grinding, casting, etc.)										
S22	Janitorial Service										
S23	Lawn Maintenance & Tree Trimming										
S24	Locksmiths										
S25	Other Household & Maintenance Services										
S26	Pet Grooming / Dog Training (conducted indoors)										
S27	Printing Service (see also Photocopy Services)										
S28	Repair Shops (tools, non-automotive, mechanical equipment)										
S29	Sharpening Service - tools, knives, saw blades, lawn mowers, etc.										

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
S30	Sharpening Service - small tools not including saw blades and lawn mowers										
S31	Sheltered Workshops										
S32	Shoe Repair Shops										
S33	Sign Painting & Fabrication										
S34	Taxidermists										
S35	Tailor, Dressmaking, & Alterations										
S36	Upholstering Shops (furniture only)										
S37	Upholstering Shops - Showroom with minimum 35% of gross receipts to be retail sales										
SERVICE STATIONS											
S38	Fuel dispensing only - not including major auto repair services of any kind (Ord 2382)										
S39	Also including major auto repair services										
S40	Also including light servicing of trucks										

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
S41	Storage, Sorting, Collection, Or Bailing <del>Of</del> Iron, Junk, Paper, Rags, Or Scrap (Not Including Auto Dismantling)										
S42	Storage Tanks, Non-Fuel										
S43	Swap Meets										
<b>T</b>											
T1	Taxi/Limousine Service										
<b>THEATERS</b>											
T2	Auditoriums										
T3	Drive-in										
T4	Movie										
T5	Live Performance										
<b>U</b>											
U1	Unenclosed Solid Waste Transfer Stations										
<b>UTILITIES</b>											

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
U2	Business Offices						P	P	P	P		
U3	Electric Distribution Substations					C	C	C	C		C	C
U4	Elevated Pressure Tanks					C	C	P	P		C	C
U5	Gas Regulator Stations					C	C	P	C	C	C	P
U6	Public Service Pumping Stations					C	C	P	C		C	P
U7	Payment Centers					P			P	P	P	
U8	Public Utility Service Yards							P	C			P
<b>V</b>												
<b>VETERINARY SERVICES</b>												
V1	Animal Care Clinic (no boarding)					P	C	P	P		C	
V2	Hospitals/Clinics (located 500 ft. from a residential zone including short term boarding of animals)					C		C	C			P
<b>W</b>												
W1	Wholesale Commercial Establishment							P				P

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
<b>WAREHOUSING/STORAGE</b>												
W2	- primary use									P	P	
W3	- not to exceed 20% of gross floor area of permitted use					P	P	P	P	P		P
W4	- in excess of 20% of gross floor area of permitted use					C	C		C	C		C
W5	Mini Storage Facilities							P	C			P
<b>X</b>												
<b>Y</b>												
<b>Z</b>												
<b>OTHER</b>												
OT1	Other Uses Similar in Nature and Intensity as Determined by the City Planner					P	P	P	P	P	P	P
OT2	Other Uses Similar in Nature and Intensity as Determined by the City Planner Subject to the Granting of a Conditional Use Permit					C	C	C	C	C	C	C

## Chapter 17.26 PLANNED DEVELOPMENT ~~(PD)~~

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**Sections:**

- 17.26.010 Purpose and intent.**
- 17.26.020 Definitions.**
- 17.26.030 Location.**
- 17.26.040 Development standards.**
- 17.26.050 Application procedures.**
- 17.26.060 Exceptions.**
- 17.26.070 Amendments.**
- 17.26.080 Timing.**

**17.26.010 Purpose and intent.**

The purpose and intent of the ~~PD~~-Planned Development regulations contained in this chapter is to provide for land development consisting of a related group of residential housing types or commercial uses, including but not limited to, attached or detached single-family housing, cluster housing, patio homes, town houses, apartments, condominiums or cooperatives or any combination thereof and including related open spaces and community services consisting of recreational, commercial and offices, infrastructure, maintenance and operational facilities essential to the development, all comprehensively planned. Such land development normally requires deviation from the normal zoning regulations and standards regarding lot size, yard requirements, bulk and structural coverage in an effort to maximize the benefits accruing to the citizens of Visalia.

**17.26.020 Definitions.**

For the purposes of this chapter the following definitions shall apply:

"Density bonus" means dwelling unit increases based on project amenities provided as part of a planned development.



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"Dwelling unit" means one or more habitable rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette. Dwelling unit can include various types including, but not limited to, attached or detached single-family homes, cluster homes, patio homes, town houses, condominiums, apartments, or cooperatives.

"Environment, natural" means the physical condition of a proposed PD site prior to proposed development; including, but not limited to, natural features such as waterways, vegetation, topographical features, and animal life.

"Homeowner's association" means an incorporated entity formed under applicable laws and including all properties within a planned development. Such association normally maintains and administers the common open space associated with a planned development.

"Lot or parcel net area" means the land area contained within the boundary of a lot or parcel. Land within public or private streets or property held in common for a particular development amenity is not considered as "net lot area."

"Maintenance district" means an assessment district formed under applicable laws ~~which~~that pays for maintaining dedicated or private open space facilities.

"Neighborhood commercial center" means a convenience shopping complex providing services within a neighborhood and meeting applicable ordinance and general plan requirements.

"Open space" means the area within a planned development not occupied with structures, driveways or parking and storage areas.

"Open space, common" means the area within a planned development under the control and ownership of a homeowner's association. Common open space may include recreation facilities, access and parking, paths, and storage areas.

"Open space, usable" means the area within a planned development ~~which~~that is deemed suitable for use by the residents of the PD; not including parking areas, private patios, required building separations, parking and access, or storage areas.

"Parking, guest" means designated off-street parking areas within a planned development reserved for guest or visitor parking.

"Parking, required" means off-street parking areas within a planned development to be used for long-term storage of resident vehicles, recreational vehicles, boats and trailers.

"Planned development ~~(PD)~~" means a development ~~which~~that includes a mix of land uses and ~~which~~that requires a deviation from normal zoning standards regarding lot size, yard requirements, bulk and structural coverage and is subject to provisions of this chapter.

~~"Planned development zone" means an overlay zone which requires mandatory Planned Development because of a unique situation and is subject to the provisions of this chapter.~~

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"Planned residential development" means a planned development consisting of residential uses only and subject to the provisions of this chapter.

"Planned unit development" means a planned development including two, or more, of the following uses: residential, commercial, professional office, quasi-public, and industrial.

"Recreation facility" means an area within a planned development ~~which~~that includes recreational installations for common use. Such installations normally include such things as a swimming pool, recreation building, patio areas, tot lots, and exercise areas.

"Site area, gross" means the total horizontal area included within the property lines of a proposed planned development after dedication of required right-of-way and open space areas.

~~"Site plan committee" means the site plan committee of the city. (Ord. 9718 § 2 (part), 1997; prior code § 7411)~~

**17.26.030 Location.**

A planned development may be located in residential, commercial or industrial zone upon approval of necessary permits required under this chapter. Planned residential developments and planned unit developments may be located only in appropriate zones as follows:

~~PD Type ——— Allowed Zone(s).~~

~~PRD1. A planned residential development may be allowed in any residential zone. Residential~~

~~PUD 2. ——— A planned unit development with residential uses/PCN and —uses and uses allowed in the C N zone may be located in any residential zone. Residential~~

~~32. PA planned unit development UD with commercial/-industrial uses may be located where those uses are allowed in the -Commercial and industrial uses to comply with underlying zone.~~

**17.26.040 Development standards.**

The following is a list of development standards considered to be necessary to achieve the purpose and intent of this chapter:

**A. Site Area.**

1. The minimum site area for a planned residential development shall be one acre of gross site area.
2. The minimum site area for a planned unit development with residential uses shall be ten acres.
3. The minimum site area for a planned ~~commercial~~-unit development without residential uses shall be five acres.

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4. The minimum site area for a planned ~~industrial-unit~~ development with only industrial uses shall be twenty (20) acres.

5. Parcels smaller than the minimums stated above may be considered if the planning commission finds there are unique circumstances (shape, natural features, location, etc.) ~~which that~~ would deprive the land owner of development potential consistent with other properties classified in the same underlying zone.

B. Density. The average number of dwelling units per net area shall not exceed the maximum density prescribed by the site area regulations or the site area per dwelling in which the planned unit development is located, subject to a density bonus ~~which that~~ may be granted by the city council upon recommendation by the planning commission. A density bonus may be granted as part of a planned development based on the following guidelines:

Percent of Net Site Area in Usable Open Space	Area Percent of Density Bonus
6% to 10%	6%
11% to 20%	10%
21% to 25%	16%
Over 25%	20%

C. Usable Open Space. Usable open space shall be provided for all planned developments ~~which that~~ include residential uses, except as provided in this section. Such open space shall include a minimum of five percent of the net site area of the residential portion of a planned development. The requirement for mandatory usable open space may be waived in developments wherein the net lot area of each lot meets or exceeds minimum standard in the underlying zone classification.

D. Site Design Criteria.

1. Location of proposed uses and their relationship to each other with a planned development shall be consistent with general plan policies and ordinance requirements.

2. The natural environment of a site is to be considered as part of the design criteria. Such features as natural ponding areas, waterways, natural habitats, and mature vegetation are to be considered.

3. If a planned development is located adjacent to a major arterial street, or other existing possible land use conflict, adequate buffering shall be included in the plan.

E. Landscaping and Structural Coverage. Landscaping provided within a planned development shall conform ~~with to~~ the general standards imposed by the underlying zone. Additional landscaping may be required as part of a planned development due to unusual circumstances.

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### F. Circulation.

1. Vehicle circulation shall be based on a street pattern as outlined within the circulation element of the general plan. Use of private streets and variations to normal city street standards are encouraged.
2. There shall be no direct vehicle access from individual lots onto major arterial streets.
3. Pedestrian access and bicycle paths should be incorporated within planned developments. Such paths and bikeways to be separated from vehicle streets when possible.

### G. Parking.

1. Required parking shall conform with the existing parking standards required under the zoning ordinance.
2. Guest parking and storage parking shall be encouraged and may be required in planned development.
3. All parking shall be screened from adjacent public right-of-way. Such screening may include dense plantings, fences, landscaped berms, or grade separation.
4. Parking clusters shall be provided rather than large (single) parking areas.

### H. Trash Enclosures.

1. Trash enclosures shall be provided as specified by the city solid waste department.
2. Such enclosures shall be screened from view from adjacent structures and roadways and be provided with solid gates.

### **17.26.050 Application procedures.**

The following procedures specify the process for review of a planned development.

A. **Pre-Application Review.** Pre-application review shall be a two-step process including a mandatory meeting with the planning department and submittal of a concept plan to the site plan **review** committee. Such pre-application review shall include, but is not limited to, the following elements:

1. Site area and location;
2. Land use relationships within and outside the proposed site;
3. Circulation and access;
4. Environmental features;

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5. Open space and project amenities;

6. Available and needed public improvements and facilities.

B. Application Process. After completing the pre-application review process the owner, or agent, shall file an application for a planned development. Such application submittal shall be processed as a conditional use permit and shall require a ~~planned development~~ site plan review permit. The city planner shall determine the extent of development detail required as part of the application submittal. Such details may include, but is not limited to, the following:

1. Legal description and boundary survey map of the exterior boundaries of land to be developed;

2. A topographic map indicating anticipated grading or fill areas, groupings of existing trees, and other natural features;

3. For residential development:

a. The number and type of dwelling units. This may be stated as a range of maximum and minimum number of units by type,

b. The approximate total population anticipated in the entire development,

c. The proposed standards of height, open space, structural coverage, pedestrian and traffic circulation, and density within use areas;

4. For nonresidential uses:

a. Types of uses proposed within the entire area,

b. Anticipated employment base which may be stated as a range,

c. Methods proposed to control possible land use conflicts and environmental impacts,

d. The proposed structure heights, open space buffering, circulation, and parking/loading,

e. Pertinent social or economic characteristics of the development such as school enrollment, residence, employment, etc.;

5. A preliminary utilities report;

6. The location, area, and type of sites proposed for open space, recreational facilities, and public facilities;

7. The anticipated timing for each phase, if any, of the development.

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### **17.26.060 Exceptions.**

Exceptions to the design criteria specified in Section 17.26.040 may be modified by the city council upon recommendation by the planning commission based on unique circumstances. Such exceptions shall be reviewed by the site plan committee for comment prior to planning commission recommendation.

### **17.26.070 Amendments.**

Minor amendments to an approved planned development may be granted by the planning commission upon recommendation of the site plan committee. Major amendments shall be processed as an amendment to a conditional use permit with required public hearings. Major amendments include, but are not limited to, the following:

- A. Changes in residential density;
- B. Changes in land use relationships;
- C. Changes in the location and/or scope of open space;
- D. Changes in circulation patterns;
- E. Other changes as determined by the planning commission upon request.

### **17.26.080 Timing.**

Once granted, a planned development approval shall be valid for a period of two years. Extensions may be granted by the planning commission for one year periods, not to exceed three such extensions.

## Chapter 17.28

### SITE PLAN REVIEW PLANNED DEVELOPMENT PERMIT

Sections:

- 17.28.010 Purpose and intent.
- 17.28.015 Applicability.
- 17.28.020 Site plan review committee.
- 17.28.030 Application procedure.
- 17.28.040 Committee findings.
- 17.28.050 Appeals to the planning commission.
- 17.28.060 [Reserved]
- 17.28.070 Site plan review Planned development permit issuance.
- 17.28.080 Required improvements.
- 17.28.085 Timing of improvements.
- 17.28.090 Building permits.
- 17.28.100 Lapse of site plan review planned development permit.
- 17.28.110 Suspension and revocationRevocation.
- 17.28.120 Approval Permit to run with the land.

17.28.010 Purpose and intent.

The purpose of the site plan review planned development permit is to assure that developments, new and remodeled buildings and structures, and improvements to land are reviewed to assureensure governing design relationships of various uses, buildings, structures, lot sizes and open spaces while assuring substantial compliance with the general plan, municipal code, policies, and improvement standards of the city. The provisions of this chapter shall apply to any new, expanded or remodeled use. The total combined use area shall be subject to planned development permit procedures and all applicable conditions.

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### 17.28.015 Applicability.

#### A. The provisions of this chapter apply to:

1. Any development requiring site plan review permit as per this Title.
2. New commercial, industrial and other non-residential structures or additions to existing commercial, industrial or other non-residential structures that add more than 100 square feet of useable floor space to the structure.
3. New multi-family residential development or additions to existing multi-family residential development.
4. Divisions of land or adjustments to property lines.
5. Interior alterations that increase the useable floor area of a non-residential structure, or the change of use or occupancy of the structure.
6. Improvements made in the public right of way, except those initiated by the city, State, or a utility company.
7. Other non-residential improvements to land or buildings deemed by the city planner to be subject to the site plan review process. Such improvements include but are not limited to improvements that impact the structural integrity of buildings, that alter electrical wiring, that alter the building's plumbing, that alter the exterior drainage of land, that impacts access to property, that risks substantial visual impacts to surrounding properties, that could potentially alter any applicable zoning requirements, or could otherwise be subject to the criteria set forth in Section 17.02.170.

#### B. The provisions of this chapter do not apply to:

1. New or remodeled single-family dwellings:
2. Repairs and maintenance to a site or a structure that does not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure and that are substantially similar in design as the original construction:
3. Interior alterations that do not increase the useable floor area of the structure, or modify the use of the structure:
4. Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities.

#### C. The total combined use area of the site of the proposed development shall be subject to site plan review permit procedures and all applicable goals, policies, codes, regulations, and improvement standards of the city.



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### 17.28.020 Site plan review committee.

A. Members. The site plan review committee shall be comprised of staff representatives of the ~~fire, engineering, traffic, building, and planning divisions of the community development as well as the fire department;~~ in addition, the city planner may request input from any other city department or public agency, subject to city council policies.

B. Powers and Duties. The site plan review committee shall have the power to:

1. Review site plan review permit applications for consistency with the general plan, municipal code, policies, regulations, and improvement standards of the city.
2. Apply requirements to a site to protect the public health, safety and general welfare.
3. Require revisions to the site plan to bring it into consistency with the General Plan and local ordinances.
4. Identify the city permits necessary to construct the proposed project.
5. Require that the site plan be revised, and/or provide direction to the project applicant be permitted to proceed to submit for the necessary city permits; or
6. Require that the site plan be resubmitted with required revisions.

### 17.28.030 Application procedure.

A. Information. ~~The community development department shall make available a site plan review application form. The applicant shall submit a minimum of twelve (12) prints of the site plan to the planning department.~~ The site plan shall be drawn to a scale ~~which that~~ clearly indicates all dimensions and includes the following information as well as information identified in the site plan review application form:

1. Address;
2. Assessor's parcel number;
3. Vicinity map on cover sheet;
4. Scale and north arrow;
5. Dimensions of property;
6. Location of existing and proposed buildings and/or structures showing dimensions from property lines and their intended use;
7. Location, height and material of existing and/or proposed fences and walls;

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8. Location of off-street parking. Indicate the number of parking spaces, type of paving, direction arrows and parking dimensions;
  9. Location and width of drive approaches;
  10. ~~Indicate method~~ Method of on-site drainage;
  11. Location of existing and/or proposed public improvements (such as curbs, gutters, sidewalks, utility poles, fire hydrants, street lights, traffic signal devices, etc.);
  12. Method of sanitary disposal;
  13. Location of signs, their size, height, type of illumination and type of building material;
  14. Location of trash refuse area;
  15. Location and type of existing trees. Oak trees must have the approximate diameter size;
  16. ~~A preliminary or conceptual landscape plan must be submitted for site plan review. A final specific landscape plan must be submitted prior to issuance of building permits. This plan shall include species, quantity, size, location and irrigation system~~ Location of areas to be landscaped;
  17. Loading and storage areas indicating any fences and walls to be used as screening;
  18. Location and height of all roof mounted structures;
  19. Lighting, including the location and height of all exterior fixtures;
  20. Such other data as may be required to permit the site plan review committee to make the required findings;
  21. Elevations, if required by the city planner;
  22. Additional information as required by the city planner or the historic preservation advisory board.
- B. Submittal: ~~Plans submitted by four p.m. on a Thursday shall be reviewed by the site plan committee at their regular meeting at nine a.m. on the following Wednesday. Additional time may be required for site plans which must be reviewed by other agencies and/or city committees. Twelve (12) copies of the~~ The site plan shall be submitted to the ~~planning~~ community development department along with a completed site plan review application form. The number of copies of the site plan required shall be determined by the site plan review committee and posted at the community development department and on the city website. If all of the required information as outlined within Section 17.28.030(A) is not submitted, the application ~~shall not be accepted~~ may be rejected by the ~~planning~~ city planner department.

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C. Review Timeline: Plans submitted by four p.m. on a Thursday shall be reviewed by the site plan committee at their regular meeting at nine a.m. on the following Wednesday. Additional time may be required for site plans which that must be reviewed by other agencies and/or city committees. The site plan review committee may modify these times by posting a revised schedule at the community development department and on the city website.

### **17.28.040 Committee findings Issuance and Resubmittal.**

A. The site plan review committee shall declare their intention to allow the project to proceed to apply for the necessary city permits, or require resubmittal of the site plan at the site plan review committee meeting.

B. Within thirty (30) working days after submission, the site plan review committee shall provide, in writing to the applicant, either to proceed with applying for necessary city permits, either with or without required revisions, or require resubmittal of the site plan review and identify required revisions. The site plan review committee shall consider each project's consistency with current city ordinances and whether it will affect the public health, safety and general welfare. In issuing direction to proceed, the committee shall consider the following:

1. That all applicable provisions of the Municipal Code are complied with;
2. That the following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected with no adverse effect on surrounding property and to provide for a site plan which supports current adopted planning commission and city council policies:
  - a. Facilities, improvements and utilities,
  - b. Vehicular ingress, egress and internal circulation,
  - c. Setbacks,
  - d. Location of service use areas,
  - e. Walls,
  - f. Landscaping;
3. That proposed lighting is so arranged as to deflect the light away from adjoining properties and will not cause a traffic hazard;
4. That proposed equipment which is used in conjunction with a use is so designed to avoid excessive noise at the property line of the use.

**B. In making the required findings, the site plan review committee shall assure that the approval will be consistent with established policies and regulations relating to public**

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improvements, street improvements, as approved and adopted by the city council, including necessary dedications and traffic safety.

C. Upon completion or review, the ~~planning department staff~~ Community Development Department shall notify the applicant of the ~~approval, conditions of approval or denial committee's determination~~ along with a copy of the finally approved site plan.

### 17.28.050 Appeals to the planning commission.

The applicant or any interested person may appeal a decision of the site plan review committee to the planning commission, in writing, setting forth ~~his~~ the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing on a form provided by the city planner with applicable fees, 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 commission shall review the site plan and shall uphold or revise the decision of the site plan review ~~approve, approve with conditions, or disapprove~~, based on the findings set forth in Section 17.28.040. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.

### 17.28.060 [Reserved]

### 17.28.070 ~~Planned development~~ Site plan review permit issuance Determination.

After the final site plan has been approved directed to proceed, the planning department staff shall ~~grant~~ notify the applicant ~~a of the planned development~~ site plan review permit determination. Once the applicant receives a ~~planned development~~ site plan review permit determination notification, building permit ~~applications~~ may be issued ~~submitted, or if required, applications for discretionary development permits may be submitted~~. No permits may be issued for the erection or enlargement of building or structures and no persons shall perform any development or construction of work on the site except within full compliance of this section.

### 17.28.080 Required improvements.

Because of changes ~~which~~ that may occur in a local neighborhood due to increased vehicular traffic generated by facilities requiring a ~~planned development~~ site plan review permit, and upon the principle that such development should be required to provide street dedications and improvements proportionate to such increased vehicular traffic, the following dedications and improvements may be deemed necessary by the site plan review committee and may be required as a ~~condition~~ revision to the approval of any site plan. ~~Residential developments should not, however, be required to provide such street facilities for nonrelated vehicular traffic.~~

A. If the development borders or is traversed by an existing street, the applicant may be required to:

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1. Dedicate all necessary rights-of-way to widen a bordering ~~minor or collector street~~ local streets to the extent of one-half the ultimate width established by the city as the standard for such ~~minor or collector street~~ local streets; as per adopted improvement standards;
2. Dedicate all necessary rights-of-way to widen a traversing ~~minor or collector street~~ to its ultimate width established by the city as the standard for such ~~minor or collector~~ streets;
3. Dedicate all necessary rights-of-way to widen a bordering or traversing major arterial street to its ultimate width established by the city as the standard for such major arterial street;
4. Install curbs, gutters, sidewalks, street signs, street lights and street trees along one side of a bordering, or along both sides of a traversing, ~~minor local~~ collector, or major arterial street;
5. Install utilities and drainage facilities to the full extent of the service requirements generated by the development;
6. Grade and improve bordering ~~minor local, collector, or arterial~~ streets from the curb to the centerline of the ultimate right-of-way;
7. Grade and improve traversing ~~minor local, collector, or arterial~~ streets from curb to curb;
8. Grade and improve parking lane and one traffic lane adjacent to the development along a bordering collector or major arterial streets;
9. Grade and improve both parking lanes and the two outside traffic lanes of a traversing collector or major arterial streets.

B. All new streets shall be dedicated and improved in accordance with the requirements of subsection (A) of this section.

~~C. All improvements shall be to city standards existing at the time the site plan is approved and shall be installed at the time of the proposed development. Where it is determined by the city planner that it is impractical to install any or all improvements at the time of the proposed development, an agreement to make such improvements may be accepted in lieu thereof. In any event, the applicant shall enter into an agreement with the city for the provision of improvements before a building permit may be issued, as specified in Sections 16.24.050 and 16.24.060.~~

~~D.C.~~ Fire hydrants shall be installed as per city requirements.

17.28.085 Timing of improvements.

All improvements shall be to city standards existing at the time the site plan is approved and shall be installed at the time of the proposed development. Where it is determined by the site plan review committee that it is impractical to install any or all improvements at the time of the proposed development, an agreement to make such improvements may be accepted in lieu thereof. In any event, the applicant shall enter into an agreement with the city for the provision of

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improvements before a building permit may be issued, as specified in Sections 16.24.050 and 16.24.060.

### **17.28.090 Building permits.**

Before a building permit ~~shall~~may be issued for any building or structure proposed as part of the approved ~~planned development~~site plan review permit, the building ~~department official~~ shall secure written approval from the ~~planning department~~city planner that the proposed building ~~location~~ is in conformity with the regulations, general provisions, and required revisions identified in the site plan review ~~planned development permit and conditions approved by the site plan review committee, commission, or council~~. Before a building may be occupied, the building inspector shall certify to the city planner that the site has been developed in conformity with the regulations, general provisions, and required revisions identified in the site plan review ~~planned development permit and conditions approved by the site plan review committee, commission or council~~.

### **17.28.100 Lapse of planned developmentsite plan review permit.**

A ~~planned development~~site plan review permit shall lapse and become null and void one year following the date ~~of approval~~on which approval by the city planner, commission or council became effective unless, prior to the expiration of one year, a building permit is issued by the building ~~inspector official~~ and construction is commenced and diligently pursued toward completion.

### **17.28.110 Suspension and revocationRevocation.**

Upon violation of any of the applicable provisions of this chapter or, ~~if granted subject to a condition or conditions~~, upon failure to comply with the ~~condition or conditions~~revisions identified in the permit, a site plan review permit approval shall be suspended ~~automatically by the city planner or site plan review committee~~. Notice of such suspension shall be sent immediately to the person responsible for noncompliance by the building ~~inspector official or by the City code enforcement officer~~. Within thirty (30) days of the suspension, the planning commission shall consider the suspension. If not satisfied that the regulation, general provision, or required revisions identified in the site plan review permit ~~condition, or conditions~~ are being complied with, the commission may revoke the site plan approval or take such action as may be necessary to insure compliance.

### **17.28.120 ApprovalPermit to run with the land.**

A ~~planned development~~site plan review permit approved pursuant to the provisions set forth in ~~Sections 17.28.010 through 17.28.110~~this Section shall run with the land and shall continue to be valid upon a change of ownership of the site.

## Chapter 17.30 DEVELOPMENT STANDARDS

**Sections:**

### Article 1. General Provisions

**17.30.010** Purpose and ~~intent~~applicability.

**17.30.015** Development standards.

**17.30.017** Development in conformance with officially adopted master plans and specific plans.

### Article 2. Central Business District Parking Zone

**17.30.020** Purpose and intent.

**17.30.025** Location.

**17.30.030** Required parking/imposition of in-lieu fee.

**17.30.035** Fee.

**17.30.040** Payment of parking in-lieu fee.

**17.30.045** Timing of fee payment/security.

**17.30.050** Parking in-lieu fee trust fund.

**17.30.055** Refund of fees paid.

**17.30.060** Exemptions and credits/transfer.

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~~Article 3. [Reserved]~~

~~Article 4. Design Districts~~

~~17.30.120 — Purpose of design districts.~~

~~Article 5. Adoption of Districts by Map~~

~~17.30.130 — Development standards.~~

~~17.30.140 — Development in conformance with officially adopted master plans and specific plans.~~

~~17.30.150 — District development standards.~~

~~17.30.160 — Development standards — Design district A.~~

~~17.30.170 — Development standards — Design district B.~~

~~17.30.180 — Development standards — Design district C.~~

~~17.30.190 — Development standards — Design district D.~~

~~17.30.200 — Development standards — Design district E.~~

~~17.30.210 — Development standards — Design district F.~~

~~17.30.220 — Development standards — Design district G.~~

~~17.30.230 — Development standards — Design district H.~~

~~17.30.240 — Development standards — Downtown retail design district.~~

~~17.30.250 — Development standards — Design district I.~~

~~17.30.260 — Development standards — Design district J.~~

~~17.30.270 — Development standards — Design district K.~~

~~Article 6. Modified Residential Standards~~

~~17.30.280 — Purpose and intent.~~

~~17.30.290 — Definitions.~~

~~17.30.300 — Processing.~~

~~17.30.310 — Standards.~~



## Article 1. General Provisions

### 17.30.010 Purpose and ~~intent~~applicability.

~~It is the purpose and intent of this chapter to establish modifying zones which will establish special standards required in specific areas. In doing so, the city recognizes that special circumstances such as surrounding development, topography, land stability and flooding potential require special development standards not included under normal zoning standards. The modifying zone standards will be in addition to normal zone requirements.~~

It is the purpose of this article to establish development standards and requirements that foster a workable relationship among land uses, enhance the aesthetics of the city, and promote the public health and safety. The standards in this article shall apply to all zone districts.

### 17.30.~~130~~015 Development standards.

A. Site Area. The minimum parcel size ~~for each design district~~ varies according to the ~~development standards~~zone district in which the parcel is located. However, this ~~section title~~ shall not preclude parcels of less than the required minimum, which exist at the time of adoption of this ~~proposal~~title, from securing ~~planned development site plan review permits~~ and building permits. Parcels of less than the required minimum size may be created upon approval of an acceptable master plan by the site plan review committee.

B. Setback. The minimum building setbacks in each ~~planned zone~~ district shall be conformed to the requirements set forth in ~~the district development standards~~that zone district. However, the site plan review committee may grant an exception to the required standards based on the uniqueness of the property or the specific design needs of the project. The average setback and landscaping under such exception shall be equal to the required standard.

C. Landscaping. The city will review and approve all landscaping for developments approved or reviewed through the ~~planned development site plan review~~ permit process in order to maintain high quality developments in Visalia. If landscaping is required as a result of request for building permit, the landscape and irrigation plans shall be submitted as a part of the building plans. The minimum landscaping areas ~~in each planned district~~ shall conform to the requirements set forth in ~~design applicable zone~~ district development standards and also the following standards:

#### 1. General.

a. All areas within a required setback to contain living ground covering or nonliving ground coverings. All plants within required setbacks to be of species suited to valley conditions, using Sunset Western Garden Book Zones 8 and 9 as a guide. The use of low water-using varieties, grouped by similar water usage is strongly recommended. All landscape areas shall meet the requirements of the State Model Water Efficient Landscape Ordinance, or if applicable, the Water Efficient Landscape Ordinance of the City of Visalia.

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- b. Islands of a minimum area of eighty square feet shall be established at a maximum separation of ten continuous parking stalls. The islands shall be landscaped with ground covers and with a minimum of one fifteen (15) gallon tree planted in each island. Actual numbers of trees will be based on size of project as determined by the planning division.
- c. All landscaping as required within section shall be reviewed by the planning department as to the type, density of planting and size of plants intended for use. All landscaped areas shall be permanently maintained by the property owner.
- d. All landscaped areas shall be surrounded with six-inch high concrete curbing, unless waived by the site plan review committee.
- e. All landscaping on public property and parks shall conform to standards adopted by the park and recreation commission.
- f. Exceptions to landscaping requirements may be granted by the historic preservation advisory board for sites located within an historic district or for sites listed on the local register.

### 2. Trees.

- a. Spacing of trees to be variable depending on type and eventual size, but that there be a general minimum standard of one fifteen (15) gallon tree for each twenty feet of frontage of a required landscaped setback, exclusive of vehicular site lines.
- b. Trees to be used in parking lots to be of a type that will form a full head on a single trunk, i.e., Chinese Elm, Chinese Pistache, Golden Rain, Valley Oak or other approved species.

### 3. Shrubs.

- a. At least seventy-five (75) percent of shrubs planted to be of five-gallon minimum size. One-gallon plants may be used if planted with approved low water-using varieties.
- b. Shrubs within a required setback to be spaced in such a way so that at maturity the plants will provide eighty (80) percent coverage. This is typically achieved by a plant spacing of five ~~five~~-gallon plants per one hundred (100) square feet.

### ~~4. Mounding.~~

~~a. Mounding or low growing shrubs are required along street frontages. Mounded slopes are not to exceed a 1:7 slope and shrubs to be planted must be low growing varieties with a mature height of four feet or less. Steeper slopes may be allowed if irrigated by drip systems.~~

~~b. Mounding shall not be required for landscape areas which are ten feet, or less, in width.~~

~~c. Mounds to be compacted prior to planting to prevent excessive settlement. To reduce runoff, fill in one inch of forest humus into the top six inches of soil and cover the entire surface of mound with an additional two inches of humus.~~

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~~d. — Black plastic not to be used under wood chips on mounds, or slopes in general.~~

~~e. — Turf on mounds requires slope rates of 1:10 or less. Mounds with groundcovers require slope rates of 1:5 or less.~~

~~54.~~ Ground Covers.

a. Definition. "Living ground cover" means low-growing plants or shrubs that after being planted will grow together to form a solid cover in one year or less, excluding turf. To achieve desired coverage, low growing, groundcover plants taken from flats shall be planted a maximum of twelve (12) inches on center. Low-growing, shrub type ground covers in one gallon cans shall be planted a maximum of two feet on center. Spacing may be increased to three feet on center for fast growing plants as approved by the planning division.

In areas susceptible to foot traffic, the use of nonliving ground cover or long-lived low-growing shrubs and groundcovers, such as Dwarf Coyote Bush, Lantana and Junipers are required. Other groundcovers that do not last as long, such as Baby Tears, Gazania, African Daisy, and annual or perennial flowers must be limited to fifteen (15) percent of the total living groundcover area.

b. Definition. "Nonliving ground cover" means artificial turf, forest humus or walk-on bark, rock, and other similar materials. Humus or bark shall be placed in planted areas at a minimum thickness of three (3) inches.

c. All soil surfaces are to be covered by plant materials or nonliving groundcovers as defined in subsection (C)(5)(b) of this section.

~~65.~~ Parking Lots.

- a. Planter required every other row to a width determined by the site plan review committee.
- b. Such planters to contain approved trees on twenty (20) foot centers.
- c. Shrubs and trees to be arranged in such a way as to avoid damage from the front of parked cars extending into the planter areas.

~~76.~~ Turf.

a. Living or nonliving turf shall be limited to ~~fortytwo~~ forty-two (42) percent of the total landscape area, and the use of low water-using varieties, ~~such as warm season grasses and Tall Fescue is required.~~ Public parks, golf courses, cemeteries, schools, properties within a historic district, and residential office conversions are to be reviewed for exemptions on a project by project basis.

b. No turf will be allowed:

- i. In traffic medians;

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- ii. Storm drainage ponds with slopes in excess of 1:6;
- iii. On mounds or slopes exceeding 1:10.

~~iv. On commercial, office, or industrial sites.~~

**87. Irrigation Plans.**

- a. Irrigation plans are required to be submitted along with landscape plans. Irrigation plans must show an irrigation ~~conformance-water use~~ calculation ~~with a ten percent safety margin~~ per the Model Water Efficient Landscape Ordinance. If the landscape is required as the result of a request for building permit, the landscape and irrigation plans shall be submitted as a part of the building plans.
- b. Water efficient systems (drip, minispray, bubbler type, etc.) shall be used whenever feasible.
- c. All irrigation systems shall be equipped with an automatic controller capable of dual or multiple programming. Controllers must have multiple cycle capabilities and a flexible calendar program.
- d. Separate valves shall be installed based on water use of planting and exposures on irrigation systems with seven or more valves. Turf areas should be on a separate valve from nonturf areas on all irrigation systems regardless of size.
- e. Sprinkler heads must have matched precipitation rates within each control valve.
- f. Sprinkler head spacing shall be designed for head-to-head coverage and placed at a maximum of fifty (50) percent of the diameter of throw.
- g. Overhead sprays shall not throw water onto hardscaped or other non-planted, or bare ground areas, including sidewalks between landscaped areas.
- h. A minimum of four-inch pop-up sprinklers are required in turf areas, and areas adjacent to walkways and curbs. All sprinklers must be designed and installed to clear all plant material at maturity and obstacles in its throw zone.
- i. Serviceable check valves or separate valves according to water zones are required where elevation differential may cause low head drainage.
- j. Drip or bubbler irrigation systems are required on all trees and shrubs regardless if planted alone, in groundcover or turf areas.
- k. ~~Irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize an automatic rain shut-off devices shall be required on all irrigation systems with seven or more valves.~~

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1. All irrigation systems must meet the latest Model Water Efficient Landscape Ordinance requirements.

E. Loading. All loading facilities required as part of a proposed use shall be screened from view from both the parking areas and the public right-of-way.

F. Screening and Storage. ~~The following shall apply to all developments:~~

1. Where practical, all roof mounted air conditioners, roof vents, etc. should be screened from view from ground level. Such screening must be of a style and material such that it is an integral part of the building architecture. This would not apply to multiple family development.

2. Where commercial, office, or industrial site adjoins an ~~R-A~~, R-1 or R-M district, a concrete block or masonry wall to a height recommended by the site plan review committee shall be located on the property line except in a required front yard, or the street side of a corner lot and suitably maintained. This requirement may be waived if an alternative landscaped buffer is provided as approved by the planning commission as an exception.

3. A use not conducted entirely within a completely enclosed structure, on a site across a street or alley from an ~~R-A~~, R-1, or R-M district shall be screened by a concrete block or masonry wall to a height to be determined by the site plan review committee, if the site plan committee finds said use to be unsightly.

4. Open storage of materials and equipment, except commercial vehicles and used car sales lots, shall be permitted only within an area surrounded and screened by a concrete block or masonry wall to a height to be determined by the site plan review committee; provided, that no materials or equipment shall be stored to a height greater than that of the wall or fence.

5. In ~~a P-C-C, P-C-N, P-C-CM, P-C-SO, P-C-DT, P-C-R, P-C-H, P-PA, P-OC, P-OG, and P-BR~~ all commercial, office, mixed use, and business research park zone districts 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, bus depots and transit stations and electric distribution substations.

6. Where commercial or office uses ~~are so situated abutting~~ abut property zoned ~~for single-family residential use~~ R-1, the ~~second upper stories~~ of the structure to be occupied ~~such with~~ commercial or office uses shall be so designed, or windows screened, to limit visibility onto the ~~residential property~~ R-1 zoned property.

G. Curb Cuts. Curb cuts for proposed developments shall be limited to the extent that access is provided to the site with a minimum of ingress and egress points so as to protect the safe traffic flow of Visalia's major arterial streets.

H. Lighting. No on-site lighting shall directly or indirectly illuminate adjacent properties or the public street that provides access. The lights and standard to be used shall be approved by the site plan review committee.

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I. Auto Traffic Easements. When deemed necessary for the traffic safety of the community, the site plan review committee shall have the right to require as a condition of granting a planned development site plan review permit, that a parcel provide an easement for purposes of vehicular traffic.

### **17.30.140017 Development in conformance with officially adopted master plans and specific plans.**

Where the city council has adopted an official master plan, as specified by general plan policies, or adopts a specific plan pursuant to Sections 12.04.010 et. seq. of the Visalia Municipal Code, the specific development requirements of the master plan or specific plan shall be applied as a condition to the granting of a site plan review permit for subdivision approval for a project or a project area that is encumbered by the master plan or a specific plan.

## **Article 2. Central Business District Parking Zone**

### **17.30.020 Purpose and intent.**

To ensure that uses established within the central business district parking zones meet minimum off-street parking standards outlined under Chapter 17.34 of the Visalia Municipal Code or, that such uses pay an in-lieu fee for future downtown parking facilities.

### **17.30.025 Location.**

This article shall apply to the central business district parking zone A and central business district parking zone B as indicated by the central business district parking zone map on file with the city clerk.

### **17.30.030 Required parking/imposition of in-lieu fee.**

A. Any person who, after the effective date of this article, seeks to construct any new building or structure or make alterations and/or enlargements of existing uses shall provide off-street parking in proportion to the need created by the land use requirements outlined in Visalia Municipal Code Section 17.34.020.

In the case of alterations and/or enlargements of existing uses, or a change of uses within an existing structure, Section 17.34.020 parking space requirements shall apply only to the additional use as specified in Section 17.34.090, based on the last previous use of the property or structure.

If off-street parking spaces are not provided in accord with Section 17.34.020, a parking in-lieu fee shall be assessed by city in the manner and amount as set forth in this article.

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B. Parking in-lieu fees may be used in-lieu of providing the required parking spaces under Section 17.34.020 for real properties within central business district parking zones. Parking in-lieu fees may replace up to one hundred (100) percent of the required on-site parking spaces for real properties within the central business district parking zone A. Parking in-lieu fees may be used to replace up to fifty (50) percent of the required on-site parking spaces for real properties within the central business district parking zone B. A minimum of fifty (50) percent of the on-site parking required, under Section 17.34.020, shall be provided in the central business district parking zone B.

C. No permit for any activity requiring provision of off-street parking or payment of in-lieu fees shall be issued unless and until the off-street parking is included in the proposed plans and specifications or the in-lieu fee required has been paid or provided for payment as set forth in this article.

### 17.30.035 Fee.

A. The city council shall establish by resolution, a parking in-lieu fee calculated to provide the sum of money necessary to provide future public parking facilities ~~which~~that will benefit the proposed use. Such fee shall be conditional and based on the following findings by the city council:

1. That the parking in-lieu fee is proportionate to the cost of acquiring land and constructing off-site parking; and
2. That the parking in-lieu fee is fairly apportioned on the basis of benefits conferred on the property developed or to be developed or on the need for off-street parking created by proposed or existing development of property.

B. The parking in-lieu fee shall be that amount as established by resolution of the city council. Effective July 1, 2002 and each July first thereafter, the in-lieu fee shall be adjusted in accordance with the following criteria:

1. On April 1st of each year the city engineer 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 1st, the factor of increase or decrease shall be applied to the in-lieu fee. Such factor shall be computed by dividing the average ENRCCI for the current April 1st by that pertaining to the previous April 1st. The parking in-lieu fee rate may be multiplied by the factor to determine the adjusted parking in-lieu fee rate. The city engineer shall present the new fee rate for adoption by resolution of council after at least one public hearing.
2. If in the determination of the city engineer the adjustment of the in-lieu fee produced by the procedure in subsection (B)(1) of this section is not representative of the actual changes in costs of parking facilities, the city engineer may, in lieu of the procedure set forth in said paragraph, compute a new parking in-lieu fee rate for adoption by resolution of the city council. The city council may adopt the new fee rate upon a majority vote after at least one public hearing.

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

**17.30.040 Payment of parking in-lieu fee.**

A. The ~~feepayer~~~~fee payer~~ payer shall pay the in-lieu fee required by this article to the city prior to the issuance of a building permit or certificate of occupancy. In the case where such fees are due by virtue of a change or expansion of use ~~which~~~~that~~ does not require a certificate of occupancy, payment shall be due before such change or expansion takes place.

B. All funds collected shall be properly identified and promptly transferred for deposit in a parking in-lieu fee fund and used solely for the creation of additional parking within the central business district parking zones as set forth in this article.

**17.30.045 Timing of fee payment/security.**

A. Notwithstanding the requirements of Section 17.30.040, the payment of the required parking in-lieu fees may be made in ten (10) equal installments as follows:

1. The first ten (10) percent installment shall be due at the time a building permit or certificate of occupancy is issued and/or intensification or initiation of use ~~which~~~~that~~ causes the fee to be assessed.

2. The remaining ninety (90) percent shall be paid in twenty (20) percent installments annually on the anniversary of the first installment. The interest rate shall be a fixed rate computed initially on the basis of an interest rate equal to the most recently calculated average annual interest received on all of the city's investment funds plus two (2) percent.

B. Any portion of the in-lieu fee ~~which~~~~that~~ is not paid prior to the issuance of a building permit, certificate of occupancy and/or intensification or initiation of use ~~which~~~~that~~ causes the fee to be assessed, and alternatively employs the payment method outlined in subsection A of this section, shall be adequately secured. Such security shall be subject to approval by the city manager or his/her designee and shall be one of the following types:

1. A bond or bonds by one or more duly authorized corporate sureties; or

2. A deposit, either with the city or a responsible escrow agent or trust company, at the option of the city, or money or negotiable bonds of the kind approved for securing deposits of public moneys; or

3. An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit by such a financial institution; or



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4. A note secured by a deed of trust in real property. If the deed of trust is subordinate to other deeds of trust against the property, the total encumbrances against the property, including the proposed subordinate deed of trust, shall not exceed eighty-five (85) percent of the appraised value of the property. The applicant requesting such type of security shall obtain, at its expense, an appraisal of the property by a certified real estate appraiser.

5. Rolling the balance due, including interest, to the property tax roll. This method is only available to the owner of the property, or in the case of a leasehold or rental interest, with the property owner's consent. Owner shall work with the Finance Department of the city and execute the documents necessary to implement this alternative. The placement on the property tax roll may cause the second installment payment to occur earlier or later than one year after the initial payment depending on the timing of the placement on the property tax roll. The collection on the property tax roll shall not preclude the earlier payment of the balance due.

6. Notwithstanding the requirement for security as prescribed in this subsection, the city manager or his/her designee may allow the owner-applicant to make the installment payments on the anniversary of the first installment without the requirement of security described herein subject to a signed agreement ~~which~~that provides that should any installment payment become thirty (30) or more days delinquent, that installment and accrued interest shall be placed on the property tax roll. Any remaining installments due and owing shall continue to become due on the anniversary of the initial installment and are subject to being rolled to the tax role if not paid within thirty (30) days of when due. The collection on the property tax roll shall not preclude the earlier payment of the balance due.

C. The ten (10) equal installment plan shall be contingent upon proper security and subject to the execution of a covenant accepting the terms of the approval, in a form approved by the city attorney, which covenant shall run with the land and be recorded with the county recorder by the city clerk.

### 17.30.050 Parking in-lieu fee trust fund.

A. Fees collected pursuant to this article shall be deposited by the city in a special fund entitled "central business district parking zones parking in-lieu fund," which is established.

B. The central business district parking zones parking in-lieu fund shall be used exclusively for the purpose of acquiring and developing off-street parking facilities to serve the central business district parking zones.

### 17.30.055 Refund of fees paid.

~~A.~~ In-lieu fees collected under this article shall be deposited into the central business district parking zones parking in-lieu fund and committed, either by the formation of an improvements district or by allocation to a project.

~~AB.~~ For the fifth fiscal year following the first deposit into the fund, and every five years thereafter, the ~~local agency~~city shall make all of the following findings with respect to the portion of the fund remaining unexpended, whether committed or uncommitted:

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1. Identify the purpose to which the fee is to be put;
2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements;
4. Designate the approximate date on which ~~the funding referred to in subsection (A)(3) of this section~~ the funding anticipated to complete financing of incomplete improvements is expected to be deposited into the appropriate account or fund.

C. ~~The foregoing~~ findings in Subsection B need only be made for moneys in possession of the city, and need not be made with respect to letters of credit, bonds, or other instruments taken to secure payment of the fee at a future date.

BD. When sufficient funds have been collected to complete financing on incomplete public improvements for which the fund was established, and the improvements remain incomplete, the city shall identify, within one hundred eighty (180) days of the determination that sufficient funds have been collected, an approximate date by which the construction of the public improvement will be commenced. If this determination is not made in the time and manner outlined herein, the unexpended portion of the fees collected shall be refunded to the then current record owner or owners of the lots or units, as identified on the last equalized assessment roll, of the development project or projects on a prorated basis, and any interest accrued thereon, less a five percent administrative fee as compensation for collection of the fee and administration of this article.

CE. The refund of unexpended revenues may be by direct payment, by temporary suspension of fees, or by any other reasonable means adopted by resolution of the city council.

DE. If the administrative cost of refunding unexpended revenues exceeds the amount to be refunded, the city council, after a public hearing, notice of which has been published pursuant to Government Code Section 6061, and posted in three prominent places within the central business district parking zones, may determine that the revenues shall be allocated for some other purpose for which fees are collected subject to this chapter and ~~which~~ that serves the project on which the fee was originally imposed.

**17.30.060 Exemptions and credits/transfer.**

A. Exemptions. The following shall be exempted from payment of the parking in-lieu fee:

The first one thousand five hundred (1,500) square feet of gross building area of existing buildings where occupancy is changing to a more intensive use. This exemption shall not apply to residential uses converting to office or commercial uses.

B. Credits/Transfer. The following credits shall be made against required parking in-lieu fees and subject to the following transfer restrictions:

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1. Credit for prior parking in-lieu fee installments for a new use or expansion thereof if installments are current.
2. In the event that a lessee making payments pursuant to this section ceases to occupy the leased premises prior to making the full parking in-lieu fee payments, no parking in-lieu fee credit may be transferred unless the owner or new tenant assumes the obligation to pay the remaining installments.
3. No refund of such payments shall be made when there is a change to a use requiring less parking.
4. Parking in-lieu fees paid for pursuant to the provisions of this article shall be assigned only to the property for which the building permit or certificate of occupancy was issued and shall not be assigned or transferred for use on any other property.

### **Article 3. [Reserved]**

### **Article 4. Design Districts**

#### **17.30.120 Purpose of design districts.**

~~A.—Although zoning primarily regulates the type and location of various uses, it also regulates the physical design standards for many uses. While it is the intent of the zoning ordinance to locate various uses to conform with the general plan, the physical design needs of various areas do not necessarily conform with the location needs. In order to apply design standards with multi-use areas, designed districts have been established (see design district map). The use of design districts will allow the uniform application of design standards within an area regardless of the zoning designation.~~

~~B.—The main purpose of the development standards is to obtain harmonious relationship of various uses, buildings, structures, lot sizes and open spaces while still maintaining the economic viability of a parcel of property.~~

~~C.—The following development standards shall be applied to all properties which require a planned development site plan review permit under this title and shall be incorporated into the plans which are submitted to the site plan review committee for approval as outlined within the planned development site plan review permit. The planning commission may grant variances or exceptions to the rules due to special circumstances existing on the property or if designs meet the intent of this ordinance in respect to water conservation and community design standards. Landscape plans may be approved by the city planner or his/her designee that demonstrate the objectives of this title with regard to water conservation have been met through use of other technology (such as subterranean irrigation) than that stipulated in this title. Circumstances such as: size and shape of the property, topography and location of the property, existing developments and land uses surrounding the property, and other unique features, should be considered within the site design. (Ord. 9605 § 30 (part), 1996; prior code § 7-161)~~

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~~D.— Applicability. This section shall apply to all residential zoning classifications currently adopted or that may from time to time be adopted by the city council. This section shall also apply to all residential construction projects constructed on non-residentially zoned property as well.~~

~~E.— Sunset Clause. This section shall become null and void at such time that Sections 16.48.010 et seq. are repealed by the city council or at such time that the sunset clause identified in Section 16.48.160 becomes effective. (Prior code § 7445)~~

### **Article 5. Adoption of Districts by Map**

#### ~~17.30.130— Development standards.~~

#### ~~17.30.150— District development standards.~~

~~Design standards shall specifically apply to the design districts as outlined on the officially adopted design district map. (Prior code § 7465)~~

#### ~~17.30.160— Development standards—Design district A.~~

~~The following development standards shall apply to property located in district A. See Chapter 17.24 for additional BRP zone design standards:~~

~~A.— Building height: fifty (50) feet.~~

~~B.— Required yards:~~

~~1.— Front: thirty five (35) feet minimum;~~

~~2.— Side: zero;~~

~~3.— Street side on corner lot: twenty five (25) feet minimum;~~

~~4.— Side yards abutting an R-A, R-1 or R-M district: fifteen (15) feet minimum;~~

~~5.— Rear: zero;~~

~~6.— Rear yards abutting an R-A, R-1 or R-M district: fifteen (15) feet minimum;~~

~~7.— Within the portion of Design district A that runs along Mooney Boulevard from Noble Avenue to Cameron Avenue and along Caldwell Avenue from Sells Street to Parkwood Creek, including where Design district A is located on both sides of Fairway Street, Monte Vista Avenue, Sunnyside Avenue, and Dorothea Avenue, the required front yard shall be twenty (20) feet minimum and the required Street side on corner lot shall be twenty (20) feet minimum.~~

~~C.— Parking as prescribed in Chapter 17.34.~~

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~~D.—Site area: five-acre minimum.~~

~~E.—Landscaping:~~

~~1.—Front: thirty-five (35) feet minimum;~~

~~2.—Street side on corner lot: twenty-five (25) feet;~~

~~3.—Side: five feet (except where a building is on sided property lines);~~

~~4.—Rear: five feet minimum.~~

~~5.—Within the portion of Design district A that runs along Mooney Boulevard from Noble Avenue to Camelion Avenue and along Caldwell Avenue from Sallee Street to Packwood Creek, including where Design district A is located on both sides of Fairway Street, Monte Vista Avenue, Sunnyside Avenue, and Dorothea Avenue, the required front yard landscaping shall be twenty-five (25) feet minimum. (Prior code § 7466) (Ord. 2011-09 § 5, 2011; Ord. 2010-18 § 2, 2010; Ord. 2010-17, § 2, 2010)~~

~~17.30.170—Development standards—Design district B.~~

~~The following development standards shall apply to property located in district B;~~

~~A.—Building height: fifty (50) feet maximum.~~

~~B.—Required yards:~~

~~1.—Front: fifteen (15) feet minimum;~~

~~2.—Side: zero;~~

~~3.—Street side on corner lot: ten feet minimum;~~

~~4.—Side yards abutting an R-A, R-1 or R-M district: fifteen (15) feet minimum;~~

~~5.—Rear: zero;~~

~~6.—Rear yards abutting an R-A, R-1 or R-M district: twenty (20) feet minimum.~~

~~C.—Parking as prescribed in Chapter 17.34.~~

~~D.—Site area: five-acre minimum.~~

~~E.—Landscaping:~~

~~1.—Front: fifteen (15) feet minimum;~~

~~2.—Side: five feet minimum (except where a structure is located on a side property line);~~

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~~3.—Street side on corner lot: ten feet minimum;~~

~~4.—Rear: five feet minimum. (Prior code § 7467)~~

~~17.30.186—Development standards—Design district C.~~

~~The following development standards shall apply to property located in district C:~~

~~A.—Building height: fifty (50) feet maximum;~~

~~B.—Required yards:~~

~~1.—Front: fifteen (15) feet minimum;~~

~~2.—Side: zero;~~

~~3.—Street side on corner lot: fifteen (15) feet minimum;~~

~~4.—Side yards abutting an R-A, R-1 or R-M district: fifteen (15) feet minimum;~~

~~5.—Rear: zero;~~

~~6.—Rear yards abutting an R-A, R-1 or R-M district: ten feet minimum.~~

~~C.—Parking as prescribed in Chapter 17.34.~~

~~D.—Site area: six thousand (6,000) square feet minimum.~~

~~E.—Landscaping:~~

~~1.—Front: fifteen (15) feet minimum;~~

~~2.—Side: five feet minimum (except where a structure is located on a side property line);~~

~~3.—Street side on a corner lot: ten (10) feet minimum;~~

~~4.—Rear: five feet minimum. (Prior code § 7468)~~

~~17.30.190—Development standards—Design district D.~~

~~The following development standards shall apply to property located in district D:~~

~~A.—Building height: one hundred (100) feet maximum.~~

~~B.—Required yard:~~

~~1.—Front: zero;~~

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~~2.—Side: zero;~~

~~3.—Street side on corner lot: zero;~~

~~4.—Side yards abutting an R-A, R-1 or R-M district: fifteen (15) minimum;~~

~~5.—Rear: zero;~~

~~6.—Rear yards abutting R-A, R-1 or R-M district: ten feet minimum.~~

~~7.—Off street parking areas shall be set back a minimum of five (5) feet from property lines abutting a street. — —~~

~~C.—Parking as prescribed in Chapter 17.34 off street parking shall be located to the side or rear of buildings.~~

~~D.—Site area: three thousand (3,000) square feet minimum.~~

~~E.—Landseaping:~~

~~1.—Front: five (5) feet (except where a structure is located on a front property line);~~

~~2.—Side: five feet (except where a structure is located on a side property line);~~

~~3.—Street side on a corner lot: five (5) feet (except where a structure is located on a side property line);~~

~~4.—Rear: zero. (Ord. 2004-08 § 2, 2004; Prior code § 7469)~~

~~17.30.200—Development standards—design district c.~~

~~The following development standards shall apply to property located in district E. See Chapter 17.24 for additional BRP zone design standards:~~

~~A.—Building height: sixty (60) feet maximum.~~

~~B.—Required yards:~~

~~1.—Front: ten feet minimum, excepting properties within the P-C-DT zone district in which case structure may be located on property line;~~

~~2.—Side: zero;~~

~~3.—Street side on corner lot: ten feet minimum, except for corner properties fronting Main Street within the P-C-DT zone;~~

~~4.—Side yards abutting an R-A, R-1 or R-M district: fifteen (15) feet minimum;~~

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~~5.—Rear: zero;~~

~~6.—Rear yards abutting R-A, R-1 or R-M district: fifteen (15) feet minimum;~~

~~C.—Parking as prescribed in Chapter 17.34.~~

~~D.—Site area: six thousand (6,000) square feet.~~

~~E.—Landscaping:~~

~~1.—Front: ten feet minimum;~~

~~2.—Side: five feet minimum (except where a structure is located on a side property line);~~

~~3.—Street side on a corner lot: ten feet minimum;~~

~~4.—Rear: five feet minimum (except where a structure is located on a rear property line). (Prior code § 7470)~~

### ~~17.30.210—Development standards—Design district F.~~

~~The following development standards shall apply to property located in district F.~~

~~A.—Building height: fifty (50) feet maximum.~~

~~B.—Required yards:~~

~~1.—Front: thirty (30) feet minimum;~~

~~2.—Side: zero;~~

~~3.—Street side on corner lot: twenty-five (25) feet minimum;~~

~~4.—Side yards abutting an R-A, R-1 or R-M district: fifteen (15) feet minimum;~~

~~5.—Rear: zero;~~

~~6.—Rear yards abutting an R-A, R-1 or R-M district: twenty (20) feet minimum.~~

~~C.—Parking as prescribed in Chapter 17.34.~~

~~D.—Site area: three acre minimum.~~

~~E.—Landscaping:~~

~~1.—Front: thirty (30) feet minimum;~~

~~2.—Side: five feet minimum (except where a structure is located on a side property line);~~



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~~3. Side on a corner lot: twenty-five (25) feet minimum;~~

~~4. Rear: five-foot minimum. (Prior code § 7471)~~

~~17.30.220 Development standards—Design district C.~~

~~The following development standards shall apply to property located in district C. See Chapter 17.24 for additional BRP zone design standards:~~

~~A. Building height: seventy-five (75) feet maximum.~~

~~B. Building:~~

~~1. Front: forty-five (45) feet frontage on Plaza Drive; twenty-five (25) feet front on Hurley, Crowley, Neeley, Kelsey;~~

~~2. Front yard with frontage on Highway 198: forty-five (45) feet;~~

~~3. Side: twenty (20) feet minimum;~~

~~4. Street side on a corner lot: twenty (20) feet minimum;~~

~~5. Rear: thirty (30) feet minimum. C. ——— Parking as prescribed in Chapter 17.34.~~

~~D. Site area: five-acre minimum.~~

~~E. Landscaping:~~

~~1. Front: thirty (30) feet frontage on Plaza Drive; twenty-five (25) feet front on Hurley, Crowley, Neeley, Kelsey;~~

~~2. Front with Highway 198 frontage: forty-five (45) feet minimum;~~

~~3. Side: twenty (20) feet minimum;~~

~~4. Street side on a corner lot: twenty (20) feet minimum;~~

~~5. Rear: twenty (20) feet minimum.~~

~~(Ord. 2010-06 § 1 (part), 2010; Prior code § 7472)~~

~~17.30.230 Development standards—Design district H.~~

~~The following development standards shall apply to property located in district H. See Chapter 17.24 for additional BRP zone design standards:~~

~~A. Design district H includes streets of varying width, carrying capacity and intended service. The development standards vary by type of street in order to maintain a consistent streetscape~~

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~~and achieve a high quality visual impact necessary to sustain an attractive and viable industrial area.~~

~~B. Building height: seventy-five (75) feet maximum.~~

~~C. Required Yards:~~

~~1. Frontage on major road: forty (40) feet. (Major roads are defined as roads shown as arterials or collectors on the city's June 1989 Circulation Element Map, including but not limited to Goshen, Plaza Drive, Avenue 308, etc.);~~

~~2. Frontage on minor road: twenty-five (25) feet. (Minor roads are defined as roads shown as local streets on the city's June 1989 Circulation Element Map, including but not limited to Elwin Court, Clancy Drive, Rasmussen Avenue, etc.);~~

~~3. Frontage on interior roads: fifteen (15) feet. (Interior roads provide access only to parcels within a development.);~~

~~4. Side: zero;~~

~~5. Side abutting Southern Pacific Railroad right-of-way: forty (40) feet;~~

~~6. Side abutting an "R" zone: twenty (20) feet;~~

~~7. Rear: zero;~~

~~8. Rear abutting an "R" zone: twenty (20) feet.~~

~~D. Parking as prescribed in Chapter 17.34.~~

~~E. 1. Site area: five acres, minimum. If sites less than this minimum area are approved in accordance with Section 17.30.130(A) of this chapter, it is required that setbacks be determined at the time of parceling of the property. The parcels being created shall be designed to accommodate the landscape areas and building setbacks as required by this section.~~

~~2. In addition, properties subdivided into parcels of less than five acres shall provide a common or joint storm drainage facility or pond, to be maintained through a private property owners association formed at the time of subdivision.~~

~~F. Landscaping:~~

~~1. Frontage on major road: forty (40) feet. (Major roads are defined as roads shown as arterials and collectors on the city's June 1989 Circulation Element Map, including but not limited to Goshen and Plaza Drive).~~

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~~2.—Frontage on minor road: twenty-five (25) feet. (Minor roads are defined as roads shown as local streets on the city's June 1989 Circulation Element Map, including but not limited to Elovin Court, Clancy Drive, Rasmussen Avenue, etc.)~~

~~3.—Frontage on interior roads: fifteen (15) feet. (Interior roads provide access only to parcels within a development);~~

~~4.—Side: zero;~~

~~5.—Side abutting Southern Pacific Railroad right-of-way: forty (40) feet;~~

~~6.—Side abutting an "R" zone: ten feet;~~

~~7.—Rear: zero;~~

~~8.—Rear abutting an "R" zone: ten feet.~~

~~G.—Screening. An eight-foot masonry wall is required along property line where a site abuts a "R" zoned property. (See also Chapter 17.36, Section 17.36.050, planned commercial, and Section 17.36.070, planned industrial.) (Ord. 9920 § 1, 1999; prior code § 7473)~~

### ~~Section 17.30.240—Development standards—Downtown retail design district.~~

~~Development standards for the downtown retail design district are as specified by the building design criteria adopted pursuant to Chapter 17.58. (Prior code § 7473.1)~~

### ~~Section 17.30.250—Development standards—Design district I.~~

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

~~A.—Building height: thirty (30) feet maximum.~~

~~B.—Required yards:~~

~~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;~~

~~2.—Side: five feet minimum;~~

~~3.—Street side on corner lot: ten minute feet minimum;~~

~~4.—Rear: twenty-five (25) feet.~~

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~~C.—Parking as prescribed in Chapter 17.34 and criteria listed in subsections (F)(2), (F)(3) and (F)(4) of this section.~~

~~D.—Site area: six thousand (6,000) square feet minimum.~~

~~E.—Landscaping:~~

~~1.—Front and street side setbacks to be consistent with building setbacks;~~

~~2.—Side: five feet minimum;~~

~~3.—Rear: five feet minimum except where there is alley access.~~

~~F.—Additional criteria:~~

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

~~2.—On-site parking is prohibited in the front and street side setback areas;~~

~~3.—Adequate parking 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;~~

~~4.—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 which that have a primary structure located in the dedication area and for which there is adequate parking on the site;~~

~~5.—Office (P-PA and P-OG) signage standards shall apply. Signs shall be compatible with the character of the main structure. In addition, plastic, metal, neon and glass shall be prohibited as a primary sign material. All signs shall require a separate permit;~~

~~6.—Existing structures which that are compatible with the adjacent properties and streetscape shall be maintained as the primary structure for a site;~~

~~7.—All additions and alterations shall be consistent with the existing design of the primary unit as determined through the site plan review process;~~

~~8.—Offices which that are of a twenty-four (24) hour use or high volume customer destination which that cannot be accommodated through on-site parking are prohibited adjacent to residential neighborhoods;~~

~~9.—All office conversions shall be subject to the planned development site plan review permit process. (Prior code § 7473.2)~~

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### ~~Section 17.30.260 — Development standards — Design district J.~~

~~A. — The following development standards shall apply to property located in district J.~~

~~B. — Properties situated within design district J are those within designated community centers. Adoption of a specific plan prepared consistent with provisions of Chapter 12.04, is required prior to development of property within this district. Development and design standards contained within the specific plan shall apply to properties within this district. (Prior code § 7473.3)~~

### ~~Section 17.30.270 — Development standards — Design district K.~~

~~A. — The following development standards shall apply to property located in district K.~~

~~B. — New development of property within this district shall comply with the conditions of approval of the applicable planned unit development permit. New development of property not situated within a planned unit development shall conform with development standards as determined by the site plan review committee as provided in Section 17.18.020. (Prior code § 7473.4)~~

## ~~Section 17.30.279A — Article 6. Modified Residential Standards~~

### ~~Section 17.30.280 — Purpose and intent.~~

~~It is the purpose and intent of this process to allow flexibility in design and density through the approval of modified standards when the application of such modified standards would achieve a substantial aesthetic and/or functional improvement over that permitted by the underlying residential zone; or provide opportunities for affordable housing as defined in Section 17.30.290; or promote the development of infill areas as defined in Section 17.30.290; or assist in the use of difficult to develop parcels as defined in Section 17.30.290. The purpose of these standards is to permit a variation of front yard setbacks, to provide a more interesting streetscape, allow flexibility in side yards to permit different groupings of units, and to provide lot which enhance the functional relationship between house size and yard area. The modified standards insure that features of the design achieve the intent of conventional R-1-6 standards of privacy, open space, adequate parking and compatibility with neighborhood, as well as, or better than, the standards themselves. The modified standards shall not be applied in the R-1-4.5 zone. (Prior code § 7475)~~

### ~~17.30.290 — Definitions.~~

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

~~“Affordable housing” means those homes whose monthly payments are affordable by families whose income ranges from one percent to one hundred twenty (120) percent of the median income of the city.~~

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~~“Difficult to develop parcels” means circumstances applying to the site such as size, shape or topography which do not apply generally to land in the vicinity with the same zoning.~~

~~“Infill development areas” means the development of new housing or other buildings on scattered, vacant sites in a built-up area. These can be either single vacant lots, underutilized lots or smaller undeveloped pieces of land which have been bypassed for previous development. (Prior code § 7475.1)~~

~~17.30.300 Processing.~~

~~Such modified standards shall be approved as a conditional use permit pursuant to Chapter 17.38 of the Visalia zoning regulations. This process will insure public notice and hearing. (Prior code § 7476)~~

~~17.30.310 Standards.~~

~~A. Standards, when applied, shall be balanced on the average for the residential district in which the project is to be constructed. This shall apply to front, rear and side yard requirements, lot sizes and district densities. (For example, in an R-1-6 subdivision, if a front setback is reduced to ten feet on one lot, it will be balanced by a thirty (30) foot setback on another lot. The same applies to side yards, rear yards, lot sizes and lot dimensions.)~~

~~B. The following standards shall be considered as minimum:~~

<del>1. Setbacks</del>	<del>R-1-6</del>	<del>R-M-2</del>	<del>R-M-3</del>
<del>Front</del>	<del>15 ft.</del>	<del>15 ft.</del>	<del>10 ft.</del>
<del>Rear</del>	<del>15 ft.</del>	<del>15 ft.</del>	<del>10 ft.</del>
<del>Side</del>	<del>0 ft.</del>	<del>0 ft.</del>	<del>0 ft.</del>
<del>Street side</del>	<del>10 ft.</del>	<del>10 ft.</del>	<del>10 ft.</del>

~~2. Density. The density of sites approved under modified standards shall not exceed the density allowed under the underlying zone. When computing density, public and private street rights-of-way shall be deducted from the gross area of the project site. Density calculation at time of the final map shall override density calculation at time of conditional use permit approval.~~

~~3. Individual lot dimensions shall conform on the average to the requirements of the underlying district as defined in the appropriate zoning section. No corner lot in any circumstances shall be less than sixty (60) feet in width. No interior lot shall be less than fifty (50) feet in width. No more than five consecutive lots with widths less than that permitted in the underlying zone.~~

~~4. Parking. Off-street parking shall be provided as required under Chapter 17.34 of the zoning regulations. On-site guest parking may be required if on-street parking is not available. (Prior code § 7476.1)~~

## Chapter 17.32 SPECIAL PROVISIONS

Sections:

### Article 1. General

- 17.32.010 Trash storage.
- 17.32.020 Height limits.
- 17.32.025 Above ground tanks.
- 17.32.027 Flammable/combustible liquids manufacture.
- 17.32.030 Home occupation permits.
- 17.32.040 Planned mobile home parks.
- 17.32.050 ~~Reserved~~ Retail stores in the C-N zone.
- 17.32.055 Drug stores/pharmacies in the O-PA zone.
- 17.32.060 Subdivision sales offices.
- 17.32.070 Vehicle wrecking and storage.
- 17.32.080 Maintenance of landscaped areas.
- 17.32.090 Yard requirements— Exceptions.
- 17.32.100 Mobile living units.
- 17.32.110 Mobile homes on lots.
- 17.32.115 Private clubs and lodges.
- 17.32.120 Video machine arcades.
- 17.32.130 ~~Satellite dish antenna~~ Reserved.
- 17.32.140 Garage conversions.
- 17.32.150 Bed and breakfast facilities.
- 17.32.160 Recycling facilities.
- 17.32.161 Fast food with and without drive-through for the light industrial zone.
- 17.32.162 Drive-thru lanes performance standards.
- 17.32.163 Regulation of wireless telecommunication facilities.

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**Article 2. Density Bonuses, Concessions and Other Incentives for Lower and Very Low-Income Households and for Senior Housing**

- 17.32.170 Purpose and intent.**
- 17.32.180 Applicability.**
- 17.32.190 Definitions.**
- 17.32.200 Grant of density bonus development incentive.**
- 17.32.210 Preliminary proposal.**
- 17.32.220 Development incentives and concessions.**
- 17.32.230 Density bonus plan.**
- 17.32.240 Multiple density bonuses.**

**Article 3. Keeping of Racing, Homing, and Sporting Pigeons as Household Pets**

- 17.32.250 Purpose and intent.**
- 17.32.260 Applicability.**
- 17.32.270 Limitations.**
- 17.32.280 Additional limitations.**
- 17.32.290 Permit requirements.**

**Article 1. General**

**17.32.010 Trash storage.**

Permanent trash enclosures may be required for multiple family developments of four units or greater, all commercial, professional office and industrial uses subject to Chapter 8.28 of the Visalia Municipal Code. The specific location, design and size of a trash enclosure shall be reviewed and approved by the site plan review committee.

**17.32.020 Height limits.**

A. Measurement. The height of a structure shall be measured vertically from the average elevation of the ground level along the front property line to the highest point of the structure.

B. Exceptions. Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, new wireless telecommunication facilities, radio and television



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aerials, transmission towers, fire towers and similar structures and necessary mechanical appurtenances covering not more than ten percent of the ground area covered by the structure may be erected to a height not more than twenty-five (25) feet above the height limit prescribed by the regulations for the zone in which the site is located. Utility poles and towers shall not be subject to the height limits prescribed by the regulations for the zone in which the site is located. Utility poles and towers shall not be subject to the height limits prescribed in the zone regulations. Nothing in this title pertaining to fence and wall heights shall be construed so as to apply to a fence or wall required by any law, regulation or safety standard of the state of California or agency thereof.

### **17.32.025 Above ground tanks.**

Above ground tanks dispensing Class I, II, and III-A liquids that are located within 100 feet of a residential use or residential zoned property shall comply with the special enclosure requirements of the Uniform Fire Code "Con Vault" type tanks. Installations are to be individually approved by the Fire Chief or his/her designee in conformance with adopted operational procedures.

### **17.32.027 Flammable/combustible liquids manufacture.**

Any use involving the manufacture of flammable/combustible liquids shall first be approved by the Fire Chief or his/her designee and comply with applicable regulations of the Uniform Fire Code.

### **17.32.030 Home occupation permits.**

A. Home occupation permits may be processed as an administrative matter by the city planner and no hearing shall be required.

B. For the purpose of this section, a home occupation shall be considered any conduct for 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 lawful residential use, which is clearly incidental and secondary to the use of the structure for a dwelling purpose, and which does not change the character of the residential use. A home occupation may be permitted by issuance of a home occupation permit by the planning department staff in accordance with the following regulations and no business license shall be issued beforehand:

1. A home occupation shall be clearly incidental to the use of a structure as a dwelling;
2. A home occupation shall not be conducted in an accessory structure. There shall be no storage or display of equipment, supplies or products in an accessory structure or outside the dwelling;
3. There shall be no sign of whatever nature identifying the home occupation;
4. No person, other than a resident of the dwelling, shall be employed or subcontracted on the premises in the conduct of a home occupation;

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5. No commercial vehicles in excess of three-quarter ton capacity shall be used to deliver materials to or remove materials from the premises;
  6. Not more than one vehicle of not more than three-quarter ton capacity used in connection with the home occupation shall be kept on the site. Any trailer, wheeled equipment, or any vehicle displaying or advertising the home occupation shall not be visible from off the premises;
  7. The home occupation shall not involve the use of power equipment on the premises using motors exceeding one horsepower combined capacity;
  8. There shall be no external alteration of appearances of the dwelling in which the home occupation is conducted ~~which~~that would reflect the existence of said home occupation. Existence of a home occupation shall not be apparent;
  9. No equipment or process shall be used in such home occupation ~~which~~that creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family detached residence, or outside the dwelling unit if conducted in other than a single-family detached residence. No equipment or process shall be used ~~which~~that creates visual or audible electrical interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises;
  10. The home occupation shall not involve the storage or use of pesticides;
  11. The home occupation shall not require additional off-street parking spaces;
  12. Required covered or uncovered parking shall not be used for the conduction of home occupations;
  13. No home occupation shall be conducted between the hours of eleven p.m. and eight a.m.;
  14. The home occupation requiring the installation of additional plumbing within the existing dwelling shall be approved by planning commission;
  15. Additional requirements or conditions may be added as deemed necessary by the city planner;
  16. In order to limit commercial traffic in neighborhoods, no customers may come to your residence for any business transaction.
- C. A home occupation permit shall be revoked by the city planner upon violation of any condition or regulation, or any limitation of any permit issued, unless such violation is corrected within ten (10) days of notice of such violation. Any permit may be revoked for repeated violations.
- D. In the event of denial or revocation, or objections to limitations placed thereon, an appeal may be made in writing to the planning commission as provided in Section 17.28.050.

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**17.32.035 Cottage food operations.**

A. Cottage foods operations operating in accordance with Health and Safety Code Sections 114365-114365.6 shall be considered a home occupation and shall obtain a home occupation permit in accordance with Chapter 17.78 prior to commencement of the use.

B. Notwithstanding the provisions of Section 17.32.030, a cottage food operation is allowed to employ one full-time equivalent employee on site.

C. Notwithstanding the provisions of Chapter 17.32.030, a cottage food operation may sell food produced on-site directly to consumers at the site.

D. A cottage food operation shall be conducted in the residence's existing kitchen.

E. An approved home occupation permit shall not be effective until the appropriate permit is obtained from the Tulare County Health and Human Services Agency and shall automatically expire and be null and void if the County permit or approval expires, is disapproved, or is revoked.

**Section 17.32.040 Planned mobile home parks.**

A. Purpose. The purpose of this section is to promote the available housing opportunities for the present and future residents of Visalia by the establishment of policies and development standards for the planned mobile home parks. The development standards for the planned mobile home parks will further encourage the creation of stable, attractive, residential environments within the individual mobile home parks themselves and provide for a desirable transition or buffer to the surrounding areas.

B. Definitions.

“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. Smaller units can be considered as a mobile home if it is a long-term (greater than thirty (30) days) installation.

“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 a permanent or semi-permanent basis 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.

“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 is intended for permanent

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or semi-permanent use and ~~which~~ that has no foundation other than wheels and temporary stabilizing units.

C. Supplemental Regulations. The provisions of this section shall be considered supplemental to applicable state regulations and to other pertinent city ordinances. Where this section, and such regulations and other ordinances do not control, the provisions of the Federal Department of Housing and Urban Development's Mobile Home Court Development Guide, FHA G 4200.7, January 1970, or successor documents thereto, shall be used by the city as "minimum standards" guide to administrative decisions regarding mobile home park developments.

### D. Permitted Uses.

1. Mobile homes for single-family dwelling use;
2. Common recreation facilities and structure;
3. Administrative offices for mobile home park use only;
4. Accessory uses normally incidental to mobile home park.

### E. Prohibitions.

1. Mobile homes, other than those being offered for sale in properly zoned commercial areas, when occupied, shall be located only within approved mobile home parks or in existing mobile home parks ~~which~~ that are nonconforming uses.
2. Travel trailers shall not be located or occupied in mobile home parks except as hereinafter specified.
3. Commercial activities, except the initial sale of mobile homes, whether or not appurtenant to the operation of a mobile home park, shall not be permitted in mobile home parks.
4. No more than one mobile home shall be allowed on each mobile home site.

### F. Required Permit.

1. All planned mobile home parks shall be subject to design review and a conditional use permit, pursuant to Chapter 17.38 of the code shall be granted prior to the commencement of construction of any mobile home parks.
2. Application for a conditional use permit of a planned mobile home park shall be accompanied by the following information:
  - a. A complete plot plan showing all physical features of the proposed mobile home park site and adjacent public streets and areas;

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- b. A complete storm drainage plan providing for the ultimate disposal of storm water showing on-site facilities and off-site storm lines;
- c. A complete sanitary sewer plan for the entire and individual mobile home sites, including all off-site lines and, where necessary, left stations, adequate to serve the proposed development;
- d. A complete water source and distribution plan for the entire mobile home park;
- e. A complete plot plan of sites, landscaping, parking areas, access, recreation and storage areas.

### G. Development Standards.

#### 1. Mobile Home Park Locational Factors.

- a. The park shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion of the site shall be subject to predictable sudden flooding or erosion.
- b. The park shall be placed in areas that are zoned for residential purposes only to assure that mobile home residents can enjoy the same safeguards from conflicting land uses (i.e., industry, service commercial, etc.) as could residents located adjacent to this form of residential categories.
- c. The park shall be evaluated for its impact upon adjacent land uses. The adverse impacts such as overcrowding the educational facilities, neighborhood and the public recreational facilities must be avoided.
- d. Mobile home parks shall be served by existing community sewer and water systems. The development of such parks with individual water and sewer systems will not be permitted.
- e. All mobile home park entrances and exits shall have direct access to a collector street as shown on the approved streets and highways plan. Secondary access to mobile home parks could be permitted by the planning commission from local streets.

#### 2. Mobile Home Park Size and Density.

- a. The minimum area for a mobile home park development shall be ten acres. However, it shall not exceed forty (40) acres per development. This would allow up to two hundred forty (240) mobile homes per development.
- b. A maximum of six mobile home lots per gross acre will be permitted.

#### 3. Setbacks.

- a. Mobile Home Park.

Front yard: twenty-five (25) feet;

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Side yard: twenty-five (25) feet;

Rear yard: twenty-five (25) feet.

### b. Individual Mobile Home Lot.

Front yard: ten feet;

Side yard: eight feet;

Rear yard: five feet.

c. No mobile home shall be located in any required yard space except that tow bars may extend into such yard space and covered porches or patios may extend not more than one-half the distance into a required side yard.

d. Required mobile home park yards shall be fully landscaped, sprinklered and maintained, in accord with landscape plans to be submitted and approved with conditional use permit applications.

e. No travel trailer or boat shall be stored in any required yard area or elsewhere on any mobile home site.

f. Mobile home sites shall be so designed, the mobile homes so placed, as to maintain fifteen (15) feet side to side, ten feet corner to corner, and ten feet end to end clearances.

### 4. Patios and Pads.

a. Each mobile home site shall have a hard surfaced patio area of concrete not less than two hundred (200) square feet in area. Any permanent porch greater than fifteen (15) square feet in area shall be counted as part of the required patio area.

b. Each mobile home site shall have a mobile home support pad consisting of a dust-free surface over a base adequate to support the mobile home. Said spaces shall be kept free of obstacles such as porches and storage sheds.

c. Individual mobile home sites shall be a minimum of two thousand six hundred (2,600) square feet.

d. No mobile home site shall be less than thirty (30) feet in width.

### 5. Parking.

a. Not less than one guest parking space shall be provided at a central location or locations for each four mobile home sites.

b. Adequate parking in accord with Chapter 17.34 of the zoning ordinance shall be provided for central recreation buildings, mobile home park offices, and similar approved facilities.

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- c. Supplemental parking for pleasure boats, non-occupied travel trailers and other uses shall be provided at a ratio of one space to each ten mobile home sites. Said parking shall be clustered and shall be screened from view by means of solid fence and/or landscaping.
- d. All parking areas shall be constructed and maintained in accord with Section 17.32.030.
- e. Parking in the rear is encouraged as a good design feature.
- f. All parking areas shall have a minimum of ten percent of landscaping with no more than eight parking stalls prior to installation of an eighty (80) square foot landscaped island.

### 6. Private Streets.

- a. Entrance streets shall be located not less than one hundred fifty (150) feet from public street intersections and the location and design thereof shall be approved by the city. Entrance streets, and other collector streets within the mobile home park shall be not less than thirty-six (36) feet minimum width.
- b. All other streets within the mobile home park shall be of thirty (30) feet minimum width.
- c. Cul-de-sacs shall be a maximum of six hundred (600) feet in length with a fully paved turnaround at the end of eighty (80) feet minimum diameter.
- d. Parking shall be permitted on both sides of entrance and collector streets and on only one side of other streets, and shall be so signed. Such parking may be calculated in total mobile home parks or individual mobile home property requirements.
- e. Streets shall be designed in accord with the current structural cross section requirements for the city subdivision streets, except that widths shall be as per this code section and concrete center gutters of not less than twenty-four (24) inches width and such greater width as may be determined by the city to be necessary to carry storm drainage may be substituted for standard curb and gutter.
- f. Driveways for individual sites and to community areas shall be improved as prescribed in Section 17.34.030.

### 7. Lighting.

- a. Public right-of-way lighting, with underground wiring, shall be provided abutting mobile home parks, with a minimum installation of one seven thousand (7,000) lumen ornamental pole electrolier at the park entrance, one at any abutting public street intersection, and/or one at each three hundred thirty (330) foot interval along park street borders.
- b. Interior park lighting, with underground service shall provide for all interior streets.

### 8. Storm Drainage.

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- a. Mobile home parks shall pay a storm drainage fee per acre equivalent to that charged for multi-family developments.
- b. The mobile home park application shall be accompanied by a complete drainage plan, including proposed ultimate disposal, and the city will review same for conformity with drainage master plans for the area.
- c. Maintenance of all mobile park drainage facilities shall be the responsibility of the developer. Underground and pump facilities shall be built to current city subdivision standards.

### 9. Sanitary Sewers.

- a. All mobile home parks shall be connected to the city sanitary sewer system and shall pay sewer fees per acre equivalent to that charged for multi-family development.
- b. All sanitary sewers in mobile home park streets shall be designed in full accord with current city public sewer standards, except that the city engineer may approve six inch mains not to exceed two hundred (200) feet in length with clean outs at the end of such six inch mains in lieu of holes.
- c. All sewer laterals to individual mobile home sites shall comply fully with applicable city codes for single-family residential dwelling connections.

### 10. Water System.

- a. All mobile home parks shall be served by a central water supply system approved by the city.
- b. All water system design shall meet the standards prescribed by the city fire chief as required to maintain Class IV fire rating requirements, including line sizes, pressures, standby pumps and/or well supplies, storage and fire hydrant specifications and placement. All required fire hydrants shall be installed and paid for by the developer within the park and on adjacent public rights-of-way.

11. **Undergrounding.** All public utilities shall be installed underground, including electrical supply, telephone, street lighting cable, community antenna TV and ducting provision for cable television. A community TV antenna shall be provided; usage of individual antenna on each mobile home will not be permitted.

12. **Street Name Signs.** Approved street names and street name signs shall be provided and maintained at each in-park street intersection and at each entrance to a public street.

### 13. Recreation Area, Pedestrian Ways and Bikeways.

- a. Common recreation areas shall be required and shall conform to the following regulations:



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- i. In all mobile home parks there shall be one or more outdoor recreation areas easily accessible to all park residents and available for year-round recreational use;
  - ii. Recreation areas shall contain a minimum of fifteen thousand (15,000) square feet, and shall contain an additional two hundred (200) square feet for every mobile home site in excess of seventy-five (75). Recreation areas may include a community center;
  - iii. Recreation areas shall be centrally located and free of traffic hazards.
- b. For the purpose of computing available common recreation area, required mobile home and travel park yard areas and pedestrian ways, management offices, and laundry or tenant storage areas shall not be included.
  - c. Pedestrian circulation may be emphasized by the provision of well landscaped, convenient and aesthetically pleasing walkways ~~which~~ that originate near individual mobile home sites and lead to common recreation areas and service facilities. The walkway shall be a minimum width of four feet, permanently paved or equivalent, and shall be a reasonable distance away from mobile homes.

14. Landscaping and Screening. Mobile home parks shall provide permanently maintained landscaped areas and site screening in conformance with the following regulations. Precise landscape plans to be submitted and approved prior to approval of a conditional use permit for a mobile home park development on the site.

- a. Mobile home parks ~~which~~ that abut upon a public roadway shall provide a landscaped border adjacent to the road right-of-way of not less than twenty-five feet in width.
- b. Fifteen (15) gallon trees shall be planted at twenty-five (25) foot intervals within required landscaped areas.
- c. Mobile home parks shall provide masonry perimeter screen fencing, a minimum of six feet in height, along all side and rear property lines where the park adjoins an R-A, R-1, or R-M zone.
- d. Mobile home parks abutting upon a public roadway shall provide a masonry wall or fence not less than three feet in height, along all public street frontages located not less than twenty-five (25) feet behind the property line.
- e. A minimum five-foot-wide landscaped strip shall extend along the periphery of the entire development inside the required wall.

15. Utility Connections. All required conditions, including paving, landscaping, street signs, etc., shall be completed prior to connection to a sanitary sewer for any mobile home park or site therein.

16. Other Facilities.

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- a. Each mobile home park shall have a laundry building for clothes washing and drying. A yard area may be provided adjacent to said building for clothes hanging, and shall, if provided, be screened with a six-foot masonry wall.
- b. The park owner shall utilize city approved disposal bins for disposal of all solid waste. Locations of disposal bins shall be shown on the site plan and approved by the city. Common outdoor garbage collection areas shall be screened with a six-foot-high masonry fence and shall be located as not to cause traffic hazard.
- c. No in-park commercial facilities, including the sale of convenience goods, will be allowed except for vending machines sales ~~which~~that may be permitted in central recreation or management areas only.

17. Miscellaneous Regulations.

- a. Open irrigation ditches within or adjoining to a mobile home park shall be piped or fenced in accord with this ordinance code.
- b. No permanent shed other than storage shed, mobile home porch and steps or temporary sunscreen or windscreen shall be erected on any mobile home site.
- c. All mobile homes shall be fitted with appropriate metal or screen block skirts obscuring stands at the time of placement on the site.
- d. The maximum permitted height of any structure or mobile home shall be thirty (30) feet.
- e. All pertinent state and city regulations concerning the development and operation of mobile home parks shall be observed.

**17.32.050 Retail stores in the C-N zone.**

No retail store, food store, or other commercial use with over 40,000 square feet of floor space shall be allowed in the C-N zone. {Reserved}

**17.32.055 Drug stores/pharmacies in the O-PA zone.**

Drug stores or pharmacies that also sell general retail merchandise in the O-PA zone may only be located on the corner property at arterial/arterial or arterial/collector intersections. The parcel size shall not exceed 60,000 square feet and the building size shall not to exceed 14,000 square feet.

**17.32.060 Subdivision sales offices.**

In an ~~R-A~~, R-1 or R-M zone, no sales offices of any character shall be permitted in any subdivision except one sales office in a subdivision of not less than five acres located not less than one hundred fifty (150) feet from any existing dwelling outside of the subdivision. Any

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temporary sales office in a subdivision may be located in a model home on a lot located in the subdivision.

### 17.32.070 Vehicle wrecking and storage.

A. All vehicle wrecking and storage yards shall be screened by a solid fence or wall not less than six feet in height, located on the property line, except in a required front yard, and suitably maintained.

B. No storage or parts, debris or inoperable vehicles shall be permitted outside the screened area.

C. All existing vehicle wrecking and storage yards ~~which that~~ do not conform to the screening requirements of ~~Section 17.32.070~~ this section shall conform within one year from notification from the building official.

D. All vehicle wrecking and storage yards shall be located on a site no less than two (2) acres in size.

### 17.32.080 Maintenance of landscaped areas.

A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be maintained and replaced as needed, to screen or ornament the site.

### 17.32.090 Yard requirements—Exceptions.

A. Architectural features including sills, chimneys, cornices and eaves may extend into a required side yard or a space between structures not more than thirty (30) inches and may extend into a required front or rear yard not more than thirty-six (36) inches.

B. Open and covered, unenclosed porches, platforms, stairways and landing places, no part of which is more than eighteen (18) inches above the surface of the ground, may extend into a required front yard or space between buildings not more than six feet.

C. Fences, walls, hedges, walks, driveways and retaining walls may occupy any required yard or other open spaces, subject to the limitations prescribed in the zoning ~~district regulations~~.

### 17.32.100 Mobile living units.

#### A. Definitions.

“Mobile living unit” means camp car, commercial coach, mobile home, recreational vehicle, or travel trailer, as each of these terms are defined in Chapter 1, Sections 18000 through 18013 (Part 2, Mobile Homes) and in Chapter 1, Sections 18200 through 18220 (Part 2.1, Mobile Home Parks Act), Division 13 of the Health and Safety Code of the state of California, and a camp

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trailer, house car, or trailer coach, as each of these is defined in Division 1 (Section 100 through 675) of the Vehicle Code of the state of California, or any other vehicle or structure designed or altered in such a manner as will permit occupancy or use thereof for living or sleeping purposes, and so designed or equipped with wheels, or capable of being mounted on wheels, and used as a conveyance on public streets or highways, propelled or drawn by its own or other motive power, excepting a vehicle or device exclusively upon stationary rails or tracks.

“Person” means and includes any natural person, partnership, firm, company, corporation, trust, or unincorporated association.

**B. Use or Occupancy of Mobile Living Units for Living or Sleeping Purposes Prohibited.** Except as provided in subsection (C) of this section, it is unlawful for any person to occupy, for living or sleeping purposes, any mobile living unit within the city upon any street, alley, road, highway, public parking lot or upon any other parcel of publicly or privately owned real property.

**C. Permitted Use and Occupancy of Mobile Sleeping Units.** Section 17.32.100(B) shall not apply to or prohibit the occupancy of mobile living units for living or sleeping purposes at the following times or places:

1. While the mobile living unit is in motion upon a street, road, highway or alley;
2. While the mobile living unit is parked in a lawfully established and licensed mobile home park, recreational trailer park or labor camp subject to Chapter 4, Par 9, Division 2 of the Labor Code of the state of California or in other public or private facilities ~~whiehthat~~ are designed, equipped and licensed by the city to accommodate mobile living units and ~~whiehthat~~ provide for temporary or permanent sewer and waste water connections to the mobile living unit and ~~whiehthat~~ provide temporary or permanent utility connections to such mobile living unit;
3. While the mobile living units parked on private property, and not on a public street, parking lot or right-of-way, at the expressed invitation of the person owning or having the right to possess the private property and;
  - a. The mobile living unit is not connected to any utility or sewer or waste water facilities on other than in a temporary electrical connection installed and connected to the mobile living unit in compliance with all applicable laws and ordinances of the city,
  - b. The owner or persons having the right of possession of the private property upon which the mobile living unit is parked receives no direct or indirect payment, gratuity or remuneration of any kind from the owner of or occupant of the mobile living unit for allowing the same to be parked upon said private property,
  - c. The mobile living unit is not parked on private property for more than seven days in any twelve (12) month period,

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d. The occupants of the mobile living unit do not discharge any litter, sewage or waste water, effluent, garbage or other matter out of or from the mobile living unit while so parked except into public or private facilities intended for the disposal of such material;

4. While the mobile living unit is lawfully parked upon a public street, right-of-way or parking lot, and;

a. The mobile living unit is parked for a period not to exceed fourteen (14) hours during the period from six p.m. one day to eight a.m. the next day for two consecutive nights,

b. The mobile living unit is not parked upon a public street or right-of-way or parking lot in a residential zone of the city,

c. Said mobile living unit conforms to all applicable sections of the Vehicle Code of the state of California,

d. The mobile living unit is completely self-contained so far as utilities are concerned including disposal of waste water and sewage,

e. The occupants of the mobile living unit do not discharge any litter, sewage or waste water, effluent, garbage or other matter out of or from the mobile living unit while so parked except into public or private facilities intended for the disposal of such material.

D. No Prohibition of Storage. Nothing in this chapter shall be deemed to prohibit the owner or occupants of the mobile living unit from parking the same upon property owned by him or of which he has the right of possession as long as the same is not used for living or sleeping purposes in violation of any other provisions of this chapter.

E. Punishment for Violation.

1. Violation of any of the provisions of this chapter shall constitute an infraction pursuant to Section 19(c) of the California Penal Code.

2. Any violation thereof shall be punishable by: (a) a fine not exceeding fifty dollars (\$50.00) for a first violation; (b) a fine not exceeding one hundred dollars (\$100.00) for the second violation of this chapter within one year; (c) a fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation of this chapter. Each day a violation of this chapter continues shall be regarded as a new and separate offense and punishable as such.

F. Declaration of Public Nuisance. Any occupancy or use of a mobile living unit and the mobile living unit itself, parked or occupied in violation of the provisions of this chapter shall be and the same is declared unlawful and a public nuisance. The city may initiate any necessary proceedings for the abatement, removal and prohibition of use thereof in the manner provided by law and may take all steps available to it to accomplish such ends and may apply to a court of competent jurisdiction for granting such relief that will remove and abate the mobile living unit or use and restrain and enjoin any person from moving, using or maintaining a mobile living unit

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upon a site or place or in a manner contrary to the provisions of this chapter. The remedies prescribed in this chapter are cumulative and nonexclusive.

G. Violation Procedure. Any person found to be in violation of the provisions of this chapter may be notified and cited in accordance with the provisions established by the planning department of the city and approved by the city council thereof.

### **17.32.110 Mobile homes on lots.**

It is the purpose of this section to, where approved, allow the placement of mobile homes on individual lots. The mobile homes would have to conform with the minimum development standards for the zone in which it is located and, in addition, meet the criteria set forth in this section.

A. Location Exceptions. Mobile homes may be placed on individual lots in all single-family residential zones and with the following exception: lots located within the city historic preservation district.

B. Effect of Conversion. A mobile home ~~which~~that has been placed on a foundation system pursuant to this section shall be deemed to be a mobile home and subject to local property taxation.

C. ~~Planned Development~~Site plan review Permit. A mobile home on a foundation system on an individual lot is permitted upon approval of the city's site plan committee pursuant to Chapter 17.28 of the zoning regulations.

D. Eligibility. A mobile home shall not be located on a permanent foundation on a private lot unless it:

1. Was constructed and certified under the National Mobile Home Construction and Safety Standards Act of 1974;
2. Has not been altered in violation of applicable codes.

E. Criteria. Mobile homes located on a foundation system on an individual lot shall:

1. Be occupied only as a residential type use;
2. Be subject to all provisions of this section applicable to residential structures. Such review to include parking, setbacks, and building separations;
3. Meet all requirements for the zone in which they locate;
4. Be attached to a foundation system in compliance with all applicable building regulations;
5. Mobile home review may include consideration of roof overhang, roofing material, and siding material to assure aesthetic compatibility with traditional single-family housing structures.

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F. Surrender of Registration. Subsequent to applying for the required building permits, and prior to occupancy, the owner shall request a certification from the building department of a certificate of occupancy be issued pursuant to Section 18557(a)(2) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership, and certificate of registration issued by a state agency is to be surrendered to the appropriate state agencies. Any mobile home that is permanently attached with foundation must bear a California insignia or federal label, pursuant to Section 18550(b) of the Health and Safety Code.

G. Building Permit Required. Prior to the installation of a mobile home on a permanent foundation system, the mobile home owner or a licensed contractor shall obtain a building permit from the building department. To obtain such a permit, the owner or contractor shall comply with all requirements of Section 18557(a) of the State Health and Safety Code.

**17.32.115 Private clubs and lodges.**

**Notwithstanding Table 17.25.030, private clubs and lodges shall not be permitted on C-R zoned properties fronting Mooney Boulevard between SR 198 and Visalia Parkway.**

**17.32.120 Video machine arcades.**

It is the purpose of this section to set forth development and operational standards for arcades. Such standards are adopted to protect the public welfare from potential problems associated with the operation of video machine arcades.

A. Definitions. For the purpose of this section the following definitions shall apply:

“Video arcade” means a commercial establishment that contains five or more “video machines.”

“Video machine” means any machine, device or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disc, slug, or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest, which is operated through the use of electronic means with images and sounds transmitted through a cathode ray tube.

B. Permits Required.

1. Video arcades may be approved as a conditional use in the ~~P-C-C, P-C-N, P-C-SO, P-C-CA, P-C-R, P-C-DT and P-C-H-C-MU and D-MU~~ zones pursuant to Chapter 17.38 of the Visalia zoning regulations.

2. Video machines, up to four in number, may be approved by the planning department pursuant to Section 17.38.070 (temporary uses) of the zoning regulations. Such permits shall be subject to the operational criteria set forth in subsection (C) of this section.

C. Operational Criteria.

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1. Location. Video machines and arcades shall not be located closer than six hundred (600) feet to any public schools.

2. Hours of Operation. Normal hours of operation shall be between the hours of ten a.m. and eleven p.m. unless alternate hours are approved by the city council as part of a conditional use permit. Machines located in businesses may be operated during normal business hours if approved by the planning department (four or fewer machines) or city council (arcades). In any case, school aged children shall be prohibited from operating video machines while school is in session.

3. Security/Supervision. The use shall be under the supervision of an adult during all hours of operation. Additional supervision or security may be required as deemed necessary by the city ~~council~~ under council under the terms of the conditional use permit. The work station of the adult attendant shall be such that the entry and immediate outside area is visible. Supervision responsibility shall extend to the public and/or parking areas in the vicinity of the arcade.

4. Alcoholic Beverages. No alcoholic beverages shall be allowed to be bought or consumed on the premises, including the public and/or private areas in the vicinity. This shall not apply to businesses ~~which~~ that are licensed and approved for alcoholic beverage sale and use.

5. Noise. No noise or sound generated by an arcade shall be audible outside of the arcade building.

6. Loitering. Gathering and loitering of individuals in the arcade and public and/or parking areas in the vicinity of the arcade shall be prohibited.

D. Monitoring of Use. Periodic inspections, which may or may not be announced in advance, may be conducted by the city to ascertain compliance of any arcade with the conditions of the use permit under which the arcade is operating. Violations of the conditional use permit or the provisions of this section shall be subject to enforcement under the provisions of Chapter 17.46 of the zoning regulations. Continuing violations may lead to revocation of the conditional use permit for an arcade, as set forth under Section 17.38.040 of the zoning regulations.

**17.32.130 ~~Satellite dish antenna~~ Reserved.**

~~A. Purpose and Intent. It is the purpose of this section to allow the installation of dish type satellite antenna within the city. Such installation shall be subject to development and location criteria outlined below.~~

~~B. Definition. A definition for the term "dish type satellite antenna" shall be as follows for the purposes of this section:~~

~~"Dish type satellite antenna" means a satellite earth station consisting of (1) a receiving component of a dish or similar configuration whose purpose is to receive television signals from orbiting satellites or other extraterrestrial sources and (2) a low noise amplifier whose purpose is to magnify television signals.~~



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~~C. Residential Installation Criteria. The installation of dish type antenna may be permitted in all agricultural and residential zones subject to the following criteria:~~

~~1. Antenna size: maximum diameter to be twelve (12) feet.~~

~~2. Setbacks:~~

~~Rear: fifteen (15) feet from center of dish;~~

~~Side: ten feet from center of dish;~~

~~Street side: fifteen (15) feet from center of dish;~~

~~Front: to comply with zone regulation, dish must be screened from view if located behind setback front yard area.~~

~~3. Height: maximum height to be thirteen (13) feet, roof mounted installations to be prohibited.~~

~~4. Number: One dish type satellite antenna site. This shall be in addition to normal television and radio antenna.~~

~~D. Commercial Installation Criteria. The installation of dish type satellite antenna may be permitted in all commercial, professional office, and industrial zones subject to the following criteria:~~

~~1. Installations shall be subject to site plan review pursuant to Chapter 17.28 of the city zoning regulations;~~

~~2. Installations shall not be permitted within required front and street side landscape areas;~~

~~3. Installations shall, by location and design, minimize visibility from adjoining properties and right-of-way;~~

~~4. Display of antennas on trailers or at other temporary locations on the site will be considered as open display of merchandise and shall be visually screened.~~

~~E. Exceptions. Dish type satellite antenna installations which that cannot meet the installation criteria (subsections (C) and (D) of this section) may be considered by the planning commission through the exception process as set forth in Chapter 17.42 of the city zoning regulations. Such exceptions may be granted, after public hearings, due to unusual circumstances which that make conforming installations infeasible.~~

### **17.32.140 Garage conversions.**

A. Purpose and Intent. It is the purpose of this section to allow, in certain cases and subject to specific design requirements, the conversion of garages and carports for living space in

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circumstances where the provisions of Section 17.34.020A cannot be met post-conversion. Such conversion is deemed acceptable if the following requirements are met.

### B. Requirements:

1. The site is being used as a single-family, detached, residence with a minimum lot size of five thousand (5,000) square feet;
2. The area converted shall be used as part of the main dwelling and shall not be used as a separate dwelling unit or ~~second dwelling~~ accessory dwelling unit;
3. The area converted shall be subject to all applicable building code requirements;
4. The site shall be owner occupied and that such ownership shall have been in effect for a minimum of twelve (12) months prior to approval of a conversion under this section;
5. The garage door shall either be removed from the structure, or a wall shall be constructed behind the pre-existing garage door with the garage door remaining in place. The exterior elevation of the conversion shall be compatible in design with the existing dwelling;
6. In the case of garage door removal buffering, such as a planter, shall be provided between the carport or garage and the remaining parking area;
7. The remaining parking area shall have two parking spaces, each space having a minimum width of nine (9) feet and a minimum depth of eighteen (18) feet from the property line.

C. Approval Process. The city planner or his/her designee shall approve or deny garage conversion 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.

### **17.32.150 Bed and breakfast facilities.**

A. Purpose and Intent. It is the purpose of this section to provide for the following:

1. To allow, in limited cases, the operation of bed and breakfast facilities; and
2. To regulate such operations for the protection of the general health, safety and welfare of the citizens of the city.

### B. Definitions.

“Bed and breakfast inns” means a single-family dwelling that is predominantly residential in character, containing three to six guestrooms offering overnight accommodations for rent, wherein a breakfast meal is customarily included in the lodging rate.

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“Bed and breakfast, traditional” means a facility similar to a bed and breakfast inn, containing only one or two rooms for lodging purposes.

C. Process. Applications for traditional bed and breakfast facilities meeting the criteria stated below shall be subject to approval of a ~~planned development~~ site plan review permit pursuant to Chapter 17.28. Such applications may be referred to the planning commission by the site plan review committee. Applications for bed and breakfast inns shall be subject to approval of a conditional use permit pursuant to Chapter 17.38. Bed and breakfast inns shall be subject to any such condition as deemed appropriate by the planning commission to further the purposes of this section.

D. Development Criteria for Traditional Bed and Breakfast Facilities. Traditional bed and breakfast facilities are permitted, pursuant to a ~~planned development~~ site plan review permit, in R-1 and R-M zoned areas located within the boundaries of the historic district and on individual properties located outside the historic district when such properties are listed on the local register of historically significant structures. In order for a ~~planned development~~ site plan review permit to be approved, the following development criteria shall be met:

1. All standards of the underlying zoning district including, but not limited to, height, lot and yard requirements, and lot coverage shall apply;
2. One additional off-street parking space shall be provided for each room available for lodging purposes. Tandem parking shall not be deemed as meeting this requirement;
3. The owner of the facility shall reside on site;
4. Bed and breakfast facilities shall be subject to all applicable building, fire, health and safety codes;
5. No person who is paying rent in exchange for lodging shall occupy a guest room on the premises for more than fourteen (14) consecutive nights;
6. The scale and appearance of the bed and breakfast facility shall remain primarily residential in character; all buildings and site improvements shall be similar to and compatible in design with the surrounding neighborhood and adjacent residences. The site plan review committee and/or the planning commission shall have authority to grant or deny applications for bed and breakfast facilities based upon design and aesthetic criteria, as well as all other provisions of this section;
7. One externally lighted sign shall be allowed at the facility. The sign may be either wall mounted or free standing and shall not exceed six square feet in area. A freestanding sign shall not exceed five feet in height. The historic preservation board shall have authority to review and approve, approve with conditions, or deny the location, size, materials and design of any sign proposed in conjunction with a bed and breakfast facility, subject to the above area and height limitations;

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8. Bed and breakfast facilities shall be operated by the permanent occupants of the facility. No more than one person not residing at the facility shall be employed in the operation of the facility;

9. In no case shall any bed and breakfast facility be approved on a site on which the dwelling has been the subject of a garage conversion pursuant to the regulations of Chapter 17.32 governing such conversions.

E. Development Criteria for Bed and Breakfast Inns. Bed and breakfast inns are permitted as a conditional use in R-1 and R-M zoned areas located within the boundaries of the historic district and on individual properties located outside the historic district when such properties are listed on the local register of historically significant structures. In order for a conditional use permit for a bed and breakfast inn to be approved, the following development criteria shall be met:

1. All of the provisions and criteria listed in Section 17.32.150(D) for traditional bed and breakfast facilities, with the exception of subsections (D)(3) and (D)(8) of this section. However, the planning commission may require one or more of these criteria as conditions to be met in specific instances;

2. A bed and breakfast inn facility shall consist of no more than two residential dwellings on a maximum of two adjacent parcels. A facility consisting of more than one dwelling or parcel shall be considered a single facility. Adjacent parcels shall be adjoining contiguous parcels that are not separated by a public right-of-way.

3. The owner of the bed and breakfast inn shall reside at the facility. If more than one person who resides off the facility is employed, one additional off-street parking space for every two such employees shall be provided.

F. Appeals. Interested individuals may appeal the decision of the site plan review committee regarding traditional bed and breakfast inn facilities to the planning commission as set forth in Chapter 17.28. Decisions of the planning commission regarding bed and breakfast inn facilities may be appealed to the city council as set forth in Chapter ~~17.3802.145~~.

**17.32.160 Recycling facilities.**

A. Permits Required. No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit pursuant to the provisions set forth in this section. Recycling facilities may be permitted as set forth in the following table:

**Figure 17.32.160(A): Permits for Recycling Facilities**

Type of Facility	Zones Permitted	Permit Required
Reverse vending machine(s)	All commercial zones	<u>No permit required</u>

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Type of Facility	Zones Permitted	Permit Required
Reverse vending machine(s)	All industrial zones	<u>No permit required</u>
Small Collection	<del>P-C-N, P-C-SO, P-C- CM, P-C-R, P-C-S, C- MU</del>	Conditional use permit
Small Collection	<del>I-I-L, I-H</del>	Planned development permit
Large Collection	<del>P-C-S</del>	Conditional use permit
Large Collection	<del>P-I-H, P-I-L</del>	Planned development permit
Light Processing	<del>P-C-S</del>	Conditional use permit
Light Processing	<del>P-I-H, P-I-L</del>	Planned development permit
Heavy Processing	<del>P-I-L</del>	Conditional use permit
Heavy Processing	<del>P-I-H</del>	Planned development permit

B. Review Criteria. The city council is empowered to adopt by resolution specific criteria and guidelines for review of applications for recycling facilities. The council may amend these standards from time to time, by resolution.

1. Small collection facilities shall be located on a developed commercial or industrial center of no less than two acres in site area; and
2. No portion of a small collection facility shall encroach closer than 25 feet or the minimum landscape setback required by the underlying design district, whichever is greater, to a front, side, or rear landscape setback area, including ultimate rights of way; and,
3. Small collection facilities shall be located entirely on a fully paved surface.

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**17.32.161 Fast food with and without drive-through for ~~the light~~ industrial zones.**

A. Location Criteria.

1. Parcel must be a corner property at arterial/arterial intersections or directly adjacent to a corner parcel with an existing fast food or sit down restaurant.
2. Up to two fast food or sit down restaurants may be located at an intersection and not be subject to the ~~one-mile~~one-mile distance requirement.
3. Cannot be located within one mile of an existing or approved fast food location with or without drive-through or sit down restaurant.
4. Site must be located in the industrial park roughly defined as south of Riggin Avenue, west of Shirk to Highway 99 and north of the Hurley Avenue alignment.
5. A drive-thru kiosk only, serving beverages but without foods prepared on the site, may be allowed on an improved arterial/collector intersection with approval of a conditional use permit (CUP) if the site is located on a legally existing underdeveloped parcel that is less than 12,000 square feet in net area. Such location shall not be subject to the ~~one-mile~~one-mile separation requirement specified in this section A.3.

**17.32.162 Drive-thru lanes performance standards.**

A. Purpose and Intent. It is the purpose of this section to specify performance standards applicable to uses that seek to incorporate a drive-thru lane in association with a specified use. This section does not apply to carwashes and lube and oil changing stations.

B. Performance standards:

1. Separation from residences. The drive-thru lane shall be no less than two hundred fifty (250) feet from the nearest residence or residentially zoned property.
2. Stacking. The drive-thru lane shall contain no less than ten (10) vehicle stacking, measured from pickup window to the designated entrance to the drive-thru lane. There shall be no less than three vehicle spaces distance from the order menu/speaker (or like device) to the designated entrance to the order window.
3. Circulation. No portion of the drive-thru lane shall obstruct any drive aisles or required on-site parking. The drive-thru shall not take ingress or egress from a local residential road.
4. Noise. No component or aspect of the drive-thru lane or its operation shall generate noise levels in excess of 60 ~~dB~~dB between the hours of 7:00 p.m. and 6:00 a.m. daily.
5. Screening. The entire drive-thru lane shall be screened from adjacent street and residential view to a height of three feet. Screening devices shall be a combination of berming, hedge and landscape materials, and solid walls as approved by the City Planner.

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6. Menu boards and signage. Shall be oriented or screened to avoid direct visibility from adjacent public streets.

### **17.32.163 Regulation of wireless telecommunication facilities.**

A. Purpose and Intent. The purpose and intent of this section is to promote quality, clarity and consistency in applying the requirements and guidelines for the acceptance, processing and approval of new wireless telecommunication facilities and modifications to existing wireless telecommunication facilities. The purpose and intent of this section is also protect the benefits derived by the city, its residents, and the general public from access to personal wireless telecommunication services while minimizing, to the greatest extent feasible, the redundancy of wireless telecommunication facilities. The city desires to balance these goals, by permitting the installation and operation of wireless telecommunication facilities where they are needed, while reducing, to the greatest extent feasible, adverse economic, safety and/or aesthetic impacts on nearby properties and the community as a whole.

B. Definitions. The definitions set for in this section shall apply to this title.

"Ancillary structure" means any development associated with a wireless telecommunications facility, including but not limited to foundations, concrete slabs on grade, guy wire anchors, generators and transmission cable supports. This definition does not include equipment cabinet.

"Antenna" means any apparatus designed for transmitting and/or receiving electromagnetic waves that includes but is not limited to, telephonic, radio or television communications. Types of antenna include, but are not limited to, omnidirectional (whip) antennas, sectorized (panel) antennas, or parabolic (dish) antennas.

"Antenna array" means a single set or group of antennas and their associated mounting hardware, transmission lines or other appurtenances ~~which~~that share a common attachment device such as a mounting frame or mounting support.

"Attached wireless telecommunications facility" means a wireless telecommunication facility and ancillary structures that are secured to an existing structure, as defined in Section 17.04.030, with any accompanying equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

"Collocate or Collocation" means location or placement of wireless telecommunications facilities by two (2) or more wireless personal service providers on an antenna or antennas and feed lines on a common antenna support structure or other structure on which there is an existing antenna array. The term "Collocation" shall not be applied to a situation where two (2) or more wireless personal service providers independently place attached wireless telecommunication facilities on an existing building or structure.

"Combined antenna" means an antenna or antenna array designed and utilized to provide services for more than one (1) wireless provider for the same or similar type of services.

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"Conceal or Concealed" means a wireless telecommunication facility in which the antenna, monopole, and/or tower, and sometimes the support equipment, are hidden from view, or effectively disguised as may reasonably be determined by the city planner or planning commission as applicable, such as in a false tree, monument, cupola, or other concealing structure ~~which that~~ either mimics, ~~or which that also or also~~ serves as, a natural or architectural feature in a compatible environment concealed wireless telecommunication facilities that do not mimic or appear as a natural or architectural feature to the average observer are not within the meaning of this definition.

"Coverage" means the geographic area served by an individual wireless telecommunications facility installation.

"Digital Antenna System (DAS)" means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

"Eligible facilities request" means a request that involves collocation, removal, or replacement of wireless telecommunication facilities.

"Equipment cabinet" means a structure located at a base station that is above the base flood elevation and designed exclusively to contain radio or other equipment necessary for the transmission or reception of wireless telecommunication signals. An equipment cabinet cannot be used for storage and/or habitable space.

"Existing structures and facilities" means any wireless telecommunications facility for which a permit has been properly issued pursuant to this Section or prior to its adoption.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account environmental, physical, legal, cost and technological factors.

"Lattice structure" means a tapered style of antenna support structure that typically consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas.

"Location" means the area where a wireless telecommunications facility is located or proposed to be located. Reference to location shall be exact longitude and latitude, to the nearest tenth of a second, with bearing or orientation referenced to true north.

"Modification" means the change, or proposed change, of any portion of a wireless telecommunication facility from its description in a previously approved wireless telecommunication facility permit. Modification includes structural reinforcement, change in antenna type, and changes that alter the appearance, size or height of a wireless telecommunication facility.

"Monopole" means a style of freestanding antenna support structure that consists of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires



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or other stabilization devices. These components are mounted to a foundation that rests on or in the ground or on the roof of a building.

"Mount" means the surface upon which antennas are mounted. Mounts include, but are not limited to roof-mounts (mounted on the roof of a building) and side-mounts (mounted on the side of a building).

"Non-residential use" means uses such as churches, schools, and residential care facilities that are not a residential use but may be allowed in a residential zone typically with a conditional use permit.

"Personal wireless telecommunications services" means commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access service as identified in the Telecommunications Act of 1996.

"Siting" means the method and form of placement of a wireless telecommunications facility on a specific area of a property.

"Support equipment" means the physical, electrical and/or electronic equipment included within a wireless telecommunication facility used to house, power, and/or process signals from or to the facility's antenna or antennas.

"Utility tower" means an open framework structure or steel pole used to support electric transmission facilities.

"Wireless telecommunications facility" means a staffed or unstaffed commercial facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of any combination of the following for that purpose: a mount, an antenna support structure, a monopole, a lattice structure, an ancillary structure, an antenna or antenna array or combined antenna, transmission cables, support equipment, and/or equipment cabinet.

C. Preferred Zones and Locations. When doing so would not conflict with the standards set forth in this Section or with federal law, wireless telecommunication facilities shall be located in the most appropriate location as described in this subsection (C), which range from the most appropriate to the least appropriate.

1. Collocation on existing facilities and structures located on city owned property;
2. Collocation on existing structures and facilities in the public or quasi-public zone;
3. Collocation on existing facilities and structures or attached wireless telecommunication facilities in the allowed Commercial, Office or Industrial Zones;
4. Location of new wireless telecommunication facilities on city owned property;
5. Location of new wireless telecommunication facilities in the Public or Quasi-Public Zone;

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6. Location of new wireless telecommunication facilities in the allowed Commercial, Office and Industrial Zones.

D. Setbacks.

1. Fall Zone Setback. In order to ensure public safety, all new wireless telecommunication facilities shall maintain a setback at a 1:5 ratio, measured from property lines, based on the height of the cell tower, including any antenna or antenna array attached thereto. All new wireless telecommunication facilities shall also meet the minimum setback requirements of the underlying design district.

2. Variance. Setbacks for wireless telecommunication facilities may be modified if the requirements of Chapter 17.42 can be satisfied and the applicant can demonstrate that the siting for the proposed wireless telecommunication facility will be the least visually obtrusive profile, will not detract from the beauty and/or character of the area in which it is proposed to be located, and will not cause a public safety issue.

E. Height limits for new wireless telecommunication facilities shall be determined per Table 17.32.163(E)(A): Height Limit Exception- The planning commission may approve additional height beyond the maximum allowed subject to the provisions Chapter 17.42 (Variance and Exceptions) of the Visalia Zoning Ordinance.

Table 17.32.163(E)(A): Maximum Height of Wireless Telecommunication Facilities

Type of Facility	Maximum Height
Concealed and attached to building	Shall not exceed the height of the structure on which the attached wireless telecommunication facility is attached by more than twenty-five (25) feet.
Non-concealed attached to building	Shall not exceed the height of the structure on which the attached wireless telecommunication facility is attached by more than twenty-five (25) feet.
Freestanding tower	Shall not exceed the height of the design district in which the wireless telecommunication facility is located by more than twenty-five (25) feet.
Collocation on existing buildings and structures (legal nonconforming)	An attached wireless telecommunication facility may locate on a building or structure that is legally non-conforming with respect to height, provided that the facility does not project above the existing height by more than twenty-five (25) feet.

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~~Height Limit Exception. The planning commission may approve additional height beyond the maximum allowed subject to the provisions Chapter 17.42 (Variance and Exceptions) of the Visalia Zoning Ordinance.~~

F. Concealed Wireless Telecommunications Facilities Required. All new wireless telecommunication facilities are required to be concealed. A wireless telecommunication facility that is not concealed may be permitted so long as the following findings can be met:

1. The siting of the proposed wireless telecommunication facility will not adversely impact the use of the property, other buildings and structures on the property, or the surrounding area or neighborhood.
2. The siting of the proposed wireless telecommunication facility will result in the least intrusive visual impact to the area.
3. To the maximum extent reasonably feasible, the proposed wireless telecommunications facility has been designed to blend with the surrounding area and is appropriately designed for the specific site.

G. Concealed Wireless Telecommunication Facility Options.

1. The use of so-called "monopines, monopalms and other mono-trees" to conceal wireless telecommunication facilities shall be evaluated during the ~~planned development~~ site plan review permit process. The applicant shall demonstrate that these structures will blend in with the surrounding neighborhood in order to be considered. Photo simulations are required for a proposed mono-tree. The city planner may condition additional architectural features (monopine, monopalm, horizontal installation, application of color) to a wireless telecommunication facility to ensure compatibility with the surrounding physical environment. Due to environmental factors such as wind, rain and sun, the owner/applicant shall conduct an annual inspection on all mono-trees to ensure that the faux foliage continues to resemble a tree, and fully screens all antennas, antenna arrays, mounts, ancillary structures and/or support equipment. All mono-tree designs shall incorporate appropriate three-dimensional bark cladding, and shall provide for screening foliage to extend beyond all antennas by no less than twenty-four (24) inches. The design, number and placement of any branch-like structures affixed to the tower shall insure adequate camouflaging of the antennas, antenna arrays, mounts, ancillary structures and/or support equipment.

2. The use of alternative structures, including but not limited to such structures as a church cross, statue, light pole, flagpole, architectural feature such as a clock tower, shall be subject to the ~~planned development~~ site plan review permit process as described in subsection (1) above. Consideration as to when a wireless telecommunication facility may be concealed using an "alternative structure" will be based upon the extent to which it is designed to internally house antennas, antenna arrays, mounts, ancillary structures, and/or support equipment.

H. Collocation Required.

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1. To limit the adverse visual effects of a proliferation of wireless telecommunication facilities in the city, the proposed construction of new wireless telecommunication facilities shall be designed to accommodate collocation of two (2) or more service providers. Any new wireless telecommunication facility may be required to collocate with another existing or new facility, unless it can be demonstrated to be technically or economically infeasible.

2. Collocation on existing large towers. Collocation of the wireless telecommunication facilities of more than three (3) telecom providers on existing towers greater than seventy (70) feet in height is permitted pursuant to the ~~planned development~~ site plan review permit review process.

### I. Substantial Change to the Physical Dimensions of Existing Structure or Facility.

1. Modifications to an existing structure or facility are permitted and do not require discretionary review where such modifications will not result in a "substantial change," as set forth in subsection (I)(2) below. Modifications resulting in a "substantial change" to an existing structure or facility shall be submitted for review under the ~~planned development~~ site plan review permit process as described in this section.

2. A "substantial change" to an existing structure or facility shall constitute the following:

a. The modification increases the height of the existing structure or facility by more than ten (10) percent, or the height of one (1) additional antenna array with separation from the nearest existing antenna or antenna array not to exceed twenty (20) feet, whichever is greater.

b. The modification would add an antenna, antenna array, mount, ancillary structure or support equipment that would protrude from the edge of the existing structure or facility more than twenty (20) feet or more than the width of the tower structure at the level of the antenna, antenna array, mount, ancillary structure or support equipment, whichever is greater.

c. The modification involves installing more than the standard number of equipment cabinets for the technology involved, and would add greater than four (4) equipment cabinets.

d. The modification would defeat the existing concealment elements.

e. The modification would result in the excavation or deployment outside the current boundaries of the leased or owned property and into any access, utility easements or required setbacks.

f. The modification would not comply with other conditions imposed upon the existing structure or facility unless non-compliance is due to an increase in height, increase in width, addition of equipment cabinets, or new excavation or deployment that does not exceed the substantial change thresholds of this subsection.

3. All modifications remain subject to building codes and other non-discretionary structural and safety codes.

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### J. Other Requirements for all Wireless Telecommunication Facilities.

1. Any attached wireless telecommunication facility or wireless telecommunication facility on or adjacent to a historic building or site shall be designed to ensure consistency with the National Historic Preservation Act or 1966, and shall be referred to the city's historic preservation advisory committee for review and approval pursuant to Chapter 17.56.

2. There shall be a seven (7) foot high screen fence or solid wall or approved architecturally-designed solid fence installed surrounding the equipment cabinet. Slatted chain-link fencing will only be considered when the equipment cabinet is substantially masked from public view or the wireless telecommunication facility is located in an industrial zone or public park.

3. New wireless telecommunication facilities shall not be permitted within one hundred (100) yards of an existing structures and facilities unless the applicant can demonstrate with substantial evidence that there are no other location alternatives to providing service to the area.

4. Wireless telecommunication facilities shall not be permitted in locations where they will interfere with the operation of the Visalia Municipal Airport. Wireless telecommunication facilities proposed for location within the airport planning area shall be referred to the airport manager or the airport land use commission for a determination of consistency with airport area standards.

5. All wireless telecommunication facilities must meet or exceed current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and any other agency of the state or federal government with the authority to regulate wireless telecommunication facilities. If such standards and regulations are changed, the owners of the wireless telecommunication facilities governed by this section shall bring such wireless telecommunication facilities into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

6. All appropriate building permits are required. Compliance with applicable federal, state, and local laws, codes, and regulations are required, and are continuing obligations on applicants and permit holders hereunder.

7. A wireless telecommunication facility shall be maintained in good condition. Maintenance shall include, but not be limited to maintaining the structural and aesthetic integrity of the wireless telecommunication facility, including painting and upkeep of structures used to conceal wireless telecommunication facilities, and irrigation and upkeep of buffer areas and landscaping. If maintenance of will result in a substantial change as described in Section 17.32.163.H, the requirements of that subsection shall apply.

8. Drawings and Photos Required. A plan or drawing depicting the size and configuration of the property where the wireless facility is proposed, and the size and location of existing improvements or features (buildings, driveways, sidewalks) depicting what currently exists and what physical changes are proposed. Elevation drawings shall depict all mast dimensions,

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placement and design features, and provide dimension to the apex of the pole from the finish grade. Accurate and reliable photos of the project site prior to the project installation or modification, and accurate and reliable photo simulations of all elements of proposed wireless telecommunication facility installation shall be provided.

### K. Abandonment or Discontinuation of Use.

1. At such time that a wireless telecommunication facility owner or wireless provider plans to abandon or discontinue operation of that facility, said owner shall notify the community development department director by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations.

2. In the event all legally approved use of any wireless telecommunication facility has been discontinued for a period of six (6) months (one hundred eighty (180) days) and the owner or wireless provider has not notified the community development department director, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the community development department director who shall have the right to request documentation and/or affidavits from the facility owner regarding the issue of usage, including evidence that use of the wireless telecommunication facility is imminent.

3. At such time as the community development department director determines that a wireless telecommunication facility is abandoned, the community development department director shall provide written notice of an abandonment determination by certified mail addressed to all applicants at the addresses on file with the city and to the owner of the property at the address on file with the city, the property address, if applicable, and at the address to which tax notices are sent. Failure or refusal by the facility owner or any other co-applicant to respond to such notice within sixty (60) days of the receipt of the certified letter, shall constitute prima facie evidence that the wireless telecommunication facility has been abandoned.

4. If the owner of a wireless telecommunication facility fails to respond or fails to demonstrate that the facility is not abandoned, the wireless telecommunication facility shall be considered abandoned and the owner of the facility shall apply for a new permits consistent with the requirements of this section or dismantle and physically remove the entire wireless telecommunication facility. "Physically remove" shall include restoration of the location of the wireless telecommunication facility to its natural condition, where applicable, except that any landscaping and grading shall remain in post-development condition.

5. Upon a determination of abandonment by the community development department director pursuant to this section, and the failure of the wireless telecommunication facility owner or other co-applicant to remove the facility in accordance with this section, the wireless telecommunication facility shall be deemed unfit for use and in violation of the permit requirements so as to be deemed a danger to public health and a public and private nuisance. Failure of the wireless telecommunication facility owner or other co-applicant to dismantle and physically remove the facility and related structures in accordance with the terms of this section shall result in the city taking all actions consistent with Chapter 8.40 and Chapter 1.13.

## **Article 2. Density Bonuses, Concessions and Other Incentives for Lower and Very Low-Income Households and for Senior Housing**

### **17.32.170 Purpose and intent.**

The California Legislature has determined that the provision of housing for lower and very low income individuals and senior citizens is of primary importance in the state and must be encouraged at the local level. The purpose of this article is to comply with the provisions of California Government Code Section 65915 requiring the city to provide incentives to developers of housing for lower and very low income individuals, senior citizens, and special needs groups.

### **17.32.180 Applicability.**

This article shall apply to all housing developments consisting of five or more units.

### **17.32.190 Definitions.**

As used in this article, the following words and phrases shall have the following meanings:

"Affordable housing unit" shall mean units for which households do not pay more than thirty (30) percent of combined gross income for payment of rent (including monthly allowance for utilities) or monthly mortgage and related expenses.

"Density bonus" means a density increase of at least twenty-five (25) percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date the preliminary proposal is received pursuant to Section 17.32.210. For purposes of complying with Section 17.32.200(A)(1), the density bonus shall not be included when determining the number of housing units ~~which~~that is equal to ten (10) or twenty (20) percent of the total. In housing projects designed for individual ownership, the minimum lot size shall not be less than five thousand (5,000) square feet and the granting of this reduction in lot size shall be considered a method of providing the density bonus and shall not be considered as a granting of an additional concession or incentive.

"Developer" means the legal or equitable owner, or his/her authorized representative, of any property within the city who intends to develop such property in compliance with the provisions of this article.

"Development concession or incentive" means one of the following: (1) a reduction in site development standards, a modification of zoning code requirements, such as a reduction in setbacks, square footage requirements, or parking requirements; (2) approval of mixed-use zoning including but not limited to commercial, office, and/or industrial land uses, if the other land uses will reduce the cost of the housing project and if such non-residential uses are compatible with the project; or (3) other regulatory incentive or concession proposed by the developer to the city ~~which~~that results in identifiable cost reductions.

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"Extremely low-income household" means a persons or families whose combined household income is less than thirty (30) percent of the median income (AMI) as established by HUD for the Visalia-Porterville Metropolitan Statistical Area (MSA).

"Housing development" means one or more groups of projects totaling five or more residential units, such as a specific plan area, planned unit development or comprehensive master plan. For purposes of calculating a density bonus, the residential units do not have to be based on an individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

"Large household" means a household with five or more members.

"Low-income household" means persons and families whose combined income is between fifty-one (51) and eighty (80) percent of the area median income (AMI) as established by HUD for the Visalia-Porterville Metropolitan Statistical Area (~~MSA~~ does MSA does not exceed the qualifying limits in Section 50079.5 of the California Health and Safety Code (eighty (80) percent of the area median income).

"Moderate-income household" shall mean persons and families whose combined income is between eighty-one (81) and one hundred twenty (120) percent of the area median income (AMI) as established by HUD for the Visalia-Porterville Metropolitan Statistical Area (MSA).

"Qualifying resident" means either: (1) a person sixty-two (62) years of age or older, or (2) fifty-five (55) years of age or older in a senior citizen housing development as defined in Section 51.3 of the California Civil Code.

"Special needs group" means those segments of the population ~~which~~ that have a more difficult time finding decent affordable housing due to special circumstances. Under California Housing Element Statutes, these special needs groups consist of the elderly, handicapped, large families, female-headed households farm workers, and the homeless.

"Very low-income households" means persons or families whose combined income is between thirty-one (31) and fifty (50) percent of the area median income (AMI) as established by HUD for the Visalia-Porterville Metropolitan Statistical Area (MSA ~~does not exceed the qualifying limit in Section 50105 of the California Health and Safety Code (fifty (50) percent of the area median income).~~

### **17.32.200 Grant of density bonus development incentive.**

A. A developer shall be entitled to a density bonus as defined in Section 17.32.190, if the developer enters into either a development agreement pursuant to California Government Code Section 65865 et. seq. or another recorded contractual agreement satisfactory to the city with respect to the housing development in which the developer covenants to all of the following: that the affordable and/or special needs units included in the density bonus shall remain affordable units and/or special needs units as specified in Section 17.32.200B.



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1. Density bonuses shall be granted as follows: To construct the housing development with at least one of the following:

a. Twenty (20) percent when at least ten (10) percent of the otherwise allowable maximum housing units of the housing development is reserved for low-income households, and incrementally up to a maximum of thirty-five (35) percent when at least twenty (20) percent of the otherwise allowable maximum housing of the housing development is reserved for low-income households; or twenty (20) percent of the otherwise allowable maximum housing of the housing development reserved for lower income households; or

b. At least ten (10) percent of the otherwise allowable maximum housing of the housing development reserved for very low income households twenty (20) percent when at least five (5) percent of the otherwise allowable maximum housing units of the housing development is reserved for very low-income households, and incrementally up to a maximum of thirty-five (35) percent when at least eleven (11) percent of the otherwise allowable maximum housing of the housing development is reserved for very low-income households; or

c. Twenty (20) percent when at least twenty (20) percent of the otherwise allowable maximum housing units of the housing development are reserved for senior housing or special needs groups housing. At least fifty (50) percent of the otherwise allowable maximum housing units of the housing development reserved for qualifying residents.

d. Five (5) percent when at least ten (10) percent of the otherwise allowable maximum housing units of the housing development is reserved for moderate-income households, and incrementally up to a maximum of thirty-five (35) percent of the allowable maximum housing units of the housing development is reserved for moderate-income households.

2. The agreement shall ensure continued affordability of all designated units for lower income households or very low income households or qualifying residents for the time period established in subsection (B) of this section. Continued affordability shall be ensured as follows:

a. Units targeted for lower income households shall be affordable at a rent that does not exceed thirty (30) percent of sixty (60) percent of the area median income as determined pursuant to Section 50079.5 of the California Health and Safety Code.

b. Units targeted for very low income households shall be affordable at a rent that does not exceed thirty (30) percent of fifty (50) percent of the area median income, as determined pursuant to Section 50105 of the California Health and Safety Code.

c. Units targeted for sale to lower and very low income households are to be at a sales price that provides these households the ability to qualify for long-term financing, based on gross salary income as identified by income eligibility standards.

B. The time period to ensure continued affordability shall be at least thirty (30) years. A longer period of time shall be required if the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program for the housing development, requires a longer period. Notwithstanding the above, this thirty (30)-year period shall be reduced to ten

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(10) years if the city does not grant at least one additional concession or incentive described in Section 17.32.220(B). The method of providing for continued affordability shall be determined as the city deems appropriate for each specific project and shall be set forth in the development agreement or other recorded contractual agreement. Continued affordability shall be interpreted as providing for occupancy of the dwelling unit by a household with a targeted household income as provided in Section 17.32.200 for the entire period as required hereinabove, even when such unit changes ownership.

### **17.32.210 Preliminary proposal.**

A. A developer may shall submit a written preliminary proposal for development to determine the means for complying with this article. The preliminary proposal shall be submitted in writing to the city. A preliminary proposal may be submitted prior to any formal requests for general plan amendments, zoning amendments or subdivision map approvals.

B. Within ninety (90) days of receipt of a complete written preliminary proposal, the city shall notify the developer in writing of the procedures ~~which~~that it will use to comply with this article.

### **17.32.220 Development incentives and concessions.**

A. When required by this article to grant a development incentive, the city shall do one of the following:

1. Grant a density bonus and at least one other concession or incentives set forth in subsection (B) of this section; or

2. Provide other incentives or concessions of equivalent financial value based upon the land cost per dwelling unit.

3. For purposes of approving incentives or concessions identified in Section 17.32.220(B), an exception or concession may be granted in accordance with the process and provisions of Chapter 17.42.

4. The density bonus identified in Section 17.32.220(A)(1) may be used to provide single or multi-family housing subject to approval of the density bonus plan of Section 17.32.230.

B. For purpose of this section, "concessions or incentives" means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements ~~which~~that exceed the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements or in the ratio of vehicular parking spaces that would otherwise be required;

2. Approval of mixed-use zoning in conjunction with the housing development if commercial, office, industrial, or other land uses are compatible with the housing development and the

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existing or ~~planned development~~ site plan review in the area where the proposed housing development will be located;

3. Other regulatory incentives or concessions ~~which~~ that result in identifiable cost reductions.

4. This subsection (B) shall not require the city to provide direct financial incentives or publicly owned land for the housing development, or to waive fees or dedication requirements. The city shall determine which of the incentives will be provided.

C. The city shall not be required to grant concessions or incentives as defined in subsection (B) of this section if the city council makes a written finding that such concessions or incentives are not required in order to provide affordable housing costs as defined in Section 50052.5 of the California Health and Safety Code or for rents for the targeted units to be set as specified in Section 17.32.200 (A)(2). The city shall grant the requested incentive or concession unless the city makes written findings, based upon substantial evidence, of any of the following:

1. The incentive or concession is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 17.32.200(B);

2. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5, upon the public health and safety or the physical environment or on any real property that is listed in the State or Local Registry of Historical Buildings or Districts, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate- income households.

3. The incentive or concession would be contrary to state or federal law.

D. Incentives and concessions shall be allowed as follows:

1. One incentive or concession for projects that include at least ten (10) percent of the total units for low-income households, at least five (5) percent for very low-income households, or at least ten (10) percent for persons or families of moderate-income in a common interest development.

2. Two incentives or concessions for projects that include at least twenty (20) percent of the total units for low-income households, or at least ten (10) percent for very low-income households, or at least twenty (20) percent for moderate-income households in a common interest development.

3. Three incentives or concessions for projects that include at least thirty (30) percent of the total units for low-income households, or at least fifteen (15) percent for very low-income households, or at least thirty (30) percent for moderate-income in a common interest development.

**17.32.230 Density bonus plan.**

A. Prior to approval of a tentative subdivision map or parcel map for a housing development for which a density bonus has been requested, or the issuance of a building permit for a housing

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development not requiring a tentative subdivision or parcel map, the developer shall submit to the city for approval a plan showing the developer's intended integration of the density bonus within the housing development. The city shall review the plan for compliance with the terms of this article and may approve or reject the plan; provided, that the plan shall not be rejected solely on the basis that the plan would allow use of the density bonus in geographic areas of the housing development other than the areas in which units for the lower income households or the very low income households are located.

B. In the event that the geography, topography or configuration of the site is such that the strict application of the city's development and zoning standards would inhibit the utilization of the density bonus on the site, the planning commission and/or city council may waive or modify the development and zoning standards as applied to the housing development as provided in Section 17.32.220(A)(1). No waiver shall be granted under this subsection unless the developer has demonstrated to the satisfaction of the city that the waiver or modification is necessary to make the housing units economically feasible.

C. The city council may, by resolution, adopt development criteria or standards for housing projects or developments approved through this density bonus program. ~~This criteria~~ These criteria would be intended to address streetscape, building materials, project design and any other factors deemed necessary to assure project compatibility with surrounding neighborhoods and project design.

### **17.32.240 Multiple density bonuses.**

A developer who agrees to construct both twenty (20) percent of the total units within a housing development for lower income households and ten (10) percent of the total units for very low income households shall be entitled to only one density bonus and at least one additional concession or incentive identified in Section 17.32.220(B).

## **Article 3. Keeping of Racing, Homing, and Sporting Pigeons as Household Pets**

### **17.32.250 Purpose and intent.**

Pigeons ~~which that~~ have been selectively bred for specific racing, homing, or sporting purposes, for the company and pleasure provided to the occupants, shall be considered to be household pets subject to the limitations of this article.

### **17.32.260 Applicability.**

The provisions of this article shall apply only to parcels ten thousand (10,000) square feet in area or larger, ~~which that~~ are located within the R-1-6.5, R-1-12.5, ~~and R-1-20, and R-1~~ zones, or as determined by City Planner subject to criteria set forth in Section 17.02.170.

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### 17.32.270 Limitations.

A. Leg Banding. All racing, homing or sporting pigeons shall be banded with a leg band. The leg band is defined as a seamless band, made of a durable material, which designates the national organization with which the bird is registered, and indicates the year of birth of the bird. Birds ~~which~~that are not banded shall not be considered to be racing, homing or sporting pigeons.

B. Number Limit. The number of racing, homing or sporting pigeons shall not cumulatively exceed one hundred (100) per parcel.

C. Loft Setbacks. The structure ("loft") housing the racing, homing or sporting pigeons shall comply with setback, height, and lot coverage limitations in the underlying zone. The loft shall be setback a minimum distance of ten feet from residential structures on the site, to provide adequate distance for clean and sanitary loft maintenance, and a minimum distance of twenty-five (25) feet from the buildable area of any adjacent parcel. The buildable area shall be defined as that portion of the parcel ~~which~~that excludes the front, rear, and side yard setback areas.

D. Loft Maintenance. Any loft used for housing the racing, homing or sporting pigeons shall be kept in a clean and sanitary condition at all times.

E. Release and Feeding of Pigeons. All racing, homing or sporting pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition. At no time shall pigeons be allowed to perch or linger on the buildings or property of others. Objects shall not be thrown at the birds during their training or exercise. All birds shall be fed within the confines of the loft.

F. Racing Pigeon Association Membership. Owners of racing, homing, or sporting pigeons kept as household pets are required to be members of a nationally recognized racing, homing, or sporting pigeon association.

### 17.32.280 Additional limitations.

The limitations set forth in Section 17.32.270 shall be deemed minimum limitations required for the keeping of pigeons as provided for herein. The city may, as a condition to issuance of the permit required in Section 17.32.290, set forth additional requirements in said permit as may be necessary to maintain the health, safety and general welfare of its citizens.

### 17.32.290 Permit requirements.

A. The keeping of racing, homing or sporting pigeons, in accordance with the limitations specified in Section 17.32.270, may be permitted upon issuance of a permit by the planning and building division. A permit for keeping pigeons may be processed as an administrative matter by the planning and building division and no public hearing shall be required. The permit application shall be made on a form prescribed by the planning and building division, and shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

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B. The applicant shall provide documentation of membership in a nationally recognized racing, homing or sporting pigeon association with the permit application. The permit may be granted for a maximum period of three years. The permit may be renewed upon reapplication and a site inspection to verify compliance with the requirements of this article.

C. The city shall have the right to enter the property for verification of permit compliance, consistent with the provisions and limitations of Section 17.46.030.

D. The permit shall be revoked by the planning and building division upon violation of any condition, regulation or limitation of the permit issued, unless such violation is corrected within ten days of notice of such violation. Any permit may be revoked for any violation. In the event of permit revocation, or objections to limitations placed thereon, an appeal may be made in writing to the planning commission. The planning commission shall review the appeal consistent with the provisions of Section 17.38.110. The decision of the planning commission may be appealed to the city council consistent with the provisions of Section 17.38.120.