



Legislation Details (With Text)

File #: 25-0108 **Version:** 1
Type: Public Hearing Item **Status:** Agenda Ready
File created: 4/1/2025 **In control:** Visalia City Council
On agenda: 4/21/2025 **Final action:**
Title: Ordinance Adoption - Public hearing and first reading of Ordinance No. 2024-16 to adopt Zoning Text Amendment No. 2024-03: A request by the City of Visalia to add and amend regulations within the Visalia Municipal Code Title 17 (Zoning Ordinance) pertaining to Single-Family Residential Objective Design standards and Planned Residential Development standards applicable to new single-family residential developments. The regulations will apply Citywide to properties within the city limits of the City of Visalia.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance 2024-16 for ZTA 2024-03 ODS - 4-21-2025, 2. Attachment 1_Revised Draft Ordinance with track changes, 3. Attachment 2_Original Draft Ordinance 12-16-2024, 4. Attachment 3_Small Lot Revisions, 5. Attachment 4a_Lennar email, 6. Attachment 4a_Ordinance with Lennar comments, 7. Attachment 4b_Self-Help email, 8. Attachment 4c_DR Horton email, 9. Attachment 4d_SJVH - email, 10. Attachment 4d_SJVH - markup, 11. Attachment 5_Staff Report ZTA 2024-03 12-16-2024, 12. Attachment 6_Presentation Slides

Date	Ver.	Action By	Action	Result
4/21/2025	1	Visalia City Council		

Agenda Item Wording:

Ordinance Adoption - Public hearing and first reading of Ordinance No. 2024-16 to adopt Zoning Text Amendment No. 2024-03: A request by the City of Visalia to add and amend regulations within the Visalia Municipal Code Title 17 (Zoning Ordinance) pertaining to Single-Family Residential Objective Design standards and Planned Residential Development standards applicable to new single-family residential developments. The regulations will apply Citywide to properties within the city limits of the City of Visalia.

Deadline for Action: 4/21/2025

Submitting Department: Community Development

Contact Name and Phone Number:

Brandon Smith, Principal Planner, brandon.smith@visalia.city, (559) 713-4636;
Paul Bernal, Planning and Community Preservation Director, paul.bernal@visalia.city, (559) 713-4025

Department Recommendation:

Staff recommends that the City Council hold a public hearing and introduce the first reading of Revised Ordinance No. 2024-16, to amend portions of Municipal Code Title 17 (Zoning Ordinance) pertaining to Single-Family Residential Objective Design standards (ODS) and Planned Residential Development (PRD) standards applicable to new single-family residential developments.

Note on Revised Ordinance: This Ordinance and the corresponding draft Municipal Code contains revisions based on input received from interested parties, following the motion acted upon by the City Council on December 16, 2024, to continue the matter and to conduct further outreach with the residential development community.

The City Council may, in lieu of the recommended motion for the Ordinance as specified above, consider any of the following alternative motions:

1. Direct staff to make changes to the Ordinance as specified by City Council, based upon any comments shared by an interested person; or
2. Adopt the single-family residential Objective Design standards and PRD standards by resolution rather than by ordinance (adoption by resolution allows for these standards to be modified / revised in the future without holding multiple public hearings); or
3. Direct staff to conduct further outreach to stakeholders and interested individuals which could result in modifications to the residential objective design standards as proposed, and direct that any revised objective design standards be reconsidered in a public hearing before the Planning Commission and City Council.

Background Discussion:

On December 16, 2024, staff presented to the City Council a draft Accessory Dwelling Unit (ADU) Ordinance and a draft Objective Design Standards (ODS) Ordinance (the original ordinance is included as Attachment 2; the staff report is also included as Attachment 5). The text would establish a new section in the Zoning Ordinance located at Chapter 17.12, Article 2, commencing at Section 17.12.140. The amendments to the Zoning Ordinance Text also include elimination of certain regulations for lots less than 5,000 square feet in Section 17.12.135 (refer to Attachment 3) since they are now addressed in the Revised Draft ODS Ordinance.

The ODS Ordinance, as originally presented to the City Council on December 16th, was crafted largely in response to current growth trends where developers have been utilizing smaller lot sizes and new design techniques. The standards address a range of topics that include appearance, landscaping, fences, off-street parking, and common open space areas within planned residential developments.

During the public hearing, staff received public comments from a few homebuilder developers requesting that City Council continue the matter to allow additional time for the development community to review and provide additional comments on the draft ODS Ordinance. The Council adopted the ADU Ordinance and elected to continue the ODS Ordinance to a date uncertain in March/April 2025 to give staff and the development community time to meet and discuss the ordinance.

Following the public hearing, City staff requested a revised scope of work and budget from Mintier Harnish, who prepared the original ODS/ADU Ordinances. These items were approved by the Change Order Committee and worked commenced. The revised scope of work called for facilitating two stakeholder roundtable discussions with local housing developers, with each meeting lasting approximately one hour each.

Stakeholder meetings were held virtually on January 30th and February 5th, with each meeting having 12-15 people in attendance. Following the meetings, letters and comments in e-mail format were also received by four persons. The response at these meetings well exceeded the participation during the original stakeholder outreach done in 2023/2024. As a result of the comments received, a Revised Public Review Draft Ordinance ("Revised Draft Ordinance") was prepared and circulated to the

stakeholders / interested persons for public comment for 15 days beginning March 14, 2024. The Revised Draft Ordinance is contained within the attached Revised Ordinance No. 2024-16, and a track changes version showing all changes between the December 2024 Ordinance and the Revised Ordinance is included as Attachment 1.

Proposed Amendments:

The Revised Draft Ordinance largely retains the same format and structure but removes certain requirements and offers a greater number of options for a builder to achieve compliance. This was done out of a desire, as expressed by stakeholders and builders, for the Ordinance to offer more variety and flexibility towards achieving compliance.

One section where options are presented for achieving compliance is Section 17.12.160 - Structure Design Standards, which addresses requirements for dwellings to provide massing elements (projections, recessions, etc.) and horizontal / vertical articulation. The Revised Draft Ordinance replaces this with a “menu of options”, requiring that units include at least three design elements from a list of 13 items (which includes protruding windows, changes in heights, gables/dormers, decorative trellises, changes in roof pitch, etc.). Whereas there have been repeated concerns expressed by stakeholders over the increased cost associated with additional requirements, the offering of different options provides alternatives for the builders to come into compliance and allows builders to analyze the cost impact of each option.

Another section where options have been presented pertains to the “Front Entryways” Section 17.12.150.B.3 of the draft ordinance. Rather than requiring a covered porch with every unit, the Revised Draft Ordinance allows builders to choose between a front porch, recessed entry, deep overhang, or front landing.

In summary, the following standards have either been removed or listed as an option from the Revised Draft Standards (see Attachment 1) based upon input from stakeholders. The code sections refer to where the standard was found in the prior draft ordinance (see Attachment 2).

Removed:

- Section 17.12.150.A.1 - Unit staggering. Developers commented that staggering is something that they already do. Requiring staggering could further result in shortened spaces for vehicle parking in driveways.
- Section 17.12.160.D - Prohibition of balconies within 20 feet of an adjacent property line unless screened from view

Moved under options section:

- Section 17.12.150.A.2.c. Garages to be setback farther from or equal to the primary elevation.
- Section 17.12.150.B.3.a and b - Placement of the main entry and at least one window visible on the primary elevation.
- Section 17.12.150.B.3.d - Pedestrian walkway connecting the front entry to the primary sidewalk/public right-of-way.
- Section 17.12.160.A and B - Massing and Articulation requirements, replaced with a menu of options.

The following items have also been revised in the Revised Draft Standards, with code sections referenced.

- Section 17.12.150.A.1.d - The amount of garage width as part of the overall primary elevation width has increased from 60% to 75% and exempts small lots (under 40 feet wide) from meeting the standard.
- Section 17.12.160.C.2 - The requirement for two or more colors on a building exterior has been separated into different sections for standalone units and subdivisions.
- Section 17.12.170 - A new section was added for Utility and Service Areas to ensure that utilities and mechanical equipment are screened from view and/or designed in a manner that minimizes their view from a street.
- Section 17.12.200.A - Removing the requirement for exterior lighting to be directed downward.

The following sections remain unchanged, as there were no specific comments from stakeholders regarding these sections.

- Section 17.12.140 - pertaining to Purpose and Applicability.
- Section 17.12.150.A.2 - pertaining to the declaration of a primary elevation.
- Section 17.12.150.B.1 and 2 - pertaining to setbacks and height.
- Section 17.12.170 - pertaining to landscaping, excepting the removal of a street tree requirement since it is already a City standard elsewhere.
- Section 17.12.180 - pertaining to fences, walls, and hedges.
- Sections 17.12.200 thru 220 which primarily pertain to planned unit developments (PUDs), dealing with off-street parking facilities, usable common open space areas, and sidewalks.
- Section 17.12.230 - pertaining to the Exception powers of the Planning Commission.

Correspondence:

The Revised Public Review Draft Ordinance was shared with stakeholders / interested persons for public comment for 15 days, from March 14th to March 31st. City staff received two letters of correspondence (see A. and B. below) from stakeholders during this period containing comments and requesting certain revisions to be considered toward the Ordinance. In addition, one letter of correspondence (see C. below) was received after the public comment period. All are included as Attachment 4.

A. One correspondence was received from Lennar Homes, who had previously provided comments to the Council on the matter. Lennar Homes had four comments on the Revised Draft Ordinance summarized as follows:

Comment:	Staff response:
1) Eliminate projection requirements for lots less than 40' wide.	<u>Not supported.</u> Projection requirements are one option from a menu of options for providing at least three design elements. Staff contends that small lot developments are equally fit for utilizing projections and therefore should not be exempted from a projection standard.
2) Require window fenestration for front facades only rather than on all sides.	<u>Not supported.</u> Staff considers this requirement as imperative towards upholding a high aesthetic quality of elevations on all sides and adding visual interest, especially as seen from both major and local roadways.

3) Reduce the minimum size of window shutters, if used, to below 100% of the size of the window.	<u>No change necessary.</u> Shutters are not a requirement in the ordinance, though a standard is provided in case they are used. The standard is intended to convey that shutters could feasibly cover the entire window area and not be dismissed as an accessory/decoration mismatched to the window.
4) Question whether decorative carriage lights qualify for required security lighting.	<u>No change necessary.</u> Decorative carriage lights would qualify as meeting the standard.

B. Another correspondence was received from Self-Help Enterprises (“SHE”), who had not provided any previous comment to Council or staff during the entire outreach process. The correspondence contends that the standards are incompatible with SHE’s current plans, thereby imposing increased costs towards a non-profit housing developer. The correspondence goes into detail describing the impacts borne by each section within the ordinance and seeks consideration of *“affordable housing developers using pre-approved master plans from Sections 17.12.160.A thru C”* or including a waiver process.

Staff maintains that the design standards should be imposed uniformly across all types of single-family residential development in order to maintain an aesthetic quality shared among all residents. In fact, the Draft Ordinance includes Section 17.12.240 that grants the Planning Commission the authority to grant one or more exceptions to any regulations prescribed in the standards subject to approval at a public hearing. Such process may be utilized if the applicant deems that any certain standard(s) would compromise the developer’s ability for a builder to maintain a set affordability standard, particularly when subject to public funding. It should be noted that, at present, deed restricted affordable housing accounts for less than 1% of all new single-family detached units which are issued building permits in Visalia.

C. Another correspondence was received from D.R. Horton, who had previously provided comments to the Council on the matter. The letter in summary states that while the builder is generally not in favor of alterations resulting in price increases to the buyer, the builder’s existing plans could be utilized without significant changes. The correspondence offers support of the draft standards and no opposition.

D. Another correspondence was received from San Joaquin Valley Homes, who had previously provided written comments on the original Draft Ordinance. This item was received after the close of the comment period for the Revised Public Review Draft. The email includes a mark-up with some questions and minor suggestions regarding the Revised Public Review Draft Ordinance.

Fiscal Impact:
None.

Prior Council Action: On December 16, 2024, City staff introduced separate Ordinances to adopt new regulations pertaining to Accessory Dwelling Units (ADUs) and ODS / PRD standards. The City Council proceeded with introducing the 1st Reading of the ADU Ordinance (which was subsequently passed with the 2nd Reading on January 21, 2025), and delayed action on the ODS Ordinance to allow additional time for interested parties to meet with staff.

Recommended Motion (and Alternative Motions if expected):
I move to introduce for first reading Ordinance No. 2024-16 for Zone Text Amendment No. 2024-03, to amend portions of Municipal Code Title 17 (Zoning Ordinance) pertaining to Single-Family

Residential Objective Design standards.

Environmental Assessment Status: The Zoning Ordinance amendment for the proposed ODS ordinance is exempt from CEQA per the CEQA Common Sense Exemption Section 15061(b)(3) that applies to projects which clearly do not have the potential for causing a significant effect on the environment. The project, in itself, does not allow construction of any building or structure, but sets forth design regulations that shall be followed. The regulations do not change allowable uses or building intensities. It can be seen with certainty that there is no possibility that the project may have a significant effect on the environment and thus is not subject to CEQA review.

CEQA Review: The Zoning Ordinance amendment for the proposed ODS ordinance is exempt from CEQA per the CEQA Common Sense Exemption Section 15061(b)(3) that applies to projects which clearly do not have the potential for causing a significant effect on the environment. The project, in itself, does not allow construction of any building or structure, but sets forth design regulations that shall be followed. The regulations do not change allowable uses or building intensities. It can be seen with certainty that there is no possibility that the project may have a significant effect on the environment and thus is not subject to CEQA review.

Attachments:

1. Ordinance No. 2024-16 for Objective Design Standards
2. Attachment 1 - Revised Draft Ordinance with track Changes
3. Attachment 2 - Original Draft Ordinance presented to Council on December 16, 2024
4. Attachment 3 - Revisions to Section 17.12.135, (Standards for) Lot area less than 5,000 square feet
5. Attachment 4 - Correspondence from stakeholder received during public review period
 - a. Lennar Homes
 - b. Self-Help Enterprises
 - c. D.R. Horton
 - d. San Joaquin Valley Homes
6. Attachment 5 - City Council staff report from December 16, 2024
7. Attachment 6 - Presentation Slides