

TITLE 17

ZONING

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Chapter 17.02

GENERAL PROVISIONS

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Article 1. General Provisions

17.02.010 Adoption.

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

17.02.020 Purpose.

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

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

17.02.030 Components.

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

17.02.040 Application and interpretation.

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

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

17.02.050 Ambiguity.

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

17.02.060 Permitted uses only.

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

17.02.070 Height limits.

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

17.02.080 Open space--Encroachment.

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

17.02.090 Open space--Other buildings.

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

17.02.100 Addition of permitted/conditional uses.

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

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

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

17.02.110 Similar uses permitted or conditional.

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

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

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

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

17.02.120 Use of nonconforming site.

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

17.02.130 Yard requirements--Measurement.

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

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

17.02.140 Coverage--Measurement.

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

17.02.145 Appeal to city council.

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

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

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

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

Article 2. Administrative Adjustments

17.02.150 Purpose.

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

17.02.160 Scope of authority.

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

17.02.170 Adjustment criteria.

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

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

17.02.180 Report to planning commission.

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

Chapter 17.04

DEFINITIONS

Sections:

17.04.010 General.

17.04.020 Commissions and officials.

17.04.030 Definitions.

17.04.010 General.

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

17.04.020 Commissions and officials.

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

17.04.030 Definitions.

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

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

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

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

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

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

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

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

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

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

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

“Convalescent Home.” See nursing home.

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

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

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

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

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

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

“Family” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Recreational Vehicle.” See travel trailer.

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

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

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

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

- a. Reverse vending machine(s);

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

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

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

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

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

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

Rest Home. See nursing home.

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

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

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

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

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

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

“Sign.” See Chapter 17.48.

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

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

“Site” means a usable parcel of land.

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

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

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

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

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

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

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

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

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

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

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

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

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

“Travel trailer” means any vehicle 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, that is intended for permanent or semi-permanent use and that has no foundation other than wheels and temporary stabilizing units.

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

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

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

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

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

Chapter 17.06

ZONE CLASSIFICATIONS

Sections:

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

17.06.010 Establishment of zone names.

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

1. Agricultural zone, abbreviated as A;
2. Single-family residential zone – 20,000 square foot minimum site area, abbreviated as R-1-20;
3. Single-family residential zone – 12,500 square foot minimum site area, abbreviated as R-1-12.5;
4. Single-family residential zone – 5,000 square foot minimum site area, abbreviated as R-1-5;
5. Multi-family residential zone – 3,000 square foot minimum site area, abbreviated as R-M-2;
6. Multi-family residential zone – 1,200 square foot minimum site area, abbreviated as R-M-3;
7. Neighborhood commercial zone, abbreviated as C-N;
- .
8. Regional commercial zone, abbreviated as C-R;

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9. Service commercial zone, abbreviated as C-S;
 10. Mixed use commercial zone, abbreviated as C-MU;
 11. Mixed used downtown zone, abbreviated as D-MU;
 12. Professional/administrative office zone, abbreviated as O-PA;
 13. Office conversion zone, abbreviated as O-C;
 14. Business research park zone, abbreviated as BRP;
 15. Light industrial zone, abbreviated as I-L;
 16. Industrial zone, abbreviated as I;
 17. Airport zone, abbreviated as AP;
 18. Quasi-public zone, abbreviated as QP;
 19. Open space zone, abbreviated as OS.
- B. The R-1-20, R-1-12.5, and R-1-5 zones may be collectively identified as Single-family Residential zones, and abbreviated as R-1.
- C. The R-M-2 and R-M-3 zones may be collectively identified as Multi-family Residential zones, and abbreviated as R-M.

17.06.020 Establishment of zones by map.

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

17.06.030 Division of the zoning map.

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

17.06.040 Uncertainty of zone boundaries.

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

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

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

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

Chapter 17.08

AGRICULTURAL ZONE

Sections:

- 17.08.010 Purpose and intent.**
- 17.08.015 Applicability.**
- 17.08.020 Permitted uses.**
- 17.08.030 Accessory uses.**
- 17.08.040 Conditional uses.**
- 17.08.050 Required conditions.**
- 17.08.060 Site area.**
- 17.08.070 Dwelling units per site.**
- 17.08.080 Coverage.**
- 17.08.090 Front yard.**
- 17.08.100 Rear yard.**
- 17.08.110 Side yards.**
- 17.08.120 Height of structures.**
- 17.08.130 Fences, walls, and hedges.**
- 17.08.140 Signs.**

17.08.010 Purpose and intent.

The purpose and intent of the Agricultural zone (A) is to preserve lands best suited for agriculture from the encroachment of incompatible uses, to prevent the intrusion of urban development into agricultural areas in such a manner as to make agricultural production uneconomical or impractical to preserve in agricultural use, land suited to eventual development in other uses until such time as streets, utilities and other community facilities may be provided or programmed to ensure the orderly and beneficial conversion of these lands to nonagricultural use; to provide appropriate areas for certain predominantly open uses of land that are not injurious to agricultural uses but that may not be harmonious with urban uses.

17.08.015 Applicability.

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

17.08.020 Permitted uses.

The following uses are permitted by right:

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

17.08.030 Accessory uses.

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

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

17.08.040 Conditional uses.

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

- A. Ambulance service;
- B. Public and private open recreational facilities, but not including recreational uses conducted within buildings;

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

17.08.050 Required conditions.

- A. Any use involving a business, service or process not completely enclosed in a structure, when located on a site abutting on or across a street or an alley from an R-1 or R-M zone shall be screened by a concrete block or masonry wall not less than six feet in height if required by the Site Plan Review Committee..
- B. Any materials used or created by any business or use shall not be stacked or piled so as to be visible above the fence or wall, unless specifically allowed by a conditional use permit.

17.08.060 Site area.

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

17.08.070 Dwelling units per site.

Each parcel shall have not more than one dwelling unit, unless specifically provided under Section 17.08.020.

17.08.080 Coverage.

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

17.08.090 Front yard.

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

17.08.100 Rear yard.

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

17.08.110 Side yards.

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

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

17.08.120 Height of structures.

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

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

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

17.08.130 Fences, walls, and hedges.

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

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

17.08.140 Signs.

Signs shall be placed in conformance with Chapter 17.48.

Chapter 17.10

OPEN SPACE ZONE

Sections:

- 17.10.010 Purpose and intent.**
- 17.10.015 Applicability.**
- 17.10.020 Permitted uses.**
- 17.10.030 Accessory uses.**
- 17.10.040 Conditional uses.**
- 17.10.050 Required conditions.**
- 17.10.060 Site area.**
- 17.10.070 Dwelling units per site.**
- 17.10.080 Coverage.**
- 17.10.090 Front yard.**
- 17.10.100 Rear yard.**
- 17.10.110 Side yards.**
- 17.10.120 Height of structures.**
- 17.10.130 Fences, walls, and hedges.**
- 17.10.140 Signs.**

17.10.010 Purpose and intent.

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

17.10.015 Applicability.

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

17.10.020 Permitted uses.

The following uses are permitted by right:

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

17.10.030 Accessory uses.

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

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

17.10.040 Conditional uses.

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

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

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

17.10.050 Required conditions.

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

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

17.10.060 Site area.

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

17.10.070 Dwelling units per site.

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

17.10.080 Coverage.

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

17.10.090 Front yard.

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

17.10.100 Rear yard.

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

17.10.110 Side yards.

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

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

17.10.120 Height of structures.

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

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

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

17.10.130 Fences, walls, and hedges.

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

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

17.10.140 Signs.

Signs shall be placed in conformance with Chapter 17.48.

Chapter 17.12

SINGLE-FAMILY RESIDENTIAL ZONE

Sections:

Article 1. General

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

Article 2. Accessory Dwelling Units

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

Article 1. General

17.12.010 Purpose and intent.

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

17.12.015 Applicability.

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

17.12.020 Permitted uses.

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

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;
- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of Chapter 17.48;
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;

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- J. Accessory dwelling units as specified in Sections 17.12.140 through 17.12.200;
- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;
- M. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.
- N. Transitional or supportive housing for six (6) or fewer resident/clients.
- O. In the R-1-20 zone only, the breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters, other small animals and fowl, on a domestic noncommercial scale, provided that there shall not be less than one thousand (1,000) square feet of site area for each fowl or animal and provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any property line, closer than twenty-five (25) feet to any dwelling on the site, or closer than fifty (50) feet to any other dwelling;
- P. In the R-1-20 zone only, the raising of livestock, except pigs of any kind, subject to the exception of not more than two cows, two horses, four sheep or four goats for each site, shall be permitted; provided, that there be no limitation on the number of livestock permitted on a site with an area of ten acres or more and provided that no stable be located closer than fifty (50) feet to any dwelling on the site or closer than one hundred (100) feet to any other dwelling;

17.12.030 Accessory uses.

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

- A. Home occupations subject to the provisions of Section 17.32.030;
- B. Accessory buildings subject to the provisions of Section 17.12.100(B).
- C. Cottage Food Operations subject to the provisions of Health and Safety Code 113758 and Section 17.32.035.

17.12.040 Conditional uses.

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

- A. Planned development subject to the provisions of Chapter 17.26;
- B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;

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- C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;
- E. Electric distribution substations;
- F. Gas regulator stations;
- G. Public service pumping stations, i.e., community water service wells;
- H. Communications equipment buildings;
- I. Planned neighborhood commercial center subject to the provisions of Chapter 17.26;
- J. Residential development specifically designed for senior housing;
- K. Mobile home parks in conformance with Section 17.32.040;
- L. [Reserved.] M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;
- N. Adult day care in excess of twelve (12) persons;
- O. Duplexes on corner lots;
- P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;
- Q. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;
- R. Other uses similar in nature and intensity as determined by the city planner.
- S. Transitional or supportive housing for seven (7) or more resident/clients.

17.12.050 Site area.

The minimum site area shall be as follows:

Zone	Minimum Site Area
R-1-5	5,000 square feet

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R-1-12.5 12,500 square feet

R-1-20 20,000 square feet

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

Zone	Interior Lot	Corner Lot
R-1-5	50 feet	60 feet
R-1-12.5	90 feet	100 feet
R-1-20	100 feet	110 feet

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

17.12.060 One dwelling unit per site.

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

17.12.070 Replacement and expansion of legally existing multiple family units.

In accordance with Sections 17.12.020 legally existing multiple family units may be expanded or replaced if destroyed by fire or other disaster subject to the following criteria:

A. A site plan review permit as provided in Chapter 17.28 is required for all expansions or replacements.

B. Replacement/expansion of unit(s) shall be designed and constructed in an architectural style compatible with the existing single-family units in the neighborhood. Review of elevations for replacement/expansion shall occur through the site plan review process. Appeals to architectural requirements of the site plan review committee shall be subject to the appeals process set forth in Chapter 17.28.050.

C. Setbacks and related development standards shall be consistent with existing single-family units in the neighborhood.

D. Parking requirements set forth in Section 17.34.020 and landscaping requirements shall meet current city standards and shall apply to the entire site(s), not just the replacement unit(s) or expanded area, which may result in the reduction of the number of units on the site.

E. The number of multiple family units on the site shall not be increased.

F. All rights established under Sections 17.12.020 and 17.12.070 shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered

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uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a site plan review permit does not constitute compliance with this requirement.

17.12.080 Front yard.

A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
R-1-5	Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere. A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.
R-1-12.5	Thirty (30) feet
R-1-20	Thirty-five (35) feet

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

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

17.12.090 Side yards.

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

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

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

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

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

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

17.12.100 Rear yard.

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

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

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

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

17.12.110 Height of structures.

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

17.12.120 Off-street parking.

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

17.12.130 Fences, walls and hedges.

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

17.12.135 Lot area less than 5,000 square feet.

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

1. The Planning Commission finds that the development's overall density is consistent with the General Plan.
2. The maximum number of lots less than 5,000 square feet that may be approved by a tentative subdivision map shall be fifty (50) percent or less of the total lots.
3. Streets shall be constructed to public street standards.
4. Each subdivision with at least 15 lots that are less than 5,000 square feet in size shall make available to buyers at least three (3) different small lot floor plans with at least four (4) available elevation designs for each floor plan to construct on those lots.
5. The primary frontage of the dwelling unit shall face a public street, primary entryway, circulation walkway, or open space with sidewalks that provide delineated paths of travel.
6. The primary frontage of the dwelling unit shall include the primary entrance and at least one window.
7. Required covered parking spaces shall be in garages. Carports are prohibited.
8. The width of the garage shall not be greater than fifty (50) percent of the width of the dwelling unit.
9. The garage shall not extend beyond the front building facade (living area.)
10. All dwelling units shall include a covered front porch at least four (4) feet deep and six (6) feet wide or an uncovered front courtyard at least five (5) feet wide and five (5) feet deep that is surrounded on four sides by the dwelling unit or a wall or fence between three (3) and four (4) feet high with a pedestrian gate or entryway.
11. The building official shall not approve a building permit for a new dwelling unit on a lot with a lot area less than 5,000 square feet until the city planner, or designee, has determined that the standards identified in this section are met.
12. The subdivision shall provide a common, usable open space area of a minimum 3,000 square feet or two hundred fifty (250) square feet per lot under 5,000 square feet, whichever is greater. The area shall be landscaped and maintained with funding from either a homeowner's association or a landscape and lighting act district.

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

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1. The minimum lot depth shall be seventy (70) feet.
 2. The minimum lot width shall be forty-six (46) feet for interior lots and fifty-one (51) feet for corner lots.
 3. The minimum front building setback area shall be twelve (12) feet for livable space and twenty (20) feet for garages.
 4. The minimum rear yard building setback area shall be fifteen (15) feet.
 5. The minimum interior side yard building setback area shall be five (5) feet.
 6. The minimum corner side yard building setback area shall be ten (10) feet.
 7. The maximum building height shall be thirty-five (35) feet.
 8. Lots shall provide for a usable open space area of a minimum three hundred (300) square feet. The open space shall be a minimum fifteen (15) feet wide.
- C. Lots less having a lot area of 3,600 square feet, or lots that do not meet the standards in this section may be approved through the planned development permit process per Chapter 17.26.

17.12.137 Signs.

Signs shall be placed in conformance with Chapter 17.48.

Article 2. Accessory Dwelling Units

17.12.140 Purpose and intent.

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

- A. To encourage a range of housing types, styles and costs to suit the varying needs and desires of the community;
- B. To allow homeowners a means of obtaining, through tenants and accessory dwelling units, an additional source of income, companionship, security, and services;
- C. To add inexpensive rental units to the housing stock of the city;
- D. To create homeownership opportunities for moderate income households who might otherwise be excluded from the housing market, through the additional income derived from accessory dwelling units;

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E. Develop housing in single-family neighborhoods that is appropriate for a variety of stages in the household life cycle, thereby lessening fluctuations in neighborhood demand for public services;

F. Protect the stability, property values, and character of single family residential neighborhoods by insuring that accessory dwelling units are subject to the standards that follow.

17.12.150 Definitions.

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

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

“Accessory dwelling unit” means an additional dwelling unit having separate kitchen, sleeping, and sanitation facilities constructed or adopted within, onto, or detached from a single-family dwelling on a residential lot in the A or R-1 zones. Accessory dwelling units may also be efficiency units, as defined in Section 17958.1 of the health and Safety code, and manufacturing homes, as defined in Section 18007 of the Health and Safety Code.

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

17.12.160 General provisions.

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

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

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

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

D. Second dwelling units may only be constructed on lots or parcels that are at least five thousand (5,000) square feet in area;

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- E. A covenant running with the land between the city and the applicant shall be recorded with the Tulare County recorder prior to the issuance of any building permits requiring that the primary or the proposed accessory dwelling unit shall be occupied by the owner of record;
- F. The accessory dwelling unit shall be clearly subordinate to the principal dwelling unit by size, location and appearance;
- G. The second unit's scale, appearance and character shall be similar to and compatible in design with the principal dwelling unit and adjacent residences;
- H. In no case shall any accessory dwelling unit be approved on a site on which the principal dwelling unit has been the subject of a garage conversion pursuant to the regulations of Chapter 17.32.140 governing such conversions.
- I. Size. A manufactured home shall not be less than eight (8) feet wide by forty (40) feet long and three hundred twenty (320) square feet in living area. An efficiency unit shall not be less than one hundred fifty (150) square feet in living area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code;
- J. Access. Doorway access shall be provided either to the side or rear of the second housing unit;
- K. Utility Services. Second housing units shall be provided with water, sewer, and other utilities as determined by the building official.

17.12.170 Process.

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

17.12.180 Development requirements.

The following development requirements shall apply to accessory dwelling units:

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

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- B. Adequate parking area must be available on the streets adjacent to the accessory dwelling unit. If adequate on-street parking is not available in the immediate vicinity, or in the case of all second units located on cul-de-sac lots, one additional off-street parking space must be provided. Tandem parking shall not be deemed as meeting the above parking requirement. The additional parking space shall be waived if in any of the following instances:
1. The accessory dwelling unit is located within one-half (0.5) miles of public transit.
 2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 5. When there is a car share vehicle located within one block of the accessory dwelling unit.
- C. All standards of the underlying zoning district including, but not limited to, height, lot and yard requirements, and lot coverage shall apply.
- D. Detached accessory dwelling units are subject to all applicable standards for accessory structures, as stated in the development requirements for the underlying zone, unless a variance has been granted pursuant to Chapter 17.42.

17.12.190 Appeals.

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

17.12.200 Existing nonconforming accessory dwelling units.

An existing accessory dwelling unit situated on a lot or parcel in the A or R-1 zones shall constitute a violation of this title unless: (1) the unit meets the standards and criteria of Chapter 17.12, and an agreement is recorded; or (2) the accessory dwelling unit qualifies as a permitted

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nonconforming use and structure under the provisions of Chapter 17.40. No enlargement of habitable space shall be allowed unless the standards and criteria of Chapter 17.12 are met. This shall not apply to maintenance of the unit.

Chapter 17.16

MULTI-FAMILY RESIDENTIAL ZONES

Sections:

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

17.16.010 Purpose and intent.

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

17.16.015 Applicability.

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

17.16.020 Permitted uses.

In the R-M multi-family residential zones, the following uses are permitted by right:

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

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

17.16.030 Accessory uses.

In the R-M multi-family residential zone, accessory uses include:

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

17.16.040 Conditional uses.

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

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

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L. [Reserved]

M. Senior citizen residential developments;

N. Adult day care in excess of twelve (12) individuals;

O. Planned developments may utilize the provisions of Chapter 17.26;

P. New one-family dwelling, meeting density identified in the general plan land use element designations;

Q. Other uses similar in nature and intensity as determined by the city planner;

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

S. Transitional or supportive housing for seven (7) or more resident/clients.

17.16.050 Site area and configuration.

A. The division of (R-M) multi-family residential property less than two (2) acres shall be approved as part of a conditional use permit.

17.16.060 Site area per dwelling unit and per structure.

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

17.16.070 Front yard.

A. The minimum front yard shall be as follows:

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

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

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

17.16.080 Side yards.

- A. The minimum side yard for a permitted or conditional use shall be five feet per story subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.
- B. Side yard providing access to more than one dwelling unit shall be not less than ten feet.
- C. On corner lots, all garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

17.16.090 Rear yard.

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

- A. On a corner or reverse corner lot in R-M-2 zone the rear yard shall be twenty-five (25) feet on the narrow side or twenty (20) feet on the long side of the lot. The decision as to whether the short side or long side is used as the rear yard area shall be left to the applicant's discretion, as long as a minimum area of one thousand five hundred (1,500) square feet of usable rear yard area is maintained.
- B. Accessory structures not exceeding twelve (12) feet in height may be located in the required rear yard, but not closer than three feet to any lot line; provided, that on a reversed corner lot an accessory structure shall be located not closer to the rear property line than the required side yard on the adjoining key lot and not closer to the side property line adjoining the street than the required front yard on the adjoining key lot. In placing accessory structures in a required rear yard a usable, open, rear yard area of at least one thousand two hundred (1,200) square feet shall be maintained.
- C. Exceptions to the rear yard setback can be granted for multiple family units that have their rear yard abutting an alley. The exception may be granted if the rear yard area is to be used for parking.

17.16.100 Height of structures.

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

17.16.110 Off-street parking.

Off-street parking shall be subject to the provisions of Chapter 17.34.

17.16.120 Fences, walls and hedges.

Fences, walls and hedges shall be subject to the provisions of Section 17.36.040.

17.16.130 Trash enclosures.

Enclosures for trash receptacles are permitted that comply with the specifications and requirements of Section 17.32.010 and that are approved by the site plan review committee. Enclosures within the front yard setback are permitted for multiple family dwelling units when deemed necessary by city staff because no other appropriate location for an enclosure exists on the property.

17.16.140 Site plan review.

A site plan review permit must be obtained for all developments other than a single-family residence in R-M zones, subject to the requirements and procedures of Chapter 17.28.

17.16.150 Open space and recreational areas.

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

17.16.160 Screening.

All parking areas adjacent to public streets and R-1 sites shall be screened from view subject to the requirements and procedures of Chapter 17.28.

17.16.170 Screening fence.

Where a multiple family site adjoins an R-1 site, a screening block wall or wood fence not less than six feet in height shall be located along the property line; except in a required front yard, or the street side of a corner lot and suitably maintained.

17.16.180 Landscaping.

All multiple family developments shall have landscaping including plants, and ground cover to be consistent with surrounding landscaping in the vicinity. Landscape plans to be approved by city staff prior to installation and occupancy of use and such landscaping to be permanently maintained.

17.16.190 Model Good Neighbor Policies.

Before issuance of building permits, project proponents of multi-family residential developments in the R-M zones that are subject to approval by the Site Plan Review Committee or the Planning Commission, shall enter into an operational management plan (Plan), in a form approved by the City for the long term maintenance and management of the development. The Plan shall include but not be limited to: The maintenance of landscaping for the associated properties; the maintenance of private drives and open space parking; the maintenance of the fences, on-site lighting and other improvements that are not along the public street frontages; enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property; and, enforcing all provisions of the model Good Neighbor Policies as specified by Resolution of the Planning Commission, and as may be amended by resolution.

17.16.200 Signs.

Signs shall be placed in conformance with Chapter 17.48.

Chapter 17.18

COMMERCIAL ZONES

Sections:

17.18.010	Purpose and intent.	
17.18.015	Applicability.	
17.18.020	Permitted uses.	
17.18.030	Conditional and temporary uses.	17.18.040 Required conditions.
17.18.050	Off-street parking and loading facilities.	
17.18.060	Development standards in the C-N zone.	
17.18.070	Development standards in the C-R zone.	
17.18.080	Development standards in the C-S zone.	

17.18.010 Purposes.

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

1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons that they serve in a manner consistent with the general plan;
2. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;
3. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;
4. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;
5. Maintain commercial land uses that are responsive to the needs of shoppers, maximizing accessibility and minimizing trip length;

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6. Ensure compatibility with adjacent land uses.

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

1. Neighborhood Commercial Zone (C-N). The purpose and intent of the neighborhood commercial zone district is to provide for small-scale commercial development that primarily serves surrounding residential areas, wherein small office uses as well as horizontal or vertical residential mixed use are also supported, and provide standards to ensure that neighborhood commercial uses are economically viable and also integrated into neighborhoods in terms of design, with negative impacts minimized, with multimodal access, and context-sensitive design. Neighborhood Commercial development shall be subject to design review and public input. There should be 10 to 15 dwelling units per gross acre where residential uses are included. Shopping centers shall be of a total size of 5 to 12 acres and located no closer than one mile from other General Plan designated Neighborhood Commercial locations, or from existing grocery stores, anchored by a grocery store or similar business no larger than 40,000 square feet in size, and include smaller in-line stores of less than 10,000 square feet. Alterations and additions in existing nonconforming centers may be permitted, subject to design review and conditions of approval to minimize neighborhood impacts.

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

3. Service Commercial Zone (C-S). The purpose and intent of the planned service commercial zone district is to provide areas that accommodate wholesale, heavy commercial uses, such as lumberyards and construction material retail uses, etc., and services such as automotive, plumbing, and sheet metal fabrication. It is intended that uses in this district be those that can be compatible with heavy truck traffic and noise. Uses that would restrict the operation of generally permitted heavy commercial businesses are not provided in this district.

17.18.015 Applicability.

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

17.18.020 Permitted uses.

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

17.18.030 Conditional and temporary uses.

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

17.18.040 Required conditions.

- A. A site plan review permit must be obtained for all development in all C-N, C-S, and C-R zones, subject to the requirements and procedures in Chapter 17.28.
- B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;
- C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;
- D. All new construction in existing C-N zones not a part of a previously approved planned development shall conform with development standards determined by the site plan review committee.

17.18.050 Off-street parking and loading facilities.

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

17.18.060 Development standards in the C-N zone.

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

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: fifteen (15) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:

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1. Front: fifteen (15) feet;
2. Rear: five (5) feet (except where a building is located on side property line);
3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
4. Side: five (5) feet (except where a building is located on side property line);
5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
6. Street side on corner lot: ten (10) feet.

17.18.070 Development standards in the C-R zone.

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

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 1. Front: twenty (20) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 1. Front: twenty (20) feet;
 2. Rear: five (5) feet;
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 6. Street side on corner lot: ten (10) feet.

17.18.080 Development standards in the C-S zone.

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

- A. Minimum site area: five thousand (5,000) square feet.
- B. Maximum building height: sixty (60) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: ten (10) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 - 1. Front: ten (10) feet;
 - 2. Rear: five (5) feet (except where a building is located on side property line);
 - 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 - 4. Side: five (5) feet (except where a building is located on side property line);
 - 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 - 6. Street side on corner lot: ten (10) feet.

Chapter 17.19

MIXED USE ZONES

Sections:

- 17.19.010 Purpose and intent.**
- 17.19.015 Applicability.**
- 17.19.020 Permitted uses.**
- 17.19.030 Conditional and temporary uses.**
- 17.19.040 Required conditions.**
- 17.19.050 Off-street parking and loading facilities.**
- 17.19.060 Development standards in the C-MU zones outside the core area.**
- 17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the core area.**

17.19.010 Purposes.

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

1. Encourage a wide mix of commercial, service, office, and residential land uses in horizontal or vertical mixed use development projects, or on adjacent lots, at key activity nodes and along corridors.
2. Maintain Visalia's downtown Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as the traditional, medical, professional, retail, government and cultural center;
3. Provide zone districts that encourage and maintain vibrant, walkable environments.

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

1. Mixed Use Commercial Zone—(C-MU). The purpose and intent of the mixed use commercial zone district is to allow for either horizontal or vertical mixed use development, and

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permit commercial, service, office, and residential uses at both at key activity nodes and along corridors. Any combination of these uses, including a single use, is permitted.

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

17.19.015 Applicability.

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

17.19.020 Permitted uses.

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

17.19.030 Conditional and temporary uses.

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

17.19.040 Required conditions.

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

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

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

17.19.050 Off-street parking and loading facilities.

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

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

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

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: fifteen (15) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 - 1. Front: fifteen (15) feet;
 - 2. Rear: five (5) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 - 4. Side: five (5) feet (except where a building is located on side property line);
 - 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 - 6. Street side on corner lot: ten (10) feet.
- E. The provisions of Chapter 17.58 shall also be met, if applicable.

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

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

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- A. Minimum site area: No minimum.
- B. Maximum building height: one hundred (100) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: zero (0) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: zero (0) feet;
 - 6. Street side yard on corner lot: zero (0) feet.
- D. Minimum required landscaped yard (setback) areas:
 - 1. Front: five (5) feet (except where a building is located on side property line);
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;
 - 4. Side: five (5) feet (except where a building is located on side property line);
 - 5. Side yards abutting an R-1 or R-M zone district: five (5) feet except where a building is located on side property);
 - 6. Street side on corner lot: five (5) feet.
- E. The provisions of Chapter 17.58 shall also be met, if applicable.

Chapter 17.20

OFFICE ZONES

Sections:

- 17.20.010 Purposes.**
- 17.20.015 Applicability.**
- 17.20.020 Permitted and conditional uses.**
- 17.20.030 Required conditions.**
- 17.20.040 Off-street parking and loading facilities.**
- 17.20.050 Development standards in the O-PA zone.**
- 17.20.060 Development standards in the O-C zone.**

17.20.010 Purposes.

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

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

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

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

17.20.015 Applicability.

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

17.20.020 Permitted uses.

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

17.20.025 Conditional and temporary uses.

Conditional and temporary uses in the O-PA and OC zones shall be determined by Table 17.25.030 in Section 17.25.030. 17.20.030 Required conditions.

- A. A site plan review permit must be obtained for all development in the O-PA and O-C zones subject to the requirements and procedures in Chapter 17.28;
- B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, outdoor dining areas, and play areas.

17.20.040 Off-street parking and loading facilities.

- A. Off-street parking facilities and off-street loading facilities shall be provided as prescribed in Chapter 17.34.
- B. On-site parking is prohibited in the front and street side setback areas for O-C zoned properties;

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

17.20.050 Development standards in the O-PA zone.

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

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: fifteen (15) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 - 1. Front: fifteen (15) feet;
 - 2. Rear: five (5) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 - 4. Side: five (5) feet (except where a building is located on side property line);
 - 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 - 6. Street side on corner lot: ten (10) feet.

Section 17.20.060 Development standards in the O-C zone.

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

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- A. Minimum site area: five thousand (5,000) square feet.
- B. Maximum building height: thirty (30) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: shall be consistent with adjacent primary setbacks or a minimum of twenty-five (25) feet. On interior lots where adjacent structures are less than twenty-five (25) feet, averaging may be used;
 - 4. Rear: twenty-five (25) feet.
 - 2. Side: five (5) feet;
 - 3. Street side on corner lot: ten (10) feet;
- D. Minimum required landscaped yard (setback) areas:
 - 1. Front: twenty-five (25) feet or consistent with building setbacks;
 - 2. Rear: five (5) feet, except where there is alley access.
 - 3. Side: five (5) feet;
 - 4. Street side on a corner lot: ten (10) feet or consistent with building setbacks;
- F. Additional standards:
 - 1. Maintain front and street side residential setbacks, in addition to maintaining and enhancing the historical residential streetscape;
 - 2. Develop existing alleys to a width of eighteen (18) to twenty (20) feet. Dedication or irrevocable offer of dedication of up to two feet per lot will be required, excepting sites that have a primary structure located in the dedication area and for which there is adequate parking on the site;
 - 3. Signs shall be compatible with the character of the main structure, and shall comply with the provisions of Chapter 17.48.
 - 4. Existing structures that are compatible with the adjacent properties and streetscape shall be maintained as the primary structure for a site;
 - 5. All additions and alterations shall be consistent with the existing design of the primary unit as determined through the site plan review process;
 - 6. Offices that are of a twenty-four (24) hour use or high-volume customer destination that cannot be accommodated through on-site parking are prohibited adjacent to residential neighborhoods;

Chapter 17.22

INDUSTRIAL ZONES

Sections:

- 17.22.010 Purposes.**
- 17.22.015 Applicability.**
- 17.22.020 Permitted 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;
7. Protect areas appropriate for industrial use from intrusion by dwellings and other conflicting uses;

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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. Light Industrial Zone--(I-L). The purpose and intent of the 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. Industrial Zone--(I). The purpose and intent of the 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.

17.22.040 Required conditions.

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 that adversely affect commercial or electronic equipment outside the boundaries of the site;

B. No use shall emit visible smoke of a shade equal to or darker than No. 2 on a standard 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 Ringelmann Chart may be emitted for four minutes in any thirty (30) minute period;

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

17.22.050 Off-street parking and loading facilities.

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 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: 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);

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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

BUSINESS RESEARCH PARK ZONE

Sections:

- 17.24.010 Purpose.**
- 17.24.015 Applicability.**
- 17.24.020 Permitted 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.**

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 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.

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.

17.24.040 Required conditions.

A. A 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. 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. All development shall be subject to a conditional use permit.

17.24.050 Off-street parking and loading facilities.

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

17.24.060 Development standards.

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

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

B. All development shall require a master plan or a specific plan .. 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 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 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 17.24.050(C);

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C. 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 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 (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 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

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

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix 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		P		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)											
A7	Raising of Livestock and Fowl, except Stockyards (commercial)											
A8	Raising of Field, Truck or Orchard Crop & Horticultural Specialties					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	
A9	Riding Academies/Stables									C	C	
A10	Roadside Stands Selling Produce Grown on Site	T	T	T	T	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			P	C	C						
A13	Auto Dismantling/Wrecking/ Salvage Yards										C	17.32.070
A14	Auto Machine Shops			P						P		
A15	Auto Oil, Lube & Smog Test Shops	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						
A18	Automotive Upholsterers			P								
A19	Boat Sales/Service			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	
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		
A30	Truck Rental/Leasing			P								
	B											

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I			
	BANKS & FINANCIAL INSTITUTIONS												
B1	Stand-Alone Automatic Teller (ATM)	P	P	P	P	P	P	P	P	P			
B2	Office	P	P	P	P	P		P					
	BARBERS, HAIRSTYLISTS, TANNING CENTERS, COSMETICIANS, & DAY SPAS												
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	P		
B5	Tattooist		P	P	C	P							
	BED & BREAKFAST ACCOMMODATIONS												
B6	Traditional					C		C				17.32.150	
B7	Inns					C		C				17.32.150	
B8	Boarding / Rooming Houses					C							
	BUS DEPOTS												
B9	Station (passenger services)			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	
B10	Repair Yard & Shops			P						P	P	
B11	Public & Private Transfer Point		C	C	C	C			C	C	C	
	C											
C1	Catering Services			P	P	P				P	P	
C2	Cemeteries & Mausoleums											17.52
C3	Christmas Tree Sales Lots / Other Seasonal Commercial Uses / Special Events	T	T	T	T	T						
	CHURCHES & OTHER RELIGIOUS INSTITUTIONS											
C4	Up to 200 Seats			C	C	C	C	C		C		
C5	More than 200 Seats					C	C	C				
C6	Clothing / Costume Rental		P		P	P						
	COMMUNICATIONS											
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	

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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	
C9	Radio and TV Broadcasting Studios - with antenna on-site			C	C					P	P	
C10	Wireless telecommunication facilities – more than 100 feet away from property planned/zoned residential	C	C	C	C	C	C		C	P	P	17.32.163
C11	Wireless telecommunication facilities - within 100-ft of property planned/zoned residential	C	C	C	C	C	C			C	C	17.32.163
D												
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	
D6	Children - 15 or more	C	C	C	C	C	C	C	C	C	C	
D7	In Conjunction with Primary Use	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		
D8	Drive-Thru Lanes Meeting All Standards in Sect. 17.32.162	P	P	P	P		P		P			17.32.162
D9	Drive-Thru Lanes Not Meeting All Standards in 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
E												
EATING & DRINKING ESTABLISHMENTS												
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		P		C							
E3	Micro-breweries / micro-wineries (with or without restaurants)	C	P	C	C	C			C	C	C	17.63
E4	Craft distilleries				P	C	C			C	C	Craft distilleries Permitted in 17.63 Overlay District
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	Fast Food Restaurants	P	P	P	P	P	C		P			See Lines D8 and D9 of Table 17.25.030 for Drive-thru lane zoning requirements.
E7	Fast Food Restaurants (Industrial Zone)									C	C	17.32.161
E8	Pizza/Sandwich Shops - serving wine/beer	C	P	P	P	P	C		P			
E9	Pizza/Sandwich Shops - no alcohol	P	P	P	P	P	C		P	C	C	
E10	Ice Cream Shop	P	P		P	P	C		P			
E11	Night Clubs/Discotheques		C			C						
E12	Live Entertainment		C		C	C						17.04
E13	Sit-Down Restaurant/Cafe - with or without full bar using less than 25% of public area	P	P	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	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											
	F											
F1	Florist	P	P	P	P	P		C				
F2	Fortunetelling / Palm Reader				P							5.20
	FUEL STORAGE											
F4	Propane/Butane				P					P	P	
F5	Propane/Butane (maximum 2000 gallons)		P	P								
F6	Propane/Butane within 50 feet of Planned/zoned Residential				C					C	C	
F7	Propane/Butane within 50 feet of Planned/zoned Residential (maximum 2000 gallons)		C	C								
F8	Above Ground Tanks dispensing Class I, II, and III-A liquids - within 100 feet of a residential use or residential zoned property	C	C	C	C	C			C	C	C	17.32.025
F9	Above Ground Tanks dispensing Class I, II, and III-A liquids - more than 100 feet from a residential use or residential zoned property	P	P	P	P	P			P	P	P	17.32.025

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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	
F10	Pump & Underground Storage Tank											
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					
	G											
G1	Galleries – Art / Photography / Crafts	P	P	P	P	C						
	H											
H1	Home Occupation Businesses	P	P	P	P	P	P	P	P	P	P	17.32.030
H2	Hotels and Motels		C		C	C			C			
	I											
	J											

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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	
	K											
K1	Kennels (located 500 feet or more from a residential zone)			C						C		
	L											
	LAUNDRY / DRY CLEANERS											
L1	Dry Cleaners (cleaning plant)	P	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 Service			P	P					P		
L5	Self service	P	P	P	P	P						
	M											
	MANUFACTURING / ASSEMBLING											
	Building & Construction Trade											
M1	- building materials yards (storage & distribution)			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	
M2	- cabinetmaker/carpenter shops			P						P	P	
M3	- concrete & ready-mix manufacture & distribution									C	C	
M4	- contractor's equipment storage yards			P						P	P	
M5	- drilling/dredging/ditching service			P							P	
M6	- lumberyard (see also RETAIL)			P						P		
M7	- sheet metal shop			P						P		
	Chemical Products, except as more specifically described below (manufacturing, blending, compounding, packaging, bottling)											
M8	- laboratories (i.e., organic/inorganic)								P	P	P	
M9	- paint, dye & glue manufacturers									C	P	
M10	- pharmaceuticals						C		C	P	P	
M11	- manufacture of raw plastic materials, colorants, liquids, powders, resins									C	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	
M12	- soap detergent & other cleaning preparations									C	P	
	Food & Beverage - Preparation & Bottling/Packing & Distribution											
M13	- animal & marine fats & oils (refining & rendering)										C	
M14	- beer & ale distributors			P						P	P	
M15	- breweries and wineries producing 60,000 barrels or less per year									P	P	
M16	- breweries and wineries producing more than 60,000 barrels per year										C	
M17	- commercial bakeries			C						P	P	
M17	- dairy products processing & packaging									C	C	
M18	- fruit & vegetable brokers & shippers									P	P	
M19	- grain, feed & flour mills										P	
M20	- ice manufacturers & storage			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	
M21	- meat & poultry product processing including butchering/slaughtering										C	
M22	- meat and food locker, packaging			P						P	P	
M23	- nut processing (dehydrating, hulling & drying)										P	
M24	- packaging of previously prepared food items			P		P			P	P	P	
M25	- processing, canning & packing food products										P	
M26	- refinery for food products, i.e. sugar										C	
M27	- snack food preparation, packaging									P	P	
M28	- soft drink bottling & distribution									P	P	
M29	- vegetable oil mills										P	
M30	- water processing & bottling									P	P	
M31	Flammable/Combustible Liquids										C	13.32.027

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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	
M32	Heavy Equipment/Machine Manufacture/Assembly (welding & fabrication, i.e., agricultural equipment, aircraft equipment parts & supplies, large appliances, auto/truck manufacturing, industrial machinery)										C	
M33	Kiln works for clay and pottery products									P	P	
M34	Light Manufacturing/Assembly (i.e., computer hardware & parts, electric supplies - coils, wire, cable, etc.)								C	P	P	
	Printing & Publishing Industry											
M35	- desktop, blueprint & photocopy		P	P		P			P	P		
M36	- publishing, printing &/or binding (newspapers, magazines, brochures, books, etc.)			P					P	P	P	
	Products Manufactured/ Assembled from Previously Prepared Materials											
M37	- manufacture of paper & plastic packaging & cartons								C	P	P	
M38	- clothing assembly/imprinting			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	
M39	- metal fabrication & die cutting			P						P	P	
M40	- rubber & plastic product manufacturing									C	P	
M41	- textile mills (dyeing, weaving, knitting, cutting)										P	
M42	- packaging/distribution of prepared materials (non-food items)								P	P	P	
M43	Raw Materials Manufacture										C	17.04
M44	Stone mills/monument yards									C	P	
	Trucking, Warehousing, and Internet Fulfillment Centers											
M45	- combined office/warehouse-type buildings			P						P	P	
M46	- general warehousing & storage			P						P	P	
M47	- local bus charter			P						P		
M48	- moving companies/trucking/storage			P						P	P	
M49	- refrigerated warehouses/storage			P						P	P	
M50	- school bus yards			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	
M51	- trucking & freight forwarding terminal			C						P	P	
M52	Massage Therapist	C	P		C	C	C	C				
	MEDICAL FACILITIES/SERVICES (for medical/dental offices see OFFICES)											
M53	Hospitals, Acute Care (general medical/surgical)					C	C					
M54	Ambulance Services/Medical Transport			C	C	C	C		C			
M55	Convalescent Hospitals / Senior Care Facilities / Nursing Homes				C	C	C					
M56	Clinics (medical group, urgent care/walk-ins, dental, rehabilitation)	C	C		C	C	C			C	C	
M57	Dialysis Centers and Blood Donation Centers		C	C	P	C	C			C		
M58	Hospices						C					
M59	Laboratories (medical testing & diagnostic)				P	C	C		P			
M60	Medical Equipment/supplies (oxygen, prosthetics, walkers, etc.)		P	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	
M61	Opticians - Dispensing	C			P	P	P					
M62	Psychiatric Hospitals, including Treatment of Substance Abuse						C					
M63	Residential Alcohol/Substance Abuse Treatment Facility						C					
M64	Rehabilitation Hospitals				C	C	C					
M65	Museums (special interest/historical-public/private)		C			C	C					
	N											
	O											
	OFFICES											
	General Business and Professional (i.e., data processing services, employment agencies, insurance agencies, etc.)											
O1	- less than 2,000 sq. ft.	P	P	P	P	P	P	P	P			
O2	- 2,000 sq. ft. to 6,000 sq. ft.	C	P	C	P	P	P	P	P			
O3	- more than 6,000 sq. ft.	C	C	C	P	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	
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, dentists/ orthodontists, optometrists, chiropractors, etc.)	C	C		P	P	P	P				
O7	Counseling/psychologist - individuals	C	C		P	P	P	P				
O8	Counseling/psychologist - groups	C	C		P	C	P	C				
O9	Offices Associated with Industrial Uses (not exceeding 25% of total building area)			P					P	P	P	
O10	Temporary Trailers (construction)	T	T	T	T	T	T	T	T	T	T	
	P											
P1	Parcel Delivery Services / Parcel Distribution (UPS, Federal Express, etc.)			P	P		C			P		
P2	Parking Facilities For Off-Site Uses		C	P	P	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	
P3	Park & Ride	C				C			C	P	P	
	PHOTOCOPY SERVICES / DESKTOP PUBLISHING											
P4	With Printing Press		P		C	C	C		P	P		
P5	Without Printing Press	P	P		P	P	P	P	P	P		
	PHOTOGRAPHY / PHOTO SERVICES											
P6	Photography Studio	P	P	C	P	P	C	P				
P7	Photography Labs/Blue Printing/Microfilming (developing, printing - no retail on site)			P	P	C	C		P	P		
P8	Photography labs (developing, printing - no retail on site)			P	P	C			P	P		
P9	Photography Labs with Retail on Site	P	P	P	P	P						
P10	Planned Unit Developments	C	C	C	C	C	C	C	C	C	C	17.26
P11	Private Clubs and Lodges		C		C		C					17.32.115
P12	Private Postal Service (Mail Boxes, Mailing Service) (See Also Parcel Delivery Services)	P				P				P		

City of Visalia Municipal Code Title 17 - Zoning Ordinance

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix 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	
	PUBLIC COMMUNITY SERVICES											
P13	Community & Recreation Centers	C			C	C						
P14	Community Gardens	C			C	C						
P15	Fire Stations	C	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					
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		
	Q											
	R											

City of Visalia Municipal Code Title 17 - Zoning Ordinance

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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		
	RAILROADS											
R1	Freight Stations, Repair & Yards								C	C		
R2	Passenger Stations				C							
	RECREATION FACILITIES											
R3	Athletic and Health Clubs (gymnasiums, fitness centers, racquet clubs)	C	C		C	C	C		C			
R4	Athletic and Health Clubs (gymnasiums, fitness centers, racquet clubs) less than 5,000 sq. ft.	P	P	P	P	P		P	P			
R5	Aquatic Centers	C	C		C	C	C		C			
R6	Private Libraries				P			C				
R7	Athletic/Playing Fields				C							
R8	Bowling Alleys		C		C	C						
R9	Circus, Carnivals, Fairs & Festivals, Revivals/Assemblies		T	T	T	T		T	T			
R10	Dance, Yoga & Music Studios	P	P	P	P	P		P	P			

City of Visalia Municipal Code Title 17 - Zoning Ordinance

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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	
R11	Martial Arts	P	P	P	P	P	P		P	P		
R12	Golf Courses & Driving Ranges				C							
R13	Miniature Golf Courses		C		C							
R14	Ice & Roller Skating Rinks		C		C							
R15	Pool Halls/Billiard Parlors	C	C		C	C						
R16	Video Machines/Coin-Operated Games - 1 to 4 machines	P	P		P	P			P			17.32.120
R17	Video Machines/Coin-Operated Games - 5 or more machines	C	C		C	C						17.32.120
R18	Other Recreational Facilities	C	C	C	C	C			C	C	C	
R19	Rifle and Pistol Range, indoor	C	C	C	C	C			C	C	C	
	RECYCLING FACILITIES											
R20	Heavy Processing			C						C	P	17.32.160
R21	Light Processing			C						P	P	17.32.160
R22	Large Collection			C						P	P	17.32.160

City of Visalia Municipal Code Title 17 - Zoning Ordinance

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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	
R23	Small Collection	C	C	C	C					P	P	17.32.160
R24	Reverse Vending Machines	P	P	P	P	P			P	P	P	17.32.160
R25	Temporary Facilities, i.e. recycling of Christmas trees, tree trimmings, etc.		T	T	T					T	T	17.32.160
R26	Household Hazardous Waste Collection Center			P						P		17.32.160
	RESIDENTIAL (see also Residential Zones)											
R27	Residential Units, New or Expansions, which may or may not be associated with a commercial activity	C	C	C	C	C	C	C	C	C	C	
R28	Group/Foster Homes, Licensed - 1 - 6 individuals in addition to residing family						C					
R29	Group/Foster Homes, Licensed - more than 6 individuals						C					
R30	Emergency Shelters									P		
R31	Emergency/Temporary Housing					C				C	C	
R32	Household Pets	P	P	P	P	P	P	P	P	P	P	
R33	Single Room Occupancy (SRO) units					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		
	RETAIL											
	General Merchandise											
R34	- less than 4,000 sq. ft.	P	P		P	P			C			
R35	- 4,000 to 6,000 sq. ft.	P	P		P	P						
R36	- 6,001 to 40,000 sq. ft.	C	P		P	P						
R37	- 40,001 to 60,000 sq. ft.		P		P	C						17.32.050
R38	- over 60,000 sq. ft.		P		C	C						
	Building/Landscape Materials											
	- lumberyards (see MANUFACTURING/ASSEMBLING)											
R39	- fencing stores/yards			P						P		
R40	- floor & wall coverings	C	P	P	P	P						
R41	Garden Centers/Nurseries - located within primary use	P	P	P	P							
R42	Garden Centers/Nurseries - stand alone	C		P	C					P		

City of Visalia Municipal Code Title 17 - Zoning Ordinance

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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	
R43	Glass Stores (windows, etc. for auto, residential, commercial)			P	P							
R44	Hardware Stores including lumberyards			P								
R45	Hardware Stores 10,000 square feet or more					P						
R46	Hardware Stores less than 10,000 square feet	P		P	P	P						
R47	Paint Stores		P	P	P							
R48	Home Improvement		P	P	P							
	Drugstore/Pharmacy											
R49	- including general retail merchandise	P	P		P	P	C					17.32.050 17.32.055
R50	- not including general retail merchandise, 1,500 sq. ft. or more	P	P		P	P	P		P			
R51	- not including general retail merchandise, up to 1,500 sq. ft.	P	P		P		P					
R52	Farm Equipment Sales			P						P		
R53	Feed Stores			P	C							
	Food Stores											

City of Visalia Municipal Code Title 17 - Zoning Ordinance

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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	
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		C	P						In C-R zone, 5,000 sq. ft minimum building area in per Ordinance 2012-08
R57	- specialty food stores (bakery, delicatessen, butcher shop, meat market, health food, gourmet/imported food, etc.)	P	P		P	P	C		C			17.32.050
R58	- supermarkets/grocery stores	P			P	P						17.32.050
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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	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	
R63	Gun Shops - stand alone		P		P	P						
	Magazine/Newspaper Sales (Freestanding Booth/Stand/ Kiosk)											
R64	- indoor	C	P	P	P	P	P		P			
R65	- outdoor	C	C	C	C	C	C		C			
	Outlet Stores											
R66	- bakery				P							
R67	- apparel		P		P							
R68	- furnishings				P							
R69	Pawnshops				C	C						
R70	Pet Stores	P	P		P	P						17.32.050
R71	Pool/Spa Supplies/Equipment	P	P	P	P	P				P		17.32.050
R72	Secondhand Store/Thrift Shops - up to 2,000 square feet		P		P	P						
R73	Secondhand Store/Thrift Shops - greater than 2,000 square feet		P		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	
R74	Smoke Shops (retail of cigarettes and smoke devices / paraphernalia)				C	C						
	S											
	SCHOOLS, PUBLIC AND PRIVATE (see also Quasi-Public and Residential Zones)											
S1	Preschool/After-School Care	C			C	C	C	C				
S2	Elementary Schools, K-6 or K-8	C	C	C	C	C	C					
S3	Middle Schools	C	C	C	C	C	C					
S4	High Schools	C	C	C	C	C	C					
S5	Colleges/Universities (academic)		C		C	C			C			
S6	Business, Trade, Vocational, Charter or other Specialized Schools		C	C	C	C	C		C	C	C	
S7	After Hours Academic Education Facilities (After 6:00 p.m.)		C		C	C	P		P			
S8	Tutoring Centers	C	C		C	C	C					
	SERVICE, 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	
S9	Air Conditioning Shops			P						P		
S10	Appliance, Electrical Equipment, Tools (disassemble & repair)	P		P	P	P						
S11	Check-Cashing Service	C	C		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	Auction House			C						C		
S16	Bail Bonds				C	C	C					
S17	Equipment Rental – conducted outdoors			P	C					P		
S18	Equipment Rental – conducted indoors		P	P	P	P				P		
S19	Exterminators/Fumigators			P						P		
S20	Gunsmith Shops, including incidental retail			P	P	C				P		

City of Visalia Municipal Code Title 17 - Zoning Ordinance

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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	
S21	Heavy Machinery and Equipment (welding, cutting, grinding, casting, etc.)			P						P	P	
S22	Janitorial Service			P								
S23	Lawn Maintenance & Tree Trimming			P						P		
S24	Locksmiths	P	P	P	P	P						
S25	Other Household & Maintenance Services			P						C		
S26	Pet Grooming / Dog Training (conducted indoors)	P	P	P	P	P						
S27	Printing Service (see also Photocopy Services)	C			P	C						
S28	Repair Shops (tools, non-automotive, mechanical equipment)			P						P		
S29	Sharpening Service - tools, knives, saw blades, lawn mowers, etc.			P						P		
S30	Sharpening Service - small tools not including saw blades and lawn mowers	P		P	P					P		
S31	Sheltered Workshops	C		P	C				C	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	
S32	Shoe Repair Shops	P	P	P	P	P						
S33	Sign Painting & Fabrication			P						P		
S34	Taxidermists			P						P		
S35	Tailor, Dressmaking, & Alterations	P	P	P	P	P						
S36	Upholstering Shops (furniture only)			P	P					P		
S37	Upholstering Shops - Showroom with minimum 35% of gross receipts to be retail sales					C						
	SERVICE STATIONS											
S38	Fuel dispensing only - not including major auto repair services of any kind	C	C	P	C	C			C	P		
S39	Also including major auto repair services		C	P	C					C		
S40	Also including light servicing of trucks			P						C		
S41	Storage, Sorting, Collection, Or Bailing of Iron, Junk, Paper, Rags, Or Scrap (Not Including Auto Dismantling)											

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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	
S42	Storage Tanks, Non-Fuel									P	P	
S43	Swap Meets										C	
	T											
T1	Taxi/Limousine Service			P	P	P			P			
	THEATERS											
T2	Auditoriums		C			C						
T3	Drive-in				C							
T4	Movie		C		C	C						
T5	Live Performance		C		C	P						
	U											
U1	Unenclosed Solid Waste Transfer Stations										C	
	UTILITIES											
U2	Business Offices		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	
U3	Electric Distribution Substations	C	C	C	C		C	C	C	C	P	
U4	Elevated Pressure Tanks	C	C	P	P		C		C	P	P	
U5	Gas Regulator Stations	C	C	P	C	C	C		C	P	P	
U6	Public Service Pumping Stations	C	C	P	C		C		C	P	P	
U7	Payment Centers	P			P	P	P		P			
U8	Public Utility Service Yards			P	C					P		
	V											
	VETERINARY SERVICES											
V1	Animal Care Clinic (no boarding)	P	C	P	P		C			P		
V2	Hospitals/Clinics (located 500 ft. from a residential zone including short term boarding of animals)	C		C	C					P		
	W											
W1	Wholesale Commercial Establishment			P						P		
	WAREHOUSING/STORAGE											

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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		
W2	- primary use								P	P		
W3	- not to exceed 20% of gross floor area of permitted use	P	P	P	P			P	P	P		
W4	- in excess of 20% of gross floor area of permitted use	C	C	C	C			C	P	C		
W5	Mini Storage Facilities			P	C				P	C		
	X											
	Y											
	Z											
	OTHER											
OT1	Other Uses Similar in Nature and Intensity as Determined by the City Planner	P	P	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	C	C		

Chapter 17.26

PLANNED DEVELOPMENT

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 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 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 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" means a development that includes a mix of land uses and 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 residential development" means a planned development consisting of residential uses only and subject to the provisions of this chapter.

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"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 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.

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:

1. A planned residential development may be allowed in any residential zone.
2. A planned unit development with commercial/industrial uses may be located where those uses are allowed in the 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 unit development without residential uses shall be five acres.
4. The minimum site area for a planned 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.) that would deprive the land owner of development potential consistent with other properties classified in the same underlying zone.

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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 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 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 to the general standards imposed by the underlying zone. Additional landscaping may be required as part of a planned development due to unusual circumstances.

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.

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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;
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 site plan review permit. The city planner shall determine

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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.

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 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 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 permit.
17.28.110	Suspension and revocation.
17.28.120	Permit to run with the land.

17.28.010 Purpose and intent.

The purpose of the site plan review permit is to assure that developments, new and remodeled buildings and structures, and improvements to land are reviewed to ensure substantial compliance with the general plan, municipal code, policies, and improvement standards of the city.

17.28.015 Applicability.

A. The provisions of this chapter apply to:

1. Any development requiring site plan review permit as per this Title.

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2. New commercial, industrial and other non-residential structures or additions to existing commercial, industrial or other non-residential structures.
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 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 a structure, or modify the use of a 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.

17.28.020 Site plan review committee.

A. Members. The site plan review committee shall be comprised of staff representatives of the engineering, 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.

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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 site plan shall be drawn to a scale 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;
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. 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.);

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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. 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: The site plan shall be submitted to the 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 may be rejected by the city planner.

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 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 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

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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 improvements, street improvements, as approved and adopted by the city council, including necessary dedications and traffic safety.
- C. Upon completion or review, the Community Development Department shall notify the applicant of the 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, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing 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, 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 Site plan review permit Determination.

After the final site plan has been directed to proceed, the planning department staff shall notify the applicant of the site plan review determination. Once the applicant receives a site plan review determination notification, building permit applications may be 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 that may occur in a local neighborhood due to increased vehicular traffic generated by facilities requiring a 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 revision to any site plan.

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

1. Dedicate all necessary rights-of-way to widen a bordering local streets to the extent of one-half the ultimate width established by the city as the standard for such local streets; as per adopted improvement standards;
2. Dedicate all necessary rights-of-way to widen a traversing collector street to its ultimate width established by the city as the standard for such collector streets;
3. Dedicate all necessary rights-of-way to widen a bordering or traversing arterial street to its ultimate width established by the city as the standard for such 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, local collector, or 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 local, collector, or arterial streets from the curb to the centerline of the ultimate right-of-way;
7. Grade and improve traversing 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 arterial streets;

9. Grade and improve both parking lanes and the two outside traffic lanes of a traversing collector or arterial streets.

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

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 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 may be issued for any building or structure proposed as part of the approved site plan review permit, the building official shall secure written approval from the city planner that the proposed building is in conformity with the regulations, general provisions, and required revisions identified in the site plan review permit. 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 permit l.

17.28.100 Lapse of site plan review permit.

A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion.

17.28.110 Suspension and revocation.

Upon violation of any of the applicable provisions of this chapter or upon failure to comply with the revisions identified in the permit, a site plan review permit approval shall be suspended 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 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 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 Permit to run with the land.

A site plan review permit approved pursuant to the provisions set forth in 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 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.**

Article 1. General Provisions

17.30.010 Purpose and applicability.

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.

17.30.015 Development standards.

A. Site Area. The minimum parcel size varies according to the zone district in which the parcel is located. However, this title shall not preclude parcels of less than the required minimum, which exist at the time of adoption of this title, from securing 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 zone district shall be conformed to the requirements set forth in 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 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 shall conform to the requirements set forth in 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.

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.

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- 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. 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.

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5. 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.

6. Turf.

- a. Living or nonliving turf shall be limited to twenty-five (25) percent of the total landscape area, and the use of low water-using varieties. 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;
 - ii. Storm drainage ponds with slopes in excess of 1:6;
 - iii. On mounds or slopes exceeding 1:10.

7. Irrigation Plans.

- a. Irrigation plans are required to be submitted along with landscape plans. Irrigation plans must show an irrigation water use calculation 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.

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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 automatic rain shut-off devices.

l. 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.

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-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-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 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.

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6. Where commercial or office uses abut property zoned R-1, the upper stories of the structure to be occupied with commercial or office uses shall be so designed, or windows screened, to limit visibility onto the 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.

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.

17.30.017 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

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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.

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 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

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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.

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 fee 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 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 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 that is not paid prior to the issuance of a building permit, certificate of occupancy and/or intensification or initiation of use 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

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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
 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 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.

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

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 anticipated to complete financing of incomplete improvements is expected to be deposited into the appropriate account or fund.

C. The 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.

D. 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.

E. 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.

F. 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 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:

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.

Chapter 17.32

SPECIAL PROVISIONS

Sections:

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- | | |
|------------------|--|
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| 17.32.020 | Height limits. |
| 17.32.025 | Above ground tanks. |
| 17.32.027 | Flammable/combustible liquids manufacture. |
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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.**
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Article 3. Keeping of Racing, Homing, and Sporting Pigeons as Household Pets

- 17.32.250 Purpose and intent.**
- 17.32.260 Applicability.**
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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

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 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 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 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.

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

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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 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;
 - b. A complete storm drainage plan providing for the ultimate disposal of storm water showing on-site facilities and off-site storm lines;

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- 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;

Side yard: twenty-five (25) feet;

Rear yard: twenty-five (25) feet.

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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 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 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 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.

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-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 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 that do not conform to the screening requirements of 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.

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 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,

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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 that are designed, equipped and licensed by the city to accommodate mobile living units and that provide for temporary or permanent sewer and waste water connections to the mobile living unit and that 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,
 - 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;

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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 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 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. 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.

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

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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 C-N, C-R, 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.

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

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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 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 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 [Reserved.].

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 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 accessory dwelling unit;
3. The area converted shall be subject to all applicable building code requirements;

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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.

“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 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 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

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significant structures. In order for a 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;
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,

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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 17.02.145.

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	No permit required
Reverse vending machine(s)	All industrial zones	No permit required
Small Collection	C-N, C-R, C-S, C-MU	Conditional use permit
Small Collection	I, I-L	Planned development permit
Large Collection	C-S	Conditional use permit
Large Collection	I, I-L	Planned development permit

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Type of Facility	Zones Permitted	Permit Required
Light Processing	C-S	Conditional use permit
Light Processing	I, I-L	Planned development permit
Heavy Processing	I-L	Conditional use permit
Heavy Processing	I	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.

17.32.161 Fast food with and without drive-through for 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 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 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 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.
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.

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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 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.

"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 that either mimics, 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.

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"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 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.

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"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;
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,

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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) 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 zone 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.

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.

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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 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 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.

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 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

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structure or facility shall be submitted for review under the 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.

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 of 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.

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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, 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 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 that results in identifiable cost reductions.

"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 not exceed the qualifying limits in

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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 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.

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

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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 (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 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 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 existing or site plan review in the area where the proposed housing development will be located;
3. Other regulatory incentives or concessions 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);

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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 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. 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 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 that are located within the R-1-5, R-1-12.5, and R-1-20 zones, or as determined by City Planner subject to criteria set forth in Section 17.02.170.

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 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 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.

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.

Chapter 17.34

OFF-STREET PARKING AND LOADING FACILITIES

Sections:

- 17.34.010 Purpose.**
- 17.34.020 Schedule of off-street parking space requirements.**
- 17.34.030 Standards for off-street parking facilities.**
- 17.34.040 Landscape requirement.**
- 17.34.050 Shared parking.**
- 17.34.060 Location of off-street parking facilities.**
- 17.34.070 Off-street loading facilities required.**
- 17.34.080 Standards for off-street loading facilities.**
- 17.34.090 Existing uses.**
- 17.34.100 Reduction of off-street parking and loading facilities.**
- 17.34.110 Off-street parking and loading facilities to serve one use.**
- 17.34.120 New uses locating in existing buildings.**

17.34.010 Purpose.

A. In order to prevent traffic congestion and shortage of curb spaces, off-street parking facilities shall be provided incidental to any new building or structure and major alterations and enlargements of existing uses. Off-street parking spaces or areas required by this chapter shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking facilities shall also be laid out in such a manner that the facilities will protect the public safety and insulate surrounding land uses from their impact.

B. For the purposes of tabulating the number of off-street parking spaces, the term “floor area” means the gross floor area of a building and its accessory buildings on the same site measured from the outside wall. All applications shall be accompanied by a detailed tabulation of the gross floor area as herein defined and a calculation of the required number of off-street spaces as specified in Section 17.34.020.

17.34.020 Schedule of off-street parking space requirements.

A. Residential.

1. Single-family dwelling: two parking spaces (one covered) per unit;
2. Multi-family dwelling: 1.5 parking spaces per dwelling unit for all multi-family developments with the following exceptions:
 - a. One parking space per dwelling unit for senior citizen housing developments. Senior citizen means a person of fifty-five (55) years of age or older. Senior citizen housing development shall be defined as a multi-family project wherein the units are made available solely to senior citizens,
 - b. Planning Commission shall have the authority to require an additional .25 parking spaces per dwelling unit for guest parking spaces under the following circumstances:
 - i. Should on-street parking not be available to provide a minimum of .25 spaces per unit;
 - ii. Within developments that include more than fifty (50) percent of the units as three or four bedroom units.
 - c. In cases where multi-family developments do not require planning commission review, the site plan review committee shall have similar authority as described above.
3. Boarding houses, private clubs providing sleeping accommodations: one covered parking space for each bedroom or one parking space for each one hundred fifty (150) square feet of sleeping area, whichever is greater.
4. Motels, hotels. One parking space for each guest room.
5. Single-room occupancy (SRO) housing: One space for each employee onsite on the highest shift.

Further, there shall be one parking space for each two employees per shift regularly employed by the motel, or any independent business located within the motel structure. If the motel provides an area for the consumption of food or beverages or provides meeting or assembly halls the following requirements must be met.

Number of Motel Rooms Parking Requirements

3-10 One parking space for each 100 square feet of area used for the consumption of food or beverages and one parking space for each 35 square feet of meeting or assembly hall space.

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11-40 One parking space for every 200 square feet of area used for the consumption of food or beverages and one parking space for each 70 square feet of meeting hall or assembly hall space.

41-75 One parking space for each 300 square feet of area designated for the consumption of food or beverages and one parking space for each 150 square feet of meeting or assembly hall space.

76 or more One parking space for each 400 square feet of area set aside for the consumption of food or beverages and one parking space for each 300 square feet of meeting or assembly hall area.

5. Planned unit developments, condominiums: one covered parking space plus one uncovered guest parking space for each dwelling unit.

B. Medical Offices, Clinics, Hospitals and Other Facilities.

1. Dental and medical clinics and offices: one parking space for each two hundred (200) square feet of building area, or four parking spaces for each doctor, whichever is greater.

2. Major medical facilities, hospitals: one parking space for each two hundred fifty (250) square feet of building area.

3. Sanitariums and charitable and religious institutions providing sleeping accommodations: one parking space for each three beds.

4. Group care facilities: one parking space for each three beds.

C. Educational Facilities.

1. Kindergarten and nursery schools: one parking space for each employee plus one parking space for each ten children.

2. Elementary and junior high schools: two parking spaces for each classroom.

3. High schools: one parking space for each employee plus seven parking spaces for each classroom.

4. Colleges; business and professional schools and colleges; trade schools: one parking space for each employee plus ten parking spaces for each classroom.

D. Places of Public Assembly.

1. For auditoriums, community centers, theaters, churches, libraries, museums, stadiums, clubs and funeral chapels: one parking space for every four permanent seats in the principal assembly area or room, or one parking space for every thirty (30) square feet of building area, whichever is greater.

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E. Recreational Facilities.

1. Bowling alleys: four parking spaces for each alley.
2. Billiard and/or pool parlors: two parking spaces for each table.
3. Skating rinks: one parking space for each employee, plus one parking space for each one hundred (100) square feet of building area.
4. Dance halls: one parking space for each thirty-five (35) square feet of dance floor area, plus one parking space for each five fixed seats or for each thirty-five (35) square feet of seating area where there are no fixed seats.
5. Gymnasiums: one parking space for each five hundred (500) square feet of building area.

F. Commercial Facilities.

1. Banks: one parking space for each two hundred fifty (250) square feet of building area plus five tandem lane spaces for each outdoor teller or teller station.
2. Savings and loan and other financial institutions: One parking space for each two hundred fifty (250) square feet of building area.
3. General retail stores, except as otherwise specified: one parking space for each three hundred (300) square feet of building area.
4. Offices, including all public and professional offices, except as otherwise specified: one parking space for each two hundred fifty (250) square feet of building area, with a minimum of four parking spaces.
5. Commercial service establishments, repair shops, wholesale establishments and retail stores that handle only bulky merchandise such as furniture, household appliances, motor vehicles, farm implements and machinery: one parking space for each five hundred (500) square feet of building area.
6. Automobile dealerships: one parking space for each two employees during the time of maximum employment, plus one parking space for each two thousand (2,000) square feet of lot and building area used for the display or storage of automobiles.
7. Self-service laundries and dry cleaners: one parking space for each three washing machines.
8. Automobile repair shops: one parking space for four hundred (400) square feet of building area.
9. Barber shops, beauty salons: two parking spaces for each barber or beautician, with a minimum of four spaces.

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10. Restaurants, cafes, soda fountains and similar establishments: one parking space for each one hundred fifty (150) square feet of building area.
 11. Manufacturing plants and other industrial uses: one parking space for each employee during the shift of maximum employment, plus one parking space for each vehicle used in conjunction with the use.
 12. Retail food market: one parking space for each five hundred (500) square feet of building area.
 13. Nurseries, retail: one parking space for each one thousand five hundred (1,500) square feet of site area, plus one loading space for each acre of site area.
 14. Shopping centers (major): one parking space for each two hundred twenty-five (225) square feet of building area.
 15. Open uses, commercial and industrial uses conducted primarily outside of buildings: one parking space for each employee on the maximum shift plus additional parking spaces prescribed by the planning department.
 16. Transportation terminal facilities: one parking space for each two employees plus additional parking spaces prescribed by the city planner.
 17. Storage and warehouses: one parking space for each one thousand (1,000) square feet of building area.
- G. For a use not specified in this section, the same number of off-street parking spaces shall be provided as are required for the most similar specified use.

17.34.030 Standards for off-street parking facilities.

All off-street parking facilities shall conform with the following standards:

- A. All parking areas shall have adequate ingress and egress to a street or alley.
- B. Entrances and exits to parking lots and other parking facilities shall be provided at locations approved by the site plan review committee.
- C. The parking area, aisles and access drives shall be surfaced with an asphalt concrete surfacing of two-inch minimum thickness on a four-inch untreated rock base. The subgrade shall be compacted to a minimum relative compaction of ninety (90) percent. The minimum slope of asphalt paved surface in the direction of drainage shall be twelve (12) inches per one hundred (100) feet and the minimum slope of concrete gutters shall be three inches per one hundred (100) feet.
- D. The four-inch untreated rock base may be modified on basis of an "R" value test of the existing soil. The test to be made with a traffic index of 5.0.

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- E. On major developments service roads shall be designed to carry the traffic loads anticipated.
- F. No parking areas shall be located within a required front setback or within a street side setback of a corner lot.
- G. Each parking space shall conform to standards as specified by the city traffic engineer. Open spaces shall be plainly marked by striping.
- H. Parking spaces for the physically handicapped person shall be provided per the latest adopted version of the California Building Code.
- I. Parking spaces for “compact automobile” will be permitted providing that each parking space is not less than fifteen (15) feet in length and seven and one-half feet in width, exclusive of aisles and access drives. Number of compact parking spaces shall not exceed thirty (30) percent of the total required parking spaces of an establishment. There shall be no more than four contiguous compact stalls within a parking lot. Any compact parking shall be approved by the site plan review committee.
- J. If the parking area is illuminated, lighting shall be deflected away from abutting residential sites so as to cause no annoying glare.
- K. In all C-N, C-R, C-S, C-MU, D-MU, O-PA, O-C, and BRP zone districts where a site adjoins or is directly across the street from an R-1 or R-M zone, a concrete block or masonry wall not less than six feet in height shall be located on the property line except in a required front yard, in which case the wall shall be three feet, and suitably maintained.
- L. No repair work or servicing of vehicles shall be conducted on a parking area.
- M. New parking facilities shall promote the use of time and/or motion sensitive parking lot and security lights, where feasible, as determined by the Site Plan Review Committee.
- N. New parking facilities shall promote and be evaluated as part of an overall program to implement low impact development features on-site that reduce impermeable surfaces and increase infiltration. The implementation and design of low impact development features for the site will be determined by the Site Plan Review Committee.
- O. Vacant or unimproved lots shall not be used as vehicle parking facilities and/or outdoor storage of commercial equipment, construction equipment, and similar uses unless screened appropriately, as determined by Site Plan Review Committee.
- P. For Residential zones, all parking shall be permitted on impervious surfaces such as pavement or concrete when in the front yard setback area.
- Q. For Residential zones, all driveways shall be paved.

17.34.040 Landscape requirement.

The submission of any plan for off-street parking facilities shall be accompanied by a detailed landscape plan for approval by the site plan review committee. All off-street parking facilities shall conform with the following standards, but not limited to:

- A. A plot plan indicating the location of all landscaping shall be submitted for approval;
- B. Not less than six percent of a parking lot comprising up to twenty (20) parking spaces shall be landscaped and continuously maintained;
- C. Not less than ten percent of a parking lot comprising more than twenty (20) parking spaces shall be landscaped and continuously maintained;
- D. Not more than ten consecutive parking stalls shall be allowed without an approved landscaped tree well of eighty (80) square feet or more;
- E. A minimum five-foot landscape strip shall be provided outside the public right-of-way along the street frontage perimeter of all proposed parking facilities.
- F. A planting list shall be shown on the required plot plan to obtain a grading permit, or building permit, for the buildings for which the parking lot is provided, which planting list shall give the botanical and common names of the plants to be used, the sizes to be planted, the quantity of each, and the spacing to insure balance and design. The plants shall be listed alphabetically and assigned key numbers to be used in locating the plants on the plan;
- G. The site plan review committee shall approve all landscaping plans within a parking area and shall have the right to require additional landscaping if the committee deems it necessary to improve the aesthetic character of the project.

17.34.050 Shared parking.

The site plan review committee may grant an exception to the total number of spaces required when the joint users of a parking facility have divergent needs with respect to daytime versus nighttime use, or weekdays versus Saturdays or Sundays. Conditions for allowing shared parking are:

- A. The buildings and uses shall be within three hundred (300) feet of the nearest point by walking distance within a parking facility to said building or use;
- B. The applicant shall show there is no conflict in the principal operating hours of the buildings or uses;
- C. A shared parking agreement between the principal parties and the city shall be entered into that restrict the shared parking area to a parking use only.

17.34.060 Location of off-street parking facilities.

A. In all zones districts except the D-MU zone, off-street parking facilities prescribed in Section 17.34.020 shall be located on the same site as the use for which the spaces are required or on an adjoining site (if an exception is approved) or a site separated only by an alley from the use for which the spaces are required.

B. In the D-MU zone district, off-street parking facilities prescribed in Section 17.34.020 shall be located within three hundred feet of the use for which the spaces are required, measured by the shortest route of pedestrian access. Such spaces shall be deemed to provide parking for one use only unless approved subject to Section 17.34.050.

17.34.070 Off-street loading facilities required.

A. In all commercial and industrial zones and in the O-PA, O-C, and BRP zones, , if required by the commission, there shall be located on the site of each building or structure, off-street loading facilities for vehicles. Where, in the opinion of the site plan review committee, a practical difficulty is involved relating to site size, existing development or access, the planning commission may grant an exception to any portion of the requirements necessary to achieve the intent of this section. For all commercial and industrial buildings, one off-street loading berth shall be provided if the gross floor area exceeds five thousand (5,000) square feet, and one additional berth shall be provided for each additional ten thousand (10,000) square feet.

No off-street loading berths shall be required for buildings of less than five thousand (5,000) square feet of gross floor area.

B. The location of off-street loading facilities shall be approved by the site plan review committee.

17.34.080 Standards for off-street loading facilities.

Off-street loading facilities provided in compliance with Section 17.34.070 shall conform to the following standards:

A. The loading area, aisles and access drives shall be fully hard surfaced with asphaltic concrete of minimum thickness of two inches, over four inches of untreated rock base;

B. If the loading area is illuminated, lighting shall be deflected away from abutting residential sites to prevent annoying glare;

C. No repair work or servicing of vehicles shall be conducted in a loading area.

17.34.090 Existing uses.

No existing use of land or structure shall be deemed to be a non-conforming use solely because of the lack of off-street parking facilities or used for off-street parking and off-street loading at the time of the adoption of this chapter shall not be reduced in a capacity to less than the number

of spaces or berths prescribed in this chapter or reduced in area to less than the minimum standards prescribed in this chapter. Where an existing use is expanded, the parking requirements of this chapter shall apply only to the addition.

17.34.100 Reduction of off-street parking and loading facilities.

No off-street parking facility or off-street loading facility providing for a use of land or structure in compliance with Section 17.34.020 or 17.34.070 shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this chapter.

17.34.110 Off-street parking and loading facilities to serve one use.

No off-street parking space or off-street loading berth provided for a use of land or structure in compliance with the requirements of this chapter shall be deemed to provide an off-street parking space or an off-street loading berth for a use or a structure on another site, except as otherwise provided in Section 17.34.020 and 17.34.070.

Chapter 17.36

FENCES, WALLS AND HEDGES

Sections:

- 17.36.010 Purpose.**
- 17.36.015 Fence, wall or hedge height measurement.**
- 17.36.020 [Reserved]**
- 17.36.030 Single-family residential zones.**
- 17.36.040 Multiple-family residential zones.**
- 17.36.050 Commercial and mixed use zones.**
- 17.36.060 Office zones (O-PA, O-C, BRP).**
- 17.36.070 Industrial zones.**

17.36.010 Purpose.

The purpose of this chapter is to control location and height of fences as may be required by city laws, rules and regulations to safeguard life or limb, property and public welfare. Fences may be constructed of any generally acceptable material except that barbed wire and electric charged fences are specifically prohibited in any R-1 or R-M zone.

17.36.015 Fence, wall or hedge height measurement.

The height of a fence or wall shall be measured from the adjacent finished grade, excluding raised planters or berms, to the top of the fence, wall or hedge.

17.36.020 [Reserved]

17.36.030 Single-family residential zones.

The following standards shall apply to sites within an R-1 zone:

- A. Fences, walls and hedges not exceeding seven feet in height shall be permitted, except that in a required front yard or within five feet of a street side property line on a corner or side on cul-de-sac lot, a fence, wall or hedge shall not exceed three feet in height. A fence or wall may be

allowed to a height of four feet provided that the additional one-foot height at least fifty (50) percent open.

B. Required block walls for residential developments along arterial or collector roadways shall be designed to provide pedestrian access between the arterial or collector to the residential development. A Pedestrian access shall always be required as part of the block wall design abutting an arterial or collector roadway when a transit stop is located within one-quarter mile of the residential development.

C. Exceptions may be granted in accordance with Chapter 17.42.

17.36.040 Multiple-family residential zones.

The following standards shall apply to sites within an R-M zone:

A. Fences, walls and hedges not exceeding seven feet in height shall be permitted except that in a required front yard, or a required side yard on a corner or side on cul-de-sac lot, a fence, wall or hedge shall not exceed three feet in height. A fence or wall may be allowed to a height of four feet provided that the additional one-foot height is at least fifty (50) percent open.

B. Wrought Iron Fences. A decorative open metal fence of wrought iron or tubular steel (not chain link) not exceeding seven feet in height shall be permitted along the front and street side property lines or within the front yard and street side yard setback areas of multi-family uses. This subsection does not authorize solid walls or fences composed of woven wire (chain link), wood, or other materials other than open metal wrought iron or tubular steel. A post or pilaster consisting of masonry, brick, or other solid material not exceeding 18 inches square and seven feet tall may be used to support a wrought iron or tubular steel fence at a minimum distance of six feet between the posts or pilasters.

C. Required block walls , fences, wrought iron fences for multi-family developments along arterial or collector roadways shall be designed to provide pedestrian access between the arterial or collector to the multi-family residential development. A Pedestrian access shall always be required as part of the block wall, fences or wrought iron fence design abutting an arterial or collector roadway when a transit stop is located within one-quarter mile of the multi-family residential development.

D. Exceptions may be granted in accordance with Chapter 17.42.

17.36.050 Commercial and mixed use zones.

The following standards shall apply to sites within a C-N, C-R, C-S, C-MU, or D-MU zone:

A. Where a site in the C-N, C-R, C-S, C-MU, or D-MU zone adjoins an R-1 or R-M zone, either a concrete block masonry wall not less than seven feet in height shall be located on the property line except in a required front yard and suitably maintained or a landscaped buffer be provided as approved by the planning commission.

B. A use not conducted entirely within a completely enclosed structure, on a site across a street or alley from an R-1 or R-M zone shall be screened by a concrete block or masonry wall not less than six feet in height, if the city planning commission finds said use to be unsightly. A landscaped buffer can be approved by the planning commission in place of a required wall as an exception.

C. 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 not less than six feet in height; provided, that no materials or equipment shall be stored to a height greater than that of the wall or fence.

D. No fence or wall shall exceed seven feet in height if located in a required side or rear yard or three feet in height if located in a required front yard. A fence or wall may be allowed in a required front yard to a height of four feet provided that the additional one-foot height is not of a solid material, upon approval of the city planner.

E. Exceptions may be granted in accordance with Chapter 17.42.

17.36.060 Office zones (O-PA, O-C, BRP).

The following standards shall apply to sites within a O-PA, O-C, or BRP zone:

A. Where a site in the OPA, O-C, or BRP zone adjoins an R-A, R-1 or R-M zone a concrete or masonry wall not less than seven feet in height shall be located on the property line except in a required front yard, and suitably maintained. A landscaped buffer can be approved by the planning commission in place of the wall as an exception.

B. No fence or wall in the OPA, O-C, or BRP zone shall exceed seven feet in height if located in a required side or rear yard or three feet in height if located in a required front yard. A fence or wall may be allowed in a required front yard to a height of four feet provided that the additional one-foot height is not of a solid material, upon approval of the city planner.

C. Exceptions may be granted in accordance with Chapter 17.42.

17.36.070 Planned industrial.

The following standards shall apply to sites within an I-L or I zone:

A. Where a site within an I-L or I zone adjoins an R-A, R-1 or R-M zone a concrete block or masonry wall not less than seven feet in height shall be located on the property line except in a required front yard and suitably maintained.

B. A use not conducted entirely within an enclosed structure, on a site across a street or alley from an R-A, R-1 or R-M zone shall be screened by a concrete block or masonry wall not less than seven feet in height, if the site plan review committee finds said use to be unsightly.

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- C. Open storage of materials and equipment shall be permitted only within an area screened by a concrete block or masonry wall not less than six feet in height, which is adjacent to a public street or a residence provided that no materials or equipment shall be stored to a height greater than that of the wall or fence.
- D. No fence or wall shall exceed seven feet in height if located in a required side or rear yard or three feet in height if located in a required front yard. A fence or wall may be allowed to a height of four feet; provided, that the additional one-foot height is not of a solid material.
- E. Exceptions may be granted in accordance with Chapter 17.42.

Chapter 17.38

CONDITIONAL USE PERMITS

Sections:

- 17.38.010 Purposes and powers.**
- 17.38.020 Application procedures.**
- 17.38.030 Lapse of conditional use permit.**
- 17.38.040 Revocation.**
- 17.38.050 New application.**
- 17.38.060 Conditional use permit to run with the land.**
- 17.38.065 Abandonment of conditional use permit.**
- 17.38.070 Temporary uses or structures.**
- 17.38.080 Public hearing—Notice.**
- 17.38.090 Investigation and report.**
- 17.38.100 Public hearing—Procedure.**
- 17.38.110 Action by planning commission.**
- 17.38.120 Appeal to city council.**
- 17.38.130 Effective date of conditional use permit.**

17.38.010 Purposes and powers.

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits.

17.38.020 Application procedures.

A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
3. Address and legal description of the property;
4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
5. The purposes of the conditional use permit and the general description of the use proposed;
6. Additional information as required by the historic preservation advisory committee.
7. Additional technical studies or reports, as required by the Site Plan Review Committee.
8. A traffic study or analysis prepared by a certified traffic engineer, as required by the Site Plan Review Committee or Traffic Engineer, that identifies traffic service levels of surrounding arterials, collectors, access roads, and regionally significant roadways impacted by the project and any required improvements to be included as a condition or mitigation measure of the project in order to maintain the required services levels identified in the General Plan Circulation Element.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

17.38.030 Lapse of conditional use permit.

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site that was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section.

17.38.040 Revocation.

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120.

17.38.050 New application.

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council.

17.38.060 Conditional use permit to run with the land.

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the permit application subject to the provisions of Section 17.38.065.

17.38.065 Abandonment of conditional use permit.

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

17.38.070 Temporary uses or structures.

A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.

B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:

1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.

2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.

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3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 7. Signing for temporary uses shall be subject to the approval of the city planner.
 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
 9. Fruit/Vegetable stands shall be subject to site plan review.
- C. The City Planner shall deny a temporary use permit if findings cannot be made, or conditions exist that would be injurious to existing site, improvements, land uses, surrounding development or would be detrimental to the surrounding area.
- D. The applicant or any interested person may appeal a decision of temporary use permit to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing 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 temporary use permit and shall uphold or revise the decision of the temporary use permit, based on the findings set forth in Section 17.38.110. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.
- E. A privately owned parcel may be granted up to six (6) temporary use permits per calendar year.

17.38.080 Public hearing--Notice.

A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.

B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing, and by publication in a newspaper of general circulation within the city.

17.38.090 Investigation and report.

The planning staff shall make an investigation of the application and shall prepare a report thereon that shall be submitted to the planning commission. The report can recommend modifications to the application as a condition of approval.

17.38.100 Public hearing--Procedure.

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary.

17.38.110 Action by planning commission.

A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to

the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.

C. The commission may deny an application for a conditional use permit.

17.38.120 Appeal to city council.

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of section 17.02.145.

17.38.130 Effective date of conditional use permit.

A conditional use permit shall become effective immediately when granted or affirmed by the council, or ten days following the granting of the conditional use permit by the planning commission if no appeal has been filed.

Chapter 17.40

NONCONFORMING USES AND STRUCTURES

Sections:

- 17.40.010 Purpose.**
- 17.40.020 Definitions.**
- 17.40.030 Existing uses.**
- 17.40.040 Nonconforming structures.**
- 17.40.050 Appeal process.**
- 17.40.060 Nonconforming uses.**
- 17.40.070 Expansion of nonconforming uses and structures.**
- 17.40.080 Structure permits or certificates of occupancy prohibited.**
- 17.40.090 Removal of illegal nonconforming structures and uses.**
- 17.40.100 Elimination of nonconforming uses.**

17.40.010 Purpose.

A. These provisions are intended to provide for the orderly termination of nonconforming structures and uses to promote the public health, safety and general welfare, and to bring these structures and uses into conformity with the goals and policies of the general plan. This chapter is intended to prevent the expansion of nonconforming structures and uses to the maximum extent feasible, to establish the criteria under which they may be continued or possibly expanded, and to provide for the correction or removal of these land use nonconformities in an equitable, reasonable and timely manner.

B. It is declared that nonconforming structures and uses within the city are detrimental to orderly development and the general welfare of citizens and property. It is further declared that nonconforming structures and uses shall be eliminated as rapidly as possible without infringing upon the constitutional rights of property owners.

17.40.020 Definitions.

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

“Nonconforming structure” means a structure that was lawfully erected prior to the adoption of this title, but which, under this title, or due to changes in the City of Visalia municipal code or the lawful taking of private property by or under threat of eminent domain, does not conform with the standards of coverage, yard spaces, height of structures or distances between existing structures prescribed in the regulations for the zone or development standards in which the structure is located.

“Nonconforming use” means one that lawfully existed prior to the effective date of this chapter, but which is no longer permitted in the zone in which it is located.

17.40.030 Existing uses.

An existing use of land or structure shall not be deemed to be a nonconforming use solely because of the lack of off-street parking facilities; however, property on the site used for off-street parking and off-street loading at the time of the adoption of this chapter shall not be reduced in a capacity to less than the number of spaces or berths prescribed in Chapter 17.34 or reduced in area to less than the minimum standards prescribed in Chapter 17.34. Where an existing use is expanded, the parking requirements of Chapter 17.34 shall apply only to the addition.

17.40.040 Nonconforming structures.

A structure that lawfully existed prior to the effective date of this chapter is a legal nonconforming structure, and may continue even though the structure fails to conform to the present requirements of the zone or development standards in which it is located. A legal nonconforming structure may be maintained as follows:

A. A legal nonconforming structure that is damaged to an extent of one-half or more of its replacement cost immediately prior to such damage may be restored only if made to conform to all provisions of this chapter.

B. Reasonable repairs and alterations may be made to legal nonconforming commercial, institutional or industrial structures; provided, that no structural alterations shall be made which would prolong the life of the supporting members of a structure, such as bearing walls, columns, beams or girders. Structural elements may be modified or repaired only if the chief building official determines that such modification or repair is immediately necessary to protect the health and safety of the public or occupants of the nonconforming structure or adjacent property and the cost does not exceed one-half of the replacement cost of the legal nonconforming structure. However, improvements required to reinforce nonreinforced masonry structures shall be permitted without replacement cost limitations; provided, that such retrofitting is strictly limited to compliance with earthquake safety standards.

C. Changes to interior partitions or other nonstructural improvements and repairs may be made to a legal nonconforming commercial, institutional or industrial structure; provided, that the cost of the desired improvement or repair shall not exceed one-half of the replacement cost of the nonconforming structure over any consecutive five-year period.

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D. The replacement cost shall be determined by the city planner.

E. Necessary repairs and desired alterations including expansions may be made to a legal nonconforming residential structure(s), including multi-family, located in a residential land use district. Expansions shall not increase the number of dwelling units on the site nor increase discrepancy of nonconformance with physical development standards (height, yard area, etc.).

F. Any additional development of a parcel with a legal nonconforming structure will require that all new structures be in conformance with this chapter.

G. If the occupancy of a nonconforming structure/site is discontinued for a period of six or more consecutive months, the structure and site shall be made to conform to the provisions of the ordinance to the extent possible upon re-occupation of the structure/site by a “permitted use” in the zone classification. The occupancy of a legal nonconforming structure/site shall be considered discontinued when any of the following apply:

1. The intent of the owner to discontinue use of the nonconforming structure is apparent, as determined by the city planner;

2. Where characteristic furnishings and equipment associated with the use have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy and/or use has been discontinued for a period of six or more consecutive calendar months;

3. Where there are no business receipts available for the six-month period;

4. The extent of required improvements shall be determined through application for site plan review permit by the site plan review committee. Additional parking shall not be required except where a use is expanded in area or intensity, in which case the parking requirements shall apply only to the addition. Appeals of findings of the site plan review committee may be made to the planning commission as provided in Section 17.28.050.

H. No nonconforming structure shall be moved, altered, enlarged or reconstructed so as to increase the discrepancy between existing conditions and the standards of coverage, front yard, side yards, rear yard, height of structures or distances between structures prescribed in the regulations for the zone in which the structure is located.

I. When a legally existing residential unit is discontinued for a period of twelve (12) or more consecutive months, the residential structure and site shall be made to conform to all current residential standards prior to re-occupancy as a residence. A nonconforming residential structure within a commercial, office or industrial zoning district that is ordered to be repaired by the City Building Official shall do so in compliance with the minimum requirements of the California Building Code.

17.40.050 Appeal process.

Appeals to findings made pursuant to Section 17.40.040A, B, C, and D, may be made by the applicant/property owner. Appeals shall be made in writing, setting forth the reason(s) for said appeal. Such appeal shall be filed with the city planner, whereupon it will be placed on the agenda of the city planning commission's regular meeting. The commission shall review said appeal and set forth recommendations to the city council regarding the disposition of the appeal. The city council shall consider the contents of the appeal and recommendations of the planning commission and either approve, modify, approve with conditions or deny said appeal.

17.40.060 Nonconforming uses.

A nonconforming use is one that lawfully existed prior to the effective date of this chapter, but that is no longer permitted in the zone or development standards in which it is located. The continuance of a legal nonconforming use is subject to the following:

- A. Change of ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status; provided, that the use and intensity of use does not change.
- B. If a nonconforming use is discontinued for a continuous period of one hundred eighty (180) days, it shall lose its legal nonconforming status, and the continued use of the property shall be required to conform with the provisions of the chapter.
- C. A nonconforming use of a permanent structure may be continued; provided, there is no increase or enlargement of the area, space or volume occupied by such a nonconforming use, except as provided in Section 17.40.070. In the event no structural alterations are made, a nonconforming use may be changed to another nonconforming use of the same or more restrictive nature, provided that this change occurs within the one hundred eighty (180) day period as indicated in Section 17.40.060(B)
- D. Additional development of any property on which a legal nonconforming use exists shall require that all new uses conform to the provision of this chapter.
- E. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.

17.40.070 Expansion of nonconforming uses and structures.

An existing legal nonconforming use or legal nonconforming structure may be minimally expanded or changed subject to the granting of a conditional use permit after a noticed public hearing as specified in Chapter 17.38, and if all of the following findings are made:

- A. That such expansion or change is minimal. An expansion or change is considered to be minimal if the expansion comprises generally twenty (20) percent or less additional square footage of structure or site area or twenty (20) percent increase or less in intensity as measured by additional vehicle trips, parking need generation, etc., over what was existing at the time of adoption of an ordinance making the use or structure nonconforming;

- B. That such expansion or change will not adversely affect or be materially detrimental to adjoining properties;
- C. That there is a need for relief of overcrowded conditions or for modernization in order to properly operate the use;
- D. That the use and/or structure is existing and has not been discontinued for a one hundred eighty (180) day continuous period;
- E. That the expansion shall not increase the discrepancy between existing conditions and the standards of coverage, front yards, side yards, rear yard, height of structures or distances between structures prescribed in the regulations for the zone in which the structure is located.

17.40.080 Structure permits or certificates of occupancy prohibited.

When any nonconforming structure or use is no longer permitted pursuant to the provisions of this chapter, no permit for a structure shall thereafter be issued for further continuance, alteration, or expansion, except as provided in this chapter. Any permit issued in error shall not be construed as allowing the continuation of the nonconforming structure or use.

17.40.090 Removal of illegal nonconforming structures and uses.

Nothing contained in this chapter shall be construed or implied so as to allow for the continuation of illegal nonconforming structures and uses. Said structures and uses shall be removed immediately subject to the provisions of Title 15 and 17 of the Visalia Municipal code and state law.

17.40.100 Elimination of nonconforming uses.

- A. A nonconforming use that does not occupy a structure shall be discontinued and removed from the site within three years from the effective date of this chapter.
- B. A nonconforming use that involves aboveground bulk storage of Class I liquids and is hazardous as determined by the fire department according to the following codes in force in the city:
 - 1. Fire Prevention Code;
 - 2. National Electrical Code;
 - 3. Uniform Building Code;
 - 4. Uniform Plumbing Code; shall be discontinued, removed, or made to conform within thirty (30) years from the date of installation or five years from the date of the adopting ordinance, whichever is longer.

Chapter 17.42

VARIANCES

Sections:

- 17.42.010** **Variance purposes.**
- 17.42.020** **[Reserved]**
- 17.42.030** **Variance powers of city planning commission.**
- 17.42.040** **[Reserved].**
- 17.42.050** **Application procedures.**
- 17.42.060** **Hearing and notice.**
- 17.42.070** **Investigation and report.**
- 17.42.080** **Public hearing procedure.**
- 17.42.090** **Variance action of the city planning commission.**
- 17.42.100** **[Reserved].**
- 17.42.110** **Appeal to city council.**
- 17.42.120** **Lapse of variance.**
- 17.42.130** **Revocation.**
- 17.42.140** **New application.**

17.42.010 **Variance purposes.**

The city planning commission may grant variances in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this title. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity. The power to grant variances does not extend to use regulations, because the flexibility necessary to avoid results inconsistent with the objectives of the zoning ordinance is provided by the conditional use provisions of this title.

17.42.020 [Reserved]

17.42.030 Variance powers of city planning commission.

The city planning commission may grant variances to the regulations prescribed by this title with respect to fences and walls, site area, width, frontage coverage, front yard, rear yard, side yards, height of structures, distance between structures, off-street parking facilities, accessory dwelling unit standards pursuant to Sections 17.12.140 through 17.12.200, and downtown building design criteria pursuant to Section 17.58.082 through 17.58.088; in accordance with the procedures prescribed in this chapter.

17.42.040 [Reserved]

17.42.050 Application procedures.

A. Application for a variance or exception shall be made to the city planning commission on a form prescribed by the commission and shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property, is the authorized agent of the owners, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty that would result from the strict interpretation and enforcement of this title;
5. The application shall be accompanied by such sketches or drawings that may be necessary to clearly show applicant's proposal;
6. Additional information as required by the historic preservation advisory board;
7. When reviewing requests for an exception associated with a request for density bonus as provided in Chapter 17.32, Article 2, the applicant shall submit copies of the comprehensive development plan, sketches and plans indicating the nature of the request and written justification that the requested modifications result in identifiable cost reductions required for project to reach target affordability.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

17.42.060 Hearing and notice.

A. The city planning commission shall hold a public hearing on an application for a variance.

B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing.

17.42.070 Investigation and report.

The city planning staff shall make an investigation of the application and shall prepare a report thereon that shall be submitted to the city planning commission.

17.42.080 Public hearing procedure.

At a public hearing the city planning commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 17.42.090.

17.42.090 Variance action of the city planning commission.

A. The city planning commission may grant a variance to a regulation prescribed by this title with respect to fences and walls, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas or in modified form if, on the basis of the application, the report of the city planning staff or the evidence submitted, the commission makes the following findings:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

B. The city planning commission may grant a variance to a regulation prescribed by this title with respect to off-street parking facilities, if, on the basis of the application, the report of the city planner or the evidence submitted the commission makes the findings prescribed in subsection (A)(1) of this section and that the granting of the variance will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

C. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe.

D. The city planning commission may deny a variance application.

17.42.100 [Reserved]

17.42.110 Appeal to city council.

The decision of the city planning commission on a variance or exception application shall be subject to the appeal provisions of Section 17.02.145.

17.42.120 Lapse of variance.

A variance shall lapse and become void one year following the date on which the variance became effective, unless prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site that was the subject of the variance application, or a certificate of occupancy is issued by the building official for the site or structure that was the subject of the variance application. A variance may be renewed for an additional period of one year; provided, that prior to the expiration of one year from the date when the variance became effective, an application for renewal of the variance is made to the commission. The commission may grant or deny an application for renewal of a variance.

17.42.130 Revocation.

A variance granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with.

17.42.140 New application.

Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial of the variance application or revocation of the variance.

Chapter 17.44

ZONING AMENDMENTS

Sections:

- 17.44.010 Purpose.**
- 17.44.020 Initiation.**
- 17.44.030 Application procedures.**
- 17.44.040 Public hearing—Notice.**
- 17.44.050 Investigation and report.**
- 17.44.060 Hearing.**
- 17.44.070 Action of city planning commission.**
- 17.44.090 Action of city council.**
- 17.44.100 Change of zoning map.**
- 17.44.110 New application.**
- 17.44.120 Report by city planner.**

17.44.010 Purpose.

As a general plan for Visalia is put into effect, there will be a need for changes in zoning boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter.

17.44.020 Initiation.

A. A change in the boundaries of any zone may be initiated by the owner of the property within the area for which a change of zone is proposed or by his authorized agent. If the area for which a change of zone is proposed is in more than one ownership, all of the property owners or their authorized agents shall join in filing the application, unless included by planning commission resolution of intention.

B. A change in boundaries of any zone, or a change in a zone regulation, off-street parking or loading facilities requirements, general provision, exception or other provision may be initiated

by the city planning commission or the city council in the form of a request to the commission that it consider a proposed change; provided, that in either case the procedure prescribed in Sections 17.44.040 and 17.44.090 shall be followed.

17.44.030 Application procedures.

A. A property owner or his authorized agent may file an application with the city planning commission for a change in zoning boundaries on a form prescribed by the commission and that said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which the change in zoning boundaries is proposed, the authorized agent of the owner, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show the applicant's proposal;
5. Additional information as required by the historic preservation advisory board.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of processing the application.

17.44.040 Public hearing—Notice.

The city planning commission shall hold at least one public hearing on each application for a change in zone boundaries and on each proposal for a change in zone boundaries or of a zone regulation, off-street parking or loading facilities requirements, general provisions, exception or other provision of this title initiated by the commission or the city council. Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing.

17.44.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon that shall be submitted to the city planning commission.

17.44.060 Hearing.

A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020.

B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents.

17.44.070 Action of city planning commission.

The city planning commission shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application, resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the report of the city engineer and the findings of the commission.

17.44.080 [Reserved].

17.44.090 Action of city council.

A. Upon receipt of the resolution or report of the city planning commission, the city council shall review the application or the proposal and shall consider the resolution or report of the commission and the report of the city planning staff.

B. The city council shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. If the council finds that the change is required, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this title, whichever is appropriate. The city council may impose conditions on the change of zone for the property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city and its residents. If conditions are imposed on a change of zone, said conditions shall run with the land and shall not automatically be removed by a subsequent reclassification or change in ownership of the property. Said conditions may be removed only by the city council after recommendation by the planning commission. If the council finds that the change is not required, it shall deny the application or reject the proposal.

17.44.100 Change of zoning map.

A change in zone boundary shall be indicated on the zoning map.

17.44.110 New application.

Following the denial of an application for a change in a zone boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application.

17.44.120 Report by city planner.

On any amendment to the zoning code changing property from one zone classification to another, the city planner shall inform the planning commission and the city council of any conditions attached to previous zone changes as a result of action taken pursuant to Sections 17.44.060, 17.44.070 and 17.44.090.

Chapter 17.46

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.46.010 Administration.**
- 17.46.020 Code enforcement.**
- 17.46.030 Right of entry.**
- 17.46.040 Violation--Declared public nuisances and actions.**
- 17.46.050 Violation--Procedure.**
- 17.46.060 Infraction and penalty.**

17.46.010 Administration.

All department heads, officials or other employees of the city vested with the duty or authority to issue any permit, license or certificate shall conform to the provisions of this title and shall issue no permit, license or certificate for uses, buildings, or structures or purposes in conflict with provisions contained in this title. Any such permit, license or certificate issued in conflict with this title, intentionally or otherwise, shall be null and void.

17.46.020 Code enforcement.

The city planner and zoning compliance inspector, or other person authorized by the city manager, shall be authorized to enforce provisions of this title and to issue citations and make arrests pursuant to Section 836.5 of the California Penal Code and Sections 1.08.010, 1.08.020, 1.08.030, 1.12.010, and Chapter 1.13 of the Visalia Municipal Code.

17.46.030 Right of entry.

In the discharge of enforcement duties authorized persons shall have the right to enter any site or to enter any structure for the purpose of investigation and inspection. Such right of entry shall be exercised only at reasonable hours and only with the consent of the owner or tenant unless a written order of a court of competent jurisdiction has been issued.

17.46.040 Violation--Declared public nuisances and actions.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title and any use of land, building, or premises established, conducted, operated or maintained contrary to the provisions of this title shall be and the same are declared to be unlawful and a public nuisance. The zoning compliance inspector shall immediately initiate all necessary legal proceedings for the abatement, removal and injunction thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and may apply to a court of competent jurisdiction to grant such relief as will remove and abate the structure or use and restrain or enjoin the person, firm or corporation, or an organization from erecting, moving, altering or enlarging the structure or using the site contrary to the provisions of the ordinance. The remedies prescribed by this section are cumulative and nonexclusive.

17.46.050 Violation--Procedure.

Any person, firm, corporation, or organization found in violation of any provisions of this title shall be notified and cited in accordance with policies established by the planning department and approved by the city council. Such policies shall be available for inspection by any person upon request to the planning department.

17.46.060 Infraction and penalty.

Except as otherwise provided in this chapter, any violation of this title is unlawful and constitutes an infraction pursuant to Section 19(c) of the California Penal Code. Any person convicted of an infraction under this code shall be punishable by: (1) a fine not exceeding fifty dollars (\$50.00) for a first violation; (2) a fine not exceeding one hundred dollars (\$100.00) for the second violation of the same ordinance within one year; (3) a fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation of the same ordinance within one year. The phrase "violation of the same ordinance" as used in this section means and refers to a violation of the same numbered section of the Visalia Municipal Code. In addition, each day such violation continues shall be regarded as a new and separate offense.

Chapter 17.48

SIGNS

Sections:

- 17.48.010 Purpose.**
- 17.48.020 Applicability and Severability.**
- 17.48.030 Exempt Signs.**
- 17.48.040 Prohibited Signs.**
- 17.48.050 Permits Required.**
- 17.48.060 Sign Design Principles.**
- 17.48.070 Rules for Sign Measurement.**
- 17.48.080 General Sign Standards.**
- 17.48.090 Sign Standards for Agricultural and Residential Zones.**
- 17.48.100 Sign Standards for Other Zones.**
- 17.48.110 Standards for Specific Sign Types.**
- 17.48.120 Downtown Retail Sign Standards.**
- 17.48.130 Temporary Signs.**
- 17.48.140 Master Sign Program.**
- 17.48.150 Variances and Exceptions.**
- 17.48.160 Nonconforming Signs.**
- 17.48.170 Maintenance, Abandonment, and Enforcement.**
- 17.48.180 Definitions.**

17.48.010 Purpose.

The purpose of this Chapter is to regulate signs as an information system that preserves and enhances the aesthetic character and environmental values of Visalia, its residential neighborhoods, its Downtown, and commercial/industrial areas, while also providing an effective means for members of the public to express themselves through the display of signs.

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These regulations recognize the importance of business activity to the economic vitality of the City as well as the need to protect the visual environment. Specifically, these regulations are intended to implement the General Plan and:

- A. Provide minimum standards to safeguard life, health, property, public welfare, and traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of signs and sign structures;
- B. Preserve and enhance the visual attractiveness of the City for residents, businesses, and visitors;
- C. Protect and enhance property values and community appearance by encouraging signs that are compatible with the architectural style, character, and scale of the building to which they relate and with adjacent buildings and businesses;
- D. Restrict signs that may create visual clutter or a nuisance to nearby properties, violate privacy, create hazards or unreasonable distractions for pedestrians and drivers;
- E. Provide adequate opportunity for the exercise of the free speech by display of a message or image on a sign, while balancing that opportunity with other community and public interests;
- F. Ensure that commercial signs are accessory or auxiliary to a principal business or establishment on the same premises, rather than functioning as general advertising for hire; and
- G. Prohibit signs that may cause traffic or pedestrian safety hazards or interfere with ingress and egress.

17.48.020 Applicability and Severability.

This Chapter regulates signs that are located or mounted on private property within the jurisdictional boundaries of Visalia. The provisions in this Chapter apply in all Zoning Districts within the City. No sign within the regulatory scope of this Chapter shall be erected or maintained anywhere in the City except in conformity with this Chapter. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause term or word in this Chapter is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Chapter.

17.48.030 Exempt Signs.

The following signs are exempt from the permit requirements of this Chapter and do not count toward the total sign area limit for a site, provided that they conform to applicable standards:

- A. Address Signs. One nameplate, not exceeding two square feet in area, identifying the address of the property.
- B. Barber Poles. Barber poles, not exceeding 18 inches in height, located on a non-residential zoned property and containing no lettering.

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C. Commercial Displays On Vehicles. Signs on vehicles may be displayed, provided that:

1. The message pertains to the establishment of which the vehicle is an instrument or tool; and
2. The message does not utilize changeable copy or special illumination.

D. Decorations. Holiday and cultural observance decorations on private property. Decorations cannot include commercial advertising. This exemption includes strings of lights associated with a holiday decoration.

E. Flags. Flags may be erected and located in accordance with the following standards:

1. Location. Flagpoles must not be located within any required side yard setbacks.
2. Maximum Flagpole Height. If a flag is on a flag pole, the pole height must not exceed 30 feet or the distance from the base of the pole to the closest lot line plus two feet, whichever is less.
3. Maximum Size. The maximum individual flag area on a lot is 48 square feet in all zoning districts.

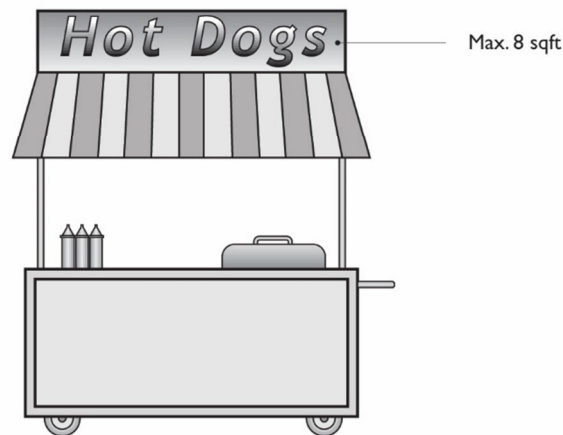
Pennants, banners, feather banners, strings of ornamental fringes and streamers are not included in this exemption and are regulated under Section 17.48.130, Temporary Signs.

F. Government Signs. Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; noncommercial bus stop signs erected by a public transit agency, or other signs required or authorized by law. This exemption also covers signs and banners for special civic events sponsored by the City, which may be displayed in public rights of way.

G. Interior Signs. Signs that are located entirely within a building or enclosed structure and not visible from the public right of way.

H. Mobile Vendor Signs. Signs and menu display boards fixed to mobile vending carts or food trucks that identify or advertise the name, product, or service provided by the vendor. Each mobile vending cart or food truck is limited to a maximum of eight square feet of sign area, plus a menu display board.

Figure 17.48.030(H): Mobile Vendor Signs



I. Newspaper Stands. Signs that are part of newspaper stands provided the sign area does not exceed four square feet.

J. Temporary Signs. Signs that conform to the standards of Sections 17.48.090(C), 17.48.090(D), 17.48.110(B), 17.48.120(G) or 17.48.130.

K. Public Carrier Graphics. Graphic images mounted on carrier vehicles such as buses, taxicabs, and limousines that legally pass through the City.

L. Window Signs. Permanent Window Signs that conform to the standards of Section 17.48.110(I).

17.48.040 Prohibited Signs.

Unless expressly allowed by another Section of this Chapter or other applicable law, the following signs, locations, and materials are prohibited:

A. Animated or Moving Signs. Animated, flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind, unless expressly permitted under this Chapter. This prohibition does not apply to signs using digital display technology, such as LED (light emitting diodes) or functionally equivalent display methods, which are permitted, subject to the regulations of this Chapter.

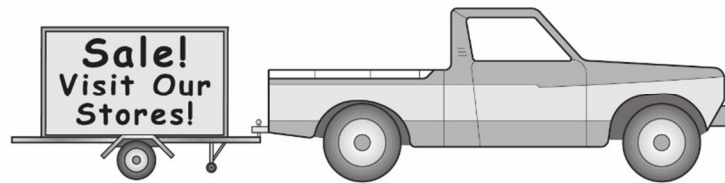
B. Air Activated Graphics and Other Attention-Getting Devices. Balloons, blimps and air activated graphics which serve as attention-getting devices, made of light-weight fabric or similar material, designed to rotate or move with the wind or activated by forced air, that direct, promote, or that are otherwise designed to attract attention for outdoor advertising purposes are prohibited in all zoning districts. Stationary, inflatable signs displayed and secured at ground level are allowed as temporary portable signs.

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C. General Advertising (for Hire). Except as otherwise specifically provided in this Chapter, temporary signs that publicize or promote other businesses or causes using methods of advertising (in contrast to self-promotion, on-site sales, or on-site advertising). General advertising is also known as advertising for hire.

D. Mobile Billboards. The City prohibits any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel. The purpose of this prohibition is to eliminate mobile billboard advertising within the City in order to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the City. This prohibition does not apply to signage on a licensed commercial vehicle that is related to the goods or services provided by the vehicle owner or operator and to public transit/public carrier graphics on properly licensed buses and taxicabs.

Figure 17.48.040(D): Mobile Billboards

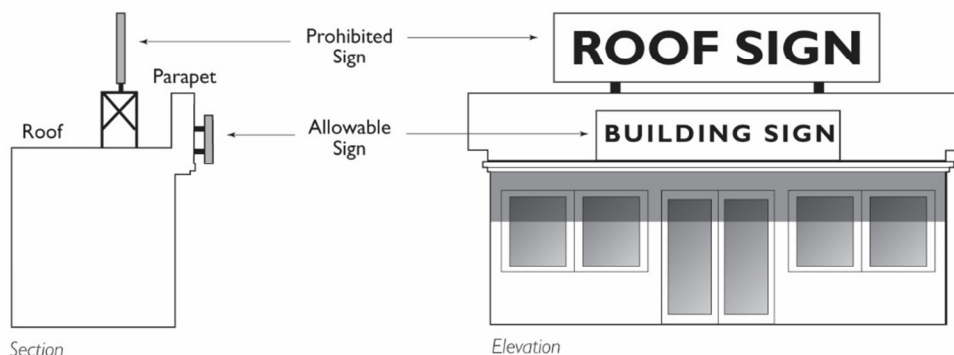


E. Murals. Murals which contain advertising copy or function as advertising. Murals without advertising copy must be approved by the City Council under the provisions of the City's adopted mural policy.

F. Outdoor Advertising Displays ("Billboards"). Permanent signs that display outdoor advertising for hire are prohibited in all zones.

G. Roof Signs. Roof signs, including signs mounted or painted on roofs, except those painted on a flat roof and not visible from the public right of way.

Figure 17.48.040(G): Roof Signs



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H. Search Lights and Klieg Lights. Search and Klieg lights when used as attention attracting devices for commercial uses. They may be allowed with a temporary conditional use permit for special events.

I. Signs in the Public Right-of-Way without an Encroachment Permit. Other than government signage, and except as otherwise provided in this Chapter, no sign can be placed in the public right-of-way in median strips or islands, sidewalks, on street trees or retaining walls, on bridges, public benches, traffic signals, public fences, street poles, utility poles and equipment, street lighting, traffic signs, or within a railroad right-of-way, unless it has been authorized by an encroachment permit issued by the City.

J. Signs on Doors, Windows, or Fire Escapes. Signs shall not be located or installed on any door, window, or fire escape that will prevent free ingress or egress. No sign shall be attached to any standpipe or fire escape, except those required by other codes.

K. Signs that Create a Traffic Hazard or Affect Pedestrian Safety. Signs located in such a manner as to constitute a safety hazard or to impede the public use of the public right of way. These signs include but are not limited to:

1. Signs located in such a manner as to constitute a traffic hazard or obstruct the view of traffic or any authorized traffic sign or signal device.
2. Signs that may create confusion with any authorized traffic sign, signal, or traffic control device because their color, design, illumination, location or wording, or use of any phrase, symbol, or character which interferes with, misleads, or confuses vehicular drivers in their use of roads or conflicts with any traffic control sign or device.
3. Signs within five feet of a fire hydrant, street sign, or traffic signal.
4. Signs erected at or near the intersections of public and/or private rights-of-way in such a manner as to create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.

L. Signs that Produce Noise or Emissions. Signs that produce visible smoke, vapor, particles, odor, noise, or sounds that can be heard at the property line, excluding voice units at menu boards and devices for servicing customers from their vehicles, such as drive up windows at banks or pharmacies, provided these latter units comply with the standards of the City's Noise Ordinance.

M. Commercial Mascot Signage. A person or animal, whether or not costumed or decorated, that actively holds, displays or attends to a commercial sign, are prohibited in all zones. Includes "sign twirlers", "sign clowns", "human sandwich boards", and persons or animals holding or supporting any sign or advertising device displaying commercial speech or conveying a commercial message. This prohibition also applies to robotic devices intended to simulate a live person or animal.

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N. Snipe Signs. Signs tacked, nailed, posted, pasted, glued, or otherwise attached to trees, utility poles, government signs, fences, trailers, temporary construction barriers or other supporting structures.

17.48.050 Permits Required.

A. Sign Permit Required. No sign shall be erected, altered, reconstructed or relocated without a sign permit. A permit is not required for ordinary maintenance and repairs to signs and for temporary signs on private property that conform to the standards of this Chapter. The Planning Department will review all applications for sign permits for consistency with this Chapter.

B. Encroachment Permit. Signs that project over or extend into a public street or sidewalk shall be subject to Encroachment Permit approval by the Community Development Department pursuant to the provisions of Chapter 12 of the Municipal Code.

C. Conditional Use Permit Required. A Conditional Use Permit, issued pursuant to Chapter 17.38 of the Visalia Municipal Code, is required for Master Sign Programs (see paragraph E below) and electronic signs, excluding interior electronic signs and digital displays that are regulated as window signs and are exempt from permit requirements.

D. Owner's Consent Required. Consent of the property owner or business owner is required before any sign may be displayed on any real or personal property in the City.

E. Master Sign Program. A Master Sign Program, prepared pursuant to Section 17.48.130, is required for the following projects:

1. New or remodeled non-residential or mixed used projects on a site of five or more acres; and
2. Any development in the BRP zone.

17.48.060 Sign Design Principles.

The following sign design principles should be used as criteria for review and approval of sign permits and Master Sign Programs.

A. Architectural Compatibility. A sign, including its supporting structure, if any, should be designed as an integral design element of a building's architecture and be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that covers a window or that spills over "natural" boundaries or architectural features and obliterates parts of upper floors of buildings is detrimental to visual order and will not be permitted. Common indicators of compatibility include:

1. Quality sign design and construction;
2. Proportional size and scale; and

3. Use of materials, shapes and colors that complement the building's architectural style and the surrounding environment.

B. Legibility. The size and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, should be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics should have sufficient contrast with the sign background in order to be easily read during both day and night. Symbols and logos can be used in place of words. Substantial contrast should be provided between the color and materials of the background and the letters or symbols to make the sign easier to read in both day and night.

C. Readability. A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign.

D. Visibility. A sign should be conspicuous and readily distinguishable from its surroundings so a viewer can easily see the information it communicates.

E. Placement. Often, a building's architectural details create logical places for signage. Signs should not cover or interrupt architectural details or ornaments of a building's façade. On buildings with a monolithic or plain façade, signs can establish or continue appropriate design rhythm, scale and proportion. Well-designed and well-located retail signs create visual interest and continuity with other storefronts on the same or adjacent buildings. Signs should not obstruct windows or doors.

17.48.070 Rules for Sign Measurement.

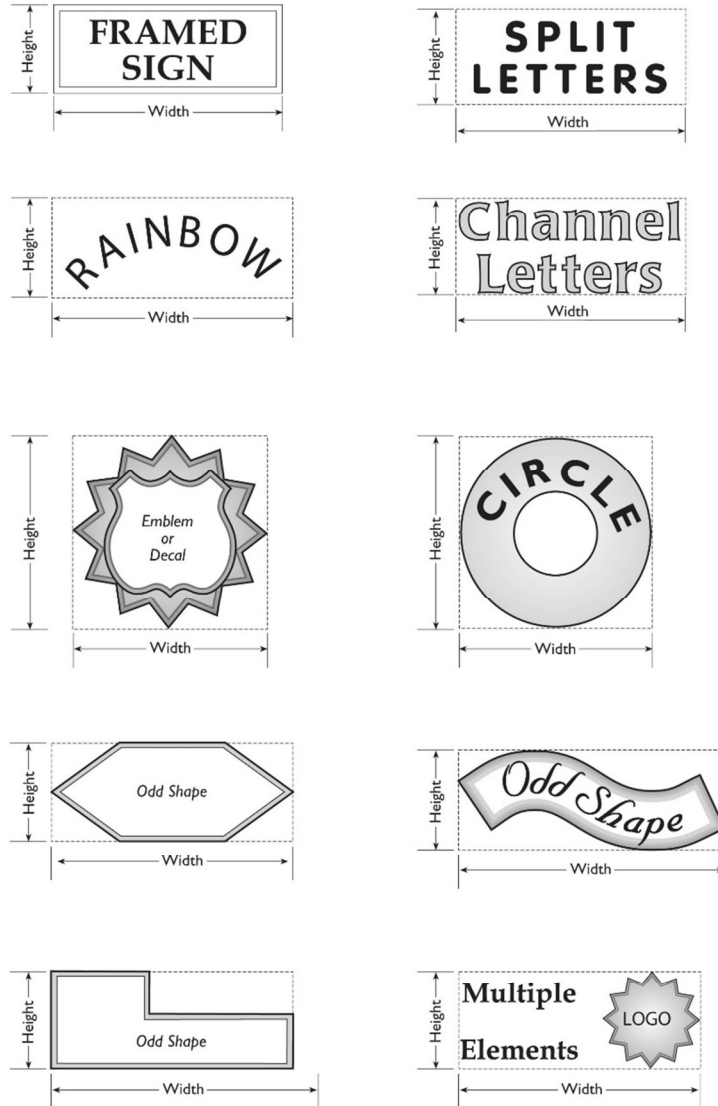
A. Calculation of Sign Area. The area of an individual sign must be calculated as follows:

1. Single-Faced Signs. Sign area includes the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures such as sign bases and columns are not included in sign area provided that they contain no lettering or graphics except for addresses or required tags. The calculation of sign area for various types of single-faced signs is illustrated in Figure 17.48.070(A)(2).

2. Double-Faced Signs. Where two faces of a double-faced sign are located two feet or less from one another at all points, or located at an interior angle of 45 degrees or less from one another, the sign area must be computed as the area of one face. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than two feet or 45 degrees from one another, both sign faces will be counted toward sign area. See Figure 17.48.070(A)(3).

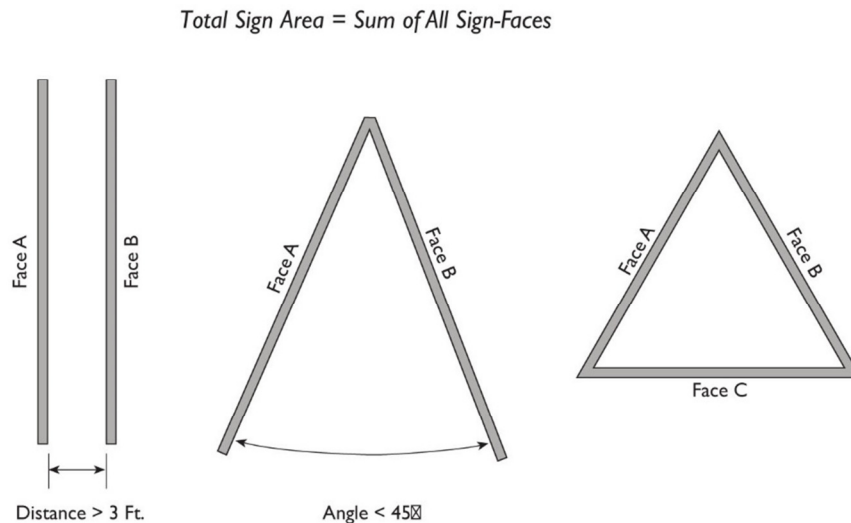
Figure 17.48.070(A)(2): Measurement of Sign Area

Sign Area = Height x Width



3. Multi-Faced Signs. On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) must be summed to determine sign area. In all other situations involving a sign with three or more sides, sign area will be calculated as the sum of all faces.

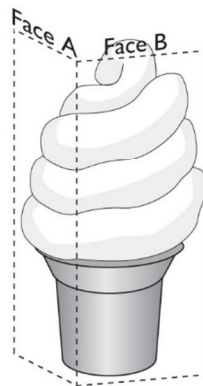
Figure 17.48.070(A)(3): Measurement of Multi-Faced signs



4. **Three-Dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), may have a sign area that is the sum of two adjacent sides of the smallest cube that will encompass the sign. See Figure 17.48.070(A)(4).

Figure 17.48.070(A)(4): Measurement of 3-Dimensional Signs

Sign Area = Sum of Two Adjacent Sides



B. **Calculation of Lot Frontage.** If a lot fronts on two streets, both frontages may be used for calculating the allowable sign area. On lots with three or more frontages on a public street, the length of only two contiguous sides shall be added together to determine allowable sign area.

C. **Measuring Sign Height.** The height of a sign is the vertical distance measured from the ground level directly beneath the sign to the highest point at the top of the sign, including any

structural or architectural components of the sign. The ground level shall be either the natural grade or finished grade, whichever is lowest.

1. Height of Freestanding Signs. The height of freestanding signs shall be measured as the vertical distance from grade at the edge of the right-of-way along which a sign is placed to the highest point of the sign, including any structural or architectural components of the sign. When the grade at the edge of the right-of-way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the right-of-way shall not be included in determining the sign's overall height. Signs oriented towards a freeway shall be measured from the project site grade or pad, whichever is lower.

D. Measuring Sign Clearance. Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

E. Building Frontage. Building frontage is the building facade that directly abuts a public street, private street, parking lot driveway, or parking spaces in which main customer access is provided to the business. A building's frontage is considered continuous if projections or recesses in a building wall do not exceed 10 feet in any direction. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.

17.48.080 General Sign Standards.

A. Message Neutrality. It is the City's policy to regulate signs in a constitutional manner that is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.

B. Maximum Sign Area. The maximum allowable, permittable sign area for permanent signs, exclusive of area of exempt signs, is based on the Zoning District in which the sign is located and the type of sign to be installed. These standards are established in subsequent Sections of this Chapter.

C. Message Substitution. A noncommercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, and any noncommercial message may be substituted, in whole or in part, for any other noncommercial message.

1. No Additional Approval. Such substitution of message may be made without any additional approvals. The purpose of this Section is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.

2. Limitations. This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a noncommercial message.

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D. Changeable Copy. Non-electronic changeable copy shall represent no more than 20 percent of the total allowable sign area. Copy shall not be changed more than once every 24 hours.

E. Electronic Copy.

1. Location. Electronic copy is allowed as a display medium wherever monument signs are allowed. A Conditional Use Permit, issued pursuant to Chapter 17.38 of the Visalia Municipal Code, is required for the installation of any electronic sign except an interior electronic sign or digital display, which are regulated as permanent window signs.

2. Physical Standards.

a. The sign display face must be directed in a manner that is not visible from the front or side yards of residential properties located in a residential zone district.

b. Electronic display faces must be an integral part of the remainder of the sign area.

3. Operational Standards.

a. Electronic display shall be limited to no more than 30 lumens output, measured at 10 feet from the sign face.

b. No portion of the electronic display (either sign copy or pictures) shall change more frequently than once every six seconds.

c. No audible output from any portion of the sign shall be permitted.

d. Electronic signs shall be operative only during the hours of operation of the associated business.

e. Sign copy or electronic picture displays shall be limited to advertising related to the use(s) on the property for which the monument sign is located, except for message substitution, as allowed in Section 17.48.080 D.

f. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.

g. No display shall create a potential distraction to drivers by virtue of the frequency of changes of images (i.e. the time between images expressed in seconds), and the Planning Commission may impose limitations on the number of images that can be displayed over a specified time period for reasons of traffic safety.

F. Illumination. The illumination of signs, from either an internal or external source, must be designed to avoid negative impacts on surrounding rights-of-way and properties. The following standards apply to all illuminated signs:

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1. **Light Intensity.** Sign lighting must not be of an intensity or brightness that will create a nuisance for residential buildings in a direct line of sight to the sign.
2. **Shielding Required.** External light sources must be directed, shielded, and filtered to limit direct illumination of any object other than the sign, according to Table 17.48.080(F)(2) below.

Table 17.48.080(F)(2): Requirements for Shielding and Filtering

Fixture Lamp Type	Shielding Required	Filtering Required
Low Pressure Sodium ¹	None	None
High Pressure Sodium	Fully	None
Metal Halide	Fully	Yes ⁴
Fluorescent	Fully ⁵	Yes ²
Quartz ³	Fully	None
Incandescent Greater than 100W	Fully	None
Incandescent 100W or less	None	None
LED	Fully	None
Mercury Vapor	Not permitted.	
Fossil Fuel	None	None
Glass Tubes filled with neon, argon, or krypton	None	None
Other Sources	As approved by the Director.	
<div>1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.</div> <div>2. Warm white natural lamps are preferred to minimize detrimental effects.</div> <div>3. For the purposes of this article, quartz lamps are not considered an incandescent light source.</div> <div>4. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.</div> <div>5. Outdoor signs constructed of translucent materials and wholly illuminated from within do not require shielding.</div>		

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3. Energy Conservation. Light sources shall be hard-wired fluorescent or compact florescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps are prohibited, except when used in signs of historic character as part of the architectural design.

4. Light Sources Adjacent to Residential Areas. Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance for residential buildings in a direct line of sight to the sign.

G. Materials. Signs shall be made of sturdy, durable materials. Paper, cardboard, or other material subject to rapid deterioration can only be used for signs that comply with applicable requirements for Temporary Signs in Section 17.48.130. Fabric signs are restricted to Awnings, Canopies, Flags, and Temporary Signs.

H. Mounting Required. All permanent signs shall be firmly anchored and comply with all requirements for public safety and codes.

I. Minimum Clearance from Utilities. Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment, or lines, underground facilities and conduits.

J. Concealed Electrical Systems. External conduits, boxes, and other connections related to the function of a sign and associated lighting shall not be exposed. A switch disconnecting each circuit shall be placed in plain sight and near the inspection opening.

17.48.090 Sign Standards for Agricultural and Residential Zones.

A. Purpose and Applicability. This Section establishes standards for signs associated with specific types of land uses in Agricultural and Residential zones. Unless otherwise specified below, each sign type also is subject to the standards established in Section 17.48.110, Standards for Specific Sign Types.

B. Permanent Commercial Signs Prohibited for Residential Zones. Unless otherwise allowed or exempted by this Chapter, permanent signs displaying a commercial message are prohibited in Residential Zones.

C. Permanent Noncommercial Signs Allowed on Residential Properties. The aggregate sign area allowance for all permanent noncommercial signs on a developed lot or site in Residential Zones, excluding exempt signs or signs otherwise allowed by this Chapter, is 8 square feet.

D. Temporary Signs Allowed on Residential Properties. The aggregate sign area allowance for all temporary signs on a developed lot or site, or on the common area of a fully developed residential subdivision with 5 or more parcels, or on the common area of fully developed multi-family apartment or condominium complexes with 5 or more units, excluding exempt signs or signs otherwise allowed by this Chapter, is 24 square feet, 4 square feet of which may be used as general advertising for hire. For an undeveloped lot or site not subject to regulation pursuant to

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subsection E, the basic sign area allowance for all temporary signs is 16 square feet, all of which may be used as general advertising for hire.

1. Sign Types, Materials and Maintenance. Allowable temporary signs include portable signs, window signs, or banners. Portable signs shall be constructed of materials and maintained as set forth in Section 17.48.130.B.4 below, temporary window signs shall be constructed of materials and maintained as set forth in Section 17.48.130.C.5 below, and banners shall be constructed of materials and maintained as set forth in Section 17.48.130.D.2 below. All temporary signs shall also be maintained in accordance with Section 17.48.170.

2. Location. Signs may be posted or displayed from the yard, window, door, balcony, or outside wall of a building.

3. Maximum Height. Six feet for freestanding signs. Banner and window signs must not be more than 12 feet above grade.

4. Maximum Size. The maximum sign area for any individual sign shall be 16 square feet.

E. Temporary Signs on Developing Residential Properties.

1. The aggregate sign area allowance for all temporary signs on residential zoned property for which a building permit has been issued for purposes of constructing a single-family home or multi-family apartment complex, excluding exempt signs or signs otherwise allowed by this Chapter, is 32 square feet.

a. Duration. Temporary signs shall be allowed on a developing residential lot or site after the building permit has been issued and shall be removed upon its expiration, cancellation or termination.

b. Sign Types. Signs may be portable signs, window signs, or banners.

c. Maximum Height. Eight feet for freestanding signs. Banners and window signs must not be more than 12 feet above grade.

2. Temporary signs on a developing residential subdivision for which at least one final subdivision map has been issued pursuant to Chapter 16.24 are allowed as follows:

a. Duration. Temporary signs shall be allowed on a developing residential subdivision site after the first final subdivision map of an approved tentative subdivision map is recorded and shall be removed when all of the lots shown on the approved tentative subdivision map are sold. However, once individual lots or sites are developed and sold, Section 17.48.090.D above shall apply to those developed and sold lots or sites.

b. External Temporary Signage. Temporary signs located and intended to be viewed from the public streets surrounding a developing residential subdivision may be erected and maintained within the boundaries of the subdivision in accordance with the sign area allowance above. The basic sign area allowance for external temporary signage is the greater of 64 square feet, or 32

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square feet for every 300 lineal feet that the subdivision site fronts upon a public street. External temporary signage shall be non-illuminated, shall not be made or constructed from cloth, bunting, plastic, paper or similar material, and shall be maintained in accordance with the requirements of Section 17.48.170. Dimensions for temporary external signage shall not exceed four feet by eight feet per sign and 32 square feet per sign face, or a height of eight feet, or if located behind an exterior wall of a residential subdivision, at a height not to exceed 12 feet. The signs shall be no closer than 300 feet from each other.

c. Internal Temporary Signage. Additional portable signs, banners and flags may be maintained within the boundaries of a residential subdivision, provided that they are predominantly not viewable from the exterior of the developing residential subdivision, and do not create a safety hazard by obstructing the clear view of pedestrian and vehicular traffic within the developing residential subdivision. Inflatable portable -signs may only be displayed on Saturdays and Sundays. Portable signs shall be constructed of materials and maintained as set forth in Section 17.48.130.B.4 below and banners shall be constructed of materials and maintained as set forth in Section 17.48.130.D.2 below. All internal temporary signs shall also be maintained in accordance with Section 17.48.170.

d. Wall Mounted Banners. Banners or wall mounted temporary signs not exceeding 80 square feet in the aggregate are allowed on an exterior wall of a residential subdivision.

F. Agricultural Zones. Permanent commercial signs incidental to agricultural operations conducted in Agricultural Zones may be erected subject to the following standards:

1. Maximum Number of Signs. One sign per street frontage, which may be either a freestanding sign or a wall sign.
2. Location. Signs shall be setback a minimum of five feet from the public right-of-way.
3. Maximum Sign Area per Sign. 32 square feet.
4. Maximum Height. Six feet.

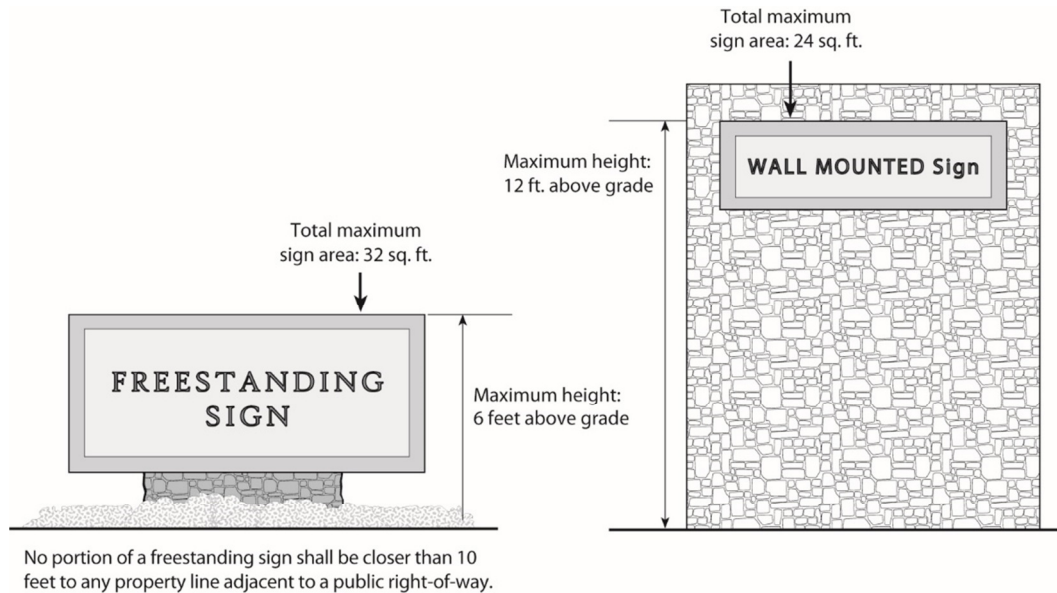
G. Public and Quasi-Public Uses. Signs for Public and Quasi-Public uses located in Agricultural and Residential Zones may be erected subject to the following standards. Public and Quasi-Public uses are those identified as permitted or conditionally permitted pursuant to Chapter 17.52.

1. Maximum Number of Signs: One freestanding sign and one wall sign.
2. Maximum Sign Area per Sign: Freestanding signs shall not be more than 35 square feet in area. Wall signs shall not be more than 36 square feet in area.
3. Maximum Sign Height. Freestanding signs shall not be more than 6 feet in height above grade. Wall mounted signs shall not be more than 12 feet in height above grade.

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4. Setback, Freestanding Signs: Freestanding signs shall be setback a minimum of 10 feet from the public right-of-way.
5. Illumination: Signs may be internally illuminated.

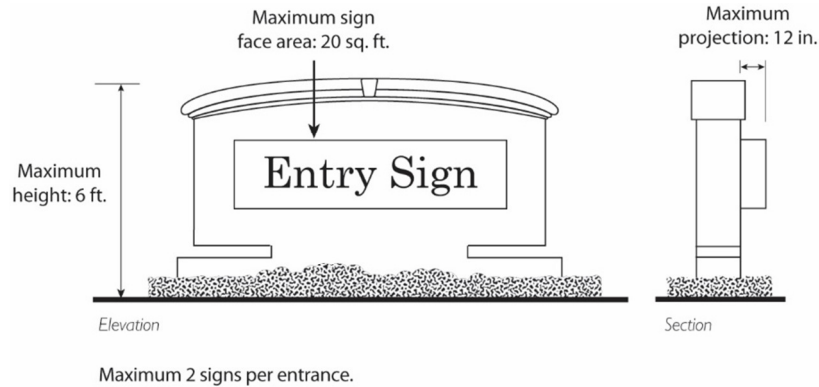
Figure 17.48.090(G): Public and Quasi-Public Uses



H. Entrance Signs. Entrance signs for residential subdivisions with 5 or more than residential parcels, or multi-family apartment or condominium complexes with 5 or more units, shall be permitted subject to the following standards:

1. Maximum Number: Two signs per entrance.
2. Maximum Sign Face per Sign: 20 square feet.
3. Maximum Height: Six feet.
4. Maximum Projection: 12 inches from sign surface.
5. Location: Entrance signs may be attached to a wall, fence, or project identification feature located at or within 100 feet of the entrance to a development.
6. Illumination. Entrance signs may be externally illuminated.

Figure 17.48.090(H): Entrance Signs



17.48.100 Sign Standards for Other Zones.

A. Purpose and Applicability. This Section establishes sign area allowances for specific Zones as well as dimensional standards for the type of signs permitted. Unless otherwise specified below, standards for each sign type are in Section 17.48.110.

B. Aggregate Wall Sign Area. In all Zones other than Agricultural and Residential Zones, the basic sign area allowance for all wall signs on a lot or site, excluding signs for which no permit is required under Section 17.48.030 (Exempt Signs), is as follows:

Table 17.48.100(B): Maximum Area for Wall Signs by Zone

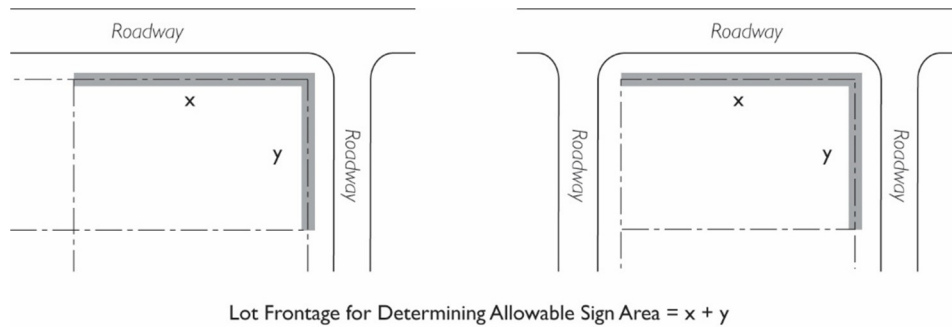
	Commercial Zones	Office Zones	Industrial Zones	Quasi-Public Zones
Total Sign Area Allowed*	2 sq. ft. x ln. ft. of frontage Maximum 150 sq. ft.	1 sq. ft. x 2 ln. ft. of frontage Maximum 30 sq. ft.	1 sq. ft. x ln. ft. of frontage Maximum 100 sq. ft.	0.5 sq. ft. x ln. ft. of frontage Maximum 100 sq. ft.
<p>* Total Sign Area is based on an allowance in square feet per lineal foot (ln. ft.) of street frontage.</p> <p>(1): Unless the standards in the specific Development Standards state otherwise.</p>				

1. Sites with Multiple Frontages. On lots and sites with more than one frontage on a public street (excluding alleys), the maximum permitted wall sign area is calculated as follows:

a. Corner and Through Lots. Where a lot fronts on two streets (a corner or “through lot”), either both the front and side, or front and rear lot lines as related to the applicable frontages may be used for calculating the allowable wall sign area.

- b. Three or More Frontages. Where a lot has three or more frontages on a public street, the length of only two contiguous sides, one of which must be the principal street frontage, are added together to determine allowable wall sign area.

Figure 17.48.100(B)(1): Sites with Multiple Frontages

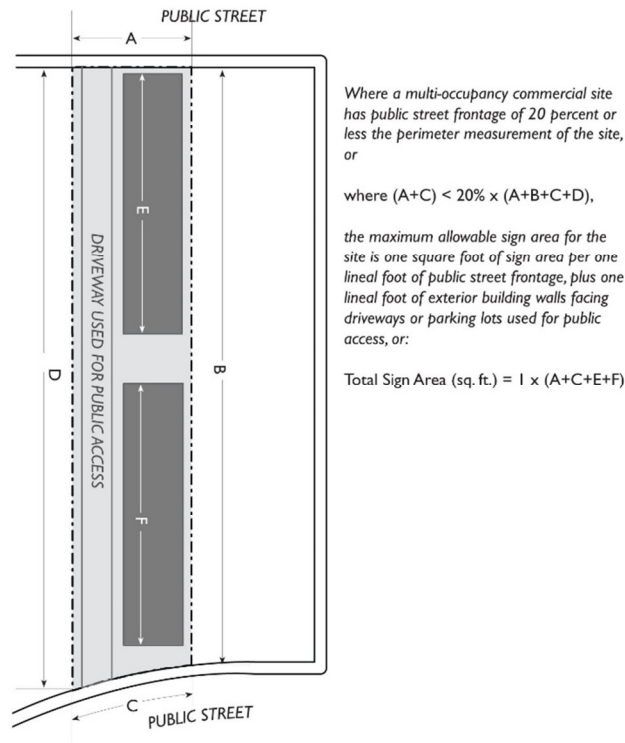


2. Multiple-Occupancy Commercial Sites with Limited Frontage. Where a multiple-occupancy commercial site has public street frontage equal to 20 percent or less of the perimeter measurement of the site, the maximum allowable wall sign area for the site is calculated as follows (see Figure 17.48.100(B)(2)):

- a. One square foot of sign area per one lineal foot of public street frontage; plus
- b. One lineal foot of exterior building walls fronting on driveways and parking lots that are generally used for public access and are located on the same site.
- c. Pedestrian-only passageways that are lined on both sides by building walls are considered interior spaces, and although signs may be placed on such walls, the area of such walls is not included in the calculation of the maximum allowable sign area for the site.

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Figure 17.48.100(B)(2): Calculation of Aggregate Sign Area for Multi-Occupancy Commercial Sites with Limited Frontage



3. **Additional Allowance for Signs in Shopping Centers.** Shopping centers may exceed the basic sign allowance by up to 25 percent through the approval of a Conditional Use Permit issued pursuant to Chapter 17.38 of the Visalia Municipal Code.

4. **Minimum Allowance in Multi-Tenant Projects.** For multi-tenant commercial projects, the aggregate sign area may be increased to the extent that each tenant has a minimum of 0.5 square feet of sign area per lineal foot of business frontage on a primary access way.

C. **Dimensional Standards for Signs.** The Table below presents the dimensional standards for signs in Zoning Districts other than Agricultural and Residential Zones. Detailed controls by sign type are located in Section 17.48.110.

Table 17.48.100(C): Standards for Signs in Non-Residential Zoning Districts

Sign Type	Maximum Number Permitted	Maximum Area per Individual Sign	Maximum Height	Maximum Horizontal Projection from Wall	Additional Regulations

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Sign Type	Maximum Number Permitted	Maximum Area per Individual Sign	Maximum Height	Maximum Horizontal Projection from Wall	Additional Regulations
Awning or Canopy Sign	N/A	25% of exterior surface of awning or canopy	N/A	N/A	Minimum 8 ft. vertical clearance.
Freestanding Sign	1 per street frontage	35 sq. ft. per face; 70 sq. ft. total	12 ft. in Commercial Districts; 6 ft. in Office and Industrial Districts	N/A	
Projecting Sign	1 per building frontage or tenant space	8 sq. ft. per face; 3 sq. ft. per face if under awning canopy	18 ft. but not above the ground floor of the frontage or tenant space	4 ft.	
Wall Sign	N/A	See Table 17.48.100(B)	The height of the wall of the building	6 in.	
Permanent Window Signs	N/A	100% of aggregate window area for permanent window signage	N/A	N/A	

17.48.110 Standards for Specific Sign Types.

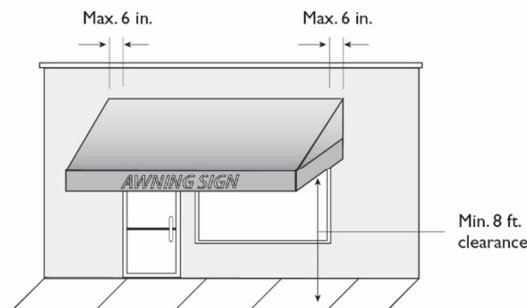
A. Purpose. This Section establishes location and other general standards for specific sign types that apply to all areas where such signs are permitted. Additional standards applicable to these signs in specific Zoning Districts are located in Sections 17.48.090 and 17.48.100.

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B. Awning and Canopy Signs. The installation of awnings and canopies and signage located on awnings and canopies are subject to the following standards:

1. Location. Awning signs shall be located on the ground floor of buildings and the maximum height above grade shall not exceed 14 feet.
2. Minimum Vertical Clearance. Eight feet.
3. Width. Awnings shall be designed to fit the width of the storefront opening or individual window opening. Awnings shall not extend more than six inches on either side of the storefront or window opening.
4. Materials. Awning signs must be made of durable, long lasting materials.
5. Type. Awnings may have a flexible or fixed skirt, be open or closed on the sides, and be fixed or retractable.
6. Signs on Awnings. Sign copy may be located on permitted awnings in lieu of other signage but may not exceed the total aggregate sign area. The area of the sign copy shall not exceed 25 percent of the exterior surface of the awning or canopy.

Figure 17.48.110(B): Awning and Canopy Signs



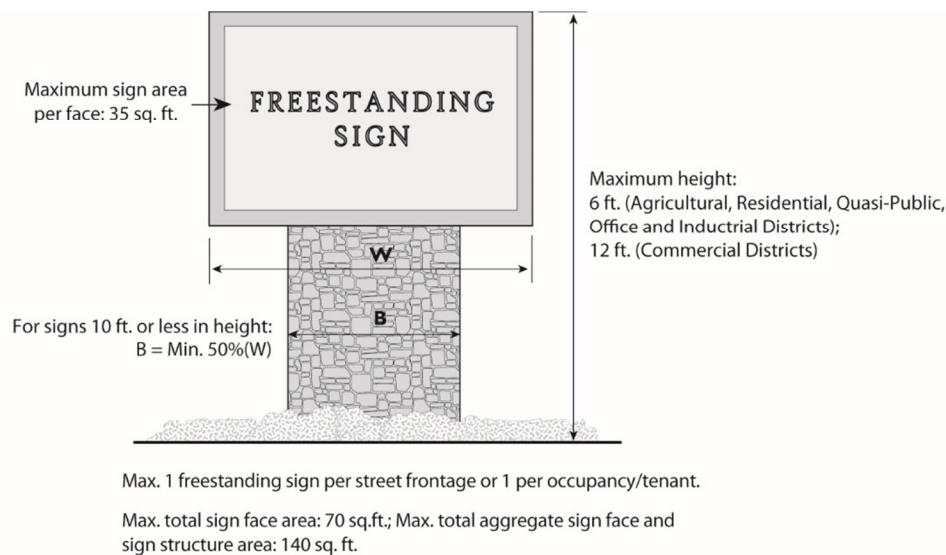
C. Freestanding Signs. Freestanding signs are subject to the following standards:

1. Where Allowed. The base of the supporting structure must be setback at least five feet from the street right-of-way.
2. Maximum Number. One per street frontage or one per occupancy/tenant.
3. Maximum Height.
 - a. Agricultural, Residential, and Quasi-Public Districts. Six feet.
 - b. Commercial Districts. 12 feet.
 - c. Office and Industrial Districts. Six feet.

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4. **Maximum Area.** The sign area must not exceed 35 square feet per face, not to exceed 70 square feet in total. The total aggregate surface of the sign faces and sign structure shall not exceed 140 square feet.
5. **Setback.** Freestanding signs may be located within the required setback areas as long as they are a minimum of five feet from the front property line, and 20 feet from any interior side property line.
6. **Sign Base.** Freestanding signs of 10 feet or less shall be mounted on a base, the width of which shall not be less than 50 percent of the width of the widest part of the sign.

Figure 17.48.110(C): Freestanding Signs



7. **Monument Base Exception.** The City Planner, or their designee, may approve a post or similar style sign structure instead of the required monument base for properties which are residential conversions wherein all of the following criteria are met:
 - a. The sign structure is designed to match the primary structure on the site in architectural style and general appearance.
 - b. All other sign requirements are met.
 - c. The primary structure is a residential conversion which has maintained a residential character/appearance.
8. **Open Air Uses.** For open air uses such as automobile dealerships, the additional standards apply to freestanding signs:
 - a. **Maximum Sign Area.** 35 square feet per face, with the total sign area not exceeding 70 square feet.

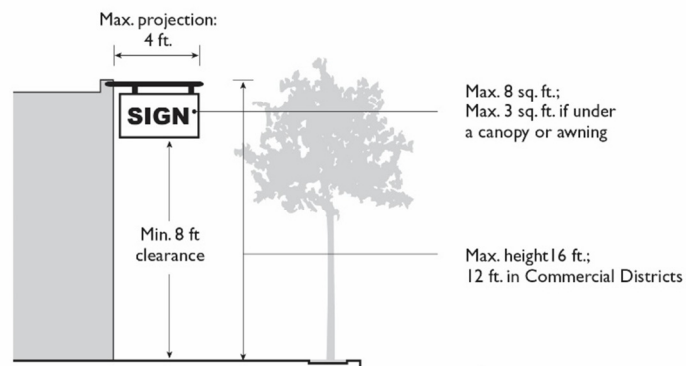
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b. Setback. 20 feet from any interior side property line

D. Projecting Signs. A sign may project horizontally from the exterior wall of a building or beneath a canopy structure subject to the following standards:

1. Maximum Number. One per building or tenant space.
2. Maximum Size.
 - a. Projecting Signs. Eight square feet.
 - b. Under Canopy of Awning Signs. Three square feet.
3. Maximum Height. 18 feet; 12 feet in Commercial Districts.
4. Minimum Vertical Clearance. Eight feet.
5. Projection Allowed. A projecting sign cannot extend more than four feet from the building to which it is attached and shall be designed and located so as to cause no harm to street trees.

Figure 17.48.110(D): Projecting Signs

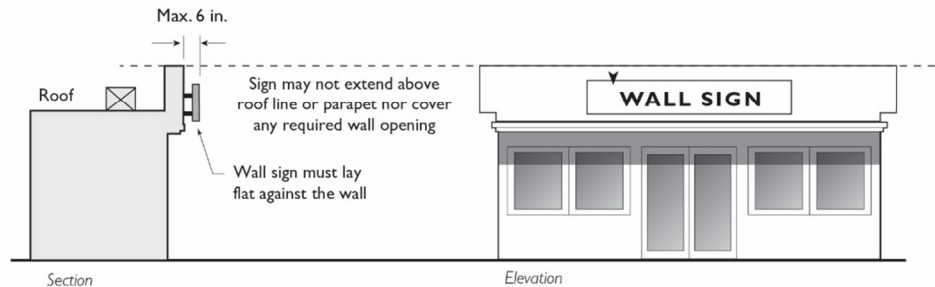


E. Wall Signs. Wall signs are subject to the following standards:

1. Maximum Number. No limit, provided that the total area of wall signs does not exceed the limits in Table 17.48.100.B.
2. Maximum Height. No higher than the roof line or the parapet of the wall of the building to which the sign is attached, whichever is lower.
3. Maximum Sign Area per Sign. See Table 17.48.100(B).
4. Projection Allowed. Wall signs shall not extend more than six inches beyond the face of the wall to which they are attached.

5. Placement. No wall sign may cover, wholly or partially, any required wall opening.
6. Orientation. Unless a different orientation is specifically authorized, each wall-mounted sign shall be placed flat against the wall of the building.

Figure 17.48.110(E): Wall Signs



7. Rear Facades. Where a property has two facades and both are visible from the public right-of-way, a wall sign may be installed on the rear (non-primary) façade if it meets the following:

- a. Size. Maximum of 25 percent of the allowed sign area calculated for the primary occupancy frontage.
- b. Illumination. Signs on rear facades may not be internally illuminated.

F. Permanent Window Signs. Window signs capable of enduring without fundamental change and affixed to either side of an exterior window of a building, or erected or mounted in the interior of the building, and intended to be viewed from the exterior of such building, are allowed subject to the following standards:

1. Materials. Permanent window signs shall be made from or involve the use of materials intended for permanent, enduring display, such as:

- a. Etching, frosting, painting or similar chemical or physical non-removable glass treatments.
- b. Interior electronic signs or digital displays.
- c. Window shades, blinds, draperies or similar window treatments bearing a commercial message and utilized for the primary purpose of energy efficiency and sun glare and UV ray reduction to the interior of a building or structure.

2. Maintenance. All permanent window signs shall be maintained in accordance with the requirements of Section 17.48.170. The structural integrity of signs shall be maintained at all times. Normal wear and tear of aged signs shall be repaired when they detract from the visible quality of the sign, based on the current condition of the sign compared to the appearance of the sign when first installed. Exposed surfaces shall be cleaned and painted and defective parts shall be replaced if necessary.

3. Sign Area. Window sign area shall not be considered in computing the maximum allowed building signage.

17.48.120 Downtown Retail Overlay District Sign Standards.

The standards in this section apply to all signage within the Downtown Retail Overlay District, as defined in Chapter 17.58.

A. Size Standards.

1. Two square feet of sign area is permitted for each lineal foot of occupancy frontage to a maximum of 50 square feet.
2. Users may choose any exterior side of the building as the primary frontage for the purpose of calculating the permitted sign area. The building sign so calculated must then be mounted on that side of the building.
3. A building sign may be affixed to or incorporated as a part of the design of an awning; however, such sign area shall be deducted from that calculated for the exterior building wall to which the awning is attached. Numerals used for the purpose of identifying street addresses need not be deducted from the calculated sign area.
4. Additional signs of a maximum 25 percent of the sign area calculated for the primary occupancy frontage will be allowed for each remaining exterior wall, provided that the sign for any given wall does not exceed two square feet per linear foot of the wall length. This subsection does not apply to alley frontages or buildings that have frontages on two streets with no common visibility for vehicles or pedestrians. In these latter two cases, the allowable signage is in addition to the amount calculated above, and shall be calculated on the basis of two square feet of sign area per linear foot of public street or alley frontage.

B. Projecting Signs Beneath a Canopy/Awning Structure.

1. One double-faced sign not exceeding an area of three square feet per face is permitted. Signs shall be a minimum of 7 feet above the sidewalk and shall not exceed a maximum height of 12 feet.
2. A sign may also be affixed to or incorporated into the design of the side valance of awnings which are perpendicular to the store frontage. Both side valances of an awning may be so utilized, however, only one sign face per awning side is allowed. Each sign face shall not exceed three square feet for each individual shop or tenant.

C. Alley Signs. The maximum building sign area on an alley frontage is calculated separately from that permitted for the primary occupancy frontage, using the same allowance as for the primary occupancy frontage (two square feet per linear foot of the wall length).

D. Reader Boards and Multi-Tenant Buildings.

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1. Each building may display a reader board of a maximum area of 20 square feet indicating the name, address and type of business of the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area is calculated, the sign area used for the reader board shall be deducted from the total permitted for that building; otherwise it is considered exempt from sign area limits. Reader boards shall be designed as one with each copy panel consisting of similar materials and designs. Permits for reader boards shall not be issued without the consent of the property owner.

2. Each commercial use which has direct pedestrian access through an exterior building wall which is visible from a public right-of-way, shall be allowed at least 10 square feet of building sign area, regardless of building occupancy frontage. Commercial uses have a sole access from the interior of any building or from an enclosed lobby or court shall not be allowed the minimum building sign area referred to in this section.

E. Window Signage. See Sections 17.48.110(F) and 17.30.130(D).

F. Enclosed Bulletin Boards and Message Centers. Enclosed bulletin boards or message centers shall be allowed in the Downtown Retail Overlay District, subject to the following requirements.

1. Locations Allowed. Unless located on private property, enclosed bulletin boards and message centers shall require an encroachment permit.

2. Size. Enclosed bulletin boards and message centers shall not be greater than eight feet in height and 12 feet in width.

3. Materials and Maintenance. Enclosed bulletin boards and message centers shall be constructed of metal painted frames, shall have lockable display cases with shatter resistant glass or similar materials, and may only include internal illumination. Enclosed bulletin boards and message centers shall be maintained in accordance with the requirements of Section 17.48.170.

4. Prohibitions. Enclosed bulletin boards and message centers shall not include electronic message displays.

G. Temporary Signs. Banners shall be allowed in the Downtown Retail Overlay District pursuant to the requirements of Section 17.48.130(C). All portable signs covered in Section 17.48.130.B shall be prohibited in the Downtown Retail Overlay District, except A-frame signs, which shall be allowed subject to the following requirements. A-Frames and easels are generally allowed for the purpose of advertising the location, goods or services offered on the premises, however, they may be used as general advertising for hire subject to the limitations in this section.

1. Prohibitions. A-Frame signs are prohibited from any form of broadcasting or audio presentation.

2. Materials and Maintenance. A-frame signs must be made of a durable, rigid material not subject to rapid deterioration, such as, without limitation, wood, plastic or metal, and must be

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professional in appearance. A-frame signs must be maintained in accordance with the requirements of Section 17.48.170.

3. Locations Allowed. A-Frame signs are allowed within a front or corner side setback area and in the public right-of-way directly in front of a business.
4. Maximum Height and Area. The A-Frame sign, when placed in an open position must not exceed a height of four feet from ground level to the top of the sign and be no more than 7.5 square feet per sign face.
5. Maximum Number: One A-Frame sign is allowed per business, which does not count against maximum allowed permanent sign area. They must be removed at the close of business.
6. Placement: A-Frame signs shall be placed so that a minimum of four feet is left clear for pedestrian passage on all sidewalks and walkways. They shall only be placed at grade level and shall not be placed in site visibility triangles or on walls or boulders, within planters, flower beds or tree wells, on vehicles, on other signs or on or affixed to any other type of structure.
7. City's Right to Remove: If at any time any portion of the public right-of-way occupied and used by the A-Frame sign may be needed or required by the City, or the business fails to maintain the permitted sign in accordance with the requirements of this subsection, it may be removed by the City.

H. Projecting Signs Mounted to Building Face.

1. Projecting signs shall be located no higher than the cornice or parapet line, whichever is lower, and must be located so as to not obscure any architectural detail of the façade. A double face projecting sign shall be considered one sign.
2. The maximum size of a projecting sign shall be 40 square feet (20 square feet per side). Projecting signs shall not project more than five feet horizontally. In no case may the sign come within 2.5 feet of the curb.
3. Projecting signs shall be clear of street trees, traffic signals, street lighting and regulatory signs.
4. Projecting signs shall be counted against overall allowed signage square footage per location.

17.48.130 Temporary Signs.

A. General Requirements.

1. General. Each developed property or establishment, or property for which a building permit has been issued, in non-residential zones, as specified, shall be allowed sign copy area for the display of temporary signs, in addition to allowed permanent signage as specified in this Chapter. No permit shall be required for temporary signage.

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2. Limits. Temporary signage must comply with the sign area limits and maximum number of allowed temporary signs, for each of the categories of temporary signage specified in this section. No other temporary signage shall be allowed in non-residential zones.

3. Illumination. Temporary signs cannot be illuminated or constructed with reflective materials.

B. Portable Signs. Portable signs are allowed subject to the following standards.

1. Relation to Associated Business. Portable signs may be located up to 300 feet away from the business so long as they remain within the development site with which the business is associated and the business obtains property owner authorization.

2. Maximum Sign Area per Parcel or Business Location. The total aggregate sign area for all portable signs may not exceed 16 square feet for each developed or developing parcel, or business location where more than one business is located on a single parcel. Where a parcel or business location has a street frontage exceeding 75 lineal feet, the aggregate sign area for all portable signs shall be 16 square feet for each 75-foot segment of street frontage. Each undeveloped parcel shall have a maximum aggregate portable sign area of 16 square feet, all of which may be used as general advertising for hire.

3. Maximum Size and Sign Area. All portable signs, except A-Frame signs and feather banners, shall not exceed 8 feet in height above ground level, nor have a maximum sign area greater than 8 square feet. A-Frames sign, when placed in an open position, must not exceed a height of four feet above the ground level, to the top of the sign, nor have a maximum sign area greater than 7.5 square feet. Feather banners must not exceed a height of ten feet above the ground level, nor have a maximum sign area greater than 16 square feet.

4. Materials and Maintenance. Portable signs shall:

a. Be constructed of durable, weather-resistant materials not subject to rapid deterioration or fading, and be professional in appearance.

b. Be maintained in accordance with the requirements of Section 17.48.170.

c. Portable signs shall be constructed of acceptable materials such as corrugated extruded, twin wall plastic or acrylic sheets mounted to stakes or polls, metal sign blanks, traditional painted wood or vinyl or paper film attached to a plywood core, or similar materials. Acceptable materials for feather banners include vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, durable fabric or similar materials.

d. Be affixed to supporting structures made of a durable, rigid material such as, without limitation, wood, plastic or metal. Feather banners must be secured and stabilized so as to withstand wind gusts, or be removed during windy conditions.

5. Placement. The portable signs shall be placed on private property on the same lot or development site as the establishment that qualifies for such sign and, with an encroachment

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permit, may be placed in the public right of way in front of the associated use or on the nearest sidewalk provided a four-foot wide pedestrian clear zone is maintained. Portable signs must be a minimum of seven feet from the back of the curb, or edge of pavement where no curb exists. Feather banners cannot interfere with either pedestrian or vehicular sight distance, any view corridor or obstruct views to any existing business or existing permanent sign.

6. Prohibited Locations. Portable signs shall not be located:
 - a. In any public right-of-way;
 - b. In parking lot driving lanes, aisles or stalls;
 - c. On multi-use trails or sidewalks if they would block a four-foot wide pedestrian clear zone;
 - d. At any location where they would block pedestrian access;
 - e. Within 100 feet on either side, or in front of a monument sign;
 - f. Within 20 feet from any other portable sign; and
 - g. Within 30 feet from a shopping center access drive or street intersection.

7. Hours for Display for A-frame Signs and Feather Banners. A-frame signs and feather banners are permitted during the hours a business is open for business and one-half hour before opening and one-half hour after closing. They must be removed during hours when the establishment is not open to the public.

C. Banners and Pennants. Banner signs and pennants, including similar devices such as strings of ornamental fringes or streamers, are allowed for establishments within commercial zones, subject to the following standards:

1. Maximum Sign Area per Parcel or Business Location. The total aggregate sign area for banners and pennants may not exceed 32 square feet for each parcel, or business location where more than one business is located on a single parcel. Where a parcel or business location has a street frontage exceeding 75 lineal feet, the aggregate sign area for banners or pennants shall be 32 square feet for each 75-foot segment of street frontage.
2. Maximum Size. The maximum size for any banner is 64 square feet, provided that the parcel or business location has an aggregate sign area allowance that allows for banners within this maximum size allowance.
3. Maximum Height. Banners and pennants shall not extend above the roofline or the parapet of a wall.
4. Banners as Permanent Signs Prohibited. Banners shall not be used as permanent signs, and shall not otherwise replace the primary permanent identification sign(s) for the business or

establishment, and the business or establishment utilizing a banner must have a permanent sign application on file with the City.

5. **Materials and Maintenance.** Banners and pennants shall be constructed of durable, weather-resistant materials not subject to rapid deterioration or fading, and shall be professional in appearance. Acceptable materials include but are not limited to vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, or durable fabric. Banners and pennants shall be maintained in accordance with the requirements of Section 17.48.170.

6. **Allowable Locations.** Banners are only allowed on sites where permanent signs are allowed.

D. **Temporary Window Signs.** Temporary window signs are allowed for establishments within commercial zones, subject to the following standards:

1. **Maximum Sign Area.** The allowable sign area of temporary window signs shall not exceed 40 percent of the total window area for each window or transparent door in a building or structure. For the purpose of defining window area, multiple windows separated by mullions or frames of less than four (4) inches are considered a single window.

2. **Materials and Maintenance.** Temporary window sign shall be constructed of suitable materials and be professional in appearance. Suitable materials include glossy paper, matte paper, card stock or presentation bond paper, vinyl, polypropylene, or paint-on decals, water-based or other easily removable paint or similar materials. Temporary window signs shall be maintained in accordance with requirements of Section 17.48.170.

3. **Illumination.** Temporary window signs shall not be illuminated.

17.48.140 Master Sign Program.

A. **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall design of the development to achieve a more unified appearance. Master Sign Programs may also be used for subdivision projects with a phased development and/or sales plan. Minor variations in dimensional standards and other limitations of this Section may be approved, provided they achieve a result that is superior to what would otherwise be allowed. The Sign Program must demonstrate how it:

1. Improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement;
2. Provides for sign design or placement appropriate for the area;
3. Incorporates sign design and placement related to architectural and landscape features on site; and
4. Incorporates sign design, scale, and placement oriented to pedestrian traffic.

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B. Applicability and Approval Required.

1. Master Sign Program Required. A Master Sign Program approved by the Planning Commission is required for:

- a. New or remodeled non-residential or mixed used projects on sites of five acres or more;
- b. Multiple tenant commercial or mixed use buildings where the entire façade is being remodeled; and
- c. Any development in the BRP Zone.

2. Optional Sign Program. A Master Sign Program may be substituted for specific sign designs and individual applications if requested by an applicant and approved by the Planning Commission.

C. Required Submittals. Applications for a Master Sign Program must include the following plans and text:

1. A site plan showing the location of buildings, parking lots, driveways and landscaped areas;
2. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed, if proposed;
3. An accurate indication on the site plan of the proposed location of each proposed sign and existing sign which is to remain;
4. Color schemes, lettering and graphic style (if tenants are not known, generic styles may be presented);
5. Lighting and sign construction materials; and
6. Sign dimensions (if tenants are not known, generic dimensions may be presented); and
7. A written program of standards for all sign types to be distributed to future tenants, including color, size, illumination, construction details, and sign placement.

D. Findings. The Planning Commission will only approve a Master Sign Program if the following findings are made:

1. That the proposed signs are in harmony and visually related to:
 - a. Other Signs Included in the Master Sign Program. This may be accomplished by incorporating several common design elements such as materials, letter style, colors, illumination, sign type or sign shape.
 - b. The Buildings They Identify. This may be accomplished by utilizing materials, colors or design motifs included in the building being identified.

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c. The Surrounding Development. Approval of a planned sign program must not adversely affect surrounding land uses or obscure adjacent conforming signs.

2. That the proposed signs will comply with all the provision of this Section, except with regard to:

a. Number of signs allowed; and

b. Location and height of signs.

E. Conditions. Reasonable conditions of approval may be imposed by the Planning Commission to achieve the purposes of this Section and ensure compatibility with adjacent land uses and signage.

F. Post-Approval Procedures. After approval of a Master Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with such Program, and such Program may be enforced in the same way as any provision in this Section.

1. Lease Agreements. The Master Sign Program and all conditions of approval shall be attached to the lease agreements for all leasable space within a project.

2. Individual Signs. Any sign that conforms to an approved Master Sign Program may be approved by the City Planner or designee; however, approval of a Master Sign Program does not waive the permit requirements for individual signs.

3. Amendments. The City Planner or designee may approve minor amendments to a Master Sign Program that are in substantial conformance with the original approval. All other amendments, including amendments to conditions of approval shall be processed as a new application.

17.48.150 Variances and Exceptions.

A. Purposes.

1. Variances. The Planning Commission may grant variances for setbacks, locational and dimensional standards that apply to signs in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this chapter. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from street locations or traffic conditions in the immediate vicinity that would affect the signing of a site or building.

2. Exception. The Planning Commission may grant an exception to the physical design standards if it can be demonstrated that such an exception is necessary to facilitate an improved aesthetic relationship between a sign and the structures upon which it is mounted.

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B. Application Procedures. Application for a sign variance or sign exception shall be submitted to the City Planner on an approved form and include the following:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property, is the authorized agent of the owner(s), or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty which would result from the strict interpretation and enforcement of the standards in this Chapter;
5. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show applicant's proposal in comparison with the standards that otherwise would apply; and
6. The required fee or deposit.

The application shall be reviewed by the City Planner, who shall determine whether it is complete or, if not, what additional information is needed. Once the application is determined to be complete, the City Planner shall give notice to the applicant of the time when the application will be considered by the Planning Commission. The City Planning also may give notice of the time to any other interested party.

C. Public Notice and Hearing.

1. Notice of a public hearing on a sign variance or sign exception shall be given not less than ten days nor more than 30 days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing.
2. After the required notice has been provided, the Planning Commission shall hold a public hearing on an application for a variance.

D. Staff Report. The City Planner shall prepare a staff report on the application, including a recommendation, which shall be submitted to the Planning Commission.

E. Public Hearing Procedure. At a public hearing the Planning Commission shall review the application and the statements and drawings submitted by the applicant and the staff report and the evidence presented in that report with respect to the findings listed below, that are required to approve a variance or exception.

F. Findings Required for a Variance.

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1. The Planning Commission may grant a variance to a regulation or standard prescribed by this Chapter, as applied for or as modified by the Commission, provided that, on the basis of the application and staff report and/or evidence submitted, the Commission determines:

- a. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the sign regulations;
- b. That there are exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other properties classified in the same zoning district;
- c. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
- d. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and
- e. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

2. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such reasonable conditions as the Commission may prescribe.

3. The Planning Commission must deny a variance application if the required findings cannot be made.

G. Findings Required for an Exception. The Planning Commission may approve, conditionally approve or deny a request for an exception to the physical design standards of this chapter. For the Planning Commission to approve or conditionally approve an exception, the following findings must be made:

1. That the granting of the exception is necessary to attain a high aesthetic sign design which would be restricted if the provisions and standards of this Chapter were strictly applied;
2. That the granting of an exception would not adversely affect the visibility of signs on adjacent properties; and
3. That the granting of an exception would not constitute a granting of a special privilege.

H. Appeal to City Council. The decision of the Planning Commission on a variance or exception application shall be subject to the appeal provisions of the zoning ordinance.

I. Revocation. A variance or exception granted subject to a condition or conditions shall be revoked by the Planning Commission if the applicant fails to comply with any the condition of approval.

J. Time Limits for Filing a New Application. Following the denial of a variance or exception application or the revocation of a variance or exception, no application for the same or substantially the same sign shall be filed within one year of the date of denial of the variance or exception application or the date of revocation of the variance or exception.

17.48.160 Nonconforming Signs.

A. Purpose. A nonconforming sign is a sign that was lawfully constructed and maintained prior to the adoption of the regulations codified in this Chapter but which does not conform to the provisions of this Chapter. The purpose of the regulations in this Section is to limit the number and extent of nonconforming signage by prohibiting alteration or enlargement of such signage so as to increase the discrepancy between their condition and the standards and requirements of this Chapter.

B. Continuance and Maintenance. Reasonable and routine maintenance and repairs may be performed on signs that are nonconforming provided there is no expansion of any nonconformity with the current requirements of this Chapter.

C. Abandonment of Nonconforming Sign. Whenever a nonconforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of 30 days, the nonconforming sign must be removed.

D. Restoration of a Damaged Sign. An on-premise sign may be restored that meets any of the following criteria:

1. A sign with damage that does not exceed 50 percent of the total sign area, including hardware and attachments, provided that the repairs start within 30 days and diligently pursued to completion.
2. A sign that is a danger to the public or is unsafe as determined by the Building Official.

E. Signs Rendered Nonconforming by Annexation. Any sign that becomes non-conforming subsequent to the effective date of this Chapter by reason of annexation to the City of the site upon which the sign is located is subject to the provisions of this Section.

17.48.170 Maintenance, Abandonment, and Enforcement.

A. Maintenance Required. All signs and associated supporting structures shall be maintained in like-new condition, without rips, tears, fading and similar damage that inevitably occurs as a result of normal wear and aging.

1. Deteriorated Signs. Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, ripped, torn, faded, or other deteriorating or dilapidated condition shall be promptly repaired, to the satisfaction of the City, or removed.

2. Graffiti. Graffiti on a sign shall be removed within two days of notice of its placement on such sign.

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3. Maintenance Standards. All parts, portions, units and materials composing a sign, together with the frame, background, surface, support or enclosure shall be maintained in a like-new, safe condition, painted, and adequately protected from weathering with all braces, bolts and structural parts and supporting frames and fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute a nuisance.

4. Summary Removal of Hazards. Whenever any sign, by virtue of its physical nature and condition, poses an immediate and serious threat to the public safety, the same may be removed by City personnel, or its physical deficiency cured, to the extent necessary to protect the public safety. The cost of such removal or repair shall be assessed against the sign owner.

B. Abandoned or Obsolete Sign. An on-premise sign advertising an activity, business, service or product must be removed within 30 days following the actual discontinuance of the activity, business, service or product. If the sign is not so removed, the City Planner or designee may have the sign removed in accordance with the public nuisance abatement provisions of this Code.

C. Illegal Signs. Any sign, banner, or sign structure not erected, constructed or located in conformance with this Chapter and not classified as a legal nonconforming sign is an illegal sign and is subject to abatement in accordance with the public nuisance abatement procedures set forth elsewhere in the Visalia Municipal Code.

D. Enforcement. Signs which do not conform to the provisions of this Chapter and are erected after its effective date and signs erected after the effective date of this Chapter without obtaining the permit required thereby are declared to be unlawful and a public nuisance. All signs declared to be unlawful by this Section and all persons erecting or maintaining them shall be subject to the terms of Chapter 17.46, Administration and Enforcement, specifically Sections 17.46.010 to 17.46.060, of this Code and all amendments thereof, as well as Chapter 1.13, Administrative Code Enforcement. The City Planner or designee shall forthwith take all necessary actions or proceedings for the abatement, removal and enjoinder pursuant of said sections of the Visalia Municipal Code. The remedies provided for in this Section are cumulative and nonexclusive.

17.48.180 Definitions.

The following definitions apply within this Chapter, regardless of how the terms may be defined in the Municipal Code.

A-Frame Sign. A portable upright, rigid, self-supporting frame sign in the form of a triangle or letter "A".

Abandoned Sign. A sign remaining in place or not maintained for 30 days that does not provide direction for, advertise, or identify a legally established business, product, or service available on the business premises where the sign is located.

Animated Sign. A sign with messages that visually change, or images that move or appear to move, flash on or off, wink or blink with varying light intensity, show motion or create the illusion of motion, or revolve to create an illusion of being on or off. This definition does not

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include traditional barber poles or scoreboards, nor does it include “commercial mascots,” “digital displays” and “electronic signs”, which are defined separately.

Awning. Any structure made of flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

Awning or Canopy Sign. Sign copy placed on an awning or any other projecting structure made of flexible fabric or similar material covering a metal frame supported by the ground or sidewalk.

Banner Sign. Any sign of vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, durable fabric or similar material that is mounted to a structure or a building at one or more edges with no enclosing framework on which a message or image is painted or otherwise affixed. Flags are not within this definition.

Billboard: See Outdoor Advertising Display.

Changeable Copy Sign. A sign constructed or designed to allow for periodic changes of copy, and for which the copy is changed not more than once each 24-hour period. Examples include signs for an auditorium, theater, school, church, meeting hall, or similar uses characterized by public assembly and changing programs or events, or gas station prices. This definition does not include animated signs or electronic signs.

Commercial Message. A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discussion in the marketplace of goods and services.

Copy. Any letters, numerals, or symbols displayed on a sign face conveying a message to the public.

Digital Display. A method of displaying a visual image that uses liquid crystal cells or other types of light emitting diodes (LEDs) or their functional equivalent allow for the message or image to be easily changed, typically by remote control or computer programming. This definition applies to signs displaying a series of still images.

Electronic Sign. A sign that is capable of presenting variable message displays by projecting an electronically controlled pattern and which can be programmed to periodically change the message display. See also Digital Display.

Exempt Sign. A sign which may be legally displayed, erected or maintained, but is not subject to a sign permit requirement.

Externally Illuminated Sign. Any sign that is lit by a light source that is external to the sign directed towards and shining on the face of the sign.

Face. That portion of a sign upon which the copy is mounted or displayed.

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Feather Banner. A portable sign consisting of a vertical banner made of vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, durable fabric or similar material, the longer dimension of which is typically attached to a pole or rod that is driven into the ground, supported by an individual stand or bracketed to a structure. Also called a “blade sign,” “swooper,” “flutter flag,” “bow sign” or “teardrop banner.” This definition includes functionally similar devices.

Flag. Any fabric or banner containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

Freestanding Sign. A permanent sign that is self-supporting in a fixed location and not attached to a building. It includes monument signs, which are connected or attached to a sign structure, fence, or wall that is not an integral part of a building, and pole signs, which is mounted on a pole(s) or other support(s) that is placed on and anchored in the ground or on a base and that is independent from any building or other structure. Freestanding signs are of two types: monument and pole. Flag poles are not within this definition.

Graffiti. Marks, such as inscriptions, drawings, or designs, which are placed, scratched, etched, painted, or sprayed on public or private property without the owner’s consent.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. This includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes. Ambient lighting, by itself, does not make a sign “illuminated.”

Master Sign Program. A coordinated sign plan which includes details of all signs (not including exempt or temporary signs) which are or will be placed on a site, including master identification, individual business and directory signs.

Mobile Billboard. Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or other general advertising for hire.

Monument Sign. See Freestanding Sign.

Moving Sign. A sign or any portion thereof that rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means.

Mural. A work of graphic art on an exterior building wall that may or may not contain a commercial logo or trademark but does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

Name Plate. A sign that identifies an occupant and/or address.

Noncommercial Message. A message or image on a sign, or portion of a sign, which displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern.

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This definition shall be construed and interpreted in light of relevant court decisions. Noncommercial messages do not have a location factor, such as on-site or off-site.

Non-Communicative Aspects. Those aspects of a sign that are not directly communicative, such as physical structure, mounting device, size and height, setback, illumination, spacing, and scale relative to other structures.

Nonconforming Sign. A sign lawfully erected and legally existing on the effective date of this Section, or of amendments thereto, but which does not conform to the provisions of this Chapter.

On-Site or On-Premise Sign. Any sign or portion thereof that identifies, advertises, or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same property or land use as the sign. The off-site/on-site distinction applies only to commercial messages.

Outdoor Advertising Display. A sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered at a different location or which identifies by brand name a service or product which, although sold on the premises, does not constitute the principal item for sale on the premises. The off-site/on-site distinction applies only to commercial messages. This type of sign is also known as a billboard.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention. Flags and banners are not within this definition.

Pole Sign. See Freestanding Sign.

Portable Sign. A movable sign that has a transitory purpose or functionality that is intended to be displayed for a time only. The definition includes A-frame type signs, feather banners, stationary inflatable signs displayed and secured at ground level, and other free standing temporary signs made of materials not suitable for or intended for permanent display, affixed to stakes or poles or similar supporting structures that accommodate the ability to affix such free standing temporary signs in multiple locations.

Projecting Sign. A single or double faced sign that is perpendicular to the face of a building and projects more than 18 inches from the face. This category includes awning and under canopy signs.

Primary Building Face. The wall of a building which contains the principal entrance(s) to the building. If there are principal entrances in more than one wall, the longest of the walls in which principal entrances are located shall be the primary building face. "Primary building face" shall include not only the wall itself but all doors, windows, or other openings therein and projections therefrom.

Readerboard. A sign structure or mounting device on which at least a portion of the display face may be used for changeable copy that is either non-commercial or commercial, electronic or manual.

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Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign. Any sign located on a roof of a building or having its major structural supports attached to a roof.

Sign. Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the general public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information. A display, device, or thing need not contain lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition:

- A. Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), that do not perform a communicative function;
- B. Fireworks, etc. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this Code;
- C. Foundation stones, cornerstones;
- D. Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;
- E. Personal Appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, and masks, but not including commercial mascots or hand-held signs; and
- F. Symbols Embedded in Architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building, including stained glass windows on churches, carved or bas relief doors or walls, bells, and religious statuary.

Sign Area. The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.

Sign Face. An exterior display surface of a sign, including non-structural trim, exclusive of the supporting structure. It includes the area of a sign which is available for mounting and public display of the visually communicative image.

Temporary Sign. A structure or device with a transitory purpose or functionality and used for the public display of visual messages or images intended to last for a time only.

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Vehicle Display Sign. A sign mounted, attached, affixed, or painted upon any surface of a motor vehicle, trailer, or similar conveyance parked on public or private property for the purpose of general advertising for hire.

Wall Sign. Any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof.

Window Sign. Any structure, device or substance device used for the public display of visual messages or images and affixed to either side of an exterior window of a building, or in the interior of the building, within two feet of a window, intended to be viewed from the exterior of such building, which is not intended for or suitable for long term or permanent display. Window displays placed behind a window that are presentations of merchandise provided by the establishment with associated artwork and features are not considered signs.

Chapter 17.50

AIRPORT ZONE

Sections:

- 17.50.010 Airport zone regulations.**
- 17.50.015 Applicability.**
- 17.50.020 Legislative authority.**
- 17.50.030 Definitions.**
- 17.50.040 Type of zones and heights limits.**
- 17.50.050 Airport zoning map.**
- 17.50.060 Airport land use zone.**
- 17.50.070 Use restrictions.**
- 17.50.080 Uses within nonaviation commercial areas.**
- 17.50.090 Administration and enforcement.**
- 17.50.100 Permits.**
- 17.50.110 Violation.**

17.50.010 Airport zone regulations.

A. All of the provisions of Chapter 3, Part 7 of the Ordinance Code of Tulare County, as amended by Tulare County Ordinance No. 1233, are referred to, adopted as a city ordinance and made a part of this code, and all of the provisions thereof shall be applicable within the boundaries of the city.

B. All references to the County of Tulare in said Ordinance No. 1233 of the County of Tulare shall refer to the city of Visalia.

17.50.015 Applicability.

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

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17.50.020 Legislative authority.

This chapter is adopted pursuant to the Airport Approaches Zoning Law of the state of California (commencing at Section 50485 of the Government Code of the state of California and the Planning and Zoning Law of the state of California (commencing at Section 65000 of the Government Code of the state of California).

17.50.030 Definitions.

Except where the context otherwise requires the following definitions shall govern the construction of this chapter:

"Airport" means any area of land or water designated and set aside for the landing and taking off of aircraft, and utilized or to be utilized in the interest of the public for such purposes, a map of which has been or is hereafter included as part of the airport zoning map of the county of Tulare.

"Airport elevation" means the elevation of the highest point on the usable or designed runway as established by the county surveyor.

"Airport hazard" means any structure, tree, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

"Airport reference point" means the point established at the approximate geographic center of the airport landing area and so designated.

"Height," used for the purpose of determining height limits in all zones set forth in this chapter, means the vertical elevation in feet above the established airport elevation unless otherwise stated.

"Landing area" means the area of an airport used, or to be used, for the landing, taking off or taxiing of aircraft.

"Nonconforming use" means any structure, tree or use of land that does not conform to the provisions of this chapter at the time this chapter is made applicable to a particular airport.

"Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association, city, county or district, and includes any trustee, receiver, assignees or other similar representative thereof.

"Planning commission" means the planning commission of the county of Tulare.

"Runway" means the paved surface of an airport landing area designated for the landing or taking off of aircraft.

"Structure" means any object constructed, installed or placed on real property by man including, but not limited to, buildings, towers, smokestacks, and overhead lines.

"Tree" means any object of natural growth.

17.50.040 Type of zones and heights limits.

Six types of zones, and the height limits for said zones, are established for the purposes of airport zoning. Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone to a height in excess of the height limit established for such zone. The datum plane for measurement of such height, except as otherwise specified herein, shall be based on the airport elevation, as defined by Section 17.50.030. Said zones are as follows:

- A. Landing Zone ("L"). A surface, and the airspace above it, rectangular in shape, longitudinally centered on the runway and extending in length two hundred (200) feet beyond the ends of the runway. The landing zone shall have an elevation, at any point along its longitudinal profile, coincident with the runway centerline or centerline prolongations as appropriate. The landing zone shall have the width specified on each map adopted pursuant to Section 17.50.050.
- B. Approach Zone ("AA"). A plane surface and the airspace above it, trapezoidal in shape, longitudinally centered on the prolongation of the runway centerline, beginning at each end of each landing zone, coinciding in width with the landing zone where they join. The height and width of the approach zone shall be as specified on each map adopted pursuant to Section 17.50.050.
- C. Landing Transition Zone ("LT"). A plane surface, and the airspace above it, rectangular in shape, lying adjacent and parallel to each side of each landing zone, having a length equal to the landing zone and extending outward and upward, at right angles to the runway centerline, at a slope of seven-to-one to a height of one hundred fifty (150) feet above the established airport elevation.
- D. Approach Transition Zone ("AT"). A plane surface and the airspace above it, triangular in shape, lying adjacent to each side of each approach zone and at each end of each landing transition zone, coinciding in height with the approach outward and upward, at right angles to the prolongation of the runway centerline, at a slope of seven-to-one to a maximum airport elevation or to the conical zone surface, whichever is higher.
- E. Horizontal Zone ("H"). A horizontal circular plane surface, and the airspace above it, one hundred fifty (150) feet above the established airport elevation, its radius point being the airport reference point and having the radius specified on each map adopted pursuant to Section 17.50.050. The horizontal zone does not include the landing zone or transition zones.
- F. Conical Zone ("C"). A conical surface of an inverted conical frustum, and the airspace above it, its minor base being coincidental with the periphery of the horizontal zone and extending outward and upward, radially to its axis, at a slope of twenty-to-one for the horizontal distance specified on each map adopted pursuant to Section 17.50.050. The conical zone does not include the approach zone at the approach transition zone.

17.50.050 Airport zoning map.

A. The several zones established by Section 17.50.040 shall be shown and delineated on the airport zoning map of the county of Tulare, which is adopted. Said zoning map, for convenience and identification, is divided into parts corresponding to the operational areas of the respective airports included with the provisions of this chapter. Additional parts of the airport zoning map may be adopted from time to time by ordinance. Each part of the airport zoning map of the county of Tulare adopted or hereafter adopted identify the subject and the location and shall contain a map and diagrams including a plot plan of the subject runways, the location and dimensions of all zones described in accordance with the formulas established for the regulation of any of the aforementioned zones need not be the same for different airports. The following parts of the airport zoning map are hereby adopted:

1. Part 1, Porterville Municipal Airport;
2. Part 2, Tulare Airpark;
3. Part 3, Visalia Municipal Airport.

B. The airport zoning map and amendments or additional parts thereof adopted pursuant to this chapter, shall not be included in or made a part of this code.

17.50.060 Airport land use zone.

A. This section establishes an “AP” (airport) zone that will be an integral part of the Visalia zoning ordinance. The “AP” zone will allow only airport related land uses as follows:

1. Signs, subject to the provisions of Chapter 17.48;
2. Terminal area;
3. Noncommercial aviation;
4. Airport reserve;
5. Nonaviation (highway) commercial;
6. Airport services;
7. Aviation commercial;
8. Air cargo reserve;
9. Recreation;
10. Agriculture;
11. Safety (open space) area;

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12. Runways and taxiways;

13. Airport service roads;

14. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030.

B. The uses shall be developed within the areas that are specifically delineated within the Visalia “airport master plan.”

C. Prior to issuance of any building permits, the airport commission shall review the proposal and the Visalia planning commission shall recommend its approval based upon the proposal's conformance with the “airport master plan.”

D. Any changes to the “airport master plan” shall require review by the airport commission and a public hearing before the Visalia planning commission and city council.

17.50.070 Use restrictions.

Notwithstanding any other provisions of this chapter, no use may be made of land or water with-

in any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare to the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

17.50.080 Uses within nonaviation commercial areas.

It is the intent of this section to specify a list of permitted uses within an area designated “nonaviation commercial” on the airport master plan. Two use areas within this designation are area “A” and area “B” as designated on approved development plans.

A. Area “A” Permitted Uses.

1. Animal shelters;

2. Banks;

3. Barber shops;

4. Beauty shops;

5. Blueprinting shops;

6. Broadcasting studios;

7. Communications equipment buildings;

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8. Duplicating services;
9. Eating places, not including drive-in restaurants or places that serve alcoholic beverages;
10. Limited office equipment sales;
11. Locksmiths;
12. Medical or dental laboratories;
13. Medical and orthopedic appliance stores;
14. Offices;
15. Office and business machines sales and service;
16. Optician and optometrist shops;
17. Parking facilities;
18. Pharmacies;
19. Photograph studios;
20. Photography supply stores;
21. Scientific instrument stores;
22. Signs, subject to provisions of Chapter 17.48;
23. Travel bureaus.

B. Area "B" Permitted Uses.

1. All uses listed in Area "A";
2. Warehousing, wholesaling, and distribution uses limited to a maximum area of four thousand (4,000) square feet in conjunction with an office;

Assembly and repair service uses limited to a maximum area of four thousand (4,000) square feet in conjunction with an office;

3. Business, trade, and professional schools.

C. All storage of materials and activities that occur with each use shall be conducted entirely within an enclosed structure.

D. Uses may be added to the list of permitted uses as specified in Section 17.50.060.

17.50.090 Administration and enforcement.

A. The planning commission is designated as the agency for the administration and enforcement of this chapter.

B. The city building inspector shall not issue building permits for the construction, reconstruction or structural alteration of any structure within any of the zones established by Section 17.50.040 if said construction, reconstruction or structural alteration would result in violation of the provisions of this subsection any building permits so issued shall be null and void.

17.50.100 Permits.

Before that portion of any nonconforming structure that exceeds the height limitation established by the airport zoning map and Section 17.50.040 may be structurally altered and before any nonconforming structure or tree may be replaced, reconstructed, allowed to grow higher or replanted, a permit must be secured from the planning commission authorizing such structural alteration, replacement, reconstruction or change. Those portions of an existing nonconforming structure below the applicable height limitations may be structurally altered, repaired and added to, and those portions of an existing nonconforming structure above the applicable height limitation may be repaired and minor replacements made therein, without securing such a permit unless such structural alteration, repair, addition or enlarge that portion of the structure that exceeds the applicable height limitation. No such permit shall be granted that will allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was on the date that this chapter was made applicable to a particular airport or than it was when the application for a permit was made, but all other application for such permits shall be granted.

17.50.110 Violation.

Any person violating any of the provisions of Chapter 3, Part 7 of the Ordinance Code of Tulare County as amended by Tulare County Ordinance No. 1233, which are declared to be unlawful shall be deemed guilty of a misdemeanor.

Chapter 17.52

QUASI-PUBLIC ZONE

Sections:

17.52.010 Purpose and intent.

17.52.015 Applicability.

17.52.020 Permitted uses.

17.52.030 Conditional uses.

17.52.010 Purpose and intent.

The purpose and intent of the quasi-public zone is to provide a zone that is intended to allow for the location of institutional, academic, community service, governmental, and nonprofit uses.

17.52.015 Applicability.

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

17.52.020 Permitted uses.

Permitted uses in the quasi-public zone include public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public building, structures and facilities; public playgrounds, parks and community centers. Permitted uses also include wireless telecommunication facilities on parcels that are a minimum of five (5) acres, subject to the requirements of Section 17.32.163 (Regulation of Wireless Telecommunication Facilities) of the Visalia Zoning Ordinance. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030. Other uses similar in nature and intensity as determined by the city planner.

17.52.030 Conditional uses.

Conditional uses in the quasi-public zone include:

A. Public and quasi-public uses of an education or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day

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care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;

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

C. Ambulance service;

D. Electric distribution substations;

E. Gas regulator stations;

F. Public service pumping stations;

G. Communications equipment buildings;

H. Wireless telecommunication facilities on parcels that are a less than five (5) acres subject to the Section 17.32.163 of the Visalia Zoning Ordinance;

I. Residential development specifically designed for senior housing;

J. Other uses similar in nature and intensity as determined by the city planner.

Chapter 17.54

GENERAL PLAN AMENDMENTS

Sections:

- 17.54.010 Purpose.**
- 17.54.020 Initiation.**
- 17.54.030 Application procedures.**
- 17.54.040 Public hearing—Notice.**
- 17.54.050 Investigation and report.**
- 17.54.060 Hearing.**
- 17.54.070 Action of city planning commission.**
- 17.54.080 Action of the city council.**

17.54.010 Purpose.

As the general plan for Visalia is implemented, there may be a need for amendments to land use boundaries and policies of the general plan. Such amendments shall be made in accordance with the procedure prescribed in this chapter.

17.54.020 Initiation.

A. An amendment to the land use boundaries of the general plan may be initiated by any interested person or the owners of the property within the area for which the amendment is proposed. The area of a proposed land use amendment and/or policy amendment may be expanded in scope by the planning commission in the resolution of intention.

B. An amendment to land use boundaries and/or policies may be initiated by the city planning commission or the city council by adoption of a resolution of intention.

17.54.030 Application procedures.

A. An application for an amendment shall be filed by the applicant with the city planning commission on a form prescribed by the commission. Said application shall include the following data:

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1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property for which a land use boundary amendment is proposed or the authorized agent of the owner. In the case of a policy amendment the statement shall indicate the interest of the applicant;
 3. Address and legal description of the subject property, if applicable;
 4. The application shall include material deemed necessary by the city planner to clearly show the applicant's proposal.
- B. The application shall be accompanied by a fee set by resolution of the city council to cover the cost of processing the application.

17.54.040 Public hearing—Notice.

Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area under consideration if an amendment to the land use element is under consideration.

17.54.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon that shall be submitted to the city planning commission.

17.54.060 Hearing.

At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence regarding the proposed amendment.

17.54.070 Action of city planning commission.

Within forty-five (45) days following the public hearing, the city planning commission shall make a specific recommendation and shall transmit a report to the city council. The report shall include a resolution recommending either approval or denial of the proposed amendment, together with pertinent information and the report of the city planning staff.

17.54.080 Action of the city council.

A. Upon receipt of the resolution and report of the city planning commission, the city council shall hold at least one public hearing with public notice as prescribed in Section 17.54.040. Following the noticed public hearing, the city council shall approve, deny or modify the city planning commission recommendation.

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B. If the element or amendment has been approved by the city planning commission, the city council shall not modify the recommendation until the proposed change or modification has been referred back to the city planning commission for a report and a copy of the report has been filed with the city council. Failure of the city planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the city council shall be deemed to be approval of the proposed change or modification. It shall not be necessary for the city planning commission to hold a public hearing on such proposed change or modification.

C. The adoption of a general plan element, or amendment, shall be by resolution of the city council.

Chapter 17.56

HISTORIC PRESERVATION DISTRICT

Sections:

- 17.56.010 Purposes and intent.**
- 17.56.020 Components of the chapter.**
- 17.56.030 Definitions.**
- 17.56.040 Regulation of structures.**
- 17.56.050 Creation of historic preservation advisory committee.**
- 17.56.060 Appeal.**
- 17.56.070 Demolition or moving of historic structures.**
- 17.56.080 Ordinary maintenance and repair.**
- 17.56.090 Exceptions to Visalia Municipal Code requirements.**
- 17.56.100 Building design compatibility criteria.**
- 17.56.110 Local register structures.**
- 17.56.120 Role of building official.**
- 17.56.130 Separability.**

17.56.010 Purposes and intent.

A. There is created a historic district, the boundaries of which are shown on the two maps entitled, “Historic District Overlay,” which accompany the ordinance codified in this chapter and which are on file in the office of the city clerk, on the 19th day of November, 1979 and dated 19th day of November, 1979. Said maps are adopted and made a part of this chapter.

B. This chapter is enacted to preserve and promote the public health, safety and welfare of the residents of the city, and to express the commitment of the city to assure that the city's cultural heritage, as reflected in its historic structures, sites, and features is not destroyed, through:

1. The protection and preservation of historic structures;

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2. The preservation and maintenance of historic residential areas as cohesive neighborhood units;
3. The enhancement of property values in the older areas of the city;
4. The assurance that the community's cultural heritage, as reflected in the environment, is not lost;
5. The encouragement of the development of vacant and incompatibly developed properties in accordance with the character of the historic district;
6. The involvement of residents of the older areas in planning their own neighborhoods.

17.56.020 Components of the chapter.

This chapter shall include:

1. The ordinance, which specifies the historic district overlay designation, design evaluation criteria, and the formation, powers and duties of a historic preservation advisory committee;
2. Creation of a local register of historic structures, sites and features that may be modified from time to time by resolution of the city council.
3. Two maps that designate the historic district overlay.

17.56.030 Definitions.

A. All definitions, general and specific, set forth in Section 17.04.030 shall be applicable to this chapter.

B. Definitions.

“Construction” means any building activity requiring the issuance of a building permit, except for any activity that does not affect the exterior appearance of the structure.

“Enlargement” means construction that results in the expansion of the gross floor area of a structure.

“Historic structure” means a structure listed on the Local Register.

“Local register” means the listing of local historic structures, sites and features adopted by the city council and maintained by the historic preservation advisory committee, and incorporated herein by reference.

17.56.040 Regulation of structures.

No structure shall be constructed, altered or enlarged that is located in the historic district or that is listed as an “exceptional” or “focus” structure on the local register and is located outside the

historic district, unless such a permit is issued pursuant to the terms of this chapter. No structure listed on the local register shall be moved or demolished unless a permit is issued pursuant to the terms of this chapter.

17.56.050 Creation of historic preservation advisory committee.

In order to execute the purposes declared in this chapter, there is created a historic preservation advisory committee.

A. Committee Membership.

1. The historic preservation advisory committee shall consist of seven members appointed by the city council to serve without compensation. All committee members shall be residents of the city at the time of their appointment and will lose their position if they move outside the city limits during their term of office. Members shall be appointed on the basis of:

- a. Relevant professional or business qualifications;
- b. Ownership of property within the historic district;
- c. Practical experience in restoration or preservation;
- d. Exceptional civic interest.
- e. Terms of office shall be for two years.

2. Vacancies that may occur on the committee shall be filled by appointment of a new member of the city council for the duration of the unexpired term of office. The Council has the option of appointing up to two Historic Preservation Advisory Committee alternates. Should a mid-term vacancy occur, an alternate may automatically fill the unexpired term. The council shall also have the power to remove any member from the committee by an affirmative vote of three council members.

3. Four members of the committee shall constitute a quorum for the transaction of business.

B. Procedures for the Review of Applications. The operating procedures of the historic preservation advisory committee shall be prescribed from time to time by resolution of the city council, for the purpose of carrying into effect the standards and specifications of this chapter. The committee may adopt, amend, and repeal rules and regulations governing the conduct of its meetings, as long as said rules do not violate the procedures established by the city council or the terms of this chapter.

C. Duties and Responsibilities. The historic preservation advisory committee shall review applications only as specified in this chapter, consistent with the rules and regulations adopted from time to time by resolution of the city council (as referred to in Section 17.56.050(B)). Applications shall be approved or disapproved based solely on the considerations set forth in this chapter. It is the intent of this chapter that the historic preservation advisory committee shall

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encourage applicants to make alterations and repairs to structures in the spirit of the architectural style of the structure. The duties and responsibilities of the historic preservation advisory committee shall include the following:

1. It shall be the duty of the historic preservation advisory committee to review all proposed zoning actions (zone changes, conditional use permits, special zoning exceptions, planned unit developments and variances) within the historic district. The committee may recommend approval, conditional approval, modification or disapproval of an application based upon the expected impact of the proposed zoning action on the historic or architectural significance of the affected structure(s), neighborhood, or the entire historic district. The committee's recommendation shall be forwarded to the planning commission for its consideration.
2. It shall be the duty of the historic preservation advisory committee to review all applications for site plan review permits within the historic district for compliance with the provisions of this chapter. Items that shall be subject to review by the committee include but are not limited to vehicular access, location and screening of parking, setbacks, location of service use areas, walls and landscaping. The committee may recommend approval, conditional approval, disapproval or resubmittal of the site plan review permit application. The committee's recommendation shall be forwarded to the site plan review committee for its consideration.
3. It shall be the duty of the historic preservation advisory committee to review all applications for the construction or exterior alteration or enlargement of structures within the historic district or for structures located outside the historic district and listed as "exceptional" or "focus" structures on the local register. The committee shall have the power to approve, modify or disapprove such applications before a building permit can be issued, subject to the provisions of Sections 17.56.100 and 17.56.110.
4. It shall be the duty of the historic preservation advisory committee to review all applications for sign permits within the historic district or for properties located outside the historic district and listed as "exceptional" or "focus" on the local register. The committee may recommend approval, conditional approval or denial of the sign permit application based upon the proposed design and/or materials, but not upon the proposed size or location. The application shall then be presented to the proper issuing authority for sign permits, pursuant to Chapter 17.48. Sign permits shall be issued only in compliance with the recommendation of the committee. Approval by the committee in no way implies approval by the issuing authority for sign permits, whose approval must also be secured pursuant to Chapter 17.48.
5. It shall be the duty of the historic preservation advisory committee to review all applications for the moving or demolition of structures listed on the local register. The committee shall have the power to approve, conditionally approve, or disapprove such applications, subject to the provisions of Section 17.56.130.
6. It shall be the duty of the historic preservation advisory committee to compile and update the historic survey and inventory, and to nominate properties to the local register and the National Register of Historic Places. In selecting properties for nomination to the local register, the board shall consider:

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- a. Architectural significance and style;
- b. Historic significance, including age of structure, original owners, and events related to the structure, site or original owners.

The committee shall review the local register annually, make recommendations for the addition or deletion of structures or sites, and submit said recommendations to the planning commission and city council for certification.

7. Permits may be issued for air conditioners, electrical work and plumbing work that is visible from a public right-of-way when the chief building official determines that the work insignificantly affects the exterior of a structure, or that reasonable alternatives as to location or screening have been employed. The building official may forward to the historic preservation advisory committee applications for permits for this type of work when it appears that the appearance of a structure may be significantly altered.

This subsection shall not apply to the following types of permit applications:

1. Reroofing with like materials;
2. Residing with like materials;
3. Swimming pools;
4. Masonry repairs with like materials;
5. Chimney repair with like materials.

17.56.060 Appeal.

Any person or persons jointly or severally aggrieved by a decision of the historic preservation advisory committee may make an appeal in writing therefrom to the city council within ten days of said action. The city council, after proceeding in the manner as provided therein and with the same power and authority there invested in passing upon appeals before it under the provisions of law and this chapter and in the exercise thereof, may reverse, affirm or modify or affirm as modified the action of the historic preservation advisory committee. Appeals of a decision of the site plan review committee shall be filed with the planning commission in the manner prescribed in Section 17.28.050.

17.56.070 Demolition or moving of historic structures.

A. The demolition of structures listed on the local register, and the moving of local register structures from their sites, shall be discouraged. The historic preservation advisory committee shall review all applications for demolition or moving permits for structures on the local register and for any structures within the historic district boundaries.

B. After due consideration, the committee shall exercise one of the options listed below:

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1. The committee may approve the demolition permit if it finds that the structure is a hazard to public health or safety, as determined by the building official or his designee, in consultation with the historic preservation advisory committee.
 2. The committee may decide that up to a six-month moratorium be placed upon the processing of the demolition or moving permit, in order to allow time for the applicant and the committee to find alternative uses for the structure and to seek alternative solutions to the demolition or moving of the structure. If no alternatives are found, after the six-month moratorium has expired, the committee must approve the application.
 3. In the case of local register structures that have been classified as “exceptional,” the committee may deny an application for demolition, after the six-month moratorium has expired. Denial of a demolition permit by the committee is subject to appeal to the city council pursuant to Section 17.56.060.
 4. The committee may approve the application.
- C. When an application is acted upon, the committee shall notify the building official of the approval, conditional approval or denial. Upon receipt of said notification, the building official shall process the application accordingly. If, after six months from the date of filing of the application, the building official has not received such notification, a permit may be issued. Approval of a permit application by the committee in no way implies approval by the building official, whose approval must also be secured.

17.56.080 Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any structure within the historic district; provided such work involves no change that requires issuance of a building permit. Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration or demolition of any feature that, in the view of the proper authority acting lawfully, is required for the public safety because of an unsafe or dangerous condition.

17.56.090 Exceptions to Visalia Municipal Code requirements.

Due to the peculiar conditions of design and construction in historic neighborhoods where structures were sometimes built close to lot lines, and where ownership patterns have changed over the years, it is sometimes in the public interest to retain the historic appearance of a neighborhood by making an exception to normal setback, parking, landscaping, fencing and screening requirements of the Visalia Municipal Code, where such an exception does not interfere with the public health or safety. Within the historic district, where it is deemed that such an exception is warranted and will not adversely affect neighboring properties, the historic preservation advisory committee may initiate and/or recommend to the planning commission that such exception to Visalia Municipal Code requirements be made.

17.56.100 Building design compatibility criteria.

This section contains criteria for reviewing all applications for new construction and sign permits within the historic district, and for any rehabilitation, renovation, alteration, reconstruction, or enlargement affecting the exterior appearance of any structure within the historic district that is not listed on the local register, which requires the issuance of a building permit. Each application shall be considered in terms of its compatibility or complementariness with a majority of structures in the immediately surrounding area. In reviewing an application, the historic preservation advisory committee shall consider the following general design standards and principles:

- A. Height and Scale. New buildings should be constructed to a height within a reasonable average height of existing adjacent buildings.
- B. Spacing of Buildings on Street. A rhythm of recurrent building masses to separations should be retained.
- C. Relationship of Materials and Textures. Choice of building materials and texture (smooth and rough) should enhance the desired neighborhood qualities such as compatibility, similarity and continuity.
- D. Relationship of Architectural Details and Roof Shapes. Choice of architectural details and roof shape should insure compatible appearance with surrounding structures.
- E. Walls of Continuity. Physical ingredients such as brick walls, wrought iron fences, and evergreen landscape masses should be used to form continuous cohesive walls of enclosure along the street.
- F. Landscaping. Landscaping should reflect the predominant quality and quantity of landscaping within the surrounding area. The concern here is more with mass and continuity.
- G. Directional Expression of Front Elevations. Structural shape, placement of openings, and architectural details should be used to give a compatible appearance with adjacent structures that may be horizontal, vertical or nondirectional in nature.

17.56.110 Local register structures.

This section contains criteria for reviewing all applications for building permits for exterior rehabilitation, renovation, alteration, reconstruction, or enlargement of any local register structure within the historic district, or any “exceptional” or “focus” local register structure outside the historic district, and for any interior modification that requires the issuance of a building permit for a publicly owned and publicly accessible local register structure. In reviewing an application, the historic preservation advisory committee shall consider the following general standards and principles:

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- A. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose.
- B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- C. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and that seek to create an earlier appearance shall be discouraged.
- D. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure or site, shall be treated with sensitivity.
- F. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken, without prior approval of the historic preservation advisory committee.
- H. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project.

17.56.120 Role of building official.

- A. The building official shall refuse to issue all building or sign permits based upon an application disapproved by the historic preservation advisory committee, unless such application is later approved by the city council. The building official may approve any application approved or conditionally approved by the committee at such time as any conditions specified in such conditional approval are clearly indicated by the applicant on the plans presented to the building official for approval. If an appeal to the city council is filed within ten days from the date of committee approval of an application, no permit shall be issued until the outcome of said appeal is finally determined by the city council.

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B. After a building permit has been issued, the building official or his/her designee shall from time to time inspect the construction, alteration or enlargement approved by the committee and shall take such action as is necessary to assure compliance with the approved plans.

17.56.130 Separability.

The provisions of this chapter shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not impair any of the remaining provisions.

Chapter 17.58

DOWNTOWN RETAIL OVERLAY DISTRICT

Sections:

17.58.010	Purposes and intent.
17.58.015	Applicability.
17.58.020	Components of the chapter.
17.58.030	Definitions.
17.58.040	Regulation of improvements.
17.58.050	Creation of downtown design review board.
17.58.060	Appeal to the city council.
17.58.070	Ordinary maintenance and repair.
17.58.080	Standards applying to new buildings and alterations to existing buildings.
17.58.082	Standards applying alterations to existing buildings.
17.58.084	Standards applying to new buildings.
17.58.086	Maintenance and repair required.
17.58.090	Exceptions.
17.58.100	Role of building official.
17.58.110	Separability.

17.58.010 Purposes and intent.

A. There is created a downtown retail overlay district, the boundaries of which are shown on the map entitled, "Downtown Retail Overlay District," which is delineated on the Zoning Map. Said map is adopted and made a part of this ordinance.

B. This chapter is enacted to preserve and promote the public health, safety, and welfare of the citizens of Visalia, and to express the commitment of the city toward the continued vitality and stabilization of regional retail commercial activity within the area traditionally known as Downtown Visalia. This commitment seeks to:

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1. Protect and enhance existing buildings and improvements in the downtown area.
2. Enhance the character and physical environment of the downtown area by establishing specific design compatibility criteria for new and remodeled buildings within the overlay district.
3. Ensure that new development is compatible with existing and future plans for the area.
4. Involve both design professionals and area residents, property owners and merchants, in the implementation of the Visalia Downtown Framework Plan and the continued viability of the downtown retail economy.

17.58.015 Applicability.

The requirements in this chapter shall apply to all structures and properties within the downtown retail overlay district, as defined herein.

17.58.020 Components of the chapter.

This chapter shall include:

- A. The ordinance text, which specifies the downtown retail district overlay designation, design evaluation criteria, and the powers and duties with regard to the overlay district;
- B. A map designating the downtown retail district overlay, which shall be depicted on the official zoning map of the city.

17.58.030 Definitions.

- A. All definitions, general and specific, set forth in Section 17.04.030, shall be applicable to this chapter.
- B. Word Usage.
 1. The word “shall” is prescriptive in nature and indicates that compliance is mandatory.
 2. The words “may,” “should” and “preferred” are permissive in nature and indicate that compliance is discretionary on the part of the applicant.
- C. Definitions.

“Construction” means any building activity requiring the issuance of a building permit that affects the exterior appearance of a structure.

“Enlargement” means construction that results in the expansion of the gross floor area of a structure.

“Exterior architectural feature” means the architectural elements embodying the style, design, general arrangement, and components of all of the outer surfaces of an improvement; the kind,

color, and texture of the building materials; and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

“Improvement” means any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

17.58.040 Regulation of improvements.

No improvement or exterior architectural feature of any improvement shall be constructed, altered or enlarged that is located in the downtown retail overlay district unless a site plan review permit is issued pursuant to the terms of this chapter and Chapter 17.28. Where this chapter may conflict with Chapter 17.28, this chapter shall apply. This section shall not apply to any interior alteration that has no effect on the condition or appearance of any exterior architectural feature of an improvement.

17.58.050 Procedures for review of applications.

A. The site plan review committee shall be the reviewing authority for the downtown retail overlay district, with powers and duties as specified in this chapter.

B. The site plan review committee shall review applications only as specified in this chapter, consistent with the rules and regulations in this chapter. Applications shall be approved or disapproved based solely on those building design criteria in this chapter, for which compliance is mandatory. The board may suggest that building design criteria that are permissive be followed; however, applications shall not be approved or disapproved on the basis of any such nonmandatory criteria. The duties and responsibilities of the site plan review committee shall include the following:

C. At the option of the planning commission, the site plan review committee may review proposed zoning actions (zone changes, conditional use permits, special zoning exceptions, planned unit developments and variances) within the district. The site plan review committee may recommend approval, conditional approval, modification or disapproval of an application based upon the expected impact of the proposed zoning action on the character of the affected improvement(s), neighboring properties, or the entire district. The board's recommendation shall be forwarded to the planning commission for its consideration.

D. It shall be the duty of the site plan review committee to review all applications for the construction or exterior alteration or enlargement of improvements within the overlay district. The site plan review committee shall have the power to approve, modify or disapprove such applications before a building permit can be issued.

E. It shall be the duty of the site plan review committee to review all applications for sign permits within the district. Applications for sign permits shall be obtained from and filed with city pursuant to Chapter 17.48, and thereafter the application shall immediately be referred to the site plan review committee for their review and recommendation. The site plan review committee may recommend approval, conditional approval or denial of the sign permit

application. The application shall then be presented to the proper issuing authority for sign permits, pursuant to Chapter 17.48 of the Municipal Code. Sign permits shall be issued only in compliance with the recommendation of the site plan review committee. Approval by the site plan review committee in no way implies approval by the issuing authority for sign permits, whose approval must also be secured pursuant to Chapter 17.48.

F. It shall be the duty of the site plan review committee to review all applications for the moving or demolition of structures within the overlay district. The site plan review committee shall have the power to approve, conditionally approve, or disapprove such applications, subject to the provisions of Section 17.58.060.

G. Permits may be issued for air conditioners, electrical work and plumbing work that is visible from a public right-of-way when the chief building official determines that the work insignificantly affects the exterior of a structure, or that reasonable alternatives as to location or screening have been employed. The building official may forward to the site plan review committee applications for permits for this type of work when it appears that the appearance of a structure may be significantly altered. This subsection shall not apply to the following types of permit applications:

1. Reroofing with like materials;
2. Residing with like materials;
3. Masonry repairs with like materials;
4. Chimney repair with like materials.

17.58.060 Appeal to the city council.

Any person or persons jointly or severally aggrieved by a decision of the site plan review committee may make an appeal in writing therefrom to the city council. Such appeal shall be filed with the city clerk within ten days of said action. The appeal shall be placed on the agenda of the council's next regular meeting after the appeal is filed. The council shall review the decision of the board and may reverse, affirm, modify or affirm as modified the action of the board. The decision of the council shall be final.

17.58.070 Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any structure within any district; provided, such work involves no change in the exterior appearance of a structure. Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration or demolition of any feature that in the view of the proper authority acting lawfully is required for the public safety because of an unsafe or dangerous condition.

17.58.080 Standards applying to new buildings and alterations to existing buildings.

The following standards shall apply to new buildings and alterations to existing building within the downtown retail overlay district:

A. Awnings attached above street level storefronts and/or upper-story windows are encouraged. Size and scale shall be appropriate to the building, however, significant elements of the building's architecture should not be obscured by upper-story awnings. Ground floor awnings shall project a minimum of five (5) feet over the sidewalk. Awning materials shall be cloth or canvas. Awning colors shall be limited to a blue, burgundy, tan or tones and/or prints of these. White may be incorporated into the design of awnings for contrast or valance signage, but shall not compromise a majority of the color theme of any awning.

B. The following materials and building elements shall be prohibited:

1. Use of wood siding, cladding or wood shingles, in excess of ten (10) percent of the total area of any building façade.
2. Mansard form roof tiles.
3. Unbroken masses of split face, slump stone or concrete unit masonry.
4. Use of reflective or mirrored surface cladding, in excess of then (10) percent of the total area of any building façade.
5. Exposed utility conduit, junction boxes, meters, or fuse boxes on the front façade of buildings.

17.58.082 Standards applying to alterations to existing buildings.

The following standards shall apply when undertaking the renovation of existing buildings within the downtown retail overlay district:

A. Where originally constructed buildings facades remain, their appearance shall not be altered. Such facades shall be repaired and preserved. Where facades have been altered, as much original material and detail shall be retained in the rehabilitation as possible.

B. Where most of the existing architectural design dated from an interim remodeling and where such remodeling adds to the traditional character of the district, rehabilitation shall conform to the period of such remodeling and not to the original design.

C. Where the original design cannot be determined or where financial considerations preclude full-scale rehabilitation of a façade which has previously been altered, a design which is not a pure rehabilitation but which is in keeping of the structure are prohibited.

D. Where originally constructed facades and/or architectural details have been covered by an interior remodeling, the removal of coverings is encouraged. When original materials, facades and/or architectural details are uncovered, these shall not be recovered.

E. Where windows and doors still exist, the original sills, lintels, frames, sash, muntins and glass of windows and transoms shall be preserved. The original doorway elements, including sill, lintels, frames, and the doors shall also be retained. Where possible, replacements should duplicate the originals in design and materials. The blocking or covering of any portion of an existing window or door opening with permanent materials is prohibited. When new window or door openings are created, the scale of these should approximate that of the traditional architecture of the district. The base of new window opening shall be a maximum of thirty (30) inches above ground level. Whenever the size and/or scale of any existing window openings are altered, the base of all the window openings in the storefront shall be brought into conformance with the maximum 30-inch standard. This subsection shall not apply to ordinary repair or replacement of window glass or frames where the size and/or scale of window openings are not altered.

F. Brick is most dominant traditional building material within the district and is preferred as a replacement material. Brick shall not be covered by wood shingles, wood, aluminum siding, or any other synthetic materials. Where brick has been painted, repainting in a color that matches the natural color of the brick as closely as possible is preferred. Where brick remains unpainted, the use of paint in the exterior is prohibited, since unpainted brick is a crucial element of the traditional character of the district.

G. Stuccoed brick surfaces should be retained, unless held in place with wire mesh, in which case the stucco should be removed. Where retained, stucco should be repainted in a brick color.

17.58.084 Standards applying to new buildings.

The following standards shall apply to new buildings within the downtown retail overlay district. The objective of this section is to ensure that contemporary design is compatible with the traditional theme and character of the downtown retail overlay district. The effect of the proposed design of new construction on the overall character of the district should be the first frame of reference for such compatibility. The next consideration should be the effect of the proposed design on the adjacent buildings and streetscape.

A. New construction shall maintain the continuity of existing rows of buildings; facades shall be constructed at the property line facing the street, or at a setback even with that of adjacent buildings.

B. New buildings shall be constructed to within ten (10) percent of the maximum height of adjacent buildings. The scale of new architectural elements should be consistent with that of adjacent structures.

C. Brick is the preferred exterior building material for new construction. The color texture should be similar to that of brick traditionally used in the district.

D. The scale of window and door openings in new buildings should approximate that of the traditional architecture of the district. The base of window openings shall be a maximum of thirty (30) inches above ground level.

17.58.086 Maintenance and repair required.

A. Neither the owner of nor the person(s) in actual charge of a structure within the district shall permit such structure to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural features so as to produce, or tend to produce, in the judgment of the Building Official, a detrimental effect on the character of the district as a whole or the life and character of the structure in question, including, but not limited to:

1. The deterioration or decay of exterior walls or other vertical supports;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of exterior chimneys;
4. The extensive deterioration or crumbling of exterior plaster or mortar;
5. The extensive peeling or chipping of exterior paint;
6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

B. The city's zoning compliance officer, or other designated enforcement official, shall serve written notice upon the owner of any structure deemed to be in violation of this section or any applicable municipal code. Notice shall comply with Visalia Municipal Code Section 1.13.070 if the violation is pursued through administrative enforcement. Alternatively, the enforcement official may pursue the violation as a criminal infraction. Said written notice shall specify the nature of the condition or conditions which are in violation of the maintenance and repair requirement and direct that said conditions be repaired or corrected within an appropriately reasonable period of time. If the condition or conditions are not remedied within the stated period of time in the notice, then an administrative penalty or fine as stated in section 1.12.010 of the Visalia Municipal Code shall be enforced and may be collected under the methods stated in section 1.13.110. Said notice shall further advise the owner of said structure of his/her right to request a hearing before the planning commission to review the determination of the city's enforcement officer. The request for hearing shall be made within ten (10) days of the receipt of notice by the owner, with applicable fees, as set forth in Chapter 1.13 of the Municipal Code and the administrative hearing shall be conducted pursuant to the requirements of Chapter 1.13.

C. After a hearing, the administrative hearing officer may approve, modify, or reject the determination of the city's enforcement officer at the conclusion of such hearing. Should an administrative hearing officer determine at the conclusion of such a hearing that there is a violation of this provision, the administrative hearing officer shall require that the structure in

question be brought into compliance within an appropriately reasonable period of time and in addition order the collection of any applicable fines.

17.58.090 Exceptions.

Within the downtown retail overlay district, design and construction conditions exist that are unique and are not generally found elsewhere in the city. Structures were often constructed on or near lot lines and abut one another in many cases. Storefronts and building facades have often been redesigned, covered or otherwise subjected to major alterations over the years. Due to these peculiar conditions, it is sometimes in the interest of enhancing the character of the district to make an exception to the building design criteria in this chapter and/or signage, landscaping, setbacks, fencing and screening requirements of the Visalia zoning ordinance. Where it is deemed that the physical and economic well-being of the district would be better served by such an exception rather than the strict application of the above mentioned building design criteria and other ordinance requirements, the site plan review committee may recommend to the planning commission that such exception be made, pursuant to Section 17.42.030.

17.58.100 Role of building official.

A. The building official shall refuse to issue all building or sign permits based upon an application disapproved by the site plan review committee, unless such application is later approved by the city council. The building official may approve any application approved or conditionally approved by the site plan review committee at such time as any conditions specified in such approval are clearly indicated by the applicant on the plans presented to the building official for approval. If an appeal to the city council is filed within ten days from the date of board approval of an application, no permit shall be issued until the outcome of said appeal is finally determined by the city council.

B. After a building permit has been issued, the building official shall from time to time inspect the construction, alteration or enlargement approved by the board and shall take such action as is necessary to assure compliance with the approved plans.

17.58.110 Separability.

The provisions of this chapter shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not impair any of the remaining provisions.

Chapter 17.60

DEVELOPMENT AGREEMENTS

Sections:

- 17.60.010 Authority for adoption and applications.**
- 17.60.020 Hearing and notice.**
- 17.60.030 Action by planning commission.**
- 17.60.040 Action by city council.**
- 17.60.050 Amendment or cancellation of agreement by mutual consent.**
- 17.60.060 Recordation.**
- 17.60.070 Periodic review.**
- 17.60.080 Modification or termination.**
- 17.60.090 Moratorium on further development.**

17.60.010 Authority for adoption and applications.

These regulations are adopted under the authority of Government Code Sections 65864--65869.5.

A. Applications.

1. The city planner shall prescribe the form for each application, notice and documents provided for or required under these regulations for the preparation and implementation of development agreements.
2. The city planner may require an applicant to submit such information and supporting data as the city planner considers necessary to process the application.

B. Fees. The city council shall by separate resolution fix the schedule of fees and charges imposed for the filing and processing of each application and document provided for or required under these regulations.

C. Qualification as an Applicant. Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in

the real property that is the subject of the development agreement. Applicant includes authorized agent. The city planner may require an applicant to submit proof of his interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the city planner may obtain the opinion of the city attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement.

D. Proposed Form of Agreement. Each application shall be accompanied by the form of development agreement proposed by the applicant. This requirement may be met by designating the city's standard form of development agreement and including specific proposals for changes in or additions to the language of the standard form.

E. Review of Application. The city planner shall endorse on the application the date it is received. He shall review the application and may reject it if it is incomplete or inaccurate for processing. If he finds that the application is complete, he shall accept it for filing. The city planner shall review the application and determine the additional requirements necessary to complete the agreement. After receiving the required information, a staff report and recommendation shall be prepared, which shall state whether or not the agreement as proposed or in an amended form would be consistent with the general plan and any applicable specific plan.

17.60.020 Hearing and notice.

A. The planning commission and city council shall each hold a public hearing on each application for a development agreement. The city planner shall give notice of intention to consider adoption of the development agreement. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice to all property owners within three hundred (300) feet of the property that is the subject of the proposed development agreement, and by publication in a newspaper of general circulation within the city. The form of the notice of intention to consider adoption of the development agreement shall contain:

1. The time and place of the hearing;
2. A general explanation of the matter to be considered including a general description of the area affected;
3. Other information required by specific provision of these regulations or which the city planner considers necessary or desirable.

B. The failure of any person entitled to notice required by law or these regulations to actually receive such notice, does not affect the authority of the city to enter into a development agreement. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court is of the

opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is not presumption that error is prejudicial or that injury was done if error is shown.

17.60.030 Action by planning commission.

A. After the public hearing, the planning commission shall make its recommendation in writing to the city council. The recommendation shall include the planning commission's determination whether or not the following findings can be made:

1. That the proposed development agreement is consistent with the objectives, policies, general land uses and programs specified in the general plan, any applicable specific plan, and/or any proposed amendment to the general plan or applicable specific plan submitted simultaneously and in conjunction with the proposed development agreement;
2. That the proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
3. That the proposed development agreement is in conformity with public convenience, general welfare and good land use practice;
4. That the proposed development agreement will not be detrimental to the public health, safety and general welfare;
5. That the proposed development agreement will not adversely affect the orderly development of property or the preservation of property values.

B. The recommendation shall include the reasons for the recommendation.

17.60.040 Action by city council.

A. After the city council completes the public hearing, it may accept, modify or disapprove the recommendation of the planning commission. It may, but need not, refer matters not previously considered by the planning commission during its hearing back to the planning commission for report and recommendation.

B. The planning commission may, but need not, hold a public hearing on matters referred back to it by the city council.

C. The city council may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the general plan, and any applicable specific plan. Any proposed change in the general plan or applicable specific plan must be approved prior to, but simultaneously with, the approval of the development agreement.

D. If the city council approves the development agreement, it shall do so by the adoption of an ordinance. Upon the ordinance approving the development agreement taking effect, the city may enter into the agreement.

17.60.050 Amendment or cancellation of agreement by mutual consent.

Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. The procedure for such proposing and adoption of an amendment or cancellation is the same as the procedure for entering into an agreement in the first instance, as prescribed by Sections 17.60.010 through 17.60.040. However, where the city initiates the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the property owner of its intention to initiate such proceedings at least thirty (30) days in advance of the giving of notice of intention to consider the amendment or cancellation required by this section.

17.60.060 Recordation.

Within ten days after the city enters into the development agreement, the city clerk shall have the agreement recorded with the county recorder. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Section 17.60.050, or if the city terminates or modifies the agreement as provided in Section 17.60.050 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the city clerk shall have notice of such action recorded with the county recorder.

17.60.070 Periodic review.

A. Time for and Initiation of Review. The city planning staff shall review the development agreement every twelve (12) months from the date the agreement is entered into. The time for review may be modified either by agreement between the parties or by initiation in one or more of the following ways:

1. Recommendation of the planning staff;
2. Affirmative vote of at least three members of the planning commission;
3. Affirmative vote of at least three members of the city council.

B. Notice of Periodic Review. The city planner shall begin the review proceeding by giving notice to the property owner that the city intends to undertake a periodic review of the development agreement. Following the review of the development agreement, the city planner shall make a determination that the property owner has made good faith performance and compliance with the terms of the agreement. If such finding is made by the city planner, no further action on the part of the city need be taken. If the city planner finds reasonable cause or evidence that the property owner has not demonstrated good faith performance and compliance with the terms of the agreement, such finding constitutes grounds for referring the matter of periodic review before the planning commission in public hearing. The city planner shall give

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the notice at least thirty (30) days in advance of the time at which the matter will be considered by the planning commission.

C. Public Hearing. The planning commission shall conduct a public hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.

D. Findings Upon Public Hearing. The planning commission shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.

E. Procedure Upon Findings.

1. If the planning commission finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded;

2. If the planning commission finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the planning commission may recommend to the city council that the agreement be modified or terminated.

17.60.080 Modification or termination.

A. If, upon a finding under Section 17.60.070(E)(2), the planning commission recommends the modification or termination of the agreement, the city council shall give notice to the property owner of its intention to consider such modification or termination. The notice shall contain:

1. The time and place of the council meeting at which the matter is to be considered;
2. A statement as to whether the city proposes to terminate or to modify the development agreement;
3. Other information that the city considers necessary to inform the property owner of the nature of the proceeding.

B. Action by City Council. At the time and place set for the consideration of modification or termination, the property owner shall be given an opportunity to be heard. The city council may modify or terminate the agreement. The council may, but need not, refer the matter back to the planning commission for further proceedings. The council may impose those conditions to the action it takes as it considers necessary to protect the interests of the city. The decision of the council is final.

17.60.090 Moratorium on further development.

In the event that the applicant fails to complete the agreement as specified under Section 17.60.060, or the agreement is terminated as specified under Section 17.60.080, the city council

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shall enact an urgency ordinance placing a moratorium on further development activities on the property which is the subject of the agreement so terminated. The moratorium shall continue until such time as a new development agreement is executed; or until the property is rezoned or other regulations or controls on the development of the property are enacted that the city considers sufficient to protect its interests.

Chapter 17.62

ADULT-ORIENTED BUSINESSES

Sections:

- 17.62.010 Purpose and intent.**
- 17.62.020 Definitions.**
- 17.62.030 Minimum proximity requirements.**
- 17.62.040 Amortization of nonconforming adult-oriented business uses.**
- 17.62.050 Extension of time for termination of nonconforming use.**
- 17.62.060 Permits required.**

17.62.010 Purpose and intent.

It is the purpose of this chapter to regulate adult-oriented businesses in order to promote the health, safety, and general welfare of the citizens of the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials.

It is the intent of this chapter to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods that can be brought about by the concentration of adult-oriented businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, day care facilities, churches, parks, and residentially zoned districts or uses. The city council finds that it has been demonstrated in various communities that the concentration of adult-oriented businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this chapter to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their close proximity to incompatible uses, while permitting the location of adult-oriented businesses in certain areas.

17.62.020 Definitions.

The following words and phrases shall, for the purposes of this chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended:

“Adult arcade” means an establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions, thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

“Adult bookstore or adult video store” means an establishment that has a regular and substantial portion of its business in stocking books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, records or other form of visual or audio representations, or of instruments, artificial devices or paraphernalia, that are distinguished or characterized by an emphasis upon the depiction, description, or use in connection with specified sexual activities and/or specified anatomical areas.

“Adult cabaret” means a nightclub, restaurant, or similar business establishment that: (1) regularly features live performances that are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or (2) that regularly features persons who appear seminude; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions, thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

“Adult hotel or motel” means a hotel or motel or similar business establishment offering public accommodations for any form of consideration that: (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions, thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) rents, leases, or lets any room for less than a six-hour period, or rents, leases, or lets any single room more than twice in a twenty-four (24) hour period.

“Adult motion picture theater” means a business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

“Adult-oriented business” means an adult theater, adult motion picture theater, adult cabaret, adult hotel or motel, adult arcade, or any other business or concern that regularly features or as a regular and substantial portion of its business offers to its patrons products, merchandise, services, or entertainment that are distinguished or characterized by an emphasis upon matter

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depicting, describing or relating to specified sexual activities or specified anatomical areas but not including those uses or activities, the regulation of which is preempted by state law. Adult-oriented business shall also include modeling studios, body painting studios and sexual encounter establishments.

“Adult theater” means a theater, concert hall, auditorium, or similar establishment that, for any form of consideration, regularly features live performances that are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.

“Body painting studio” means an establishment or business that provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when such body is nude or seminude.

“Church or religious institution” means a structure that is used primarily for religious worship and related religious activities.

“Distinguished or characterized by an emphasis upon” means and refers to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon” the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See *Pringle v. City of Covina*, 115 Cal.App.3 151 (1981).

Establishment of an Adult-Oriented Business. “Establish an adult-oriented business” means and includes the following: (1) the opening or commencement of any adult-oriented business as a new business; (2) the conversion of an existing business, whether or not an adult-oriented business, to any adult-oriented business defined herein; (3) the addition of any of the adult-oriented businesses defined herein to any other existing adult-oriented business; or (4) the relocation of any such adult-oriented business.

“Modeling studio” means a business that provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display specified anatomical areas to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. Modeling studio does not include schools maintained pursuant to standards set by the State Board of Education. Modeling studio further does not include a studio or similar facility owned, operated, or maintained by a facility owned, operated, or maintained by an individual artist or group of artists, and that does not provide, permit, or make available specified sexual activities.

“Nude, nudity or a state of nudity” means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage, with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernable turgid state.

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“Person” means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

“Regularly features or regular and substantial course of conduct” means a business or concern, including an adult theater, adult cabaret, and adult motion picture theater, which presents any type of entertainment distinguished or characterized by an emphasis upon specified anatomical areas or specified sexual activities, or performers, models or employees appearing in public nude, seminude, or dressed only in lingerie, on any two or more occasions within a thirty (30) day period; three or more occasions within a sixty (60) day period; or four or more occasions within a one hundred eighty (180) day period.

“Regular and substantial portion of its business” means a business or concern in that: (1) the area(s) devoted to the display of adult material exceeds twenty (20) percent of the total display area of the business; or (2) at least twenty (20) percent of the average annual gross receipts of the business are derived from the sale, trade, rental, display or presentation of services, products, adult material, or entertainment that are distinguished or characterized by an emphasis upon matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. If the business is a new business, the gross receipts shall be calculated by considering the applicants estimated annual gross receipts for the first year of operation.

“School” means and includes any licensed child or day care facility, as well as any institutions of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

“Seminude” means state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices. This definition shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

“Sexual encounter establishment” means any business, other than a hotel, motel or similar establishment, offering public accommodations that, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state of California engages in sexual therapy.

“Specified anatomical areas” means and includes any of the following: (1) less than completely and opaquely covered human (i) genitals or pubic region, (ii) buttocks, or (iii) female breast below a point immediately above the top of the areola; (2) human male genitals in a discernibly turgid-state, even if completely and opaquely covered; or (3) any device, costume or covering that simulates any of the body parts included in subdivisions (1) or (2) above.

“Specified sexual activities” means and includes any of the following, whether performed directly or indirectly through clothing or other covering: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, actual or simulated, including intercourse, oral copulation, bestiality, or sodomy; (3) masturbation, actual or simulated; (4) excretory functions as part of or in connection with any of the other activities described in subdivision (1) through (3) of this subsection; (5) pedophilia or any other unlawful sex act; (6) striptease, burlesque, or the removal of clothing, or the wearing of transparent or diaphanous clothing, including models dressed only in lingerie, to the point where specified anatomical areas are exposed, or to the point of a state of nudity or seminudity.

17.62.030 Minimum proximity requirements.

A. Adult-oriented businesses shall not be established or located in any zone in the city, other than the I (Industrial zone), I-L (Light Industrial zone), C-S (Service Commercial zone), C-R (Regional Commercial zone), or C-MU (Mixed Use Commercial zone) as they are identified on the Zoning map. In addition, no adult-oriented business shall be located:

1. Within seven hundred fifty (750) feet of any other adult-oriented business located either inside or outside the city limits;
2. Within seven hundred fifty (750) feet of any existing schools, including licensed day care facilities, libraries, parks or other recreational facilities where minors congregate, located either inside or outside of the city limits;
3. Within seven hundred fifty (750) feet of any existing or planned for park or other recreational facility where minors congregate, located either inside or outside of the city limits;
4. Within seven hundred fifty (750) feet of any land that carries a general plan land use designation that contains the words residence or residential within its title.
5. Within seven hundred fifty (750) feet of any existing church or religious institution, located either inside or outside of the city limits.

B. As used in this section, “Existing” means existing at the time the permit application is submitted. “Planned for” means property designated on the general plan of the city for such use, or other official planning documents of the city, or property owned or leased by the city for such use.

C. The distances set forth above shall be measured in a straight line, without regard to intervening structures, as a radius from the primary entrance of the adult-oriented business to the property line of the other use.

17.62.040 Amortization of nonconforming adult-oriented business uses.

A. Any use of real property existing on the effective date of the ordinance codified in this chapter that does not conform to the provisions of Section 17.62.030, but that was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a

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nonconforming use that may be continued until one year after the effective date of said ordinance. On or before such date, all such nonconforming uses shall be terminated unless an extension of time has been approved by the city council in accordance with the provisions of Section 17.62.050.

B. Abandonment. Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an adult-oriented business shall result in a loss of legal nonconforming status of such use.

C. Amortization--Annexed Property. Any adult-oriented business that was a legal use at the time of annexation of the property and that is located in the city, but that does not conform to the provisions of Section 17.62.030, shall be terminated within one year of the date of annexation unless an extension of time has been approved by the city council in accordance with the provisions of Section 17.62.050.

17.62.050 Extension of time for termination of nonconforming use.

A. The owner or operator of a nonconforming use as described in Section 17.62.040 may apply under the provisions of this section to the city council for an extension of time within which to terminate the nonconforming use.

B. Time and Manner of Application. An application for an extension of time within which to terminate a use made nonconforming by the provisions of Section 17.62.040, may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such an application must be filed with the city council at least ninety (90) days but no more than one hundred eighty (180) days prior to the time established in Section 17.62.030 for termination of such use.

C. Content of Application--Fees. The application shall state the grounds for requesting an extension of time. The filing fee for such application shall be the same as that for a variance as is set forth in the schedule of fees established by resolution from time to time by the city council.

D. Hearing Procedure. The city council shall appoint a hearing officer to hear the application. The hearing officer shall set the matter for hearing within forty-five (45) days of receipt of the application. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness. The decision of the hearing officer shall be final and subject to judicial review pursuant to California Code of Civil Procedure section 1094.6.

E. Approval of Extension--Findings. An extension under the provisions of this section shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the hearing officer appointed by the city council makes all of the following findings or such other findings as are required by law.

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1. The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made prior to the effective date of this chapter;
2. The applicant will be unable to recoup said investment as of the date established for termination of the use; and
3. The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with Section 17.62.030.

17.62.060 Permits required.

A. Adult-Oriented Business Regulatory Permit. It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the city, the operation of an adult-oriented business unless the person first obtains and continues to maintain in full force and effect a permit from the city as herein required.

B. Adult-Oriented Business Performer Permit. It is unlawful for any persons to engage in or participate in any live performance depicting specified anatomical areas or involving specified sexual activities in an adult-oriented business unless the person first obtains and continues in full force and effect a permit from the city as herein required.

Chapter 17.63

MICRO-BREWERY/MICRO-WINERY OVERLAY DISTRICT

Sections:

- 17.62.010 Purpose and intent.**
- 17.63.020 Components of the Chapter.**
- 17.63.030 Definitions.**
- 17.63.040 Standard Operating Conditions.**

17.63.010 Purpose and Intent.

A. There is created a Micro-brewery/Micro-winery Overlay District, the boundaries of which are shown on the map entitled, “Micro-brewery/Micro-winery Overlay District”, which is on file at city hall. Said map is adopted and made a part of this ordinance.

B. This chapter is enacted to preserve and promote the public health, safety, and welfare of the citizens of Visalia, and to facilitate businesses that specialize in the small-scale production and sale of crafted beverages. This chapter is also enacted to encourage the location of micro-brewery and micro-winery businesses in the East Downtown area. This is to:

1. Encourage, protect and enhance existing buildings, their productive re-use, and improvements in the East Downtown area.
2. Promote the vibrancy and sense of destination and place of the East Downtown area by establishing this area as the recognized center for craft brewing establishments.
3. Ensure that these establishments are compatible with each other and with existing and future uses within the East Downtown area.

17.63.020 Components of the Chapter.

This chapter shall include:

- A. The Ordinance text which specifies the micro-brewery/micro-winery overlay district and establishes specific standards pertaining to the district.

B. A map designating the micro-brewery/micro-winery overlay district, which shall be depicted on the official zoning map of the city.

17.63.030 Definitions.

“Micro-brewery” An establishment that produces the range of brewed beer, ale, mead, hard cider and similar brewed beverages in quantities totaling 15,000 barrels or less per year (all beverage types combined) that are served on site and/or sold for off-site consumption. Service and sale of brewed beverages must be in conjunction with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Service of brewed beverages may be conducted with or without the service of food. Taproom, Nano-brewery, Craft brewery, and Brewpub are included in this definition.

“Micro-winery” An establishment that produces fermented fruit wine in quantities totaling 10,000 cases or less per year (all varieties and labels combined) that are served on site and/or sold for off-site consumption. Service and sale of wine must be in conjunction with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Service of wine may be conducted with or without the service of food. Tasting room and Boutique winery are included in this definition.

“Background entertainment” Non-amplified live music or performance intended to complement the primary venue, and for which no alteration of the physical or operational aspect of the primary use is made.

17.63.040 Standard Operating Conditions.

A. Uses within the Overlay District

1. All uses shall be subject to the Zoning Matrix use allowances, except that micro-brewery/micro-winery locations that occur coincidentally within the micro-brewery/micro-winery overlay district and within the C-S (Service Commercial) or the D-MU (Mixed Use Downtown) Zone District shall be permitted by right.
2. Zoning regulations for micro-brewery/micro-winery locations shall be those of their underlying Zone District; except as follows:
 - a) Alcoholic beverages sold on site shall be only that produced by the operator.
 - b) Truck loading and unloading shall be limited to between the hours of 7:00am and 4:00pm daily.
 - c) Venting of brewing process shall be directed away from sidewalks and residences.
 - d) Outdoor storage shall be limited to an area of no more than 5% of the leasable floor area of the establishment. Outdoor storage shall be secured at all times and shall be fully screened from view.

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e) Parking required for a micro-brewery/micro-winery use shall be determined by the allocation of interior floor space of the establishment, and at the prescribed ratios as contained in Chapter 17.34 (Off-street parking and loading facilities). Portions of the floor area used for on-site consumption of beverages and/or food shall be parked at the prescribed restaurant ratio; brewing, bottling and warehousing of product produced or sold on site shall be parked at the prescribed industrial ratio; and, retail display of product for off-site sale shall be parked at the prescribed retail ratio.