

ORDINANCE NO. 2024-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING ZONING TEXT AMENDMENT NO. 2025-01: A REQUEST BY THE CITY OF VISALIA TO AMEND TEXT WITHIN THE VISALIA MUNICIPAL CODE TITLE 17 (ZONING ORDINANCE) TO CLARIFY AND FACILITATE CITY COUNCIL ADOPTION OF SINGLE-FAMILY RESIDENTIAL OBJECTIVE DESIGN STANDARDS AND PLANNED RESIDENTIAL DEVELOPMENT STANDARDS APPLICABLE TO NEW SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS BY RESOLUTION RATHER THAN BY ORDINANCE.

WHEREAS, Zoning Text Amendment No. 2025-01 is a request by the City of Visalia to amend text within the Visalia Municipal Code Title 17 (Zoning Ordinance) to clarify and facilitate City Council adoption of Single-Family Residential Objective Design Standards and Planned Residential Development standards applicable to new single-family residential developments by Resolution rather than by Ordinance.; and,

WHEREAS, the City of Visalia had previously initiated Zoning Text Amendment No. 2024-03 to establish new objective design standards pertaining to single-family residential development, including lots below 5,000 square feet in size, and pertaining to Planned Residential Developments, in response to an increase of utilization of smaller lot sizes and new design techniques by proponents, and in response from proponents seeking to have a clear set of reliable codified objective design standards form which to design a project and ensure support by City staff and officials, and in response to recent state legislation such as Senate Bill 9 (2021) and Senate Bill 35 (2017) that allows for ministerial approval of residential developments under certain provisions; and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission regarding Zoning Text Amendment No. 2024-03 on November 12, 2024; and,

WHEREAS, the Planning Commission of the City of Visalia considered Zone Text Amendment No. 2024-03 in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing, and recommended that the City Council approve Zoning Text Amendment No. 2024-03 by adopting the Revised Public Review Draft, as amended and presented to the Commission on November 25, 2024; and,

WHEREAS, the City Council of the City of Visalia, after duly published notice, held a public hearing before said City Council regarding Zoning Text Amendment No. 2024-03 on December 16, 2024, and delayed action to allow additional time for staff to meet with interested persons, stakeholders, and builders, to address concerns the standards and feasibility of the Revised Public Review Draft Ordinance; and

WHEREAS, the City of Visalia conducted additional consultation and meetings with persons, stakeholders, and builders, which included two virtual meetings held on January 30 and February 5, 2025, which resulted in a Revised Draft Ordinance that was circulated for a 15-day review period beginning on March 14, 2025, and then presented to the City Council without changes; and,

WHEREAS, the City Council of the City of Visalia, after duly published notice, held a public hearing before said City Council regarding Zoning Text Amendment No. 2024-03 on April 21, 2025, and approved the item by directing the preparation of a Resolution for the adoption of Objective Design Standards in lieu of the adoption of an Ordinance; and,

WHEREAS, the City Council of the City of Visalia adopted Resolution No. 2025-30 on May 5, 2025, for the approval of Objective Design Standards applicable to single-family residential developments; and,

WHEREAS, the City of Visalia has subsequently initiated Zone Text Amendment No. 2025-01 together with Ordinance No. 2024-16 to complete the necessary administrative revisions and enforcement within the Zoning Ordinance related to the adoption of new standards; and,

WHEREAS, the City Council of the City of Visalia, has held a public hearing before said City Council regarding Zoning Text Amendment No. 2025-01 on June 2, 2025, and has considered said Zone Text Amendment in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia on the premise that the Planning Commission of the City of Visalia had previously reviewed and recommended approval of an Ordinance through Zoning Text Amendment No. 2024-03 for the underlying Single-Family Residential Objective Design Standards and Planned Residential Development standards applicable to new single-family residential developments; and,

WHEREAS, the City Council of the City of Visalia finds that the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines, Code of Regulations Section 15061(b)(3) (common sense exemption), as the proposed zone text amendment will not in and of themselves have an effect on the environment, and that the affected sites will continue to allow for residential development consistent with the land use designations and the respective density ranges specified in the Visalia General Plan Land Use Element.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Guidelines, Code of Regulations Section 15061(b)(3).

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby makes the following specific findings regarding Zoning Text Amendment No. 2025-01:

1. That the Zoning Text Amendment is consistent with the intent of the General Plan and Zoning Ordinance and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the change is required to achieve the objectives of the Zoning Ordinance prescribed in Visalia Municipal Code Section 17.02.020, and therefore enacts this ordinance amending the regulations of Visalia Municipal Code Title 17.
3. That the City has determined that the amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the CEQA Common Sense Exemption, Code of Regulations Section 15061(b)(3), since there would be no possibility of a significant effect on the environment.

NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA, that Zoning Text Amendment No. 2025-01, is approved, as contained in Exhibit "A" of this Ordinance.

Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Effective Date. This Ordinance shall take effect thirty days after its adoption.

Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Ordinance No. 2024-16

EXHIBIT "A"

Section 1. Visalia Municipal Code Title 17 (Zoning Ordinance) is hereby amended, to read as follows, as specified by as specified by underline & italics for additions and ~~strikeout~~ for deletions:

Chapter 17.12 Single-family Residential Zone

~~17.12.135~~ 17.12.140 Lot area less than 5,000 square feet.

~~17.12.137~~ 17.12.150 Signs.

17.12.160 Objective Design Standards.

~~17.12.135~~ 17.12.140 **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~~ Low Density Residential General Plan density range of two (2) to ten (10) dwelling units per gross acre.

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 development is consistent with all objective design standards as referenced in Section 17.12.160 (Objective Design Standards).

~~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 minimum usable open space area of a ~~minimum~~ three hundred (300) square feet. The open space shall ~~be~~ have a minimum width of fifteen (15) feet-wide.

C. Lots less having a lot area of 3,600 square feet, or lots between 3,600 and 4,999 square feet that do not meet all the standards in ~~this section~~ Subsections A and B of

Section 17.12.140 may be approved through the planned development permit process per Chapter 17.26. (Ord. 2017-01 (part), 2017)

17.12.137 17.12.150 Signs.

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

17.12.160 Objective Design Standards.

Project proponents of single-family residential developments that are subject to approval by the Site Plan Review Staff or the Planning Commission are required to adhere to the Objective Design Standards as specified by Resolution No. 2025-30 of the Visalia City Council passed on May 5, 2025, and may be subsequently amended by resolution. The purpose of the standards are to provide proponents with a clear understanding of the City's expectations for all residential project design and streamline the construction of housing units by reducing subjectivity in the entitlement process. Before the issuance of a building permit for each primary dwelling unit, the project proponent shall demonstrate each unit's compliance with the Objective Design Standards, utilizing any forms approved by the City for determining compliance.