

# ARTICLE 1

## Development Code Applicability

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## **CHAPTER 17.10 - PURPOSE AND APPLICABILITY OF DEVELOPMENT CODE**

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### **Sections:**

- 17.10.010 - Purpose of the Development Code
- 17.10.020 - Authority for the Development Code
- 17.10.030 - Responsibility for Administration
- 17.10.040 - Applicability of the Development Code
- 17.10.050 - Rules of Interpretation

### **17.10.010 - Purposes of the Development Code**

The City of Grass Valley Development Code carries out the policies of the Grass Valley General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. This Development Code is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City. More specifically, the purposes of this Development Code are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in protecting the historical small town character and community identity of Grass Valley;
- B. Conserve and protect the City's natural beauty and setting, including scenic vistas, cultural and historic resources, hills and trees;
- C. Ensure that proposed development and new land uses conserve energy and natural resources;
- D. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- E. Ensure that development is of human scale, primarily pedestrian-oriented, and designed to create attractive streetscapes and pedestrian spaces;
- F. Minimize vehicle traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective traffic circulation, and adequate on- and off-street parking facilities;
- G. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population; and
- H. Ensure compatibility between different types of development and land uses.

### **17.10.020 - Authority for the Development Code**

This Development Code is enacted based on the authority vested in the City of Grass Valley by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

**17.10.030 - Responsibility for Administration**

- A. Responsible bodies and individuals.** This Development Code shall be administered by: the Grass Valley City Council, hereafter referred to as the "Council;" the Planning Commission, referred to as the "Commission;" the Community Development Director, referred to as the "Director;" and the Grass Valley Community Development Department, hereafter referred to as the "Department." See also Chapter 17.80 (Subdivision Ordinance Applicability and Administration).
- B. Exercise of discretion.** In the event that a provision of this Development Code allows the Review Authority to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:
1. The proposed project complies with all applicable provisions of this Development Code;
  2. The exercise of discretion will act to ensure the compatibility of the proposed project with its site, surrounding properties, and the community; and
  3. The decision is consistent with the General Plan.

**17.10.040 - Applicability of the Development Code**

This Development Code applies to all land uses, subdivisions, and development within the City of Grass Valley, as follows.

- A. New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 17.20.020 (General Requirements for Development and New Land Uses), and Chapter 17.90 (Nonconforming Uses, Structures, and Parcels). No Planning Permit, Building Permit or Grading Permit shall be issued by the City unless the proposed construction complies with all applicable provisions of this Development Code.
- B. Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Development Code shall be consistent with the minimum lot size requirements of Article 2 (Zones, Allowable Land Uses, and Zone Standards) Article 8 (Subdivision Regulations and Procedures), and all applicable requirements of this Development Code.
- C. Minimum requirements.** The provisions of this Development Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Development Code, as may be determined by the Review Authority to be necessary to promote appropriate land use and development, environmental resource protection, and the other purposes of this Development Code.
- D. Conflicting requirements:**
1. **Development Code requirements.** If different requirements within this Development Code conflict, the provisions of Article 3 control over Article 2, the provisions of Article 4 control over Articles 2 and 3, and the provisions of Article 5 control over Articles 2, 3, and 4.
  2. **Development Code and Municipal Code provisions.** If a conflict occurs between requirements of this Development Code and requirements of the Grass Valley Municipal Code, or other regulations of the City, the most restrictive shall apply.

3. **Development agreements or specific plans.** If a conflict occurs between the requirements of this Development Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
  4. **Private agreements.** This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of any agreement or restriction.
- E. Effect of Development Code changes on projects in progress.**
1. A planning permit application that has been accepted by the Department as complete in compliance with Section 17.70.070 (Initial Application Review) before the effective date of this Development Code, or any amendment, shall be processed in compliance with the requirements in effect when the application was accepted as complete.
  2. A project that has been approved by the City but is not yet under construction on the effective date of this Development Code or any amendment need not be changed to satisfy any new or different requirements of this Development Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.
  3. A project that is under construction on the effective date of this Development Code or any amendment need not be changed to satisfy any new or different requirements of this Development Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.
- F. Other requirements may apply.** Nothing in this Development Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency.

### 17.10.050 - Rules of Interpretation

- A. Authority.** The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission for their determination.
- B. Language.** When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . .".
- C. Time limits.** Whenever a number of days is specified in this Development Code, or in any permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. Zoning Map boundaries.** See Section 17.12.020 (Zoning Map and Zones).

- E. Allowable uses of land.** See Section 17.20.030 (Allowable Land Uses and Planning Permit Requirements).
- F. State law requirements.** Where this Development Code references applicable provisions of State law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.
- G. Conflicting requirements.** See Section 17.10.040.D (Conflicting requirements).

## CHAPTER 17.12 - ZONING MAP AND ZONES

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### Sections:

- 17.12.010 - Purpose
- 17.12.020 - Zoning Map and Zones

### 17.12.010 - Purpose

This Chapter establishes the zones applied to property within the City and adopts the City's Zoning Map.

### 17.12.020 - Zoning Map and Zones

The Council hereby adopts the City of Grass Valley Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. The Zoning Map is hereby incorporated into this Development Code by reference as though it were fully included here.

- A. **Zones established.** The City of Grass Valley shall be divided into zones that implement the Grass Valley General Plan. The zones shown in Table 1-1 are hereby established, and shall be shown on the Zoning Map.
- B. **Interpretation of zone boundaries.** If there is uncertainty about the location of any zone boundary shown on the official Zoning Map, the location of the boundary shall be determined by the Director as follows.
  1. Where a zone boundary approximately follows a lot line, alley, or street line, the lot line, street or alley centerline shall be construed as the zone boundary, as applicable;
  2. If a zone boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the location of the boundary will be determined by using the scale appearing on the Zoning Map; and
  3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone of the adjoining property on either side of the vacated or abandoned street or alley.

TABLE 1-1 - ZONES

Zone Symbol	Name of Zone	General Plan Designation Implemented by Zone
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**Traditional Community Development Zones**

TC	Town Core	Commercial
NC	Neighborhood Center	Commercial
NC-Flex	Neighborhood Center Flex	Commercial
NG-3	Neighborhood General 3 - Transitional	Urban Medium Density (UMD)
NG-2	Neighborhood General 2 - Traditional	Urban Medium Density (UMD)
NG-1	Neighborhood General 1 - Subdivision	Urban Low Density (ULD)

**Residential Zones**

RE	Residential Estate	Urban Estate Density (UED)
R-1	Single-Family Residential	Urban Low Density (ULD)
R-2	Two-Family Residential	Urban Low Density (ULD) Urban Medium Density (UMD)
R-2A	Medium Density Residential	Urban Medium Density (UMD)
R-3	Multiple Dwelling Residential	Urban High Density (UHD)

**Commercial and Industrial Zones**

C-1	Community Business District	Commercial
C-2	Central Business District	Commercial
C-3	Heavy Commercial	Commercial
OP	Office Professional	Office and Professional
CPB	Commercial Business Park	Office and Professional Business Park
M-1	Light Industrial	Manufacturing-Industrial
M-2	General Industrial	Manufacturing-Industrial

**Special Purpose Zones**

OS	Open Space	Parks and Recreation
REC	Recreation	Parks and Recreation
P	Public	Public, Institutional, Non-governmental, School, Utilities
SP	Specific Plan	Specific Plan

**TABLE 1-1 - ZONES**

Zone Symbol	Name of Zone	General Plan Designation Implemented by Zone
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**Combining Zones**

D	Design	All
H	Historical	All
MH	Mobile Home and Mobile Home Park	All residential
MR	Mining and Reclamation	All

