

Zoning Ordinance

of 1941

(No. 565)

City of Visalia
TULARE COUNTY
CALIFORNIA



Adopted by the City Council of Visalia
May 19, 1941
In Effect August 16, 1941



Price 50 cents

Zoning Ordinance

of 1941

(No. 565)



City of Visalia

TULARE COUNTY

CALIFORNIA



MAYOR

J. P. Gannon

CITY COUNCIL

C. M. Burnett
C. J. Hammer

M. J. Lally
E. R. Putz

PLANNING COMMISSION

Geo. Tschumy, Chairman

R. F. Cross
L. H. Gadsby

C. L. Bradley
M. B. Swanson

J. J. Philippe, City Manager
N. A. Huth, City Engineer
E. I. Feemster, City Attorney
Gordon Whitnall, Consultant

CONTENTS OF
ZONING ORDINANCE NO. 565

*

	Page
Section 1—Adoption Clause	1
Section 2—Definition	1
Section 3—Establishing Districts and Limiting the Uses of Land Therein.	3
Section 4—R-1 Residence District (Single-Family)	3
Section 5—R-2 Residence District (Limited Multiple)	4
Section 6—R-3 Residence District (Multiple-Family)	4
Section 7—C-1 Commercial District (Neighborhood)	5
Section 8—C-1½ Commercial District (Off-Street Business)	6
Section 9—C-2 Commercial District (General)	6
Section 10—M-1 Manufacturing District (Light-Industrial)	7
Section 11—M-2 Manufacturing District (Heavy-Industrial)	7
Section 12—General Provisions and Exceptions	8
Section 13—Variances and Conditional Exceptions	9
Section 14—Requests for Amendments	10
Section 15—Petitions, Notices, Investigations and Hearings	10
Section 16—Certificate of Use and Occupancy	11
Section 17—Penalty	12
Section 18—Constitutionality	12
Section 19—Repeal of Conflicting Ordinances	12
Section 20—Enacting Section	12
Key Map	13
Districting Maps	14 to 20, incl.

City Planning Ordinance

Ordinance No. 565



CITY OF VISALIA CALIFORNIA



ORDINANCE NO. 565

An Ordinance establishing districts within the City of Visalia and establishing classifications of land uses and regulating such land uses in such districts; regulating the height of buildings and open spaces for light and ventilation; adopting a map of said districts; defining the terms used in said ordinance; providing for the adjustment, amendment and enforcement thereof, and prescribing penalties for its violation.

THE COUNCIL OF THE CITY OF
VISALIA DOES ORDAIN AS
FOLLOWS:

SECTION 1: An official land-use districting plan for the City of Visalia is hereby adopted and established to serve the public health, safety and general welfare and to provide the economic and social advantages resulting from an orderly, planned use of land resources.

SECTION 2: DEFINITIONS.

This ordinance, which defines and makes effective the Land-Use Districting Plan of the City of Visalia, shall be known as the "Use Districting Ordinance", and for purpose of this ordinance certain words and terms are defined.

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "shall" is mandatory. The term "City Council" means the City Council of the City of Visalia, and the term "Planning Commission" means the Planning Commission of the City of Visalia. The word "City" when used

means the City of Visalia, a municipal corporation.

"Alley": any public thoroughfare for the use of pedestrians or vehicles, not less than ten (10) feet nor more than thirty (30) feet in width, which has been deeded or dedicated to and accepted by the City and shown as such on the official city maps of the City Engineer.

"Accessory": a building, a part of building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot.

"Apartment": a room or a suite of two or more rooms in an apartment occupied or suitable for occupancy as a residence for one family.

"Apartment House": any building, or portion thereof, which is designed, intended, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other in such building.

"Basement": one or more stories wholly or partly under-ground and having one-half ($\frac{1}{2}$) or more of its height measured from its floor to its finished ceiling below the average adjoining grade. A basement shall be considered a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.

"Building": a permanently located structure having a roof (all forms of vehicles excluded).

"Building Height": the vertical distance measured from the average level of the highest and lowest point of that portion of the site covered

by the building to the ceiling of the uppermost story.

"Building-site": the ground area of a building or group of buildings together with all open spaces as required by this ordinance.

"Bungalow Court": a group of three or more detached one-story, one or two-family dwellings located upon a single lot together with all open spaces as required by this ordinance. Two-family dwellings shall mean two units as defined under "Dwellings".

"Business or Commerce": the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreational or amusement enterprises or the maintenance and use of offices by professions and trades rendering services.

"Club": an association of persons for some common non-profit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

"Dwelling, (one-family)": a building containing only one kitchen, designed for or used to house not more than one family, including all necessary employees of such family.

"Dwelling Group": two or more dwellings, of any type permitted in R-1 and R-2 districts, when located on one building-site.

"Dwelling, (multiple-family)": a building or buildings other than a hotel, designed for or used to house more than one family, living independently of each other, including

all necessary employees of each such family.

"Family": one person living alone or two or more persons living together.

"Garage, (private)": an accessory building or an accessory portion of the main building, designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building.

"Hotel": any building or portion thereof containing six (6) or more guest rooms used or intended or designed to be used, let or hired out to be occupied or which are occupied by six (6) or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise and shall include hotels, lodging and rooming houses, dormitories, turkish baths, bachelor hotels, studio hotels, public and private clubs, and any such building of any nature whatsoever so occupied, designed or intended to be occupied except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes, and all similar buildings where human beings are housed and detained under legal restraint.

"Kitchen": any room used or intended or designed to be used for cooking and/or the preparation of food.

"Lot": (1) a parcel of real property as shown as a delineated parcel of land with a separate and distinct number or other designation on a plat recorded in the office of the County Recorder of Tulare County, or (2) a parcel of real property not so delineated and containing less than 6,000 square feet and abutting at least one public street or alley, and held under separate ownership from adjacent property prior to the effective date of this ordinance; or (3) a parcel of real property containing not less than 6,000 square feet abutting at least one public street or alley, if the same was a portion of a larger piece of real property held under the same ownership prior to the said effective date of this ordinance, or (4) a lot as hereinabove described under (1) of this definition, plus all or a portion of any adjacent lot as so defined under one ownership, or (5) portions of such adjacent lots under one ownership containing a total of not less than 6,000 square feet.

"Lot, (corner)": a lot located at the junction of two or more inter-

secting streets, with a boundary line thereof bordering on each of the two streets and having a width not greater than eighty (80) feet.

"Lot, (interior)": a lot which is not a corner lot is an interior lot.

"Key Lot": the first lot to the rear of a corner lot, the front line of such key lot fronting upon the side street for such corner lot.

"Lot area": for the purpose of this ordinance shall mean the total horizontal area included within lot lines.

"Lot depth": the average horizontal distance from the front lot line to the rear lot line measured in the general direction of the side lot lines.

"Lot Width": the average horizontal distance between the side lot lines measured in the general direction of front lot lines.

"Lot Line": the established division lines between parcels of property, public or private.

"Lot Line (front)": the line separating the lot from the street in the case of an inside lot, and the line separating the narrowest street frontage of the lot from the street in the case of a corner lot.

"Lot Line (rear)": that lot boundary line which is opposite and most distant from and not coterminous with the front lot line.

"Lot Line (side)": any lot boundary line not a front lot line or a rear lot line.

"Lot (through)": a corner or inside lot, having frontage on two parallel or approximately parallel streets, or two streets the center lines of which if projected would not make an angle of more than thirty (30) degrees.

"Non-conforming Buildings, Improvements or Uses": buildings, improvements or uses which lawfully existed on any lot or premises prior to the effective date of any regulation, classification or restriction under this ordinance, or any amendment thereof, but which at such effective date did not comply with the regulations of this ordinance and which thereafter uninterruptedly continue to exist and which do not comply with the provisions of this ordinance for the district within such buildings, improvements or uses are located.

"Side Street": that street bound-

ing a corner lot and which extends in the same general direction as the line determining the depth of the lot.

"Street": the land dedicated in any manner to or condemned for use as a public highway, or established and shown as such on the official map of the City Engineer and shall include every boulevard, avenue, place, drive, court, lane or other thoroughfare dedicated to public travel, but shall not include an alley as defined herein.

"Street Line": the boundary line between street and abutting property.

"Structure": anything constructed or erected and the use of which is permanently located or requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including walls and fences less than six (6) feet in height and other improvements of a minor character.

"Structural Alterations": any change in the supporting members of a building such as bearing walls, columns, beams, or girders and floor joists or roof joists, girders, or rafters, or changes in roof or exterior lines.

"Use": the purpose for which premises or a building thereon is designed, arranged, or intended, or for which it is or in the future may be actually occupied or maintained.

"Yard": an occupied space on a lot or building-site on which a building is situated, and except where otherwise provided in this ordinance, open and unobstructed from the ground to the sky. Rear and side yards do not apply to auxiliary buildings.

"Yard (front)": a yard extending across the front of the lot between the inner side yard lines and measured between the rear line of line and either: (a) the nearest line of the main building; (b) the nearest line of an enclosed or covered porch.

"Yard (rear)": a yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building nearest said rear line of the lot.

"Yard (side)": a yard on each side of the building, between the building and the side line of the lot and extending from the street line of the lot to the rear yard.

SECTION 3: ESTABLISHING DISTRICTS AND LIMITING THE USES OF LAND THEREIN:

In order to classify, regulate, restrict and segregate the use of land and buildings, to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings, eight (8) classes of districts beginning with the most restricted classification and progressing to the less restricted classifications are established to be known as follows:

R-1 Residence District (for convenience called Single-Family)

R-2 Residence District (for convenience called Limited-Multiple)

R-3 Residence District (for convenience called Multiple-Family)

C-1 Commercial District (for convenience called Neighborhood)

C-1½ Commercial District (for convenience called Off-Street Business)

C-2 Commercial District (for convenience called General)

M-1 Manufacturing District (for convenience called Light-Industrial)

M-2 Manufacturing District (for convenience called Heavy-Industrial)

which said several districts are hereby established, and which said classifications and districts are shown and delineated and designated as R-1, R-2, R-3, C-1, C-1½, C-2, M-1, and M-2, respectively, on those certain maps numbered Sections 1 to 13, inclusive, of Districting Map of the City of Visalia, which said maps are attached hereto and hereby adopted and made a part hereof.

Changes in the boundaries of any such district may and shall be made by ordinance, referring only to the Section or Sections of the Districting Map affected by such changes. Any territory annexed to the City of Visalia shall be in the R-1 Residence District until this ordinance is amended to provide otherwise, provided any such territory already classified under ordinance effective at the time of said annexation shall continue in the same classifications effective prior to said annexation until the same shall be brought under the provisions of this ordinance in the manner provided by law.

Where uncertainty exists as to the boundaries of any district shown on

said Sections of the Districting Map, the following rules shall apply:

(a) Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries;

(b) In the case of unsubdivided property and where a district boundary divides a lot, the locations of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on such Section of the Districting Map;

(c) Where a public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley.

The boundaries of such districts as are shown upon the Sections of the Districting Map adopted by this ordinance are hereby adopted and approved, and the regulations of this ordinance governing the use of land and buildings, the height of buildings, the sizes of yards about buildings and other matters as herein set forth are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon the said Sections of the Districting Map.

Except as hereinafter provided:

1. No building shall be erected and no existing building shall be moved into, reconstructed, structurally altered, added to or enlarged, nor shall any land, building, or premises be used, designed or intended, to be used, for any purpose other than a use listed in Sections 4, 5, 6, 7, 8, 9, 10 and 11 of this ordinance, or amendments hereto, as permitted in the district in which such land, buildings or premises is located;

2. No building shall be erected, nor shall any existing building be moved, reconstructed, added to, enlarged or structurally altered to exceed in height the limit established by Sections 4, 5, 6, 7, 8, 9, 10, and 11 of this ordinance or amendments hereto for the district in which such building is located;

3. No building shall be erected, nor shall any existing building be moved, structurally altered, added to, enlarged, reconstructed or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced, in any

manner except in conformity with the building-site requirements and the area and yard regulations established by Sections 4, 5, 6, 7, 8, 9, 10 and 11 of this ordinance or amendments hereto, for the district in which such building is located.

4. No yard or other open space provided about any building for the purpose of complying with the regulations of this ordinance, or amendments hereto, shall be considered as providing a yard or open space for any other building or structure;

5. While a non-conforming use exists on any lot no other use of more restricted classification shall be permitted even though such other use would otherwise be a conforming use.

6. Whenever the owner of any land or building devotes the same to a use of a more restricted classification than that permitted in the district where located, such act shall constitute a waiver of any rights to claim that any uses of buildings or land near or adjacent thereto constitute a nuisance in any manner different from that which would be a nuisance if such use were of the least restricted classification permitted in such district.

SECTION 4: R-1 RESIDENCE DISTRICT: (for convenience called Single-Family)

(a) Uses Permitted.

1. One-family dwellings of a permanent character placed in permanent locations, together with accessory buildings, including private garage to accommodate not to exceed three cars.

2. Private greenhouses and horticultural collections for domestic non-commercial use, public parks, flower and vegetable gardens, fruit trees and vines, or any other agricultural use excepting small grains. Temporary real estate offices devoted to sale of real estate in the tract in which located only, and for a period of not to exceed two years, and private recreation and play grounds.

3. One (1) unlighted non-electric sign not exceeding six (6) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed or one unlighted sign not exceeding two (2) square feet and to be used in connection with uses specified as home

occupations as provided for in subparagraph 4 herein. No other advertising, signs, structures or devices of any character shall be permitted in any R-1 (Single-Family) Residence District.

4. Home occupations, such as that of the physician, surgeon, dentist, chiropractor, osteopath, chiropractist, attorney, studio artist, or musician, minister of religion, dressmaker, seamstress, cosmetician, and similar home or professional occupations, provided that there shall be no employed assistants in any way connected with the operation of such home or professional occupation.

5. Underground storage of petroleum fuel subject to such conditions and limitations on quantity and method of storage as are provided by law.

6. Fences and hedges not over six (6) feet in height but not exceeding four (4) feet in height, where such fence or hedge is nearer the front lot line than the depth of required yard.

(b) Building Height.

Two (2) stories and not to exceed thirty-five (35) feet except as provided in Sections 12 and 13.

(c) Building-site Area Required.

Except as provided in Sections 12 and 13 the minimum building-site area for each one-family dwelling shall be six thousand (6,000) square feet (see Sub-paragraph 4, Paragraph (c), Section 12), provided this limit shall not apply to lots of less area if shown as such in the office of the County Recorder before the effective date of this ordinance, or if under separate ownership before such effective date. Not more than one (1) one-family dwelling shall be permitted upon any one (1) lot.

(d) Front Yard Required.

Except as provided in Sections 12 and 13, no building shall be erected closer to the front property line than the distance shown upon the Districting Map, provided, when no distance is shown, no building shall be erected closer than fifty-five (55) feet from center line of the street upon which the building-site fronts. Distances shown on Districting Maps for front yard depth are to be measured from center line of street.

(e) Side Yard Required.

Except as provided in Sections 12 and 13, each side yard shall be

lots fifty (50) feet wide or less, or not less than four (4) feet wide on five (5) feet on lots wider than fifty (50) feet.

(f) Rear Yard Required.

Except as provided in Sections 12 and 13, the depth of the rear yard shall be not less than fifteen (15) feet.

SECTION 5: R-2 RESIDENCE DISTRICT (for convenience called Limited Multiple).

(a) Uses Permitted.

1. All uses permitted in the R-1 District (Section 4) but under the same restrictions, conditions and limitations as specified in Section 4.

2. Two-family dwellings only as provided in paragraph (c) of this Section.

3. Schools, churches, public playgrounds and public libraries.

4. There shall be provided on each building-site, garage space for at least one but not more than two automobiles for each family unit or apartment contained on such site.

(b) Building Height.

Two (2) stories and not to exceed thirty-five (35) feet, except as provided in Sections 12 and 13.

(c) Building-site Area Required.

Except as provided in Sections 12 and 13 the minimum building-site area for each two-family dwelling shall be six thousand (6,000) square feet (See sub-paragraph 4, Paragraph (c), Section 12), provided this minimum limit shall not apply to lots of less area if shown as such in the office of the County Recorder before the effective date of this ordinance, and provided that on such lot an additional family or housekeeping unit may be added to such building for each two thousand (2,000) square feet of area of the same lot in excess of six thousand (6,000) square feet minimum. Not more than one single or multiple-family dwelling shall be permitted upon any one (1) lot, provided that when a single-family dwelling exists on the rear half of a lot on the effective date of this ordinance, a second single-family dwelling may be located on the front half of said lot, subject to other provisions of this Section.

(d) Front Yard Required

Except as provided in Sections 12 and 13, no building shall be erected closer to the front property line than the distance shown upon the Districting Map, provided, when no distance is shown, no building shall be erected closer than fifty-five (55) feet from the center line of the street upon which the building-site fronts.

(e) Side Yard Required.

Except as provided in Sections 12 and 13, each side yard shall have a minimum width of four (4) feet.

(f) Rear Yard Required.

Except as provided in Sections 12 and 13, no building shall be erected closer than ten (10) feet to the rear property line of the building-site.

(g) Distance Between Buildings on Same Lot.

No dwelling or other main building shall be closer than fifteen (15) feet to any other dwelling or main building on the same building-site, and no detached accessory building shall be closer than five (5) feet to any main building except as provided in Sections 12 and 13.

SECTION 6: R-3 RESIDENCE DISTRICT (for convenience called Multiple-Family).

(a) Uses Permitted.

1. All uses permitted in R-1 and R-2 Districts (Sections 4 and 5), but under the same restrictions, conditions and limitations as specified in Sections governing same.

2. Apartment houses, bungalow courts, dwelling groups and multiple-family dwellings.

3. Hotels, boarding and lodging houses, rest or convalescent homes for ambulatory clients.

4. Lodges, fraternities and sororities.

5. Hospitals, clinics, offices of Physicians and Dentists are only permitted in R-3 District when located in the following described area: on both sides of Mineral King Avenue and Willow Street, between Locust and West Streets, upon properties fronting thereon and upon any properties abutting thereon, to a depth not to exceed One Hundred Thirty-Two (132) feet.

5a. Undertaking establishments (morticians, funeral parlors) are only permitted in R-3 Districts when located in the following described area: upon both sides of Center Street between Court Street and Stevenson Street.

6. Automobile service stations as defined in Section 7, when located in the following described areas: on both sides of designated State Highways upon properties fronting thereon and upon any properties abutting thereon to a depth not to exceed one hundred thirty-two (132) feet, provided a certificate of occupancy therefor shall issue only after a report thereon shall have been rendered by the City Planning Commission and approved by the City Council in the same manner and on such conditions as are provided in Section 13 hereof for variances, except as to notices and hearings.

7. There shall be provided on each building-site, garage space for at least one but not more than two automobiles for each family unit or apartment contained on such site, provided, that garage and parking space capacity for hotels and hospitals need not exceed one-third (1/3) the number of guest rooms.

8. Signs not exceeding twelve (12) square feet in area, including lighted signs, pertaining to nature and name of use of premises only.

(b) Building Height.

Four stories (4) and not to exceed seventy (70) feet over entire building-site exclusive of required yard space, provided that two additional stories which do not exceed thirty-five (35) feet additional may be erected for each five (5) feet such additional stories are set back from all exterior side and front wall lines of the ground floor.

(c) Building-site Area Required.

Except as provided in Sections 12 and 13, the minimum building-site area for each multiple family dwelling shall be sufficient to provide the yard area hereinafter specified.

(d) Front Yard Required

Except as provided in Sections 12 and 13, no building shall be erected closer to the front property line than the distance shown upon the Districting Map, provided, when no distance is shown, no building shall be erected closer than fifty (50) feet from the center line of the street upon which the building-site fronts.

(e) Side Yard Required.

Except as provided in Sections 12 and 13, each side yard shall have a minimum width of four (4) feet, provided that above the fourth story or not to exceed seventy (70) feet, each additional two (2) stories shall be set back as provided in paragraph (b) of this Section.

(f) Rear Yard Required.

Except as provided in Sections 12 and 13, no building shall be erected closer than ten (10) feet to the rear property line of the building-site.

(g) Distance Between Buildings on Same Lot.

No dwellings or other main building shall be closer than fifteen (15) feet to any other dwelling or main building on the same building-site, and no detached accessory building shall be closer than five (5) feet to any main building, except as provided in Sections 12 and 13.

SECTION 7: C-1 COMMERCIAL DISTRICT (for convenience called Neighborhood).

(a) Uses Permitted.

1. All uses permitted in the R-1, R-2, and R-3 Districts (Sections 4, 5 and 6), but under the same restrictions and limitations as specified in Sections governing same.

2. The following retail stores, trades and services, none of which shall dispense or offer for sale intoxicating liquors for consumption on premises:

Automobile parking lot,
Automobile service station
Motor fuels and oils, lubrication pit or hoist. No auto repairing, washing, steam cleaning, tire rebuilding and/or battery manufacture.
Bakery, limited to retail sale on same premises,
Bank,
Barber Shop,
Battery charging and repair,
Beauty parlor,
Cafe—Cafeteria,
Cigar—tobacco stand,
Cleaning and Dyeing office (sponging and pressing only),
Confection store (no manufacturing),
Dairy, (not bottling),
Delicatessen,
Dining Room (public),
Dressmaking shop (no factory),

Drug Store,
Embroidery Shop,
Fire Station,
Flower Shop,
Fruit Stores,
Grocery Store,
Hairdressing parlor,
Hardware Store,
Health Food Store,
Hemstitching Store,
Household Utensils or Goods,
Ice Cream parlor,
Laundry Agency,
Library, rental,
Lunch Room,
Magazine, periodicals, news,
Manicure parlor,
Meat Market,
News Stand,
Notions, sales,
Police Station,
Poultry, dressed,
Professional offices,
Real Estate offices,
Refreshment stand,
Service Station (see automobile service station),
Shoe Shining stand,
Soda Fountain,
Soft Drink Fountain,
Sponging and Pressing (no dry cleaning or laundering),
Tea Room,
Vegetable Store.

3. Any other retail business or retail commercial enterprise which is similar in its character of rendering neighborhood commercial service and is not more detrimental to the welfare of the neighborhood in which located than any use listed above.

(b) Building Height Limit.

Two (2) stories and not to exceed thirty-five (35) feet except as provided in Sections 12 and 13.

(c) Building-site Area Required.

None except those specified in Districts R-1, R-2, and R-3 and applied only to such uses permitted in such districts, respectively.

(d) Front Yard Required

None except those specified in Districts R-1, R-2, and R-3 and applied only to such uses permitted in such districts, respectively.

(e) Side Yards Required.

None except those specified in Districts R-1, R-2, and R-3 and applied only to such uses permitted in such districts, respectively.

(f) Rear Yard Required.

Except as provided in Sections 12 and 13, the depth of the rear yard shall be not less than ten (10) feet.

SECTION 8: C-1½ COMMERCIAL DISTRICT (For convenience called off-street business).

(a) Uses Permitted.

1. All uses permitted in the R-1, R-2, R-3 and C-1 Districts (Sections 4, 5, 6 and 7), but under the same restrictions and limitations as specified in Sections governing same.

2. The following retail stores, trades and services, none of which shall dispense or offer for sale intoxicating liquor for consumption on premises:

Automobile parking lot,
Automobile service station,
Motor fuels and oils, lubrication pit or hoist. No auto repairing, washing, steam cleaning, tire rebuilding and/or battery manufacturing.
Bakery, limited to retail sale on same premises,
Bank,
Barber Shop,
Battery charging and repair,
Beauty Parlor,
Cafe—Cafeteria,
Cigar—tobacco stand,
Cleaning and Dyeing office (sponging and pressing only),
Confection Store (no manufacturing),
Dairy, (no bottling),
Delicatessen,
Dining Room (public),
Dressmaking shop (no factory),
Drug Store,
Embroidery Shop,
Fire Station,
Flower Shop,
Fruit Stores,
Grocery Store,
Hairdressing Parlor,
Hardware Store,
Health Food Store,
Hemstitching Store,
Household Utensils or Goods,
Ice Cream Parlor,
Laundry Agency,
Library, rental,
Lunch Room,
Magazines, periodicals, news,
Manicure Parlor,
Meat Market,
News Stand,
Notions, Sales,
Police Station,
Poultry, dressed,
Professional offices,
Real Estate offices,
Refreshment Stand,
Service Station (see automobile service station),
Shoe Shining Stand,
Soda Fountain,

Soft Drink Fountain,
Sponging and Pressing (no dry cleaning or laundering),
Tea Room,
Vegetable Store.

3. Any other retail business or retail commercial enterprise which is similar in its character of rendering neighborhood commercial service and is not more detrimental to the welfare of the neighborhood in which located than any use listed above.

(b) Building Height Limit.

Two (2) stories and not to exceed thirty-five (35) feet except as provided in Sections 12 and 13.

(c) Building-site Area Required

None except those specified in Districts R-1, R-2, R-3 and C-1, and applied only to such uses permitted in such districts, respectively.

(d) Front Yard Required.

As provided in paragraph (g) of this Section, otherwise none except those specified in Districts R-1, R-2, R-3 and C-1 and applied only to such uses permitted in such districts, respectively.

(e) Side Yard Required.

As provided in paragraph (g) of this Section, otherwise none except those specified in Districts R-1, R-2, R-3 and C-1 and applied only to such uses permitted in such districts, respectively.

(f) Rear Yard Required.

As provided in paragraph (g) of this Section and, except as provided in Sections 12 and 13, the depth of the rear yard shall be not less than ten (10) feet.

(g) Automobile parking area required.

Whenever property located in District C-1½ is to be occupied by uses defined in Section 8 hereof, the certificate of use and occupancy provided in Section 16 hereof shall, in addition to all the provisions of said Section 16, contain conditions requiring specific provisions for space and the arrangement thereof to accommodate a stipulated minimum capacity of parked automobiles, provided that unless and until the Planning Commission with the approval of the Council shall by ordinance or other legal definition prepare and adopt an uniform policy with reference to off-street parking in commercial and other areas, that

the conditions to be included in each certificate of use and occupancy within a C-1½ District shall be defined by the City Planning Commission in every respect in the manner governing the handling of variances (Section 13) except that reference to the Planning Commission shall be automatically made by the Building Inspector without the payment by the applicant of any fee other than such as may be charged for a building permit or as provided by Section 16 hereof and, provided further, that the time allowed the Planning Commission to make its findings and report as defined in Section 13 hereof shall be in addition to the time allowed the Building Inspector as set forth in Section 16 hereof.

SECTION 9: C-2 COMMERCIAL DISTRICT (for convenience called General).

(a) Uses Permitted.

1. All uses permitted in the R-1, R-2, R-3, and C-1, (Sections 4, 5, 6 and 7) but under the same limitations and restrictions as specified in Sections governing same.

2. Any business of a retail, wholesale or service type, but not including the following uses:

Automobile Wrecking,
Beverage Manufacturing or Bottling,
Canneries,
Carpet cleaning plants,
Fender and body repair shops,
Cleaning and dyeing plants,
Ice Manufacturing,
Laundries,
Milk-bottling plants,
Salvage yards,
Sheet-metal shops,
Shooting galleries, except indoor.

Storage of gasoline or petroleum products except under such limitations of quantities, and manner of storing, as are provided by law.

Undertaking establishments (morticians, funeral parlors) are only permitted in C-2 or R-3 Districts when located in the following described area: upon both sides of Center Street between Court Street and Stevenson Street.

(b) Building Height Limit

Except as provided in Sections 12 and 13, the maximum building height shall not exceed sixty-five

(65) feet in height and four (4) stories, except, however, that towers or portions of any building may exceed the above maximum height limit provided the total cubage of the building does not exceed that of a structure occupying the entire building-site and of that maximum allowable height.

(c) Building-site Area Required

None, except those specified in Districts R-1, R-2, R-3, C-1 and C-1½ and applied only to such uses permitted in such districts, respectively.

(d) Side Yard Required.

None, except those specified in Districts R-1, R-2, R-3, C-1 and C-1½ and applied only to such uses permitted in such districts, respectively.

(e) Rear Yard Required.

None except those specified in Districts R-1, R-2, R-3, C-1 and C-1½ and applied only to such uses permitted in such districts, respectively.

SECTION 10: M-1 MANUFACTURING DISTRICT (for convenience called Light-Industrial).

(a) Uses Permitted.

1. All uses permitted in R-1, R-2, R-3, C-1, C-1½ and C-2 Districts, (Sections 4, 5, 6, 7, 8 and 9) but under the same limitations and restrictions as specified in Sections governing same.

2. Any use other than the following which are expressly prohibited:

Abattoir (except poultry dressing for wholesale, or for retail sales from the premises),
Asphalt, mixing, refining and storage plants,
Absorption plants,
Automobile wrecking and junk yards,
Bag manufacturing,
Blast furnace,
Boiler works,
Bunkers, rock and/or sand,
Coke ovens,
Creosote storage or manufacturing,
Crude oil handling, and/or transshipping,
Distillation of coal, wood or bone.
Distillation of liquor or spirits,
Fat rendering,
Fertilizer works,

Foundries, (not including Brass Foundries),

Fur and/or Hide curing and tanning,

Garbage incineration, reduction or dumping (private),

Incineration, commercial,
Junk yards and automobile wrecking,

Manufacturing of:

Acetylene gas,
Acids,
Aluminum,
Ammonia,
Ammunition,
Aniline dye,
Asbestos products,
Asphalt,
Bleaching powder,
Bricks,
Caoutchouc products,
Carborundum products,
Casein products,
Celluloid,
Cement,
Fertilizer,
Fireworks,
Glue,
Graphite,
Grease and tallow,
Gunpowder,
Gutta percha, Gypsum,
Hides,
Kalsomine,
Lamp black,
Lime,
Linseed Oil,
Oil Cloth,
Olive Oil,
Oleomargarine,
Ordnance,
Paint and lacquer,
Paper and paper pulp,
Chalk,
Charcoal,
Chemicals,
Clay products,
Coal tar products,
Cottonseed oil,
Disinfectants,
Explosives,
Felt,
Plaster of Paris,
Potash,
Pumice,
Shellac and varnish,
Size and glue,
Soap, (not including cold process),
Soda and washing compounds,
Sugar,
Tar and tar products,
Turpentine,
Waste paper products,
Wood pulp,
Zinc products,
Oil drilling,
Oil refining,
Quarries,
Refuse—incineration or reduction,

Rock crushing,
Rolling mills,
Shell grinding,
Smelters,
Stockyards,
Tanneries,
Terra Cotta,
Tile,
Wineries,
Wool scouring and pulling.

(b) Building Height.

None except those specified in Districts R-1, R-2, R-3 and applied only to such uses permitted in such Districts, respectively.

(c) Building-site Area Required.

None except those specified in Districts R-1, R-2 and R-3 and applied only to such uses permitted in such districts, respectively.

(d) Front Yard Required.

None except those specified in Districts R-1, R-2 and R-3 and applied only to such uses permitted in such districts, respectively.

(e) Side Yards Required.

None except those specified in Districts R-1, R-2 and R-3 and applied only to such uses permitted in such districts respectively.

(f) Rear Yard Required.

None except those specified in Districts R-1, R-2 and R-3 and applied only to such uses permitted in such districts respectively.

SECTION 11: M-2 MANUFACTURING DISTRICT (for convenience called Heavy-Industrial).

(a) Uses Permitted.

1. All uses permitted in R-1, R-2, R-3, C-1, C-1½, C-2 and M-1 Districts (Sections 4, 5, 6, 7, 8, 9 and 10) but under the same limitations and restrictions as specified in Sections governing same.

2. Any other use not otherwise prohibited by law.

(b) Building Height.

None except those specified in Districts R-1, R-2 and R-3 and applied only to such uses permitted in such Districts respectively.

(c) Building-site Area Required.

None except those specified in Districts R-1, R-2 and R-3 and applied only to such uses permitted in such districts respectively.

(d) Front Yard Required.

None except those specified in Districts R-1, R-2 and R-3 and applied only to such uses permitted in such districts respectively.

(e) Side Yard Required.

None except those specified in Districts R-1, R-2 and R-3 and applied only to such uses permitted in such districts respectively.

(f) Rear Yard Required.

None except those specified in Districts R-1, R-2 and R-3 and applied only to such uses permitted in such districts respectively.

(g) Distance Between Buildings on Same Lot.

None except those specified in Districts R-1, R-2 and R-3 and applied only to such uses permitted in such districts respectively.

SECTION 12: GENERAL PROVISIONS AND EXCEPTIONS.

Any construction, erection, moving, alteration or enlargement of any building or any use of any premises which by the provisions of this ordinance is not permitted in the district in which such building is located or in which such use is made, is hereby prohibited.

The foregoing regulations shall be subject to the following exceptions:

(a) Uses.

When a key lot which is sixty (60) feet or less in width, and which is classified as R-2 or R-3 adjoins the rear of property classified as C-2, said key lot may be used for any use permitted under the C-2 classification, provided, however, that said property so classified as C-2 is one hundred (100) feet or less in depth, that the use of said key lot is enclosed in a building and is an integral part of the use of said property so classified as C-2 and that no street entrance or entrances are placed, maintained or permitted on said key lot.

The following accessory uses, in addition to those hereinabove mentioned, shall be permitted in any district, provided that such accessory uses do not alter the character of the premises in respect to their use of the purpose permitted in such respective districts:

1. The operation of necessary facilities and equipment in connection

with schools, colleges, universities, hospitals and other institutions permitted in the respective districts.

2. Recreation, refreshment and service buildings in public parks, playgrounds and golf courses.

(b) Height.

1. Towers, gables, spires, pent-houses, scenery lofts, cupolas, water tanks, silos, covering not more than ten (10%) per cent of the ground area of buildings, at base thereof, artificial windbreaks, wind mills and similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the districts in which such structures are located provided, however, that no structure in excess of the allowable building height shall be used for sleeping or eating quarters, or for any commercial purpose other than such as may be incidental to the permitted uses of the main building.

2. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of distance from the established street elevation of the property line, an additional story will be permitted on the downhill side of any building.

(c) Area Exception.

1. In any R-1 (single-family) Residence District or R-2 (limited-multiple) Residence District, any lot having an area less than six thousand (6,000) square feet of record or for which a recorded contract of sale is in force at the time of passage of this ordinance and which is shown upon any subdivision map duly approved by the City Council of the City of Visalia and recorded, may be used as a building-site for one single-family dwelling and will be subject to only the following yard regulations:

a. the minimum rear yard shall be ten (10) feet;

b. the minimum side yard shall be three (3) feet.

2. Any lot shown upon an official subdivision map duly approved by the City Council of the City of Visalia and recorded, or any lot for which a deed is of record in the office of the County Recorder of Tulare County or any lot for which a recorded contract of sale is in full force and effect at the time this ordinance becomes effective may be used as a building-site.

3. Where the front yard line, shown upon the map as provided in this ordinance is twenty (20) feet or less, the front yard requirements on a key lot shall be one-half ($\frac{1}{2}$) of the depth so provided or shown upon said map; where the front yard line so provided or shown upon the map is more than twenty (20) feet, the front yard depth of a key lot shall be one-third ($\frac{1}{3}$) of the depth so provided or shown upon said map and the front yard depth on the inside lot adjoining the key lot shall be two-thirds ($\frac{2}{3}$) of the depth so provided or shown upon said map.

For the purpose of this paragraph, a lot classified as R-1, R-2, or R-3, when next adjoining property classified as C-1, C-2, M-1 or M-2, shall be considered as a key lot.

4. In computing the depth of a rear yard from any building where such yard opens upon an alley, one-half ($\frac{1}{2}$) of the width of such alley may be deemed to be a portion of any rear yard; when such yard opens upon a street, or public park or creek or river front under public ownership, ten (10) feet of such public open space may be deemed to be a portion of the rear yard, provided that in no event shall the actual rear yard depth be less than ten (10) feet.

5. No detached accessory building may exceed two stories in height nor may it occupy more than two-thirds ($\frac{2}{3}$) of the area of a rear yard.

6. Where an accessory building is attached to and made a part of the main building, at least fifty (50) per cent in the length of one of the walls of such accessory building shall be an integral part of the main building and such accessory building shall comply in all respects with the requirements of this ordinance applicable to a main building. An accessory building, unless attached to and made a part of the main building as above provided for, shall be not closer than five (5) feet to the main building.

7. Detached accessory buildings in District R-1, R-2 and R-3 may conform to the following regulations as to their locations upon the lot.

(a) Where the slope of the front half of the lot is greater than one (1) foot rise or fall in a four (4) foot run from the established street elevation at the property line;

(b) or, where the elevation of a lot ten (10) feet from the front property line is six (6) feet or more, above or below the established street grade at the property line, a private garage may be built to the street and side lines.

8. In the case of a corner lot abutting upon two (2) streets, no accessory building shall be erected, altered or moved so as to encroach upon the front half ($\frac{1}{2}$) of such lot, or closer than the front yard requirements of the adjacent key lot.

9. Cornices, canopies, eaves or any other architectural features may extend into the front yard for a distance of not to exceed two (2) feet, six (6) inches.

A landing place or uncovered porch may extend into the front yard to a distance of six (6) feet across one-half the width of the lot, measured from the front line of the building, provided that such landing place or porch shall have its floor no higher than the entrance floor of the building. Stairs leading from the ground to said landing place or porch may project beyond said six (6) feet. An open work railing no higher than three (3) feet may be placed around said landing place or porch, but not around the stairway leading thereto.

(d) Non-conforming Improvements or Uses:

1. Non-conforming uses of any premises shall not be changed except to a use which is similar in nature, operation and degree of compatibility to surrounding property, to the use which occupied the premises at the time it became non-conforming or the use for which the building was intended as provided in (2) of this paragraph (d). A non-conforming use of any premises may be changed to a use of a more restricted classification as defined by this ordinance.

2. Any non-conforming building or portion thereof which is specifically designed or arranged or was unquestionably intended to be occupied by or used for a non-conforming use but was not so occupied or used at the time the said use became non-conforming by reason of this ordinance, may hereafter, if not altered or repaired as prohibited by the following paragraphs, be occupied or used for the purpose for which it was so designed, arranged or intended.

3. Repairs and alterations which do not enlarge or increase the size of a non-conforming building or buildings used for non-conforming uses, may be made to any such building provided that the aggregate value of all or separate repairs or alterations shall not exceed fifty (50%) per cent of the assessed value as of the date such building first became non-conforming or was used for non-conforming uses. No repairs, alterations or additions shall be made to any building used for a non-conforming use or a non-conforming building which has been damaged by fire, flood, wind, earthquake or other calamity, or which has been dismantled or demolished by owner, to the extent of more than fifty (50%) per cent of its value at the time of such damage, unless and except every portion of such building is made to conform with all provisions of this ordinance for new buildings, and such non-conforming use is discontinued.

4. No non-conforming building or improvement used for a non-conforming use shall be added to or enlarged or structurally altered in any manner unless such building, improvement, additions or enlargements conform in every respect with the provisions herein set forth for the district in which such building or improvement is located as shown on the Districting Map, except to make said building or improvement into a conforming building and thereafter same shall only be used for conforming use.

5. A non-conforming use of any premises or portion thereof occupying a conforming building or portion thereof, or occupying any lot or premises and not housed in a building shall not be enlarged or extended into any other portion of the conforming building or into lot or building-site not actually so occupied at the time such use became non-conforming nor shall such use be changed except to a conforming use. If such a non-conforming use of any premises or portions thereof is discontinued or changed to a conforming use, it shall not thereafter be reestablished or reopened.

6. Subject to the limitations contained in this ordinance the particular use of any building, structure, improvement or premises existing at the time this ordinance becomes effective may be continued in the event that such use is not in violation of any other ordinance or law.

SECTION 13. VARIANCES AND CONDITIONAL EXCEPTIONS.

When practical difficulties, unnecessarily severe hardships or results inconsistent with the general purpose of this ordinance occur through the strict interpretation of the provisions hereof, the Planning Commission of the City of Visalia upon its own motion, or upon the verified petition of any property owner, may grant such variance, in the manner provided herein, from the terms of this ordinance as it deems to be necessary to assure that its spirit and purpose will be observed, public safety and welfare secured, and substantial justice done. The granting of such variance shall conform to the following procedures and considerations:

(a) Upon the filing of a verified petition by a property owner, or upon its motion, the Planning Commission of the City of Visalia shall give public notice of the intention to consider the granting of a variance as provided in Sections 14 and 16 hereof.

(b) Not more than thirty (30) days following said hearing the Planning Commission shall announce its findings by formal resolution, and said resolution shall recite among other things the facts and reasons which, in the opinion of the Planning Commission, make the granting or denial of the variance necessary to carry out the provisions of this Section and the general purpose of this ordinance, and if such resolution recommends that the variance be granted, it shall also recite such conditions and limitations as may be imposed to serve the purposes of this Section.

Such resolutions shall be numbered consecutively in the order of their passage, and shall become a permanent record of the Planning Commission, and when so recorded shall be reported to the City Council.

(c) Before any variance may be granted, it shall be shown:

1. That special circumstances attach to the property or to the intended use covered by the application or in the motion of the Planning Commission which do not generally apply to the other property in the same district and vicinity.

2. That because of said special circumstances, property covered by application or motion of the Plan-

ning Commission is deprived of privileges possessed by other properties in the same district and vicinity, and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district and vicinity.

3. That granting the variance will not result in material damage or prejudice to other property in the same district and vicinity.

(d) Application for a variance shall set forth in detail such facts as in the opinion of the applicant pertain to sub-paragraphs 1, 2, and 3, paragraph (c), of this Section.

All acts of the Planning Commission under the provisions of this Section shall be construed as administrative acts performed for the purpose of assuring that the intent and purposes of this ordinance shall apply in special cases as defined in this Section, and shall not be construed as amendments of the provisions of this ordinance or of the map which is a part hereof.

SECTION 14: REQUESTS FOR AMENDMENTS.

Whenever the owner of any land or building desires a reclassification of his property, he shall present to the City Council or the Planning Commission of the City of Visalia a petition duly signed and acknowledged by him requesting an amendment, supplement or change of the regulations prescribed for such property. The Planning Commission shall provide for such hearings as may be required by law for amendments, extensions or additions to the districting plan, for recommendations upon the boundaries of the district to be changed and such other matters as may be related to said petition and said City Planning Commission shall take its final action upon said petition as set forth in Section 13. If such petition is presented to the City Council, it shall be immediately referred by said City Council to the Planning Commission. Said Planning Commission shall report back thereon within ninety (90) days after the first meeting of such Planning Commission subsequent to the date of such reference, unless said time be extended by said Council.

SECTION 15: PETITIONS, NOTICES, INVESTIGATIONS AND HEARINGS.

Petitions. The Planning Commission shall prescribe the form in which applications for changes of district boundaries or classifications or for variances are made, and may require the filing therewith of any plans, profiles, elevations or specifications necessary for a full understanding. It may prepare and provide blanks for such purpose and may prescribe the type, nature and amount of information to be provided in the application by the petitioner. No petition shall be received unless it complies with such requirements. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, they may be received as evidence of notice having been served upon them of the pending application or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the City of Visalia.

Petitions or applications filed pursuant to this ordinance shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the Planning Commission, and there shall be attached thereto and permanently filed therewith copies of all notices and actions with affidavits of posting, mailing or publication pertaining thereto.

A fee of Ten (\$10.00) Dollars shall be paid upon the filing of each petition provided for in Section 13 and a fee of Twenty-five (\$25.00) Dollars shall be paid upon the filing of each petition provided for in Section 14, for the purpose of defraying the expense of postage, posting, advertising and other costs incidental to the proceedings prescribed herein. A written receipt shall be issued to the person making such payment, and records of such payments and expenditures thereof shall be kept in such manner as prescribed by law.

Notices. All proposals for amending district boundaries or classification of property uses within such districts as defined by this ordinance or the granting of variances as provided in Section 12 hereof, shall be set for public hearing as follows:

(a) Not less than ten (10) days nor more than thirty (30) days after the filing of an application or

motion of the Planning Commission the Secretary of the Planning Commission shall, pursuant to practice defined by the Planning Commission, set a date for public hearing on the matter.

(b) Not less than five (5) days before the date of such public hearing public notice shall be given of such public hearing in either or both of the following manners. Both methods shall be used unless the planning Commission directs otherwise.

1. By posting in front of the property under consideration a notice headed by the words "NOTICE OF PROPOSED CHANGE OF USE DISTRICT BOUNDARIES OR CLASSIFICATION" or "NOTICE OF PROPOSED VARIANCE", as the case may be, printed in plain type with letters of not less than one inch in height and followed by a statement in six or eight point type setting forth a description of the property under consideration, the nature of the proposed change, and the time and place at which a public hearing on the matter will be held. If more than one parcel of property is involved, then notices shall be posted not more than one hundred (100) feet apart on each side of the street upon which said property fronts and for a distance of not less than three hundred (300) feet in each direction from said property.

2. By mailing a postal card notice not less than five (5) days prior to date of such hearing to the owners of all property within a radius of three hundred (300) feet of the exterior boundaries of the property proposed to be changed, using for this purpose the last known name and address of such owners as shown upon the County Tax roll. Such postal card notices shall contain the same information as required in sub-paragraph (1) above.

Investigation. The Planning Commission shall cause to be made by its owner members, or members of its staff, such investigation of facts bearing upon such application set for hearing, including an analysis of precedent cases, as will serve to provide all necessary information to assure action on each case consistent with the purposes of this ordinance and with previous amendments or variances.

Hearings. Public hearings as provided in this section shall be conducted before the City Planning Commission, or before any member

thereof designated by the whole Commission so to serve. The Commission may establish its own rules for the conduct of public hearings and the member of the Commission presiding at any such hearing is hereby empowered to administer oaths to any person testifying before it.

Summary of all pertinent testimony offered at a public hearing and the names of persons so testifying shall be recorded and made a part of the permanent file of the case as provided for in paragraph of this Section entitled "Petitions".

If, for any reason, testimony on any case set forth for public hearing cannot be completed on the day set for such hearing, the Commissioner presiding at such public hearing may, before the adjournment or recess thereof, publicly announce the time and place to and at which said hearing will be continued and such announcement shall serve as sufficient notice of such continuance and without recourse to the form of public notice as provided for in the first instance by this section.

Upon the completion of a public hearing, the City Planning Commission shall, not later than thirty (30) days thereafter, render its decision on the matter so heard. Failure to so act within said thirty (30) days shall serve automatically and immediately to refer the whole matter to the City Council for such action as it deems warranted under the circumstances. In the event of such failure on the part of the Planning Commission to act, the Secretary of the Commission shall immediately deliver to the City Council all the records of the matter involved.

The Planning Commission shall announce and record its action by formal resolution and shall, within ten (10) days of such action, report the same, together with all records in the matter to the City Council. Such resolution shall recite the findings of the Planning Commission upon which it bases its decision.

The decision of the Planning Commission in administrative matters of granting or denying a variance shall be final, provided that at the next regular meeting thereof after the action of the Planning Commission has been reported to the City Council of the City of Visalia, the said City Council may, by formal resolution setting forth the findings upon which its decision

is based, disapprove the action of the Planning Commission. Not later than ten (10) days after final action on an application, notice of the decision in the matter shall be mailed to the applicant at the address shown upon the application.

The decision of the Planning Commission in the legislative matter of amending district boundaries or use classifications as established by this ordinance shall be advisory only. If the application involving an amendment be approved, then not later than ten (10) days after final action by the Planning Commission thereon, its recommendation together with the complete records of the case shall be delivered to the City Council of the City of Visalia. After the City Council has acted, the records of the case shall be returned for permanent filing in the records of the Planning Commission. Not more than ten (10) days after action by the Planning Commission the applicant shall be notified by mail of the Commission's decision.

Amendments. Boundaries of the districts established by this ordinance or the classification of property uses therein may be amended, reclassified and altered whenever public necessity and convenience and general welfare require. Such changes may be initiated,—(a) upon the verified petition proposed to be so changed or reclassified, (Section 13); (b) by resolution of intent of the City Council of the City of Visalia; (c) by resolution of intent of the Planning Commission of the City of Visalia. Upon the filing of such verified petition or the passage of such resolution of intention the matter shall be set for public hearing and public notice given as provided by law.

SECTION 16. CERTIFICATE OF USE AND OCCUPANCY.

No vacant, unused, or unoccupied land shall be occupied or used, and no building hereafter erected, moved, altered, or repaired, shall be occupied or used unless and until a certificate of use and occupancy shall have been issued by the Building Inspector of the City of Visalia, and no land or building which at the effective date of this ordinance was in use or occupied shall hereafter be used for any purpose other than that for which it was so used, or for which a certificate of use and occupancy had been issued, nor shall a change be made to any other use of a different classification, as

specified in Section 3 hereof, unless and until a certificate of use and occupancy for such new classification shall have been issued by the Building Inspector.

A certificate of use and occupancy for the use of vacant land, or the change in the use of land as herein provided shall be applied for before any such land shall be occupied or used, and a certificate of use and occupancy to so use such land shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of this ordinance. A certificate of use and occupancy for a new building or for any building which has been altered, moved or repaired shall be applied for coincident with the application for a building permit, and shall be issued within ten (10) days after the erection, moving, alteration or repair of such building shall have been completed in conformity with the provisions of this ordinance. The certificate of use and occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of this ordinance. A record of such certificates shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person owning or having the right to use said property. No fee shall be charged for an original certificate applied for coincident with the application for a building permit, but for all other certificates or for copies of any original certificate there shall be a charge of One (\$1.00) Dollar each. Certificates of occupancy for non-conforming uses existing at the effective date of this ordinance shall be issued by the Building Inspector, which certificate shall state that the use is a non-conforming use and does not conform with the provisions of this ordinance.

No business license shall be issued other than a renewal of an existing license for any premises unless and until there shall be issued and outstanding a certificate of use and occupancy showing said property to be classified for use for the proposed or contemplated use set forth in such business license, provided that in the case of non-conforming uses existing at the time of the effective date of this ordinance, a non-conforming certificate of use and occupancy shall be issued, if such use has been permitted by action of the City Council or when such non-conforming use consists only of an auxiliary

use of a single-family residence, only employing such persons as reside in such residence for home occupations, utilizing offices and studios only, and application for such non-conforming certificate of use and occupancy is made within ninety (90) days after the adoption of this ordinance, then such non-conforming certificate of use and occupancy shall be sufficient.

No permit for excavation for any building shall be issued before application has been made for a certificate of use and occupancy.

Any building set up, erected, built, altered, moved or maintained and/or any use of any premises contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance, and the City Attorney shall upon order of the City Council, immediately commence an action or actions for the abatement, removal and/or enjoining thereof in the manner provided by law. All remedies provided for herein shall be cumulative and not exclusive.

Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure, a permit for each separate building and/or structure shall be secured from the Building Inspector of the City of Visalia, and it shall be unlawful to commence said work unless said permit shall have been obtained. The issuance of a building permit under this or any other ordinance of the City shall not be deemed or construed to permit or authorize any violation of any of the provisions of this ordinance or any amendments thereto, or of any other ordinance or law.

SECTION 17. PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred (\$300.00) Dollars, or by imprisonment in the City or County Jail for a period of not more than Ninety (90) days, or both such fine and imprisonment. Each such person, firm or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided for in this ordinance, and any use, occupation or building of structure maintained contrary to the provisions hereof shall constitute a public nuisance.

SECTION 18. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Visalia hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 19. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 20. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published in one issue of the Visalia Times-Delta, a daily newspaper, printed, published, and circulated in the City of Visalia, and hereby designate for that purpose, and thirty (30) days thereafter shall take effect and be in force.

PASSED AND ADOPTED by the Council of the City of Visalia at its regular meeting held on the 19th day of May, 1941.

J. P. GANNON,

Mayor of the City of Visalia.

STATE OF CALIFORNIA) ss
COUNTY OF TULARE)

I, Beatrice Thut, do hereby certify that I am the City Clerk of the City of Visalia; that the foregoing ordinance was regularly introduced at an adjourned regular meeting of the Council of the City of Visalia held on the 6th day of March, 1941 and was thereafter at a regular meeting of said Council held on the 19th day of May, 1941, regularly passed and adopted by the said Council by the following vote, to-wit:

Ayes: Councilmen Burnett, Gannon, Hammer, Lally, Putz.

Noes: Councilmen None.

Absent: Councilmen None.

BEATRICE THUT,
(SEAL) City Clerk.

KEY MAP

DISTRICTING MAP

CITY OF VISALIA

ORD. NO. 565 1941

MAYOR
J.P. GANNON

CITY COUNCIL

C.M. BURNETT M.J. LALLY
C.H. HAMMER E.R. PUTZ

PLANNING COMMISSION

GEO. TSCHUMY CHAIRMAN
R.F. CROSS C.L. BRADLEY
L.H. GADSBY M.B. SWANSON

J.J. PHILIPPE CITY MANAGER
N.A. HUTH CITY ENGINEER
E.I. FEEMSTER CITY ATTORNEY
GORDON WHITNALL CONSULTANT











