

ORDINANCE NO. 2025-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING ZONING TEXT AMENDMENT NO. 2025-03,
A REQUEST BY THE CITY OF VISALIA TO AMEND VISALIA MUNICIPAL CODE
TITLE 17 (ZONING ORDINANCE), AS TO IMPLEMENT PROGRAM 5.8 CONTAINED
IN THE CITY OF VISALIA 6TH CYCLE HOUSING ELEMENT.

WHEREAS, as required by California law, the City of Visalia has prepared an update (i.e., 6th Cycle Update) to its Housing Element to reflect the current Regional Housing Needs Allocation (RHNA) cycle of 2023-2031; and

WHEREAS, one implementation program (i.e. 5.8) required by the California Department of Housing and Community Development for the 6th Cycle Update of the Housing Element is to adopt various text amendments to the Visalia Zoning Ordinance to remove constraints to a variety of housing types and to ensure compliance with State law; and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on September 22, 2025; and,

WHEREAS, the Planning Commission of the City of Visalia considered the Zone Text Amendment 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,

WHEREAS, the City Council of the City of Visalia, after duly published notice, held a public hearing before said City Council on October 20, 2025, and introduced said Ordinance for first reading on that date; and,

WHEREAS, the Planning Commission finds that the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines 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 Section 15061(b)(3).

BE IT FURTHER RESOLVED that the City Council approves the proposed Zone Text Amendment based on the following specific findings and evidence presented:

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, as described by the following:

Housing Element Policy 1.8 - The City shall continue to provide assistance by and access to City Staff, in person, by phone, or by email, so as to encourage increased public awareness and understanding of the City's housing regulations, including opportunities for by-right development, and standards as they pertain to new construction.

Housing Element Policy 5.1 - The City shall encourage the development of housing for elderly, persons with disabilities, large families, families with female heads of household, families and persons in need of emergency shelter, and farmworkers, where compatible with surrounding land uses and where site conditions and service capabilities permit. Sites considered especially appropriate for these uses are those accessible to day care and transit, case management, commercial, and medical services.

Housing Element Policy 5.3 - The City shall encourage and facilitate private sector development and support non-profit organizations in the development of affordable housing, including rental assistance housing to very low, low, and moderate-income special needs households through the use of development incentives. The City shall reduce or defer development review fees (as appropriate) to facilitate development of affordable housing for special needs groups.

Housing Element Policy 5.5 - The City shall facilitate and encourage the creation, by public or quasi-public agencies, of low-barrier emergency shelters, transitional housing, and permanent supportive housing in the community, and shall allow these uses as a by-right use in accordance with standards contained in its Zoning Ordinance.

Housing Element Policy 5.8 - The City shall work to remove governmental constraints to housing development.

2. That the Zone Text Amendment is consistent, where applicable, with portions of State law, including but not limited to Government Code Section 65000 et. seq.
3. The Zone Text Amendment will not have a negative impact on the City's housing stock, as the amendment will aid the development of sites listed on the City's sites inventory list for Visalia's Regional Housing Needs Allocation.
4. That applying the proposed Zone Code standards to future housing and residential uses will encourage increased housing options, including but not limited to affordable housing, throughout the City, as endorsed through the City of Visalia 2023-2031 Housing Element Update (6th Cycle Housing Element Update). These standards are designed to promote and ensure compatibility with adjacent land uses.
5. That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines 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, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA, that Zoning Text Amendment No. 2025-03, is approved, as contained in Exhibit “A” of this Ordinance, in accordance with the terms of this resolution and under the provisions of Section 17.44.090 of the Ordinance Code of the City of Visalia.

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. 2025-13

EXHIBIT 'A'

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

Chapter 17.02 General Provisions

Article 4. Reasonable Accommodation.

17.02.250 Purpose.

This purpose of this chapter is to provide a procedure for individuals with disabilities to request reasonable accommodations in seeking equal access to housing under the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter "Acts") in the application of zoning laws and other land use regulations, policies, practices, and procedures. This provision also establishes the criteria to be used when considering requests for reasonable accommodations.

17.02.260 Applicability.

- A. A request for reasonable accommodation may be made by any individual with a disability, his/her/their representative, or a developer or provider of housing for individuals with disabilities, when a requirement of this zoning code or other City requirement, regulation, policy, or practice acts as a barrier to fair housing opportunities. This chapter is intended to apply to individuals with disabilities as "disability" is defined under the Acts.
- B. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures for the siting, development, use of housing or housing-related facilities, and any other land use requirements that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his/her/their choice.
- C. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.
- D. A reasonable accommodation shall be a ministerial grant in compliance with this Chapter without the need for the approval of a variance, conditional use permit, special use permit or other exception process.

17.02.270 Procedure.

- A. A request for reasonable accommodation shall be submitted on an application form provided by the Planning and Community Preservation Department or in the form of a letter to the Director of the Planning and Community Preservation Department. Any information identified by an applicant as confidential shall be

retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection. The request for reasonable accommodation shall contain the following information:

1. The applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. The current use of the property;
 4. The basis for the claim that the individual is considered disabled under the Acts or that the housing which is the subject of the request will be used by an individual with a disability (protected health information including a specific diagnosis is not required to verify disability status);
 5. The zoning code or land use provision, regulation, policy or procedure for which reasonable accommodation is being requested; and
 6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- B. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (A) of this section for concurrent review with the application for discretionary approval.
- C. A request for reasonable accommodation shall be reviewed by the Director of the Planning and Community Preservation Department or their designee, if no approval is sought other than the request for reasonable accommodation. The Director of the Planning and Community Preservation Department or their designee shall make a written determination within 30 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.
- D. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

17.02.280 Approval Findings.

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following findings:

- A. Whether the individual requesting the accommodation has a disability as defined under the Act or the housing which is the subject of the request will be used by an individual with a disability;
- B. Whether the requested accommodation is necessary for the individual to have equal opportunity to use and enjoyment of the housing and housing-related services;

- C. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City of Visalia; and
- D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.

17.02.290 Iterative Process.

Prior to denying a request for reasonable accommodation, the Director shall offer to meet with the applicant to discuss whether there is an alternative accommodation that would meet the applicable findings. If a request for reasonable accommodation is heard by the Planning Commission instead of the Director and the request is denied, then the Director shall offer to meet with the applicant to discuss whether there is an alternative that could meet the applicable findings. After this meeting an applicant may decide to submit a revised request for reasonable accommodation.

17.02.300 Reviewing Authority.

A. Requests for reasonable accommodation shall be reviewed by the "reviewing authority," as stated in Section 17.02.270, using the criteria set forth in Section 17.02.310.

B. When the reviewing authority is the Director, then the reviewing authority shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Section 17.02.310. When the reviewing authority is the Planning Commission, then the written decision on a request for reasonable accommodation shall be issued following completion of the hearing for the discretionary land use application.

C. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

17.02.310 Appeals.

- A. Only an aggrieved applicant and abutting property owners who receive notice of the reasonable accommodation determination have a right to appeal the decision. An appeal to the Planning Commission must be filed within ten (10) calendar days after notification of the decision. An appeal shall be made in the same manner, and subject to the same fee as appeals under Section 17.28.050 for appeals to Planning Commission of decisions by the Director, and in the same manner as appeals to City Council under Section 17.02.145, of decisions by the Planning Commission. The appeal shall be in writing and shall specify the

reasons for the appeal and the grounds asserted for relief. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review the action against which the complaint is made shall be deemed to have been waived.

- B. The Planning Commission or City Council shall review de novo the entire proceeding or proceedings relating to the decision and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.
- C. At the conclusion of the hearing, the hearing body shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof shall be provided to the appellant and the project applicant.

Chapter 17.04 Definitions

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. For purposes of this definition, "emergency shelter" shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

"Residential care facility, large" means a community care facility licensed for the 24-hour care of 7 or more persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.

"Residential care facility, small" means a licensed community care facility for the 24-hour care of 6 or fewer persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.

Section 17.08.040 Conditional uses.

N. ~~Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

Section 17.10.040 Conditional uses.

E. ~~Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

Section 17.12.040 Conditional uses.

N. ~~Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

Section 17.16.040 Conditional uses.

L. ~~Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

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. The minimum site area shall be six thousand (6,000) square feet, unless the site is created as part of a planned development or is part of a development containing new one-family dwelling units in accordance with item O of Section 17.16.040.~~

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~~ twenty thousand (20,000) square 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~~ twenty thousand (20,000) square feet.

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~~ one (1) acre.

Section 17.25.030 Commercial, Office, and Industrial Zone Use Table

D. [Table 17.25.030, Commercial, Mixed Use, Office, and Industrial Zones Use Matrix]

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		
	RESIDENTIAL (see also Residential Zones)											
Group/Foster Homes, Licensed — 1 – 6 individuals in addition to residing family <u>Residential Care Facility, Small</u>	C	C	C	C	C	C	C	C	C	C		
Group/Foster Homes, Licensed — more than 6 individuals in addition to residing family <u>Residential Care Facility, Large</u>	C	C	C	C	C	C	C	C	C	C		17.32.145
Low Barrier Navigation Centers	$\frac{P}{C}$	$\frac{P}{C}$	$\frac{P}{C}$	$\frac{P^*}{C}$	$\frac{P^*}{C}$	$\frac{P^*}{C}$	$\frac{P^*}{C}$	$\frac{P}{C}$	$\frac{P}{C}$	$\frac{P}{C}$		17.32.135 *If meeting criteria stated in Cal. GC Sections 65660 - 65668
Transitional Housing and Supportive Housing as those terms are defined in City Ordinance Section 17.04.030	C	C	C	$\frac{P^*}{C}$	$\frac{P^*}{C}$	C	$\frac{P^*}{C}$	C	C	C		*If meeting criteria stated in Cal. GC Sections 65650 - 65656

17.32.130 Emergency shelters.

A. Applicability. The requirements of this section apply to all emergency shelters as defined in Chapter 17.04. Furthermore, an emergency shelter may operate on a short-term basis provided that an operating schedule is included in the plan of operation.

B. Permits.

1. Emergency shelters are allowed as identified in the Zones Use Matrix included in Table 17.25.030. In accordance with State law, Government Code Section 65583, the zone where emergency shelters are allowed as a permitted use without a conditional use permit is the I-L (Light Industrial) zone. In addition, emergency shelters are a use requiring a conditional use permit in the QP quasi-public zone.

2. All emergency shelters are required to obtain a site plan review permit in accordance with Chapter 17.28 and are subject to the development standards in subsections C. and D. of this section.

C. Site development standards. The following standards are applicable to any permitted by right or conditionally allowed emergency shelter.

1. An emergency shelter may not be located closer than ~~one thousand (1,000)~~ three hundred (300) feet to a school (a school is herein defined as an existing or planned public or parochial elementary school, middle school, high school, or licensed day care facility) or another emergency shelter or low barrier navigation center.

~~— 2. An emergency shelter may not be located closer than twenty-five (25) feet to the front property line of any existing dwelling unit.~~

~~— 3. An emergency shelter shall incorporate a seven (7) foot height perimeter wall constructed of concrete block, brick or stucco if the shelter is adjacent to any dwelling units. The perimeter wall is only required on sides abutting residential uses.~~

D. Standards for permitted by-right uses. The standards in this subsection must apply to any emergency shelter that is a use permitted by right. These standards shall be used as guidelines for any emergency shelter that is a use conditionally allowed in other zones, wherein a deviation from any such standard may be requested and considered as part of an application for conditional use permit.

1. Beds. The maximum number of beds for an emergency shelter as a use permitted by right is one hundred (100).

2. Parking. One (1) vehicle parking space shall be provided ~~per ten (10) beds and one (1) parking space shall be provided per employee. Up to five (5) visitor spaces shall be provided for service providers based on the actual need as determined by the city. The City Planner has the authority to require an extra one (1) vehicle parking space per ten (10) beds for emergency shelters established in response to a natural or man-made disaster. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.~~

3. Lighting. Adequate lighting shall be provided in all parking, pedestrian paths, and intake areas, and shall be shielded and directed away from adjacent properties.

4. Management/Security. Support staff and/or security must be present during the hours of operation. Facilities must maintain with the City a written plan of operation to be approved by the City Planner in consultation with the Police Department and Neighborhood Preservation Division and to be complied with at all times. The management shall address, at a minimum:

- a. Patron access requirements.
- b. Hours of operation.
- c. Operating schedule if intended to operate as a short-term shelter.
- d. Security measures.
- e. Litter removal.
- f. On-site management.
- g. Staff training.
- h. Property maintenance.
- i. Neighborhood relations and communication.
- j. Noise attenuation.
- k. Pet occupancy, if applicable.

5. Length of Stay. The maximum length of stay per individual shall be no longer than six (6) months in a consecutive twelve (12) month period. Days of stay need not be consecutive.

6. Pets. If an emergency shelter chooses to allow pets, they may be unleashed inside only if they are inside a private unit or may be outside within cages or in a protected area. No limit shall be placed on the number of pets that can be maintained.

7. Intake/Waiting Areas. On-site waiting and intake areas shall be enclosed or screened from the public right-of-way and adjacent adjacent properties. Queuing of clients shall not be permitted outside of approved waiting and intake areas.

8. Outdoor Activity. An emergency shelter shall designate at least five (5) percent of the site to open or outdoor recreational space, located outside of any required front or street side landscape setback area or parking field. Outdoor activity shall be allowed only during the hours of 7:00 a.m. to 10:00 p.m. (Ord. 2022-06 (part), 2022)

17.32.145 Large residential care facilities.

A. Purpose. The purpose of this Section is to clarify procedures for the establishment or construction of large residential care facilities for the care of seven or more persons, pursuant to the California Community Care Facilities Act. See California Health and Safety Code Section 1500 et seq.).

B. Conditional Use Permit. A conditional use permit is required to operate a large residential care facility.

C. Development Standards. Large residential care facilities shall be subject to the same objective development standards required of multifamily dwelling units in the applicable zone. In addition, large residential care facilities shall comply with the following requirements or guidelines:

1. Locational Criteria. Large residential care facilities shall be reviewed in light of the following factors in determining an appropriate location for such facilities:

a. One- half mile proximity to public transit facilities (fixed routes and bus or transit stops) or the provision of transportation for residents.

b. Residential care homes shall not be located within 300 feet of industrial facilities or the industrial zone (I).

c. The minimum distance between large residential care facilities, measured from the site boundaries, shall not be less than 300 feet.

2. Open Space. Open space for outdoor recreation shall be provided at a ratio of 100 square feet for each resident.

3. Unit Size.

a. Single Occupancy. The minimum floor area for sleeping rooms shall not be less than 100 square feet in rooms intended for a single occupancy.

b. Multiple Occupancy. The minimum floor area for sleeping rooms shall not be less than 80 square feet per person in rooms intended for multiple occupancy.

17.32.147 Small residential care facilities.

Small residential care facilities shall be subject only to City standards that apply to other residential uses of the same type in the respective zone (e.g. single-family detached, accessory dwelling unit).

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.

iii. The multi-family unit is not *deemed as affordable housing and is not a single-room occupancy, studio, or one-bedroom units.*

c. In cases where multi-family developments do not require planning commission review, the site plan review staff shall have similar authority as described above.

d. *One parking space per dwelling unit for multi-family developments deemed as affordable housing and multi-family units which are single-room occupancy, studio, or one-bedroom units.*

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~~ per unit.

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.

<i>Number of Motel Rooms</i>	<i>Parking Requirements</i>
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.
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.

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