

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING ZONING TEXT AMENDMENT NO. 2022-01,
A REQUEST BY THE CITY OF VISALIA TO AMEND VISALIA MUNICIPAL CODE CHAPTER
17.56 (HISTORIC PRESERVATION DISTRICT) AS TO: A) REQUIRING “BACKGROUND”
CLASSIFIED LOCAL REGISTER STRUCTURES LOCATED OUTSIDE THE HISTORIC
DISTRICT TO UNDERGO HISTORIC PRESERVATION ADVISORY COMMITTEE (HPAC)
REVIEW FOR EXTERIOR ALTERATION REQUESTS, B) GRANTING THE HPAC THE ABILITY
TO DENY DEMOLITION REQUESTS FOR ANY PROPERTY WITHIN THE HISTORIC
DISTRICT AND/OR LISTED ON THE LOCAL REGISTER, C) ADDING DEFINITIONS FOR
LOCAL REGISTER CLASSIFICATIONS, D) ADDING SPECIFIC CRITERIA FOR THE
EVALUATION OF FENCING PROPOSALS WITHIN THE HISTORIC DISTRICT AND/OR ON
THE LOCAL REGISTER, E) LIMITING THE PERCENTAGE OF PAVED SURFACES ALLOWED
WITHIN FRONT YARD SETBACK AREAS FOR PROPERTIES WITHIN THE HISTORIC
DISTRICT AND/OR ON THE LOCAL REGISTER; AND F) CHANGING THE FREQUENCY OF
LOCAL REGISTER REVIEWS. THE PROJECT AREA IS CONTAINED WITHIN THE CITY OF
VISALIA’S HISTORIC DISTRICT AND LOCAL REGISTER OF HISTORIC STRUCTURES.

WHEREAS, Zoning Text Amendment No. 2022-01 is A request by the City of Visalia to amend Visalia Municipal Code Chapter 17.56 (Historic Preservation District) as to: A) requiring “Background” classified Local Register structures located outside the Historic District to undergo Historic Preservation Advisory Committee (HPAC) review for exterior alteration requests, B) granting the HPAC the ability to deny demolition requests for any property within the Historic District and/or listed on the Local Register, C) adding definitions for Local Register classifications, D) adding specific criteria for the evaluation of fencing proposals within the Historic District and/or on the Local Register, E) limiting the percentage of paved surfaces allowed within front yard setback areas for properties within the Historic District and/or on the Local Register; and F) changing the frequency of Local Register reviews. The project area is contained within the City of Visalia’s Historic District and Local Register of Historic Structures. The specific amendments apply City-wide and are specified in Exhibit “A” of this Ordinance; and,

WHEREAS, the project is exempt under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (common sense exemption); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on July 11, 2022; 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 August 1, 2022, and introduced said Ordinance for first reading on that date.

NOW, THEREFORE, BE IT RESOLVED that the City Council concurs that the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (common sense exemption).

BE IT FURTHER RESOLVED that the City Council of the City of Visalia finds as follows:

1. That the proposed development is consistent with the Zoning Ordinance, the Historic Preservation Element, and the Visalia General Plan, as described in the following Historic Preservation Element objectives and policies:

Historic Preservation Element Objective H-O-1 – Assure the recognition of the City's history through the preservation of historic sites, structures and featuring zoning overlay designation and discretionary review procedures for the Historic District.

Historic Preservation Element Policy H-P-7 – Continue to use the Historic Preservation Ordinance development review process to protect structures listed on the Local Register of Historic Structures or located within the Historic District.

Historic Preservation Element Policy H-P-9 – Periodically survey historic resources and nominate historically and/or architecturally significant sites, structures, and neighborhoods to the Local Register of Historic Structures and/or Historic District, State of California Inventory of Historic Resources, National Register of Historic Places to ensure they are protected.

Historic Preservation Element Policy H-P-10 – Regularly review the Local Register of Historic Structures to ensure that properties are appropriately listed.

2. That the proposal will not be injurious to the character or overall uniformity of the Historic District and Local Register of Historic Structures.
3. That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (common sense exemption).

NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA, that Zoning Text Amendment 2022-01, 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. 2022-__

EXHIBIT "A"

An Ordinance of the City Council amending Chapter 17.56 (Historic Preservation District) of Title 17 of the Visalia Municipal Code.

Changes to City of Visalia Municipal Code, as specified by underline & italics for additions and ~~strikeout~~ for deletions.

VISALIA MUNICIPAL CODE

TITLE 17, Zoning Ordinance

Chapter 17.56 Historic Preservation District

Sections:

- 17.56.010 Purposes and intent.
- 17.56.020 Components of the chapter.
- 17.56.030 Definitions.
- 17.56.040 Regulation of structures.
- 17.56.050 Creation of historic preservation advisory committee.
- 17.56.060 Appeal.
- 17.56.070 Demolition or moving of historic structures.
- 17.56.080 Ordinary maintenance and repair.
- 17.56.090 Exceptions to Visalia Municipal Code requirements.
- 17.56.100 Building design compatibility criteria.
- 17.56.110 Local register structures.
- 17.56.120 Fencing and wall design criteria
- ~~17.56.120~~ 17.56.130 Role of building official.
- ~~17.56.130~~ 17.56.140 Separability.

17.56.010 Purposes and intent.

A. There is created a historic district, the boundaries of which are shown on the two maps entitled, "Historic District Overlay," which accompany the ordinance codified in this chapter and which are on file in the office of the city clerk, on the 19th day of November,

1979 and dated 19th day of November, 1979. Said maps are adopted and made a part of this chapter.

B. This chapter is enacted to preserve and promote the public health, safety and welfare of the residents of the city, and to express the commitment of the city to assure that the city's cultural heritage, as reflected in its historic structures, sites, and features is not destroyed, through:

1. The protection and preservation of historic structures;
2. The preservation and maintenance of historic residential areas as cohesive neighborhood units;
3. The enhancement of property values in the older areas of the city;
4. The assurance that the community's cultural heritage, as reflected in the environment, is not lost;
5. The encouragement of the development of vacant and incompatibly developed properties in accordance with the character of the historic district;
6. The involvement of residents of the older areas in planning their own neighborhoods. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7700)

17.56.020 Components of the chapter.

This chapter shall include:

1. The ordinance, which specifies the historic district overlay designation, design evaluation criteria, and the formation, powers and duties of a historic preservation advisory committee;
2. Creation of a local register of historic structures, sites and features that may be modified from time to time by resolution of the city council.
3. Two maps that designate the historic district overlay. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7701)

17.56.030 Definitions.

A. All definitions, general and specific, set forth in Section 17.04.030 shall be applicable to this chapter.

B. Definitions.

"Construction" means any building activity requiring the issuance of a building permit, except for any activity that does not affect the exterior appearance of the structure.

"Enlargement" means construction that results in the expansion of the gross floor area of a structure.

"Historic structure" means a structure listed on the Local Register.

"Local register" means the listing of local historic structures, sites and features adopted by the city council and maintained by the historic preservation advisory committee, and incorporated herein by reference. This designation is inclusive of all structures and features located within the boundaries of the property for which the Local register designation has been applied. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7702)

"Local register, Background" means properties that may not be historically significant or unique in their construction, but which contribute positively to the "visual fabric" of the City of Visalia.

"Local register, Exceptional" means properties with preeminent historical significance, considered for nomination to the California Register of Historical Resources and/or National Register of Historic Places.

"Local register, Focus" means properties having significant value, of good to excellent quality, considered for local recognition and protection.

17.56.040 Regulation of structures.

No structure shall be constructed, altered or enlarged that is located in the historic district or that is listed as an ~~"exceptional" or "focus" structure~~ on the local register ~~and is located outside the historic district~~, unless such a permit is issued pursuant to the terms of this chapter. No structure listed on the local register shall be moved or demolished unless a permit is issued pursuant to the terms of this chapter. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7703)

17.56.050 Creation of historic preservation advisory committee.

In order to execute the purposes declared in this chapter, there is created a historic preservation advisory committee.

A. Committee Membership.

1. The historic preservation advisory committee shall consist of seven members appointed by the city council to serve without compensation. All committee members shall be residents of the city at the time of their appointment and will lose their position if they move outside the city limits during their term of office. Members shall be appointed on the basis of:

- a. Relevant professional or business qualifications;
- b. Ownership of property within the historic district;
- c. Practical experience in restoration or preservation;
- d. Exceptional civic interest.
- e. Terms of office shall be for two years.

2. Vacancies that may occur on the committee shall be filled by appointment of a new member of the city council for the duration of the unexpired term of office. The Council has the option of appointing up to two Historic Preservation Advisory Committee alternates. Should a mid-term vacancy occur, an alternate may automatically fill the unexpired term. The council shall also have the power to remove any member from the committee by an affirmative vote of three council members.

3. Four members of the committee shall constitute a quorum for the transaction of business.

B. Procedures for the Review of Applications. The operating procedures of the historic preservation advisory committee shall be prescribed from time to time by resolution of the city council, for the purpose of carrying into effect the standards and specifications of this chapter. The committee may adopt, amend, and repeal rules and regulations governing the conduct of its meetings, as long as said rules do not violate the procedures established by the city council or the terms of this chapter.

C. Duties and Responsibilities. The historic preservation advisory committee shall review applications only as specified in this chapter, consistent with the rules and regulations adopted from time to time by resolution of the city council (as referred to in Section 17.56.050(B)). Applications shall be approved or disapproved based solely on the considerations set forth in this chapter. It is the intent of this chapter that the historic preservation advisory committee shall encourage applicants to make alterations and repairs to structures in the spirit of the architectural style of the structure. The duties and responsibilities of the historic preservation advisory committee shall include the following:

1. It shall be the duty of the historic preservation advisory committee to review all proposed zoning actions (zone changes, conditional use permits, special zoning exceptions, planned unit developments and variances) within the historic district. The committee may recommend approval, conditional approval, modification or disapproval of an application based upon the expected impact of the proposed zoning action on the historic or architectural significance of the affected structure(s), neighborhood, or the entire historic district. The committee's recommendation shall be forwarded to the planning commission for its consideration.

2. It shall be the duty of the historic preservation advisory committee to review all applications for site plan review permits within the historic district for compliance with the provisions of this chapter. Items that shall be subject to review by the committee include but are not limited to vehicular access, location and screening of parking, setbacks, location of service use areas, walls and landscaping. The committee may recommend approval, conditional approval, disapproval or resubmittal of the site plan review permit application. The committee's recommendation shall be forwarded to the site plan review committee for its consideration.

3. It shall be the duty of the historic preservation advisory committee to review all applications for the construction or exterior alteration or enlargement of structures within the historic district or ~~for structures located outside the historic district and listed as "exceptional" or "focus" structures~~ on the local register. The committee shall have the

power to approve, modify or disapprove such applications before a building permit can be issued, subject to the provisions of Sections 17.56.100 and 17.56.110.

4. It shall be the duty of the historic preservation advisory committee to review all applications for sign permits within the historic district or for properties ~~located outside the historic district and listed as "exceptional" or "focus"~~ on the local register. The committee may recommend approval, conditional approval or denial of the sign permit application based upon the proposed design and/or materials, but not upon the proposed size or location. The application shall then be presented to the proper issuing authority for sign permits, pursuant to Chapter 17.48. Sign permits shall be issued only in compliance with the recommendation of the committee. Approval by the committee in no way implies approval by the issuing authority for sign permits, whose approval must also be secured pursuant to Chapter 17.48.

5. It shall be the duty of the historic preservation advisory committee to review all applications for the moving or demolition of structures in the historic district or listed on the local register. The committee shall have the power to approve, conditionally approve, or disapprove such applications, subject to the provisions of Section 17.56.130.

6. It shall be the duty of the historic preservation advisory committee to compile and update the historic survey and inventory, and to nominate properties to the local register, the California Register of Historical Resources, and the National Register of Historic Places. In selecting properties for nomination to the local register, the board shall consider:

- a. Architectural significance and style;
- b. Historic significance, including age of structure, original owners, and events related to the structure, site or original owners.

The committee shall review the local register ~~annually~~ every five years, make recommendations for the addition or deletion of structures or sites, and submit said recommendations to the planning commission and city council for certification.

7. Permits may be issued for air conditioners, electrical work and plumbing work that is visible from a public right-of-way when the chief building official determines that the work insignificantly affects the exterior of a structure, or that reasonable alternatives as to location or screening have been employed. The building official may forward to the historic preservation advisory committee applications for permits for this type of work when it appears that the appearance of a structure may be significantly altered. This subsection shall not apply to the following types of permit applications:

1. Reroofing with like materials;
2. Residing with like materials;
3. Swimming pools;
4. Masonry repairs with like materials;

5. Chimney repair with like materials. (Ord. 2017-01 (part), 2017: Ord. 2008-11 § 1, 2008: Ord. 2001-13 § 4 (part), 2001: prior code § 7704)

8. Sites within the historic district or on the local register shall reserve a minimum 50% of the required front yard setback area for the purposes of landscaping.

17.56.060 Appeal.

Any person or persons jointly or severally aggrieved by a decision of the historic preservation advisory committee may make an appeal in writing therefrom to the city council within ten days of said action. The city council, after proceeding in the manner as provided therein and with the same power and authority there invested in passing upon appeals before it under the provisions of law and this chapter and in the exercise thereof, may reverse, affirm or modify or affirm as modified the action of the historic preservation advisory committee. Appeals of a decision of the site plan review committee shall be filed with the planning commission in the manner prescribed in Section 17.28.050. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7705)

17.56.070 Demolition or moving of historic structures.

A. The demolition of structures listed on the local register, and the moving of local register structures from their sites, shall be discouraged. The historic preservation advisory committee shall review all applications for demolition or moving permits for structures on the local register and for any structures within the historic district boundaries.

B. After due consideration, the committee shall exercise one of the options listed below:

1. The committee may approve the demolition permit if it finds that the structure is a hazard to public health or safety, as determined by the building official or his designee, in consultation with the historic preservation advisory committee.

2. The committee may decide that up to a six-month moratorium be placed upon the processing of the demolition or moving permit, in order to allow time for the applicant and the committee to find alternative uses for the structure and to seek alternative solutions to the demolition or moving of the structure. If no alternatives are found, after the six-month moratorium has expired, the committee must approve the application.

3. ~~In the case of local register structures that have been classified as "exceptional,"~~ the The committee may deny an application for demolition, ~~after the six-month moratorium has expired.~~ Denial of a demolition permit by the committee is subject to appeal to the city council pursuant to Section 17.56.060.

4. The committee may approve the application.

C. When an application is acted upon, the committee shall notify the building official of the approval, conditional approval or denial. Upon receipt of said notification, the building official shall process the application accordingly. If, after six months from the date of filing of the application, the building official has not received such notification, a permit

may be issued. Approval of a permit application by the committee in no way implies approval by the building official, whose approval must also be secured. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7706)

17.56.080 Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any structure within the historic district; provided such work involves no change that requires issuance of a building permit. Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration or demolition of any feature that, in the view of the proper authority acting lawfully, is required for the public safety because of an unsafe or dangerous condition. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7708)

17.56.090 Exceptions to Visalia Municipal Code requirements.

Due to the peculiar conditions of design and construction in historic neighborhoods where structures were sometimes built close to lot lines, and where ownership patterns have changed over the years, it is sometimes in the public interest to retain the historic appearance of a neighborhood by making an exception to normal setback, parking, landscaping, fencing and screening requirements of the Visalia Municipal Code, where such an exception does not interfere with the public health or safety. Within the historic district, where it is deemed that such an exception is warranted and will not adversely affect neighboring properties, the historic preservation advisory committee may initiate and/or recommend to the planning commission that such exception to Visalia Municipal Code requirements be made. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7709)

17.56.100 Building design compatibility criteria.

This section contains criteria for reviewing all applications for new construction and sign permits within the historic district, and for any rehabilitation, renovation, alteration, reconstruction, or enlargement affecting the exterior appearance of any structure within the historic district that is not listed on the local register, which requires the issuance of a building permit. Each application shall be considered in terms of its compatibility or complementariness with a majority of structures in the immediately surrounding area. In reviewing an application, the historic preservation advisory committee shall consider the following general design standards and principles:

A. Height and Scale. New buildings should be constructed to a height within a reasonable average height of existing adjacent buildings.

B. Spacing of Buildings on Street. A rhythm of recurrent building masses to separations should be retained.

C. Relationship of Materials and Textures. Choice of building materials and texture (smooth and rough) should enhance the desired neighborhood qualities such as compatibility, similarity and continuity.

D. Relationship of Architectural Details and Roof Shapes. Choice of architectural details and roof shape should insure compatible appearance with surrounding structures.

~~E. Walls of Continuity. Physical ingredients such as brick walls, wrought iron fences, and evergreen landscape masses should be used to form continuous cohesive walls of enclosure along the street.~~

F E. Landscaping. Landscaping should reflect the predominant quality and quantity of landscaping within the surrounding area. The concern here is more with mass and continuity.

G F. Directional Expression of Front Elevations. Structural shape, placement of openings, and architectural details should be used to give a compatible appearance with adjacent structures that may be horizontal, vertical or nondirectional in nature. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7710)

17.56.110 Local register structures.

This section contains criteria for reviewing all applications for building permits for exterior rehabilitation, renovation, alteration, reconstruction, or enlargement of any local register structure ~~within the historic district, or any "exceptional" or "focus" local register structure outside the historic district~~, and for any interior modification that requires the issuance of a building permit for a publicly owned and publicly accessible local register structure. In reviewing an application, the historic preservation advisory committee shall consider the following general standards and principles:

A. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose.

B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

C. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and that seek to create an earlier appearance shall be discouraged.

D. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

E. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure or site, shall be treated with sensitivity.

F. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate

duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken, without prior approval of the historic preservation advisory committee.

H. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (Ord. 2710 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7711)

17.56.120 Fencing and wall design criteria.

This section contains criteria for reviewing all applications for new fencing and walls within the historic district or on the local register, and for any application for rehabilitation, renovation, alteration, reconstruction, or enlargement of fencing and walls within the historic district or on the local register. In reviewing an application, the historic preservation advisory committee shall consider the following general standards and principles:

A. Fencing proposals shall be used to form continuous cohesive walls of enclosure along the street, and shall be compatible with the architectural style of the main building and historic district.

B. If historic walls or fencing exist on a property, preference should be given to repair of the existing fencing or wall to restore its original appearance to the extent possible. If removal and replacement of historic fencing and walls is proposed, preference should be given to the use of like materials to preserve the appearance of the original fencing or wall.

C. Proposals for new fencing or walls should be compatible with the character and architectural elements of the historic structure onsite and its period of original construction.

D. Appropriate materials for fencing and walls shall include, but not be limited to, landscape masses, wood, wood pickets, wrought iron, cast iron, masonry walls, brick, stone, decorative wire, and vinyl materials that mimic the appearance of painted wood.

E. Proposals for chain link fencing in areas visible from the street shall be discouraged. The historic preservation advisory committee may grant an application for chain link fencing along public streets if, on the basis of the application and the evidence submitted, the committee makes one of the following findings:

1. That the proposed chain link fencing is compatible with the historic structure and the neighborhood;

2. That sufficient evidence has been provided indicating that the applicant will experience an economic hardship should the chain link fencing not be permitted to be placed onsite;

17.56.120 17.56.130 Role of building official.

A. The building official shall refuse to issue all building or sign permits based upon an application disapproved by the historic preservation advisory committee, unless such application is later approved by the city council. The building official may approve any application approved or conditionally approved by the committee at such time as any conditions specified in such conditional approval are clearly indicated by the applicant on the plans presented to the building official for approval. If an appeal to the city council is filed within ten days from the date of committee approval of an application, no permit shall be issued until the outcome of said appeal is finally determined by the city council.

B. After a building permit has been issued, the building official or his/her designee shall from time to time inspect the construction, alteration or enlargement approved by the committee and shall take such action as is necessary to assure compliance with the approved plans. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7712)

17.56.130 17.56.140 Separability.

The provisions of this chapter shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not impair any of the remaining provisions. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7707)