

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Marvin Hansen



VICE CHAIRPERSON:
Adam Peck

COMMISSIONERS: Mary Beatie, Chris Tavarez, Chris Gomez, Adam Peck, Marvin Hansen

MONDAY, AUGUST 22, 2022
VISALIA COUNCIL CHAMBERS
LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA
MEETING TIME: 7:00 PM

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.

The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
4. CHANGES OR COMMENTS TO THE AGENDA –
5. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - No items on the Consent Calendar
6. PUBLIC HEARING – Rafael Garcia, Senior Planner

Annexation No. 2022-02: A request by 4Creeks to annex two parcels totaling approximately 58.78 acres into the City limits of Visalia. Upon annexation the area would be zoned R-1-5 (Single Family Residential, 5,000 sq. ft. minimum), R-M-2 (Multi-Family Residential, 3,000 square feet minimum site area per dwelling unit), R-M-3 (Multi-Family Residential, 1,200 square feet minimum site area per dwelling unit) and C-N (Neighborhood Commercial) which is consistent with the General Plan. The property is located adjacent to the Demaree Street and Riverway Avenue intersection (APN: 077-050-004 and 077-050-006).

Belissa Tentative Subdivision Map No. 5587: A request by 4 Creeks to subdivide a 58.78-acre parcel into the following: 159 Residential Low Density lots on approximately 28.88 acres (5.54 DU/acre); 150 Medium density residential lots on approximately 14.87 acres (10.08 DU/acre); high density residential will that will be developed into a 168 unit apartment complex on a 7.15 acre site (22.49 DU/acre) and a 7.88 acre Neighborhood Commercial site; however, the density and design will be determined at a future undetermined date.

Conditional Use Permit No. 2022-05: A request by 4 Creeks for a Planned Development consisting of 159 Residential Low Density lots on approximately 28.88 acres (5.54 DU/acre); and 150 Residential Medium Density lots on approximately 14.87 acres (10.08 DU/acre). The proposal will include lots that will be less than 5,000 square feet as required by the R-1-5 zoning district.

7. PUBLIC HEARING – Josh Dan, Associate Planner

Conditional Use Permit No. 2022-11: A request by Market Street Development LLC, to allow for a senior care facility within an existing building measuring 17,269 square feet, on a parcel zoned C-MU (Commercial Mixed Use). The project is located on the east side of South Mooney Boulevard, approximately 200-feet north of West Beech Avenue. (Address: 2240 South Mooney Boulevard) (APNs: 122-030-020).

8. PUBLIC HEARING – Josh Dan, Associate Planner

Conditional Use Permit No. 2022-13: A request by Domingo Viscarra to establish a tattoo studio within an existing tenant space in the C-MU (Mixed Use Commercial) Zone. The project site is located at 1920 W. Princeton Ave. (APN: 096-301-022).

9. PUBLIC HEARING – Josh Dan, Associate Planner

Variance No. 2022-03: A request to allow a variance to the maximum fence height limit of seven feet to eight-feet along the full perimeter of an industrial facility in the I-L (Light Industrial) Zone District. The project site is located at 1424 East Tulare Avenue (APN: 100-010-025).

10. REGULAR ITEM – Paul Bernal, Community Development Director

Presentation and Overview of City Council Direction on initiating Zoning Ordinance Updates for Objective Single-Family Residential Development Design Standards.

11. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- a. The next Planning Commission meeting is Monday September 12, 2022.
- b. GPA/COZ for Shepherds Ranch 1 set for the September 6, 2022, City Council meeting.

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, SEPTEMBER 1, 2022, BEFORE 5 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, SEPTEMBER 1, 2022

City of Visalia



To: Planning Commission

From: Paul Bernal, Community Development Director
Ph: (559) 713-4025

Date: August 22, 2022

Re: **Presentation and Overview of City Council Direction on initiating Zoning Ordinance Updates for Objective Single-Family Residential Development Design Standards.**

Summary Discussion:

At the June 20, 2022 City Council meeting, the first residential annexation request in the Tier II Urban Growth Development Boundary was presented to Council for initiation (i.e., Higgins Ranch). During the public hearing of the annexation item, Councilmembers raised concerns about the overall design of the subdivision.

The items raised by some Councilmembers are as follows:

1. Lot size.
2. Lack of public open space.
3. Subdivision design considerations related to surrounding features (irrigation ditch).
4. Local street widths.

Based on comments received during the annexation discussion, staff concluded that a work session item should be presented to Council. A work session item related to objective residential design standards was presented to City Council at their July 18, 2022 meeting. During the work session discussion, City Council directed staff to work with the Planning Commission, with the Planning Commission serving as the technical advisory committee, to discuss and further explore objective single-family residential design considerations. Staff was also directed to conduct outreach and solicit input from the development community on residential design standards and report back to City Council on the estimated cost of hiring a consultant to help the City in preparing residential design standards.

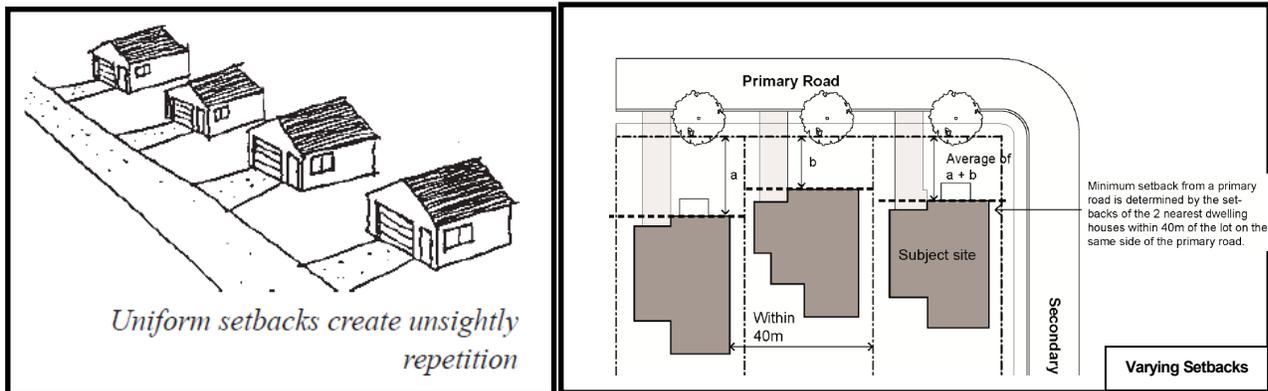
This report and presentation are an overview of single-family residential design considerations presented to City Council at their June 18th meeting. In addition, staff is seeking any additional direction and input the Planning Commission may have on single-family residential design concepts that should be further investigated and/or reviewed that may not have been identified in the staff report or presentation. Based on direction provided by the Planning Commission, staff will look at future Planning Commission dates on when to reconvene to discussion progress on objective residential design standards.

Design Considerations for Residential Subdivisions:

The State of California allows local jurisdictions to adopt ordinances that include customized development standards for the applicable zone, such as height, front setbacks, lot coverage, etc., as long as the standards are “objective and do not preclude residential development”. The State defines objective standards as those that “*involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and public official prior to submittal.*”

Staff has researched residential subdivision design concepts that have been adopted in one form or another in several other communities. These concepts may help assist project designers and property owners in understanding and implementing the city's goals for attaining high quality residential development. The following is a brief overview of residential design considerations as presented to Council. Please note the design standards listed below are not intended to be fully inclusive and other design considerations related to residential subdivisions should be further explored.

1. **Lot size/widths:** Single-family lot patterns could be varied to avoid repetitive streetscapes. This could be accomplished by encouraging a variety of lot types and/or sizes on residential blocks. Lot sizes should vary enough to create a perceptible difference. Consecutive lots of the same width could be limited on a street block.



2. **Open Space and Natural Features Integration:** Providing open space (i.e., linear parks, pocket parks, trails, etc.) and integrating natural features into a residential project can significantly increase the appreciation of residents in their neighborhoods, provide safe places for children and families to play, and maintain a strong sense of connection with the surrounding natural environment.
 - a. Single-loaded streets (those with residential development on one side and open space on the other) should be used to provide public access to, and visibility of, natural open spaces and public parks/trails.
 - b. Development adjacent to parks or other public open spaces should be designed to provide maximum visibility of these areas.
 - c. Pedestrian access to and along creeks, trails, and riparian corridors from residential areas should be implemented.

- d. Natural amenities such as mature trees, creeks, riparian corridors, and similar features should be preserved and incorporated into proposed residential development.

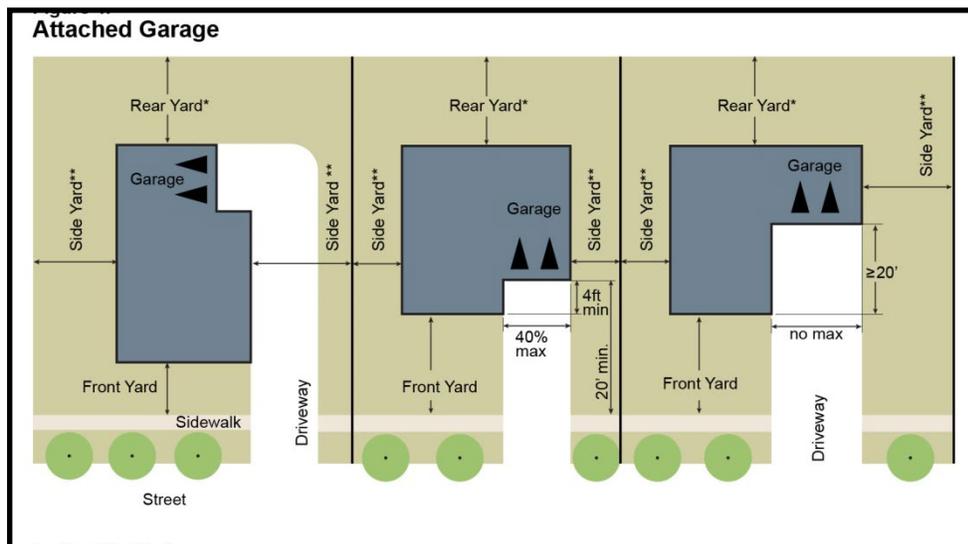


3. **Requiring Pocket Parks based on Number of Lots:** Considerations could be explored requiring the inclusion of pocket parks based on a minimum lot threshold (ex. One pocket park required for every 50 residential lots). Establishing codified requirements on when pocket parks are required and the location of the pocket parks is crucial, particularly when a neighborhood is within a specified distance of an existing or planned city park. Location criteria should consider centrally locating these types of amenities and require that pocket parks be open and visible to the surrounding homes. In addition, a minimum pocket park size should be established that could facilitate amenities such as play equipment including basketball court, playing field, seating, tables, etc., in the pocket park area. Please note not all of the item listed are intended to be incorporated into every pocket park but are provided as examples of what could be included if desired. Considerations on how the pocket parks are to be funded (Landscape and Lighting Districts vs. Park Impact fees) will be evaluated as part of this process.



4. Other Residential Design Considerations:

- a. **Block length:** Establish a maximum block length standard. The length of blocks between intersecting streets should be as short as possible to provide pedestrian connectivity, where feasible.
- b. **Cul-de-sacs:** Limit use of dead-end streets, such as cul-de-sacs, to no more than 15 percent of the total length of local residential streets.
- c. **Garage Frontage and Placement:** Although the Zoning Ordinance encourages a dwelling unit's living space to be the prominent feature of a residential lot (i.e., 15-ft. setback to the house, 22-ft. to the garage), conventional development at times places the garage in the prominent location on the lot. The effects of garage-forward placement make it the most prominent feature of the house and reduces "eyes on" local streets. To encourage lot design by making the house the prominent feature, the following measures could be considered to minimize the visual impact of garages:
 - i. Require residential designs that prohibit the placement of the garage in front of the home and/or in-line with the home. At a minimum, the garage face should be recessed a minimum of five feet from the primary living area façade.



- d. Consistent use of architectural ornamentation on all four sides: The use of combined materials, such as stucco and wood siding, etc., can provide visual interest and texture; however, all sides of each single-family dwelling home should employ the same materials, design details, and window treatment on all four sides. Each new residential structure should look like the same building from all sides.



ATTACHMENTS

- Zoning Ordinance Chapter 17.12 (Single-Family Residential Zone)
- Section 17.12.135 "Lot Sizes Below 5,000 Square Feet"
- General Plan Pocket Park Policy

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. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7270)

17.12.015 Applicability.

The requirements in this chapter shall apply to all property within R-1 zone districts. (Ord. 2017-01 (part), 2017)

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;

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 as defined by California Health and Safety Code Sections 50675.2(h) and 53260(c);

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.

(Ord. 2017-13 (part), 2017: Ord. 2017-01 (part), 2017: Ord. 2012-02, 2012: Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7271)

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. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7272)

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;

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.

(Ord. 2017-13 (part), 2017: Ord. 2017-01 (part), 2017: Ord. 2012-02, 2012: Ord. 2001-13 § 4 (part), 2001: Ord. 2000-02 § 1 (part), 2000; amended during 10/97 supplement: Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7273)

17.12.050 Site area.

The minimum site area shall be as follows:

Zone	Minimum Site Area
R-1-5	5,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

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

Zone	Interior Lot	Corner Lot
R-1-5	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. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7274)

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). (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7275)

17.12.070 Replacement and expansion of legally existing multiple family units.

In accordance with Section 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 Section 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 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. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7276)

17.12.080 Front yard.

A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
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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.
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R-1-12.5	Thirty (30) feet
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R-1-20	Thirty-five (35) feet
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B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages. (Ord. 2017-01 (part), 2017: Ord. 2004-20 (part), 2004: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7277)

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 or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere, shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk. 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.

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.

(Ord. 2017-13 (part), 2017: Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7278)

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.

(Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7279)

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). (Ord. 2017-01 (part), 2017: Ord. 2006-07 § 2 (part), 2006: Ord. 9717 § 2 (part), 1997: prior code § 7280)

17.12.120 Off-street parking.

In the R-1 single-family residential zone, subject to the provisions of Chapter 17.34. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7281)

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. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7282)

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:

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. (Ord. 2017-01 (part), 2017)

17.12.137 Signs.

Signs shall be placed in conformance with Chapter 17.48. (Ord. 2017-01 (part), 2017)

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;
- 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. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(A))

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. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(B))

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;
- 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 Section 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. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(C))

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. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(D))

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.

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. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(E))

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. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(F))

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 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. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(G))

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:

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. (Ord. 2017-01 (part), 2017)

PSCU-P-5 Create new community parks in the Northwest, Southwest, and Southeast quadrants, consistent with the Parks and Open Space diagram and the following planning guidelines:

- Size: 5-12 acres or more; and
- Facilities to be provided: large children's play area, reserved picnic facilities, open play fields, community building, bicycle parking, and off-street parking. They also may include tennis courts, outdoor concert areas or other special facilities based on neighborhood needs and community input.

Community parks provide spacious areas for passive enjoyment or group gatherings, special attractions, and recreation facilities, including sports fields and swimming pools. A "heritage farm" and a habitat preserve are examples of special facilities that could be incorporated into community parks.

PSCU-P-6 Create a high-quality, accessible neighborhood park system based on the needs of the surrounding community, the Parks and Open Space diagram and the following planning guidelines:

- Size: 2 to 5 acres; and
- Facilities to be provided: open lawn area, small picnic area, paths, bicycle parking, play equipment for children, backstop, multi-use courts, drinking fountain, landscaping.

Neighborhood parks are to be part of the nucleus of both existing and new neighborhoods, near, adjacent to, or co-located with schools and walkable commercial areas. Some are linked to the system of natural corridors and greenways. Neighborhood parks should not be located on major roadways, should have housing directly facing them, and should be within a ten-minute walk of most residents in new neighborhoods. Park designs should reflect residents input from community meetings held during the parking planning process.

PSCU-P-7 Promote development of small pocket parks or play lots dispersed throughout new neighborhoods and in existing neighborhoods, where needed, on a voluntary basis in coordination with new infill development, consistent with the following planning guidelines:

- Size: 0.5 to 2 acres; and
- Facilities: the specific features of pocket parks should address the anticipated needs of nearby residents and/or workers. In a residential environment, the needs of small children and seniors should be emphasized. In mixed-use or commercial areas, lunchtime use by office workers and shoppers should be facilitated.



Neighborhood parks are part of the nucleus of neighborhoods. Some are linked to the system of natural corridors and greenways. (Top)

Park designs should reflect residents' input from community meetings. (Bottom)

POCKET PARK DESIGN CRITERIA AND DEVELOPER GUIDELINES

- Pocket parks may be considered as an alternative to or replacement of a neighborhood park only where providing a typical neighborhood park is impractical or not achievable, such as in infill areas or as part of small development projects. The specific features of pocket parks should address the anticipated needs of nearby residents and/or workers.
 - In a residential environment, the needs of small children and seniors should be emphasized.
 - In mixed-use or commercial areas, lunchtime use by office workers and shoppers should be facilitated.
- The costs of developing a pocket park as part of new development can be reimbursed through the formation of a Lighting and Landscaping District, the formation of which may be a condition of approval for a project. Reimbursable costs include all park improvements, including hard and soft costs but not including street improvements, and reimbursement shall be based on a detailed cost estimate submitted with the project plans.
- A developer wishing to include a pocket park is responsible for design and construction that meet City standards and for providing a legal mechanism for long-term maintenance of the park at no cost to the City.
- Land for pocket parks is to be dedicated to the City.

Pocket parks are especially valuable in medium- and higher-density residential areas and in developed neighborhoods with a shortage of parkland.

- PSCU-P-8** Establish design review criteria for allowing pocket parks (parks less than 2 acres) and linear parks to be counted toward meeting the neighborhood and community parkland standard of this General Plan.

These criteria may include minimum park size and the types of amenities and facilities, specified in a schedule of credits (the percentage of the acreage standard met) up to a maximum of 100 percent. Provisions for funding park maintenance through a landscape and lighting district also will have to be met as a condition of receiving a pocket park credit. Pocket parks are not a substitute for neighborhood parks with playing fields and facilities for active recreation although they do meet a community need.

Funding and Parkland Dedication Requirements

- PSCU-P-9** Continue to implement a Park Acquisition and Development Fee Program updated to be consistent with this General Plan, including the following:

- Land and fees received shall support a standard of five acres of neighborhood and community parks per 1,000 residents and provide park and recreation facilities serving the

neighborhood quadrant in which the contributing development occurs;

- A portion of the fees collected are to be used for community-wide recreation facilities;
- Dedicated park land meeting specified criteria for community parks, neighborhood parks and pocket parks may be provided at the City's discretion, in lieu of fees, or earn fee credits (the City will not accept undevelopable, unusable land); and
- Fee credits may also be given for storm drainage basins designed and built for dual recreational use, but these credits may be on a less than 1:1 basis depending on the amenities and facilities provided and their availability throughout the year.

Storm drainage basins can be under water and not available for public use three to four months a year; they also are difficult to maintain and turf is usually in poor condition compared to turf on year-round playing fields. For these reasons, full fee credit will not be granted.

- PSCU-P-10** Adopt and implement parkland dedication requirements for all subdivisions, consistent with the Quimby Act and Policy PSCU-P-2. This requirement will be integrated with the City's Park Acquisition Development Fee Program.