

ARTICLE 4

Standards for Specific Land Uses

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CHAPTER 17.40 - ADULT-ORIENTED BUSINESS REGULATIONS

Sections:

- 17.40.010 - Intent and Purpose
- 17.40.020 - Definitions
- 17.40.030 - Adult Business Location Requirements
- 17.40.040 - Permit Requirements

17.40.010 - Intent and Purpose

- A. Intent.** It is the intent of this Chapter and Municipal Code Chapter ___ to provide special design guidelines, standards, and development regulations to regulate the time, place, and manner of the operation of Adult-Oriented Businesses in order to minimize the negative secondary effects associated with these businesses including, but not limited to, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of Adult-Oriented Businesses in close proximity to each other or proximity to other incompatible uses, including religious facilities, parks, playgrounds, schools, and residentially zoned districts or uses. The Council finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere.
- B. Purpose.** It is, therefore, the purpose of this Chapter to:
1. Establish reasonable and uniform regulations to prevent the concentration of Adult-Oriented Businesses or their close proximity to incompatible uses, while allowing the location of Adult-Oriented Businesses in certain areas; and
 2. Regulate Adult-Oriented Businesses in order to promote the health, safety, and general welfare of the citizens of the City.
- C. Restriction on content and access not intended.** The provisions of this Chapter and Municipal Code Chapter __ have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is neither the intent nor effect of this Chapter to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.

17.40.020 - Definitions

Definitions of the technical terms and phrases used in this Chapter are under "Adult Oriented Business" in Article 10 (Glossary).

17.40.030 - Adult Business Location Requirements

- A. Allowed zones.** Subject to the limitations set forth in this Chapter, Adult-Oriented Businesses may be established where allowed by Article 2 (Zones, Allowable Uses, and Zone Standards).
- B. Specified distance separation requirements.** Notwithstanding the above, no Adult-Oriented Business shall be established or located within certain distances of certain specified land uses or zones as set forth below. No Adult-Oriented Business shall be established or located within:
1. A 1,000-foot radius from any existing residential zone or use. The distance between a proposed Adult-Oriented Business use and a residential zone or use shall be measured from the nearest exterior walls of the facilities housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line included within a residential zone or property in current residential use, along a straight line extended between the two points; or
 2. 1,000 feet of any other Adult-Oriented Business as defined in this Chapter which is located either inside or outside the jurisdiction of the City. The distance between the two Adult-Oriented Business uses shall be measured between the nearest exterior walls of the facilities housing the Adult-Oriented Business use and proposed Adult-Oriented Business use along a straight line extended between the two uses; or
 3. 1,000 feet of any public or duly licensed private school attended primarily by minors which is located either inside or outside the jurisdiction of the City of Grass Valley. The distance between a proposed Adult-Oriented Business use and school use, shall be measured from the nearest exterior wall of the facility housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line where the school use is located, along a straight line extended between the two points; or
 4. 1,000 feet of any developed park, public playground or recreational facility frequented or utilized by minors, of any public library, or of any church or other religious facility that conducts religious education classes for minors. The distance between a proposed Adult-Oriented Business use and park, public playground or recreational facility frequented or utilized by minors, of any public library, or of any church or other religious facility that conducts religious education classes for minors, shall be measured from the nearest exterior wall of the facility housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line where the park, public playground or recreational facility frequented or utilized by minors, of any public library, or of any church or other religious facility that conducts religious education classes for minors is located, along a straight line extended between the two points.
- C. Separation requirements also apply to specified uses or districts outside of the City.** The above distance limitations shall also apply to residential districts or uses and parks, playgrounds, schools, and church uses or property so designated in the General Plan Land Use Element of an adjacent jurisdiction.

17.40.040 - Permit Requirements

The establishment of an adult-oriented business shall first require the approval by the City of an Adult-Oriented Business Permit in compliance with Municipal Code Chapter ____.

CHAPTER 17.42 - MINING AND RECLAMATION

Sections:

- 17.42.010 - Purpose, Intent and Findings
- 17.42.020 - Applicability
- 17.42.030 - Definitions
- 17.42.040 - Incorporation of State Laws and Regulations
- 17.42.050 - Permit and Reclamation Plan Requirements
- 17.42.060 - Review Procedures
- 17.42.070 - Required Findings
- 17.42.080 - Financial Assurance for Reclamation
- 17.42.090 - Reclamation Plan Amendments
- 17.42.100 - Inspections
- 17.42.110 - Time Limit for Commencing Operations
- 17.42.120 - Idle Mines
- 17.42.130 - Annexation
- 17.42.140 - Public Records
- 17.42.150 - Successors in Interest
- 17.42.160 - Violations and Penalties

17.42.010 - Purpose, Intent and Findings

This Chapter is adopted in compliance with the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), as amended, referred to in this Chapter as SMARA; Public Resource Code Section 2207, and California Code of Regulations Section 3500 et seq. The Council hereby finds and declares that:

- A. The continued and potential extraction of minerals is important to the economic well-being of the City and the needs of society; therefore, reclamation of mined lands is necessary to prevent or minimize adverse affects on the environment and to protect the public health and safety; and
- B. Surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

17.42.020 - Applicability

The requirements of this Chapter apply to all surface mining operations, except for activities that meet the following criteria:

- A. Excavations or grading conducted for farming or on-site construction, or to restore land following a flood or natural disaster;
- B. Prospecting for, or extracting minerals for commercial purposes and the removal of overburden in a total amount of less than 1,000 cubic yards in any one location of one acre or less;
- C. Surface mining operations required by federal law to protect a mining claim, if the operations are conducted solely for that purpose;
- D. Other mining operations that the City determines to be of an infrequent nature and that involve only minor surface disturbances consistent with SMARA Sections 2714(d) and 2758(c).

This Chapter shall be continuously reviewed and revised as necessary to ensure that it is in compliance with State requirements for mined land reclamation.

17.42.030 - Definitions

Definitions of the technical terms and phrases used in this Chapter are under "Mining and Reclamation" in Article 10 (Glossary).

17.42.040 - Incorporation of State Laws and Regulations

The provisions of the California Surface Mining and Reclamation Act of 1975 (SMARA - Public Resources Code Section 2710 et seq.), Public Resources Code Sections 2207 and California Code of Regulations 3500 et seq., as either may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if they were fully set forth here, except that when a provision of this Chapter is more restrictive than a conflicting State provision, this Chapter shall prevail unless the requirements of this Chapter prevent compliance with Public Resources Code Sections 2207 and 2710 et seq., or California Code of Regulations Section 3500 et seq.

17.42.050 - Permit and Reclamation Plan Requirements

- A. Requirements for surface mining.** Except as provided in SMARA Section 2776, any person who proposes to engage in surface mining operations shall, prior to the commencement of operations:
1. **Use Permit approval.** The approval of a Use Permit in compliance with Section 17.72.060 (Use Permits and Minor Use Permits);
 2. **Reclamation Plan approval.** The approval of a reclamation plan in compliance with this Chapter; and
 3. **Financial assurances.** Provide related financial assurances in compliance with this Chapter and SMARA Article 5.
- B. Reclamation requirement.** A reclamation plan, consistent with SMARA standards, is required for all mining operations. Reclamation shall:
1. Prevent, mitigate or minimize adverse effects on the environment.
 2. Encourage the production and conservation of minerals.
 3. Provide for the protection and subsequent beneficial use of mined and reclaimed land.
 4. Eliminate residual hazards to the public health and safety.
 5. Ensure that mined lands are reclaimed on a timely basis to a usable condition that is readily adaptable for alternative land uses.
 6. Avoid the environmental and legal problems created by improperly abandoned mines.

- C. Exemption for vested right operations.** No person who has obtained a vested right to conduct a surface mining operation prior to January 1, 1976, shall be required to secure a permit in compliance with this Chapter as long as the vested right continues, provided that no substantial change is made in that operation except in compliance with this Chapter; however, reclamation plans and related financial assurances shall be required for the mining operations in compliance with Subsection D., and Section 17.42.080 (Financial Assurance for Reclamation). A person shall be deemed to have a vested rights if, prior to January 1, 1976, the person has, in good faith and in reliance upon a permit or other authorization as required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefore. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.
- D. Reclamation plan required.** A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall submit to the Department and receive, within a reasonable time, approval of a reclamation plan for operations to be conducted after January 1, 1976 (in compliance with Public Resources Code Section 2770(b)). Nothing in this Chapter shall be construed as requiring the filing of a reclamation plan for, or reclamation of, mined lands on which surface mining operations were commenced and terminated prior to January 1, 1976.
- E. Notification of Department of Conservation.** The Director of the California Department of Conservation shall be notified of all filings, approvals, alterations, or changes to related permit applications.

17.42.060 - Review Procedures

- A. Application requirements.** An application for a Use Permit for surface mining, and/or reclamation plan approval shall comply with Chapter 17.70 (Permit Application Filing and Processing), and Section 17.72.060 (Use Permits and Minor Use Permits), and SMARA Section 2772.
- 1. Multiple applications.** If an application for a mining permit and reclamation plan is submitted by the same applicant on the same property or properties, the Planning Department may, combine both the applications and the review into one public hearing.
 - 2. Referrals.** Within 30 days of receiving a complete permit application, the Department shall route for comment pertinent application information on the proposed mining operation and reclamation plan to the following.
 - a. The Director of the Department of Conservation, who shall also receive for review all documentation on financial assurances submitted to the County in compliance with Section 17.42.080 (Financial Assurance for Reclamation).
 - b. The California Department of Transportation shall be notified of the filing of permit applications for mining and reclamation projects that are proposed in a 100-year flood plain (based on Zone A of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs)) and/or within one mile upstream or downstream of any state highway bridge.

A minimum 45-day review and comment period shall be provided for state agency review. The comment period may be combined with the environmental review of the project in compliance with CEQA.
 - 3. SCS review.** Use permit application review and processing may include the possible involvement of the U.S. Soil Conservation Service (SCS), or the hiring of an outside consultant retained by the City at the applicant's expense, as determined by the Director.

- B. Review procedures.** The review of and a decision on a Use Permit for surface mining and/or a reclamation plan shall comply with the procedures in Chapter 19.70 (Permit Application Filing and Processing), and 17.72.060 (Use Permits and Minor Use Permits), and Chapter 17.92 (Public Hearings), as applicable.
- 1. Compliance with CEQA.** Prior to approving a Use Permit application for mining and/or reclamation plans environmental review shall be completed in accordance with the California Environmental Quality Act Guidelines.
 - 2. Public notice.** Public noticing for a Use Permit and/or reclamation plan application scheduled for review by the Commission shall require notification of all residents, businesses and property owners located within a minimum of 1,000 feet from the perimeter of the property upon which the proposed activity is to occur.

17.42.070 - Required Findings

The approval of a reclamation plan shall require that the review authority first find that

- A. The reclamation plan complies with SMARA Sections 2772, 2773 and 2773.1 and any other applicable requirements;
- B. The reclamation plan complies with applicable requirements of the California Code of Regulations Section 3500 et seq.;
- C. The reclamation plan and potential use of reclaimed land in compliance with the Plan are consistent with this Chapter, the General Plan, and any other applicable resource plan or element;
- D. All significant adverse environmental impacts associated with the surface mining operation will be mitigated to the extent feasible through implementation of the reclamation plan;
- E. Operations as proposed will not adversely affect properties or occupants in zones allowing single or multiple dwellings;
- F. The reclamation plan restores the mined lands to a usable condition that is readily adaptable for alternative land uses consistent with the applicable zone; and
- G. The reclamation plan considers applicable policies and actions of the Mineral Management Element of the General Plan.

17.42.080 - Financial Assurance for Reclamation

Where the City Engineer determines that the cost of the reclamation of the mined lands in compliance with the reclamation plan requires financial assurances to the City, the following procedure shall be followed.

- A. Each year, prior to a specified date, the mine operator shall submit to the City Engineer a map or written description of the approximate area to be disturbed during the following year, and an estimate of the cost of the reclamation of that area in compliance with the approved or amended reclamation plan. The estimate of cost shall be subject to review and confirmation by the City Engineer.

- B. A corporate surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, a certificate of time deposit as part of an approved trust fund, or other method acceptable to the City and as adopted by the Mining and Geology Board, conditioned upon the faithful performance of the following year's reclamation, and in a form approved by the City Attorney, shall be filed with the City. The surety shall be executed in favor of the City and the Department of Conservation, and shall be maintained in an amount equal to the confirmed cost estimate. Financial assurances shall be submitted for review by the Director of the Department of Conservation at least 45 days prior to City approval of the reclamation plan.
- C. Prior to acceptance of financial assurance, the City Engineer shall determine whether the prior year's reclamation has been accomplished in compliance with the approved or amended reclamation plan. Consideration shall be given to the phasing of reclamation in an area where operations are to extend beyond a year.
- D. The financial assurance shall be released upon written notification by the City. In compliance with SMARA Section 2773.1(c), notification of any release of financial assurance shall be forwarded to the operator and the Director of the Department of Conservation specifying that the reclamation plan has been completed in accordance with the approved plan.

17.42.090 - Reclamation Plan Amendments

- A. **Types of amendments.** An amendment involves a change in the area or scope of operation, the reclamation plan, the ultimate physical condition of the site, or the proposed use of the land. The City Engineer shall determine whether the change is a minor deviation (minor amendment) or a substantial change (major amendment) to the original permit or plan.
 - 1. **Minor amendment.** A minor amendment to the permit and/or plan shall not be undertaken until change has been filed with, and approved by the Director and the City Engineer.
 - 2. **Major amendment.** A major amendment to the plan or permit shall not be undertaken until such amendments have been filed with, and approved by, the Planning Commission by the same procedure as set forth in Section 14G-06 of this Chapter.
- B. **Time for filing request.** Any amendment to an approved reclamation plan and/or related financial assurance shall be forwarded to the Director for review at least 45 days prior to the approval of the amendment.

17.42.100 - Inspections

- A. **Timing of inspections.** As a condition of approval for the permit or reclamation plan, or both, a schedule of periodic inspections of the site shall be established to evaluate continuing compliance with the Use Permit and the reclamation plan. Inspections shall be made at least once a year.
- B. **Inspection form and personnel.** Each inspection shall be conducted using a form provided by the State Mining and Geology Board. Each inspection shall be conducted by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, state-registered forester, or other qualified specialist, as selected by the City Engineer but, shall not be conducted by the operator or a person who has been employed by the operator or surface mining operation in any capacity during the previous 12 months.
- C. **City Engineer's inspection.** The City Engineer, within six months of receiving the inspection report, shall conduct an inspection of the project site to verify the accuracy of the inspection report.
- D. **Financial guarantee for inspections.** The applicant/operator shall post a bond or other financial guarantee to cover the costs of all inspections. Failure by the permittee to allow inspections shall constitute grounds for revocation of the permit.

- E. Financial guarantee and change of ownership.** If the mining operation is sold, or ownership is otherwise transferred, the existing financial assurance shall remain in force and shall not be released by the lead agency until new financial assurances are secured by the new owner and have been approved by the City and the Director of the Department of Conservation.

17.42.110 - Time Limit for Commencing Operations

Unless otherwise specified in the Use Permit, the time limit for commencing a surface mining operation shall be one year from the date of approval of the Use Permit.

17.42.120 - Idle Mines

Within 90 days after a mining operation becomes idle, the operator shall submit to the City Engineer for review and approval an interim management plan in compliance with SMARA Section 2770. The interim management plan shall include details of how the mine will be managed for the period that the mine remains idle. Within 60 days of the receipt of a complete interim management plan, the City shall take action to approve or deny the plan. The processing of the interim management plan shall be the same as an amendment to a reclamation plan in compliance with Section 17.42.090 (Reclamation Plan Amendments).

17.42.130 - Annexation

When property annexed into the City has an active mining operation and reclamation plan approved by the County, the City shall become and accept all lead agency responsibilities as defined in SMARA. All related documents, agreements and financial assurances obligations shall be transferred from the County to the City by agreement, approved as to the form required by the State Mines and Geology Board, between the operator, the County the City and the Director of the Department of Conservation. Existing financial assurances for reclamation plan performance shall be amended to name the City and the California Department of Conservation as payees. The agreement shall be executed prior to certification of the annexation by the Nevada County Local Agency Formation Commission.

17.42.140 - Public Records

- A. Exception to public records.** Reclamation plans, reports, applications and other documents submitted in compliance with this Chapter are public records unless it can be demonstrated to the satisfaction of the City that the release of the information, or part of the information, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information.
- B. Information to be provided to the Division of Mines and Geology.** The City shall furnish a copy of all permits, reclamation plans, reports, applications and other documents submitted in compliance with this Chapter, including proprietary information, to the District Geologist of the State Division of Mines and Geology.
- C. Proprietary information.** Proprietary information shall be made available to persons other than the State Geologist only when authorized by the mine operator and by the mine owner in compliance with SMARA Section 2778.

17.42.150 - Successors in Interest

Whenever an operator succeeds to the interest of another in any incomplete surface mining operations by sale, assignment, transfer, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this Chapter.

17.42.160 - Violations and Penalties

If the City Engineer, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter or the related financial assurance requirements, the applicable permit and/or the reclamation plan, the City shall follow the procedures in SMARA Sections 2774.1 and 2774.2 regarding violations and penalties, including the provisions of Chapter 17.98 (Enforcement) of this Development Code for revocation of a Use Permit.

CHAPTER 17.44 - STANDARDS FOR SPECIFIC LAND USES

Sections:

- 17.44.010 - Purpose and Applicability
- 17.44.020 - Accessory Structures and Uses
- 17.44.040 - Bed and Breakfast Inns (B&Bs)
- 17.44.060 - Child Day Care Facilities
- 17.44.080 - Condominium Conversions
- 17.44.090 - Drive-Through Facilities
- 17.44.100 - Home Occupations
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- 17.44.160 - Multi-Family Projects
- 17.44.170 - Outdoor Displays, Sales, and Storage
- 17.44.180 - Recycling Facilities
- 17.44.190 - Second Units
- 17.44.200 - Service Stations
- 17.44.210 - Single Dwellings
- 17.44.220 - Warehouse Retail

17.44.010 - Purpose and Applicability

- A. Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards) within individual or multiple zones, and for activities that require special standards to ensure their compatibility with site features, and existing uses and structures in the site vicinity.
- B. Applicability.** The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Development Code.
- 1. Where allowed.** The uses that are subject to the standards in this Chapter shall be located only where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).
 - 2. Planning permit requirements.** The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by Article 2, except where a planning permit requirement is established by this Chapter for a specific use.
 - 3. Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in Articles 2 (Zones, Allowable Land Uses, and Zone Standards), 3 (Site Planning and Project Design Standards), 5 (Resource Management), and Article 6 (Site Development Regulations).
 - a. The applicability of the standards in this Chapter to the specific land uses listed is determined by Chapter 17.20 (Development and Land Use Approval Requirements).
 - b. In the event of any conflict between the requirements of this Chapter and those of Articles 2 or 3, the requirements of this Chapter shall control.

17.44.020 - Accessory Structures and Uses

This Section provides standards for residential accessory uses and structures, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards). These requirements do not apply to residential second units, which are instead regulated by Section 17.44.190 (Second Units).

- A. **Limitation on number.** Only one residential accessory structure shall be allowed on any parcel in addition to a detached garage, except where a site is two times or more the minimum lot area required for a new parcel in the applicable zone.
- B. **Relationship to primary use.** An accessory use and/or structure shall be incidental to the primary residential use of the site, and shall not alter the character of the primary use.
- C. **Timing of installation.** A residential accessory structure shall only be constructed concurrent with or after the construction of the primary structure on the same site.
- D. **Attached structures.** An accessory structure attached to the primary structure shall comply with all zone requirements applicable to the primary structure, including height limits, site coverage, and setbacks; and shall also comply with any applicable requirements of Subsection F.
- E. **Detached structures.** An accessory structure detached from the primary structure shall comply with the following standards, except where Subsection F. establishes a different requirement for a specific type of accessory structure.
 1. **Setbacks.**
 - a. **Front setback.** An accessory structure shall not be located within a required front setback.
 - b. **Side and rear setbacks.** An accessory structure shall maintain side and rear setbacks of at least five feet. Second units shall instead comply with the requirements of Section 17.44.190 (Second Units).
 - c. **Separation between structures.** An accessory structure shall maintain at least a five-foot separation from other accessory structures and the primary dwelling unit.
 - d. **Double-frontage lot.** An accessory structure shall not occupy the front half of a lot, or the front one-fourth of a double-frontage lot (see Section 17.30.030 [Build-to-Line and Setback Requirements and Exceptions] regarding the location of required setbacks on a double-frontage lot).
 - e. **Garage accessible from an alley.** Where an accessory garage is accessible to vehicles from an alley, it shall be located at least 25 feet from the opposite side of the alley.
 2. **Height limit.** The height of an accessory structure other than a detached garage shall not exceed 15 feet, except for parcels located within any zone identified in Chapter 17.21 (Traditional community Development Zones) or except where a greater height is authorized through Minor Use Permit approval.
 3. **Coverage and size limitations.** Where permitted, the aggregate coverage of accessory structures in required side and rear setbacks shall not exceed 500 square feet. The maximum site coverage for all structures on a parcel shall comply with the requirements of the applicable zone.

- F. Standards for specific accessory uses and structures.** The following requirements apply to the specific types of accessory structures listed, in addition to the requirements of Subsection A., as applicable.
- 1. Antennas.** Antennas shall comply with the requirements of Chapter 17.46 (Telecommunications Facilities).
 - 2. Garages.** A garage for a single-family dwelling shall comply with the following requirements. A garage for a multi-family project shall comply with the requirements of Section 17.44.160 (Multi-Family Projects).
 - a. Limitation on number.** A single parcel shall have only one attached or detached garage, except that this limitation shall not apply to a site that is two times or more the minimum lot area required for a new parcel in the applicable zone.
 - b. Front setback.** A garage shall comply with the garage front setback requirements of the applicable zone.
 - c. Side setbacks.** When a maintenance easement is granted by the owner of the adjacent parcel to the approval of the Director, a garage may be built to the side property line on that side (i.e., zero lot line development), but shall be located at least eight feet from the other side property line. Otherwise, a garage shall be set back a minimum of five feet from side property lines.
 - d. Rear setback.** A garage shall be set back a minimum of five feet from the rear property line.
 - e. Facade width, parking orientation.** The facade of any garage facing a street shall not exceed a width of 25 feet.
 - 3. Greenhouses.** An accessory greenhouse may occupy up to 400 square feet for each dwelling unit in the R-E zone; and 1,000 square feet or five percent of the parcel area, whichever is smaller, in the R-1 zone. Accessory greenhouses are not allowed in other residential or neighborhood zones.
 - 4. Guest houses.** Guest houses shall comply with the requirements for second units in Section 17.44.190.
 - 5. Patio covers.** A patio cover that is attached to or detached from the primary dwelling, and open on at least three sides, may be located within the required rear setback subject to the following:
 - a.** The five-foot separation from the primary dwelling unit required by Subparagraph E.1.c (Separation between structures), above does not apply;
 - b.** The structure shall comply with the coverage and size limitations of Subparagraph E.3 (Coverage and size limitations), above; and
 - c.** No part of the patio cover shall be closer than five feet to a property line.
 - 6. Swimming pools.** Non-commercial swimming pools are an allowed accessory use in any zone subject to the following requirements:
 - a. Setbacks.** No swimming pool shall be located within a required front or side setback, or within five feet of any property line; and
 - b. Fence or wall.** No swimming pool shall be located within three feet of a fence or wall.

7. **Tennis and other recreational courts.** Non-commercial outdoor tennis courts and courts for other sports, including basketball and racquetball, accessory to a residential use shall comply with the following requirements:
 - a. **Setbacks.** No court shall be located within a required setback, or within 10 feet of a property line; and
 - b. **Fencing.** Court fencing shall comply with Section 17.30.040 (Fences, Walls, and Screening); and
 - c. **Lighting.** Court lighting shall require Minor Use Permit approval, and shall not exceed a maximum height of 20 feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property, in compliance with Section 17.30.060 (Outdoor Lighting).
8. **Workshops or studios.** An accessory structure intended as a workshop or studio for artwork, crafts, light hand manufacturing, or hobbies, is subject to the following standards:
 - a. **Limitation on use.** The use of an accessory structure as a studio shall be limited to: non-commercial hobbies or amusements; maintenance of the primary structure or setbacks; artistic endeavors, including painting, photography, or sculpture; or for other similar purposes. Any use of an accessory workshop for any commercial activity shall comply with Section 17.44.100 (Home Occupations); and
 - b. **Floor area.** A workshop footprint shall not occupy an area larger than 25 percent of the building footprint of the primary residence; except where a workshop is combined with a garage. See Subsection F.2. (Garages), above.

17.44.040 - Bed and Breakfast Inns (B&Bs)

Where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards), a bed and breakfast inn shall comply with the requirements of this Section.

- A. **Permit requirement.** The Commission may issue a Use Permit for conversion of an existing dwelling into a bed and breakfast inn in compliance with this Section.
- B. **Required findings.** The approval of a Use Permit for a bed and breakfast inn conversion shall require that the review authority first make all of the following findings.
 1. The existing dwelling has some historical characteristics or design features that could serve as a tourist attraction;
 2. The room layout and structure of the existing dwelling is suitable for conversion to a bed and breakfast inn;
 3. Adequate off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a hotel; and
 4. The bed and breakfast inn can be operated without unduly interfering with the surrounding residential neighborhood.

17.44.060 - Child Day Care Facilities

- A. Applicability.** Where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards) Child day care facilities shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.
- B. Definitions.** Definitions of the child day care facilities regulated by this Section are in Article 10 (Glossary) under "Day Care."
- C. Standards for large family day care homes.** As required by State law, a Minor Use Permit for a large family day care home shall be approved if it complies with the following standards.
- 1. Location requirements.** In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 300 feet of an existing large family day care home, or child day care center. In no case shall a residential property be directly abutted by a large family day care center on two or more sides.
 - 2. Parking, drop-off area.**
 - a. At least two off-street parking spaces shall be provided exclusively for dropping off and picking up children. The driveway may be used to provide the off-street parking required by Section 17.36.040 (Number of Parking Spaces Required) for a single-family dwelling, if the parking will not obstruct any required drop-off and pick up areas nor block any sidewalks or other public access. Alternative parking and drop-off arrangements may be required by the review authority based on traffic and pedestrian safety considerations.
 - b. A home located on a street with a speed limit of 30 miles per hour or greater shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street (e.g., circular driveway).
 - 3. Outdoor activity areas.**
 - a. Any side or rear setback areas intended for day care use shall be enclosed with a fence or wall to separate the children from neighboring properties.
 - b. Outdoor recreation equipment over eight feet in height shall not be located within a required side setback, and shall be set back a minimum of five feet from a rear property line.
 - 4. Noise.** Noise generated from the large family day care home shall not exceed the limitations in the City's Noise Ordinance.
 - 5. Additional standards.** Each large family day care home shall comply with applicable building and fire codes, and standards adopted by the State, and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).

D. Standards for child day care centers.**1. Parking and loading.**

- a. Off-street parking shall be provided as required through the Minor Use Permit process, but shall be a minimum of one space per employee on the largest shift, plus one space for each 10 children authorized by the State license. An exception to these off-street parking requirements may be granted if the facility complies with the following criteria:
 - (1) The exception shall be granted only for uses in an existing building, and shall not be granted for any expansion of gross floor area or new construction;
 - (2) Off-street parking shall be provided on the site in the maximum amount feasible;
 - (3) The exception shall only be granted in a situation where the City Engineer has determined that the exception will not result in potentially unsafe conditions for vehicles or pedestrians;
 - (4) Each Minor Use Permit that grants an off-street parking exception shall be reviewed annually, and if it is found that the use of on-street parking spaces by the facility is creating a nuisance, the City may initiate proceedings to revoke the Minor Use Permit.
 - b. Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.
- 2. Noise.** Potential noise sources shall be identified during the Minor Use Permit process, and noise attenuation and sound dampening shall be addressed by the review authority.

17.44.080 - Condominium Conversions**A. Purpose.** The purposes of this Chapter are to:

1. Establish criteria for the conversion of existing multiple-family rental housing to condominiums, community apartments, stock cooperatives, and any other subdivision, except for mobile home parks, which is a conversion of existing rental housing;
2. Reduce the impact of such conversions on residents in rental housing who may be required to relocate due to the conversion of apartments to condominiums by providing for procedures *for* notification and adequate time and assistance for relocation;
3. Ensure that purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase;
4. Ensure that converted housing achieves a high degree of appearance, quality, and safety and is consistent with the goals of the City;
5. Provide a reasonable balance of ownership and rental housing in the City and a variety of choices of tenure, type, price, and location of housing; and
6. Maintain a supply of rental housing for low- and moderate-income persons.

- B. Permit requirement.** Use Permit and, where applicable, subdivision approval are required for the conversion of an existing apartment unit for sale, transfer, or conveyance as a condominium, townhouse condominium, stock cooperative, or community apartment, collectively referred to in this Chapter as a community housing project.
- C. Application requirements.** An application for conversion of an apartment shall include a tentative subdivision map, a development plan consisting of all materials normally required by the City for a Use Permit, and a physical elements report detailing the condition of the property in a form established by the Director. The physical elements report is to ensure that the units offered for sale conform to a reasonable level of soundness and repair. The physical elements report shall be prepared by a registered civil or structural engineer, licensed general contractor or architect and include all of the following:
1. The condition of all elements of the property, including foundations, ventilation, utilities, walls, roofs, windows, mechanical equipment, appliances which will be sold with the units, common facilities and parking areas. For each element: the date of construction, the condition, the expected useful life, the cost of replacement, and any variations from the zoning regulations in effect when the last building permit was issued for the structures. The report shall identify all defective or unsafe elements or those that may impair the use and enjoyment of the property, and explain the proposed corrective measures to be used;
 2. A report from a licensed pest-control operator describing in detail the presence and effects of any wood-destroying organisms;
 3. A report of any known soil or geological problems. Reference shall be made to any previous soil reports for the site; and
 4. A site plan which shall include at least the following:
 - a. The location, number of stories, number of all dwellings, and proposed uses for each structure to remain and for each proposed new structure;
 - b. The location, use and type of surfacing for all open storage areas, driveways, pedestrian ways, vehicle parking areas and curb cuts;
 - c. The location, height and type of materials for walls or fences;
 - d. The location of all landscaped areas, the type of landscaping, method of irrigation, and a statement specifying private or common maintenance;
 - e. The location and description of all recreational facilities;
 - f. The location, size and number of parking spaces to be used in conjunction with each unit;
 - g. The location, type, and size of all drainage pipes and structures;
 - h. Existing contours, building pad elevations and percent slope for all driveways and parking areas; and
 - i. Any other information the Director determines to be necessary to assist in determining whether the proposed project will be consistent with the purposes of this Chapter.
- D. Copy to buyers.** Prior to the execution of an agreement to purchase a unit, stock, or exclusive right to lease in the community housing project, the subdivider shall provide each purchaser with a copy of all reports (in their final, acceptable form). The developer shall provide the purchaser with sufficient time to review such reports. Copies of the reports shall be made available at all times at the sales office.

- E. Hearing.** Prior to any tentative subdivision map and/or special Use Permit approval of a conversion, the Commission shall hold a noticed public hearing at which both the Tentative Map and a Use Permit shall be considered. In addition to the standard notice requirements for tentative maps and Use Permits, a 10-day notice shall be given by mail to the present tenants of the building proposed for conversion.
- F. Nonconforming uses or structures.** No apartment building that is a nonconforming use or a nonconforming structure because of parking, setback, height, interior yard space and/or other standards of this Development Code shall be eligible for conversion.
- G. Physical standards for conversions.** The Commission shall require that all conversions conform to all applicable requirements of the Municipal Code and this Development Code in effect at the time of the tentative map approval, except as otherwise provided in this Section. All applicable requirements of the Grass Valley Municipal Code must be met and nonconformity corrected prior to the approval of the final map, unless adequate security is provided, as approved by the City Attorney, to assure completion of the corrective work prior to the closing of any escrow of any unit in the community housing project.
- 1. Mandatory physical standards.** The Commission shall require conformance with the standards of this Section in approving the Use Permit.
 - a. Building regulations.** Except as provided in this Section, the project shall comply with: applicable standards of the City Housing Code; the Americans with Disabilities Act; the Building Code, including requirements for fire walls between dwelling units; the plumbing code, mechanical code and electric code as adopted Municipal Code Title 16 in effect on the date that the last building permit was issued for each structure prior to the conversion application.
 - b. Fire prevention.**
 - (1) Smoke detectors.** Each living unit shall be provided with approved detectors of the products of combustion other than heat, conforming to the latest UBC standards.
 - (2) Maintenance of fire protection systems.** All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protective appliances shall be maintained in an operable condition at all times.
 - (3) Maintenance of emergency vehicle access/fire lanes.** All emergency vehicle access and established fire lanes shall be maintained at all times.
 - c. Sound transmission.**
 - (1) Shock mounting of mechanical equipment.** All permanent mechanical equipment, such as motors, compressors, pumps and compactors, which is determined by the city's building official or engineer to be a source of structural vibration of structure-borne noise shall be shock-mounted with inertial blocks or base and/or vibration insulators in a manner approved by the building official.
 - (2) Noise standards.** The structure shall conform to all interior and exterior sound transmission standards then in effect in the city.
 - d. Utility metering.** Each dwelling unit shall be separately metered for gas, water and electricity.
 - e. Landscape maintenance.** All landscaping shall be restored as necessary and maintained to achieve a good appearance and high quality.

- f. Condition of equipment and appliances.** The developer shall provide written certification and 90-day warranty to the buyer of each unit at the close of escrow that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks and air conditioners that are provided are in operable working condition as of the close of escrow. At the time the homeowner's association takes over management of the development, the developer shall provide written certification and ninety day warranty to the association that any pool and pool equipment (filter, pumps, chlorinator, and any appliances and mechanical equipment to be owned in common by the association) is in operable working condition.
 - g. Refurbishing and restoration.** All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas and additional elements as required by the Commission shall be refurbished and restored as necessary to achieve a good appearance, high quality and high degree of safety. A report from a licensed pest control operator describing in detail the presence and effects of any wood destroying organisms shall be prepared and filed with the City.
 - h. Laundry facilities.** A laundry area shall be provided in each unit.
 - i. Private open space.** Each proposed unit shall be provided a minimum of 150 square feet of outdoor open space for the exclusive use of the unit.
- 2. Advisory physical standards.** In addition to the above, the proposed community housing project shall meet any mandatory development standards and shall substantially conform to any advisory standards for the construction of new community housing projects, which standards have been accepted by the Council and are in effect at the time of the review.

H. Tenant provisions.

- 1. Notice of intent.** Prior to the filing of the application for approval of a tentative map, the subdivider shall give a written notice of intent to convert to each tenant and shall furnish proof of service of such notice In the application. The form of the notice shall be as approved by the community development department and shall contain not less than the following:
- a. Name and address of current owner;
 - b. Name and address of the proposed subdivider;
 - c. Approximate date on which the conversion is to be completed;
 - d. Approximate date on which the unit is to be vacated by non-purchasing tenants;
 - e. A clear and full statement to the tenant's:
 - (1) Right to purchase, including but not limited to, period of time in which exercisable, estimated price range, method of exercising right;
 - (2) Right of a least 120-day notification to vacate; and
 - (3) Right of termination of the lease.
 - f. Other necessary information which may be required for an adequate and fair disclosure.

2. **Tenants right to purchase.** As provided in Government Code Section 66421.1(b), any present tenant or tenants of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 60 days from the date of issuance of the subdivision public report or commencement of sales, whichever date is later.
 3. **Vacation of units.** In addition to any legally required notice to terminate a lease, each non purchasing tenant, not in default under the obligations of the rental agreement or lease under which he or she occupies his or her unit, shall be given one hundred twenty-day written which provides a specific date for vacating the unit, and by which he or she must find substitute housing for relocation. The notified vacation date shall be at least 120 days from the filing date of the final subdivision map or parcel map.
 4. **Notice to new tenants.** After submittal of the tentative map, any prospective tenants shall be notified in writing of the Intent to convert prior to leasing or renting any unit.
- I. Effect upon low and moderate income housing supply.** In reviewing requests for conversion, the Planning Commission shall consider:
1. Whether the amount and impact of the displacement of tenants caused by the conversion would be detrimental to the health, safety, or general welfare of the community;
 2. The role that the housing structure plays in the existing housing rental market; and
 3. The conversion of "very low", and "other low" income rental units to market rate units should not be allowed unless it can be demonstrated that the City can meet it's "Fair Share Allocation" of affordable housing, after the conversion is complete. The City shall rely upon the "Fair Share Allocation" shown in the General Plan Housing Element and mandated by the Department of Housing and Community Development.
- J. Required findings.** An application for condominium conversion shall not be approved unless the review authority first finds that:
1. All submittal and procedural requirements of this Chapter are met;
 2. The proposed conversion is consistent with the General Plan;
 3. The proposed conversion will conform to the City's codes in effect at the time of Tentative Map approval, except as otherwise provided in this Chapter;
 4. The overall physical condition of the condominium conversion substantially meets the city's design criteria to achieve a good appearance, high quality and high degree of safety;
 5. The proposed conversion will not displace a significant percentage of low and moderate income or senior citizen tenants, and will not delete a significant number of low and moderate income rental units form the city's housing stock;
 6. The project as approved or conditionally approved will meet all mandatory development standards and will substantially comply with the adopted advisory standards for new condominiums construction, which standards are In effect at the time of approval;
 7. Each dwelling unit provides a commonly accepted expectation for safety convenience and amenities for owner-occupied residences; and
 8. Vacancies in the project have not been intentionally increased for the purpose of preparing the project for conversion.

17.44.090 - Drive-Through Facilities

This Section establishes standards for the development and operation of drive-through pharmacies where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. **Design objectives.** A drive-through facility shall only be permitted if the review authority first determines that the design and operation will avoid congestion, excessive pavement, litter, and noise.
- B. **Limitation on location.** The drive-through facility shall only be located along a building facade away from a street frontage.
- C. **On-site circulation standards.** The drive-through facility shall be provided internal circulation and traffic control as follows.
 - 1. **Aisle design.**
 - a. The entrance/exit of any drive aisle shall be a minimum of 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel.
 - b. The drive aisle shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.
 - 2. **Stacking area.** A clearly identified area shall be provided for vehicles waiting for drive-up or drive-through service that is physically separated from other on-site traffic circulation.
 - a. The stacking area shall accommodate a minimum of three cars for each drive-up or drive-through window in addition to the vehicle receiving service.
 - b. The stacking area shall be located at and before the service window (e.g., pharmacy, teller, etc.).
 - c. Separation of the stacking area from other traffic shall be by concrete curbing or paint striping on at least one side of the lane.
 - d. Stacking areas adjacent and parallel to streets or public rights-of-way shall be prohibited.
 - 3. **Walkways.** An on-site pedestrian walkway shall not intersect a drive-through aisle.
 - 4. **Exceptions.** The review authority may approve alternatives to the requirements of Subsections C.1, through C.3 where it first finds that the alternate design will, given the characteristics of the site, be equally effective in ensuring on- and off-site pedestrian and vehicular traffic safety and minimizing traffic congestion.
 - 5. **Visual buffer.** The drive-through aisle shall be screened from the sidewalk or street with landscaping or walls and berms.
- D. **Signs.** Each entrance to, and exit from, a drive-through aisle shall be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs. Signage shall also be provided to indicate whether the drive-through facility is open or closed.

17.44.100 - Home Occupations

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. Business License required.** A home occupation shall require a City Business License.
- B. Limitations on use.** The following are examples of business activities that may be approved as home occupations, and uses that are prohibited as home occupations.
- 1. Uses allowed as home occupations.** The following and other uses determined by the Director to be similar may be approved by the Director in compliance with this Section.
 - a. Art and craft work (ceramics, painting, photography, sculpture, etc.);
 - b. Tailors, sewing, etc.;
 - c. Office-only uses, including an office for an architect, attorney, consultant, counselor, insurance agent, planner, tutor, writer, etc., and electronic commerce; and
 - d. Pet grooming may be conducted as a home occupation within the RE and R-1 zone when in compliance with this Section, and with Minor Use Permit approval; provided that no pet involved in the pet grooming home occupation shall be kept overnight on the premises.
 - 2. Uses prohibited as home occupations.** The following are examples of business activities that are not incidental to or compatible with residential activities, and are, therefore, prohibited as home occupations:
 - a. Adult entertainment activities/businesses;
 - b. Animal hospitals and boarding facilities;
 - c. Automotive and other vehicle repair and service (body or mechanical), painting, storage, or upholstery, or the repair, reconditioning, servicing, or manufacture of any internal combustion or diesel engines, or of any motor vehicle, including automobiles, boats, motorcycles, or trucks;
 - d. Construction contractor facilities and storage (an office-only use is allowed in compliance with Subsection B.1.c above), and other outdoor storage;
 - e. Dismantling, junk, or scrap yards;
 - f. Fitness/health facilities (except that one-on-one personal trainers may be allowed);
 - g. Medical clinics, laboratories, or doctor's offices;
 - h. Personal services as defined in Article 10 (Glossary), except that licensed massage therapy and physical therapy may be allowed as home occupations in compliance with this Section;
 - i. Parking on, or dispatching from the site any vehicle used in conjunction with an automobile wrecking or towing service, or with a taxi or similar passenger or delivery service, whether based on the site or elsewhere;

- j. On-site sales, except that mail order businesses may be allowed where there is no stock-in-trade on the site;
- k. Uses that require explosives or highly combustible or toxic materials;
- l. Welding and machine shop operations;
- m. Wood cutting businesses; or
- n. Other uses the Director determines to be similar to those listed above.

C. Operating standards. Home occupations shall comply with all of the following operating standards.

1. **Accessory use.** The home occupation shall be clearly secondary to the full-time use of the property as a residence.
2. **Location of home occupation activities.** All home occupation activities shall not occupy more than 25 percent of the gross floor area of the ground floor. A garage or other enclosed accessory structure may be used for home occupation purposes only if required off-street parking spaces are continually maintained. Horticulture activities may be conducted outdoors, but only on the rear one-third of the site.
3. **Visibility.** The use shall not require any exterior modification to the structure not customarily found in a dwelling, nor shall the home occupation activity be visible from a public right-of-way, or from neighboring residential properties.
4. **Signs.** There shall be no advertising signs, other than one name plate, not exceeding one square foot in area, and only if attached flush to a wall of the structure.
5. **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use.
6. **Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.
7. **Outdoor display or storage.** There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
8. **Employees.** A home occupation shall have no on-site employees other than full-time residents of the dwelling; except that up to two non-resident employees may be allowed with Use Permit approval.
9. **Client/customer visits.** The home occupation shall be operated so as to not require more than eight vehicle trips per day of clients, customers, visitors, and/or service visits to the residence. On-site presence of clients or customers shall be limited to one client or family at a time, and only between the hours of 9:00 a.m. and 8:00 p.m.
10. **Motor vehicles.** There shall be no motor vehicles used or kept on the premises, except residents' passenger vehicles, and/or one pickup truck, van, or similar vehicle not exceeding 1.5 ton carrying capacity. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or USPS-type home deliveries/pick-ups. The Commission may authorize other types and/or additional vehicles with Use Permit approval.

11. Utility service modifications. No utility service to the dwelling shall be modified solely to accommodate a home occupation, other than as required for normal residential use.

D. Home working operations. Small-scale commercial wood and metal working may be authorized by Minor Use Permit as a home occupation, provided that the review authority may require conditions of approval limiting hours of operation, noise levels, and/or any other aspect of the operation, to ensure compatibility with on-site and adjacent residential uses.

17.44.110 - Elder Care

A. Purpose. It is the intent of the Council in adopting this Section to ensure affordable care for lower income elderly persons and address the transportation needs of all residents of elder care facilities within the city of Grass Valley. It is the further intent of the Council, and the Council so finds that:

1. The health, safety and welfare of the residents living in these facilities requires the installation of generators with an electrical output capable of ensuring that the facilities have adequate emergency/back-up electric power sources sufficient to maintain basic security lighting, elevator access and any necessary life support equipment for its residents in the event of a power failure.
2. This Section will ensure low income elderly citizens access to such facilities and provide needed transportation.
3. This Section will provide minimum standards for the installation and maintenance of emergency/back-up electric power sources in existing and future facilities and the imposition of conditions of approval for any application for the construction of the facilities.

B. Permit requirement. Use Permit approval is required for an elder care facility.

C. General standards.

1. **Affordable units.** A minimum of 10 percent of all living units in an elder care facility shall be set aside and be made available at an affordable rent for lower income elderly persons; that is, those in need of Supplemental Security Income, Medi-Cal or who are living at or below the lower annual income limits for Nevada County as published by the California Department of Housing and Community Development - Division of Housing Policy Development.
 - a. Additionally, a minimum of 10 percent of all living units of an elder care facility shall be set aside and be made available at an affordable rent for those at or below the annual median income limits for Nevada County as published by the California Department of Housing and Community Development - Division of Housing Policy Development.
 - b. The elderly care facility rent for housing, utilities and board charged shall not exceed two-thirds of the applicable lower or median annual income limit of a qualified elderly person. The owner shall provide, at a minimum, semi-annual reports to the Department to verify compliance with this standard.

The Director shall develop, monitor and administer a reporting program to assure compliance with this requirement as well as the other requirements of this Section. Failure of the operator/owner of any facility to continuously maintain, make a report upon request or otherwise comply with the written directives of the Director shall constitute grounds for revocation of the Use Permit.

2. **Transportation services and facilities.** The operators of any elder care facility with more than 30 units shall provide or contract for accessible transit services for the residents of the project. All such services shall be maintained, operated, contracted for and / or funded by the operators for a

minimum of 30 hours each week. A public transit turnout shall be included within the projects design of an elder care facility.

3. **Patient assistance.** The operators of an elder care facility should provide proper equipment or staff to assist residents or shall call the local ambulance service directly to assist residents in non-emergency situations. Calls to 911 shall be restricted to emergencies only.

D. Application of requirements to new and existing facilities. A new elder care facility or an existing facility proposing a substantial expansion of its operation shall be required to obtain a Use Permit and comply with the requirements of this Section. Elder care facilities existing as of the effective date of this Section are exempt from these requirements until a substantial expansion of either the use or facility is proposed, for which a Use Permit is required.

1. The new units of an existing facility that is being substantially expanded shall comply immediately with the requirements of this Section.
2. The remainder of the units of an existing facility that is being substantially expanded shall have one year in which to bring the entire facility into compliance with the requirements of this Section.

For the purposes of this Section, substantial expansion is defined as an increase of 20 percent or more of the number of dwelling units of an elder care facility.

17.44.130 - Live/Work Units

A. Purpose. This Section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards). A live/work unit shall function predominantly as work space with incidental residential accommodations that meet basic habitability requirements. The standards of this Section do not apply to mixed use projects, which are instead subject to Section 17.44.140 (Mixed Use Projects).

B. Application requirements. In addition to the information and materials required for a Use Permit application by this Development Code, the review authority may require a Use Permit application for a live/work unit to include a Phase I Environmental Assessment for the site, including an expanded site investigation to determine whether lead based paint and asbestos hazards are present in an existing structure proposed for conversion to live/work. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk to the residents. If the Phase I assessment shows potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to the Department in order to determine if remediation may be required.

C. Limitations on use. The nonresidential component of a live/work project shall only be a use allowed within the applicable zone. A live/work unit shall not be established or used in conjunction with any of the following activities:

1. Adult-oriented businesses;
2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
4. Welding, machining, or any open flame work; and

5. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- D. Residential density.** Live/work units shall not exceed a maximum density of 15 units per acre. This standard shall not apply in the Traditional Community Development Zones.
- E. Occupancy requirement.** The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.
- F. Design standards.**
1. **Floor area requirements.** The floor area of the work space shall be at least 30 percent of the total floor area. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
 2. **Separation and access.** Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.
 3. **Facilities for commercial or industrial activities, location.** A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity. The ground floor of a live/work unit shall be used only for non-residential purposes.
 4. **Integration of living and working space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit. The living space of a live/work unit shall be accessed only by means of an interior connection from the work space, and shall have no exterior access except as required by the Building Code.
 5. **Mixed occupancy structures.** If a structure contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.
 6. **Parking.** Each live/work unit shall be provided with at least two off-street parking spaces. The review authority may modify this requirement for the use of existing structures with limited parking.
- G. Operating requirements.**
1. **Sale or rental of portions of unit.** No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
 2. **Notice to occupants.** The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.

3. **On-premises sales.** On-premises sales of goods is limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.
 4. **Nonresident employees.** Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited or limited by the Use Permit. The employment of three or more persons who do not reside in the live/work unit may be allowed, subject to Use Permit approval, based on an additional finding that the employment will not adversely affect parking and traffic conditions in the immediate vicinity of the unit. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Uniform Building Code (UBC) requirements.
 5. **Client and customer visits.** Client and customer visits to live/work units are allowed subject to any applicable conditions of the Use Permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially-zoned areas.
- H. Changes in use.** After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through Use Permit approval. No live/work unit shall be changed to exclusively residential use in any structure where residential use is not allowed, where two or more residential units already exist, or where the conversion would produce more than two attached residential units.
- I. Required findings.** The approval of a Use Permit for a live/work unit shall require that the review authority first make all of the following findings, in addition to those findings required for Use Permit approval by Section 17.72.060 (Use Permit and Minor Use Permit):
1. The proposed use of each live/work unit is a bona fide commercial or industrial activity consistent with Subsection C. (Limitations on use);
 2. The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed;
 3. The structure containing live/work units and each live/work unit within the structure has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations; and
 4. Any changes proposed to the exterior appearance of the structure will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses.

17.44.140 - Mixed Use Projects

This Section provides standards for the design of mixed use projects, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards). A mixed use project combines residential and nonresidential uses on the same site, with the residential units typically located above the nonresidential uses (vertical mixed use). Residential units may be allowed at ground level behind street-fronting nonresidential uses (horizontal mixed use) only under the limited circumstances specified by this Section. Upper floors may also be occupied by office uses.

- A. Design considerations.** A mixed use project shall be designed to achieve the following objectives.
1. The design shall provide for internal compatibility between the residential and non-residential uses on the site.

2. Potential glare, noise, odors, traffic, and other potential nuisance conditions for residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.
 3. The design shall take into consideration existing and potential future uses on adjacent properties and shall include specific design features to minimize potential impacts.
 4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.
 5. Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portions of the project, through such means as courtyards, plazas, walkways, and street furniture.
 6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of building design, color, exterior materials, landscaping, lighting, roof styles, scale, and signage.
- B. Mix of uses.** A mixed use project may combine residential uses with any other use allowed in the applicable zone by where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards); provided, that where a mixed use project is proposed with a use that is required to have Minor Use Permit or Use Permit approval in the applicable zone, the entire mixed use project shall be subject to that permit requirement.
- C. Maximum density.** The residential component of a mixed use project shall not exceed a maximum density of 15 units per acre. This standard shall not apply in the Traditional Community Development Zones.
- D. Site layout and project design standards.** Each proposed mixed use project shall comply with the property development standards of the applicable zone, and the following requirements.
1. **Location of units.** Residential units shall not occupy ground floor street frontage space adjacent to a public or private street. The ground floor street frontage space within a mixed use building shall be reserved for commercial uses, except for a lobby or other entry feature providing access to the residential units.
 2. **Parking.** In order to encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed use projects in compliance with Section 17.36.080 (Reduction of Parking Requirements).
 3. **Loading areas.** Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.
 4. **Refuse and recycling areas.** Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.
 5. **Laundry facilities.** Each residential unit in a mixed-use project shall be provided laundry facilities.
 6. **Open space.** A mixed-use project shall be designed to provide residential with public or private outdoor space, which may be in the form of roof gardens, individual balconies, or other means acceptable to the review authority.

E. Performance standards.

1. **Lighting.** Lighting for commercial uses shall be appropriately shielded to limit impacts on the residential units.
2. **Noise.** Each residential unit shall be designed and constructed to minimize nonresidential project noise levels, in compliance with the City's Noise Ordinance.
3. **Hours of operation.** A mixed use project proposing a commercial component that will operate outside of the hours from 8:00 a.m. to 6:00 p.m. shall require Use Permit approval to ensure that the commercial uses will not negatively impact the residential uses within the project, or any adjacent residential uses.

17.44.150 - Mobile/Manufactured Homes and Mobile Home Parks

This Section provides requirements and development standards for the use of mobile homes and manufactured homes as single-family dwellings outside of mobile home parks, and for mobile home parks, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. **Mobile/Manufactured home outside of a mobile home park.** See Section 17.44.210 (Single Dwellings).
- B. **Mobile home park standards.** The site for the mobile home park shall comply with the following requirements.
 1. **Planning and design objectives.** The City intends that each mobile home park be designed and landscaped to be compatible with adjacent residential and other uses. These standards are intended to provide a means of achieving an environment of stable, desirable character not out of harmony with the surrounding area.
 2. **Allowable uses.** Use Permit approval for a mobile home park may authorize the following uses in addition to individual mobile homes.
 - a. Accessory uses, limited to awnings, portable, demountable or permanent carports, fences or windbreakers, garages, porches, and storage cabinets.
 - b. A golf course, lake, park, playground, riding and hiking trails, equestrian facilities, other similar recreational structures and facilities, clubhouses, community centers, laundries, and similar uses; provided that all of these are not allowed on the individual mobile home lots within the mobile home park.
 - c. Public utility and public service uses and structures.
 4. **Standards.** This Section identifies standards for mobile home park development, recognizing the dual need for moderately priced housing, and standards that will adequately protect residents of the parks and the City as a whole.
 - a. **Phased development.** Development may be in phases, so long as each phase complies with the minimum standards of this Section, and no mobile home is occupied in any phase until at least 10 mobile home lots are developed and improved on a minimum of two acres, and authorized by a permit for occupancy in compliance with Health and Safety Code Section 18505.

- b. Density.** The Commission shall determine the allowable density for each mobile home park, based on the following criteria:
- (1) The provision of the space necessary for compliance with this Section;
 - (2) Individual mobile home lots shall be a minimum of 2,000 square feet; and
 - (3) In no case shall the density of a mobile home park exceed the maximum density of the General Plan and zone designation for the subject site.
- c. Building lines.** Each structure and mobile home shall have a minimum setback of 15 feet from all exterior property lines; and a minimum setback of 20 feet from the right-of-way of any street adjoining the mobile home park. The resulting setback area shall be landscaped and continually maintained, in compliance with Chapter 17.34 (Landscaping Standards).
- d. Parking.** Off-street parking shall be provided at a ratio of two covered spaces for each mobile home (tandem parking allowed in an attached carport), plus one guest parking space for each four units. Recreational vehicle parking shall be provided at the rate of one space for every five units.
- e. Utilities.** All utility distribution facilities (including cable television, communication and electric lines and boxes) within a mobile home park shall be placed underground. The developer is responsible for complying with the requirements of this Subparagraph, and shall make the necessary arrangements with the utility companies for the installation of the required facilities.
- f. Tenant storage.** A minimum of one 75 cubic foot storage cabinet shall be provided on each mobile home site. Adequate solid waste and recyclable materials storage enclosures shall be provided in compliance with Section 17.30.090.
- g. Accessory uses.** Accessory uses are those that are incidental to the planned residential use, exist for the sole purpose of service to the residents, are customarily found in multi-family developments, and do not alter the character of the residential use.
- (1) Any structure used for an accessory use shall meet all requirements for a primary structure.
 - (2) Allowable accessory uses include a management facility, laundry facility, swimming facilities, recreation room, recreational vehicle storage areas, vending machines, and other uses that, in the opinion of the Commission, are of a similar nature.
 - (3) A mobile home park may contain accessory retail and service uses for park residents as authorized by Use Permit approval, and in compliance with Section 17.44.020 (Accessory Structures and Uses).
- h. Travel trailers.** An occupied travel trailer, camper, motor coach, motor home, trailer coach, or any similar vehicle not certified under the National Mobile Home Construction Safety Standards Act of 1974 (42 USC Section 4401 et seq.) shall not be allowed within a mobile home park. Unoccupied trailers and other recreational vehicles may be stored in an approved on-site storage area where authorized by Use Permit.
- i. Fencing.** A solid masonry wall, fence, or other decorative landscape screening of the maximum height allowed by this Development Code shall be installed as required by the review authority as part of the Use Permit approval for the mobile home park.

- j. Landscaping.** Landscaping shall be provided in compliance with Chapter 17.34 (Landscaping Standards).
- k. Signs.** A mobile home park may be allowed one externally illuminated identification sign not exceeding six feet in height or 24 square feet in area. The sign shall be integrated into the mobile home park landscaping, at a location specified in the Use Permit approval.
- l. Skirting.** Skirting shall be provided along all sides of each mobile home.
- m. Internal streets.** Internal street design shall comply with State law standards at minimum; unless different standards are required by the review authority.

17.44.160 - Multi-Family Projects

New or remodeled multi-family projects shall comply with the standards of this Section, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards). For the purposes of this Section, the term "remodeled" means the reconstruction or remodeling of at least 50 percent of the gross floor area of the original structure.

- A. Accessory structures.** Accessory structures and uses (e.g., bicycle storage, garages, laundry rooms, recreation facilities, etc.) shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units.
- B. Building facades adjacent to streets.** A multi-family project of three or more dwelling units shall be designed so that at least 75 percent of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least one pedestrian entry into the structure.
- C. Front setback pavement.** No more than 40 percent of the front setback area shall be paved for walkways, driveways, and/or other hardcover pavement.
- D. Parking location.** Off-street parking for a multi-family structure of three or more units shall be located so that it is not visible from the street fronting the parcel. A garage providing parking for a duplex may be located in compliance with the following standards, in addition to the requirements of Chapter 17.36 (Parking and Loading).
 - 1. Front setback.** A garage shall be set back from the front property line at least 10 feet further than the facade of the dwelling, to reduce visual impact from the street.
 - 2. Side setback.** When a maintenance easement is granted by the owner of the adjacent parcel to the approval of the Director, a garage may be built to the side property line on that side, but shall be located at least eight feet from the other side property line. Otherwise, a garage shall be set back a minimum of five feet from each side property line.
 - 3. Rear setback.** A garage shall be set back a minimum of five feet from a rear property line.
 - 4. Facade width, parking orientation.** The front facade of a garage shall not exceed a width of 25 feet. Tandem parking is allowed.

E. Open space. Each multi-family residential project, except a duplex, shall include permanently maintained outdoor open space for each dwelling unit (private space), and for all residents (common space), except where the review authority determines that existing public park or other usable public open space is within convenient walking distance, or that the residential units are part of a mixed use project and/or located in a commercial zone. This standard shall not apply in the Traditional Community Development Zones.

1. **Area required.** Private and common open space shall be provided as required by Table 4-1.

TABLE 4-1 - MULTI-FAMILY PROJECT OPEN SPACE REQUIREMENTS

Project Size	Minimum Common Open Space Required per Unit	Minimum Private Open Space Required per Unit
3 or 4 units	200 sf	150 sf for each unit
5 to 10 units	500 sf	
11 and more units	100 sf per unit	

2. **Configuration of open space.** Required open space areas shall be designed and located as follows. Landscaping shall comply with the requirements of Chapter 17.34 (Landscaping Standards).

- a. **Common open space.** All required open space shall be: easily accessible; continuous, usable site elements; separated from parking areas; safe and secure. Each common open space area shall have a minimum dimension of 12 feet for three and four unit projects, and 20 feet for projects with five or more units.
- b. **Private open space.** Private open space shall be at the same elevation as, and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of eight feet; except that the review authority may authorize different minimum dimensions for upper-floor units where the private open space is provided as a balcony or upper floor court. Where balconies are approved as required private open space, they shall have a minimum depth of four feet and a minimum width of six feet.

The review authority may allow required open space to be in different locations and/or with different dimensions where it determines that the alternative approach will provide open space of equivalent utility and aesthetic quality.

3. **Maintenance and control of common open space.** Required common open space shall be controlled and permanently maintained by Home Owners Association (HOA), or by the property owner of a rental project. Provisions for control and maintenance shall be included in property covenants of all common interest developments.

F. Outdoor lighting. Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with 17.30.070 (Outdoor Lighting). The lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. Lighting of at least one foot candle shall also be installed and maintained within all covered and enclosed parking areas and shall be screened to minimize glare onto public sidewalks. Lighting fixtures/lamps shall be the most energy efficient available. All proposed lighting shall be shown on the required landscape plan.

G. Storage. A minimum of 100 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit, with no dimension less than 30 inches.

- H. Television antennas.** Exterior television antennas, other than satellite dishes less than 39 inches in diameter, are not allowed, except for a single common, central antenna, with underground cable service to each dwelling unit. This restriction shall be included in any property covenants of a common interest development.
- I. Window orientation.** Where one or more windows are proposed 10 feet or less from a side lot line, or 10 feet from another residential structure on the same site, Design Review shall ensure, to the extent feasible, that the windows are located and/or screened to provide privacy for residents of both structures.

17.44.170 - Outdoor Displays, Sales, and Storage

- A. Applicability.** The provisions of this Section apply to temporary and permanent facilities for outdoor display, sales (e.g., garden supply sales, news and flower stands, and similar uses where merchandise is displayed for sale), and outdoor eating areas, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).
- B. Temporary outdoor displays and sales.** See Section 17.72.040 (Limited Term Permits).
- C. Permanent outdoor displays and sales.** The permanent outdoor display and sale of merchandise is allowed subject to the following standards.
1. The outdoor display of merchandise shall not exceed a height of six feet above finished grade, unless a greater height is allowed through Minor Use Permit approval.
 2. Outdoor display and sales areas shall not encroach into required setback areas or the public right of way. In zones where no setback area is required, the outdoor sales area shall be set back a minimum of 10 feet from adjoining property lines unless otherwise allowed through Minor Use Permit approval.
 3. Displayed merchandise shall occupy a fixed, specifically approved, location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, required parking spaces, or pedestrian walkways. A display shall not obstruct intersection visibility or otherwise create hazards for pedestrian or vehicle traffic.
 4. The outdoor display and sales area shall be directly related to a business occupying a permanent structure on the subject parcel.
 5. The Director may require that outdoor sales and activity areas other than vehicle sales lots, produce stands, and nursery product sales be screened from the view of adjoining public rights-of-way by decorative walls, fences, or landscaping.
 6. Additional signs shall not be provided for the outdoor display and sales area beyond those normally allowed for the primary use.
- D. News and flower stands.**
1. **Location requirements.** A news or flower stand shall:
 - a. Be located parallel and adjacent to the wall of a structure. A freestanding news or flower stand is allowed only as a roofed kiosk;
 - b. In the case of a privately owned stand, not be located within:
 - (1) The public right-of-way unless authorized by Use Permit; or

- (2) Within three feet of a display window of any structure abutting the sidewalk, or so as to interfere with or restrict the reasonable use of the window for display purposes.

2. Design and construction requirements.

- a. A stand shall be soundly constructed of wood, metal, or other suitable permanent material, and designed in a manner and color to be compatible with the adjacent structures whether the stand is opened or closed. Security doors shall be designed as an integral part of the structure.
 - b. Shelving shall not exceed eight feet in height nor two feet in depth.
- 3. Maintenance.** Each news or flower stand shall be maintained in a clean and neat condition and in good repair, at all times.
- 4. Signs.** A stand shall not be used for advertising or publicity purposes. Signs shall be for identification only, with size and design in compliance with Chapter 17.38 (Signs).
- 5. Additional product sales.** In addition to the sale of newspapers, magazines, and other periodicals, for newsstands, and flowers and plants, for flower stands, the owners or operators may sell other related accessory products, not to exceed 10 percent of the total merchandise displayed.

E. Outdoor dining areas.

1. An outdoor dining area may be allowed accessory and incidental to a restaurant with indoor eating area on the same site; provided, the outdoor eating area shall also comply with the parking requirements of Section 17.36.040 (Number of Parking Spaces Required) for restaurants.
2. Signs shall comply with Chapter 17.38 (Signs).

F. Outdoor storage. An outdoor storage or work area shall comply with the following requirements, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

1. **Enclosure and screening required.** Outdoor storage areas shall be entirely enclosed by a solid wall or fence as approved by the review authority with a minimum height of six feet and a maximum height of eight feet.
2. **Maximum height of stored materials.** The materials within the storage area shall not be higher than the fence, except where authorized by the Use Permit for the storage area.
3. **Landscaped setback.** In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zone, and the set back area shall be landscaped to the approval of the Director, and in compliance with Chapter 17.34 (Landscaping Standards).
4. **Cargo containers.** The location and use of cargo containers outdoors is prohibited within the City. For the purposes of this Section, "cargo container" is a metal "Seatrain" or similar rectangular shipping container that is otherwise carried on rail cars, truck beds, and/or cargo ships.

17.44.180 - Recycling Facilities

This Section establishes standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. Reverse vending machines.** Reverse vending machines shall comply with the following standards.
1. **Accessory use only.** Each machine shall be installed only as an accessory use to an allowed primary use.
 2. **Location requirements.** If located outside of a structure, a machine shall not occupy parking spaces required by the primary use.
 3. **Signs.** Sign area shall not exceed four square feet for each machine, exclusive of operating instructions. The sign area shall be subject to the overall site sign area limitations in Section 17.38.070 (Zone Sign Standards).
 4. **Lighting.** Each machine shall be illuminated to ensure comfortable and safe operation if the machine is accessible between dusk and dawn. The light source shall be shielded so that glare and reflections are confined within the boundaries of the site.
- B. Small collection facilities.** A small collection facility shall comply with the following standards.
1. **Location requirements.** A small collection facility shall:
 - a. Not be located within 50 feet of any parcel zoned or occupied for residential use; and
 - b. Be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.
 2. **Maximum size.** A small collection facility shall not occupy more than 350 square feet nor three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.
 3. **Appearance of facility.** Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.
 4. **Operating standards for small collection facilities.** Small collection facilities shall:
 - a. Not use power-driven processing equipment, except for reverse vending machines;
 - b. Accept only glass, metal, or plastic containers, paper, and reusable items;
 - c. Use containers that are constructed with durable waterproof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule; and
 - d. Be screened where determined by the review authority to be necessary because of excessive visibility.

5. **Signs.** Non-illuminated signs may be provided as follows:
 - a. Identification signs are allowed with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;
 - b. Additional directional signs, consistent with Chapter 17.38 (Signs), may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.
 6. **Parking requirements.**
 - a. No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the primary use. One additional space shall be provided for the attendant, if needed.
 - b. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless a parking study, determined to be acceptable by the Director, shows that existing capacity is not fully utilized during the time the recycling facility would be on the site.
- C. Large collection facilities.** A collection facility that is larger than 350 square feet, or on a separate parcel not accessory to a primary use, shall comply with the following standards.
1. **Location requirements.** The facility shall not abut a parcel zoned for residential use.
 2. **Container location.** Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zone, constructed of sturdy, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials.
 3. **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.
 4. **Setbacks, landscaping.** Structure setbacks and landscaping shall be provided as required for the applicable zone.
 5. **Outdoor storage.** Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.
 6. **Operating standards.**
 - a. The site shall be maintained clean, sanitary, and free of litter and any other trash or rubbish, shall be cleaned of loose debris on a daily basis, and shall be maintained free from rodents and other disease vectors.
 - b. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.
- D. Processing facilities.** Processing facilities shall comply with the following standards:
1. **Location requirements.** The facility shall not abut a parcel zoned or occupied for residential use;
 2. **Limitation on activities.** Allowed activities are limited to baling, briquetting, compacting,

crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials. The facility shall not bale, compact, or shred ferrous metals, other than beverage and food containers. Outbound truck shipments from the site shall not exceed an average of two each day;

3. **Maximum size.** The facility shall not exceed 45,000 square feet of floor or ground area;
4. **Container location.** Containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zone, constructed of sturdy, rustproof materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials;
5. **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure;
6. **Outdoor storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls; and
7. **Operating standards.** Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

17.44.190 - Second Units

- A. **Purpose.** This Section is intended to allow the creation of new second residential units on existing lots in residential zones that already contain one legally created unit, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).
- B. **Minimum site area.** A new detached second unit shall be allowed only on a lot with a minimum area of 8,000 square feet.
- C. **Method of creating a second unit.** A second unit may be created by the:
 1. Alteration of an existing dwelling whereby kitchen and bathroom facilities are not shared in common;
 2. Conversion of an attic, basement, garage, or other previously uninhabited portion of a residential structure;
 3. Addition of separate unit onto an existing residential structure; or
 4. Construction of a separate structure on a lot in addition to an existing dwelling.

A mobile home, recreational vehicle, or other moveable habitable space that does not comply with the Building Code shall not be used as a second unit. A manufactured or modular unit placed on a permanent foundation may be used as a second unit in compliance with this Section.

- D. **Second unit design and development standards.** Each second unit shall comply with the development standards of the applicable zone, including setback requirements, height and lot coverage limits, but excluding density standards. Each second unit shall also comply with all of the following standards.
 1. **Number of units allowed.** Only one second unit shall be permitted on a lot.
 2. **Required facilities.** A second unit shall contain separate kitchen and bathroom facilities; an attached second unit shall have an entrance separate from the primary dwelling.

3. **Maximum floor area.** A second unit shall not exceed 800 square feet or 25 percent of the floor area of the primary dwelling, whichever is greater.
4. **Conversion of existing primary unit.** An existing dwelling may be converted to a second unit and a new, larger primary unit constructed if the resulting second unit complies with all applicable requirements of this Section.
5. **Building Code requirements.** Each second unit shall be constructed in compliance with all applicable Building Code requirements. The approval of a second unit attached to an existing dwelling shall require that the entire structure be improved to comply with current Building Code requirements.
6. **Parking requirement.** One accessible off-street parking space shall be provided for each studio or one-bedroom second unit in addition to the two off-street parking spaces required for the primary dwelling. A second unit with more than one bedroom shall require two off-street parking spaces. Required parking may be in tandem.
7. **Exterior design.** Each second unit shall be constructed so as to be compatible with the existing primary dwelling, as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping, and shall comply with the standards for single-family dwellings in Section 17.44.210 (Single Dwellings).
8. **Building separation for detached unit.** A detached second unit shall be separated from the primary dwelling by a minimum distance of 10 feet.

E. Procedure for legalizing other existing second units.

1. A second unit legally existing at the time of adoption of the Grass Valley Zoning Ordinance No. 69 N.S. (December 26, 1965) may be continued as a nonconforming use in compliance with Chapter 17.90 (Nonconforming Uses, Structures, and Parcels).
2. A second unit legally reestablished by Variance or Use Permit for a nonconforming use after the adoption of the Grass Valley Zoning Ordinance No. 69 N.S. (December 26, 1965) may be continued in compliance with all applicable conditions of approval of the Variance or Use Permit.
3. A second unit legally established by Use Permit in compliance with Ordinance No. 332 N.S., adopted December 27, 1983, may be continued in compliance with the conditions of the Use Permit.

- F. Separate sale of second unit prohibited.** No second unit shall be created for sale or financing through a condominium plan, community apartment plan, housing cooperative or other subdivision. A second unit may be rented.

17.44.200 - Service Stations

This Section establishes standards for the development and operation of motor vehicle service stations, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. Permit requirements.** A service station shall require Development Review in compliance with Section 17.72.030, in addition to the planning permit required by Article 2.
- B. Application requirements.** Each application for a new or remodeled service station shall include a photometric plan identifying all proposed light sources and their illumination levels, to assist in evaluating compliance with the outdoor lighting requirements of Subsection D.6 and Section 17.30.060 (Outdoor

Lighting). The City may require an applicant to pay the cost for a lighting consultant engaged by the City to evaluate photometric plans and recommend alternatives to proposed lighting.

C. Limitations on location.

1. **Prohibited locations.** A service station site shall not abut a neighborhood zone, a residential zone, or residential use.
2. **Separation between stations.** A service station shall not be closer than 500 feet to another service station. The distance shall be measured in a straight line from the nearest property line of the sites for each service station. No more than one service station shall be located at a street intersection.

D. Site planning standards. The layout of a service station site and its site features shall comply with the following standards.

1. Site access and driveways.

- a. Curb cuts for service station driveways shall be separated by a minimum of 30 feet from edge-to-edge.
- b. A driveway shall not be located closer than 50 feet to the end of a curb corner nor closer than 25 feet to an interior property line.
- c. The width of a driveway shall not exceed 20 feet, measured at the sidewalk.
- d. Each pump island shall be provided a stacking area that can accommodate one waiting vehicle.

2. Setback requirements.

- a. Pump islands shall be located a minimum of 15 feet from any property line to the nearest edge of the pump island.
- b. A canopy or roof structure over a pump island shall be a minimum of 10 feet from any property line.

3. Building orientation. A service station building containing a convenience store or vehicle service facilities (where allowed by Article 2) shall be located at the back of the sidewalk on a street corner site, with a prominent pedestrian entrance to the building from the public sidewalk.

4. Pavement. A service station site shall be paved with a permanent surface of concrete or asphalt material and shall contain drainage facilities in compliance with all Federal, State, and local requirements. Any unpaved portion of the site shall be landscaped and separated from the paved area by curbs or other barrier approved as part of the Development Review for the site.

5. Landscaping. Landscaping, consisting of trees, ground cover, shrubs, vines, and/or other plant materials approved by the review authority shall be installed, permanently maintained and, if necessary, replaced, in compliance with the following standards, and the requirements of Chapter 17.34 (Landscaping Standards).

- a. A minimum of 15 percent of the entire site shall be landscaped.
- b. Boundary landscaping is required along all property lines abutting streets, except for driveways and where a pedestrian-oriented building facade is located at the back of the

sidewalk.

- c. Landscaped areas shall have a minimum width of eight feet, and shall be separated from abutting vehicular areas by a wall or curbing at least six inches higher than the abutting pavement.
 - d. Additional landscaping may be required by the Commission to screen the service station from adjacent properties.
 - e. All landscaping on the site shall be placed and maintained to provide safe sight distances for pedestrians and drivers.
- 6. Lighting.** Exterior lights, including canopy, perimeter, and flood shall be stationary, and shielded or recessed within the roof canopy to ensure that all light is directed downward and away from adjacent properties and public rights-of-way.
- a. Lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties, in compliance with Section 17.30.060 (Outdoor Lighting).
 - b. Lighting fixtures/lamps shall be the most energy efficient available, including florescent, compact florescent, low pressure sodium, high pressure sodium, or other lighting technology that is of equal or greater energy efficiency.
- 7. Signs and banners.** Signs, banners, and promotional flags shall comply with Chapter 17.38 (Signs).
- 8. Solid waste and recyclables storage.** The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements. Outdoor solid waste and recyclable storage areas shall be screened by a solid masonry wall with a height of six feet, or as approved by the review authority. The wall design, materials, and colors shall be compatible with the primary structures on the site, as determined by the review authority.

E. Building design standards. Each new service station shall comply with the following standards.

- 1. Architectural character.** Subject to the requirements of Development Review, service station architecture shall fit with the existing or intended character of the surrounding area as determined by the review authority.
- 2. Bay orientation.** No service bay opening shall face a public street.
- 3. Pump island canopies.** Any pump island canopies shall be attached to the building.
- 4. Restrooms.** Each service station shall maintain one or more restrooms available for use by the general public without charge. Restroom entrances shall be screened from the view of the public right-of-way.

G. Accessory uses. The following appurtenant uses are prohibited unless specifically allowed as part of Use Permit approval.

- 1. Restriction on outdoor activities.** Outdoor activities on a service station site shall be limited to fueling, replenishing air, water, oil and similar fluids, and the replacement of minor parts (e.g., lamp bulbs, wiper blades, and other similar items) requiring only the use of small hand tools while a vehicle is being serviced at the pump island. Where minor auto repair is permitted by Article 2,

all repair activities shall occur entirely within an enclosed structure.

2. **Outdoor storage, display, and vending.** There shall be no outdoor display of equipment or merchandise, except that one or more outdoor storage and display cabinets or enclosures other than the primary structure may be approved by the review authority, provided that their combined total area shall not exceed 50 square feet. The construction and finish of storage and display cabinets shall be compatible with the primary structures on the site, as determined by the review authority. Outdoor storage and display cabinets may be used only for the display and sale of brake fluid, gasoline additives, oil, transmission fluid, windshield wipers and fluid, and other similar merchandise. The outdoor storage of tires shall be prohibited. No outdoor vending machines are allowed.
3. **Vehicle parking.** Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys.
4. **Tow truck operations.** Where tow truck operations are approved as part of a service station by the review authority, no abandoned, disabled, junked, wrecked, or otherwise non-operational motor vehicles shall remain on site for more than five days, and shall be stored entirely within an enclosed structure.
5. **Convenience sales - Parking.** Where allowed, convenience shopping (the sale of beer and wine, other drinks, food, and/or other merchandise) shall be provided off-street parking in compliance with Chapter 17.36 (Parking and Loading).
6. **Prohibited accessory uses.** The following uses are prohibited.
 - a. The rental, sale, or storage of garden supplies, tools, trailers, travel trailers, vehicles, and other similar materials and merchandise, except the short term storage of vehicles allowed in compliance with Subsection G.4 (Tow truck operations), above.
 - b. Incidental uses such as pinball or video game machines, pool tables, or laundry facilities.
 - c. The display of vehicles for sale.

H. Removal of tanks upon cessation or change of use. If, for any reason, a service station ceases to sell gasoline for more than 115 out of 120 days, all gasoline pumps and signs shall be removed from the site and all gasoline storage tanks shall be removed or treated in compliance with Federal and State regulations, subject to the approval of the Fire Department.

17.44.210 - Single Dwellings

Single dwellings, including mobile/manufactured homes permitted in compliance with Government Code Section 65852.3 in residential and neighborhood zones shall comply with the following design standards. These requirements do not apply to mobile/manufactured homes within mobile home parks, unless these requirements are included in the conditions of approval of a mobile home park.

A. Design and development standards.

1. **Facade width.** The street-facing facade of each single dwelling shall be a minimum of 20 feet wide, exclusive of garage.
2. **Exterior materials.** Exterior materials shall conform to the standards of the Grass Valley Building Code.
3. **Foundations.** Foundations shall be along the perimeter of the structure and be of concrete or masonry material. Exterior materials shall extend to the foundation.

4. **Roof design and materials.**
 - a. Roofing materials shall comply with the Building Code.
 - b. Each roof shall have a pitch of no less than three inches of vertical rise for each 12 inches of horizontal run.
 - c. Each roof shall have eave and overhangs of not less than one foot measured from the vertical side of the structure.
5. **Parking requirements.** Each single dwelling shall provide off-street parking in compliance with Chapter 17.36 (Parking and Loading Standards). A carport or garage shall be constructed with exterior materials and treatment similar to the primary structure.
6. **Infill facade design.** Exterior facades for infill development shall be visually compatible with the dominant architectural theme of the neighborhood, as determined by the review authority.
7. **Landscaping.** Landscaping shall be compatible with the surrounding neighborhood, as determined by the review authority.

B. Determination of compatibility. The determination of compliance with the standards of this Section shall be by the Director, who shall issue a certificate of compatibility prior to issuance of the Building Permit. In the event that one or more of the standards of this Section are not met, the applicant may submit an example of a substitute treatment for review. The Director shall then determine whether the alternative is compatible with the subject neighborhood, and if an affirmative finding is made, the certificate of compatibility shall be issued. If the alternative is rejected, the Director's decision may be appealed to the Commission.

17.44.220 - Warehouse Retail

Warehouse retail uses shall comply with the following standards, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. **Site planning.** Project site planning shall emphasize pedestrian-oriented features, even though most customer trips to these facilities may be by auto.
 1. The layout of buildings and parking on the site shall emphasize a strong relationship to adjoining streets, and encourage pedestrian circulation and access between the buildings and the street. Buildings shall be placed at the back of the sidewalk on streets with traffic speed limits less than 35 miles per hour and a pedestrian orientation, but may be located farther from a street with a curb-to-curb width greater than 45 feet. The placement of buildings shall also consider solar orientation, and the protection of outdoor pedestrian areas from wind.
 2. Site planning shall include an outdoor use area or focal point adjacent to major building entrance. The area shall provide public amenities such as a water feature, benches, landscaped areas, public square, etc. Projects with two or more structures shall group the buildings to define this space.
 3. Building walls visible from State highways shall be stepped instead of appearing as a single continuous plane, and allow for clusters of evergreen trees and other extensive plantings in the foreground.
- B. **Application requirements.** An application for a store proposed to be greater than 20,000 square feet shall include an economic analysis to evaluate and document market demand for the facility and potential impacts on existing businesses within the City.

C. Parking areas. Parking lots shall be designed to be equally pedestrian and vehicular oriented, as follows.

1. **Location and design of parking.** Parking shall not be the dominant visual element of a site. Large, expansive paved areas between the building and the street shall be avoided in favor of smaller multiple lots separated by landscaping or buildings, or located to the sides and rear of buildings. Where parking is allowed between a building and the street by Subsection A.1, no more than 25 percent of the parking required for a building may be located between the building and the street.
2. **Landscaping.** Parking areas shall include substantial landscaping, including trees planted in an "orchard" layout. Extensive landscaping throughout parking areas and the site is required because landscaping can soften the appearance of large structures, assist in energy conservation by reducing heat gain by buildings adjacent to large asphalt areas, and make walking on the site more pleasant for pedestrians.
3. **Pedestrian routes.** Safe and direct pedestrian routes shall be provided through parking areas to primary entrances, and designed as noted under "Pedestrian Circulation."
4. **Overflow and employee parking.** Where appropriate because of site characteristics, surrounding land uses, and project site planning, parking areas intended for employees and peak-season overflow may be allowed to have screening perimeter landscaping only, with no internal plantings, provided that these parking areas are located behind the main structures and not readily visible from streets or residential areas.
5. **Shopping carts.** Parking areas shall include shopping cart corrals where carts can be dropped-off without obstructing vehicle, bicycle, or pedestrian traffic movement, or being left in landscape planter areas.

D. Pedestrian circulation and amenities.

1. Sidewalks at least eight feet in width shall be provided along all sides of the lot that abut a public street.
2. Sidewalks shall be provided along the full length of the building along any facade with a customer entrance, and along any facade abutting a parking area. The sidewalks shall be located at least six feet from the facade to provide area for landscaping, except where the facade incorporates pedestrian-oriented features such as pedestrian entrances or ground floor windows. Sidewalks shall be eight feet wide, exclusive of any area planned for outdoor display or storage. The sidewalks shall have wells for canopy trees at 30-foot intervals along the sidewalk edge adjacent to parking areas or vehicle access ways, so that the combination of building wall, sidewalk, and trees provide an enhanced pedestrian experience.
3. Pedestrian walkways within the site shall be provided a weather protection feature such as an awning within 15 feet of all customer entrances, which shall also cover nearby short-term bicycle parking.
4. Pedestrian walkways within the site shall be distinguished from driving surfaces through the use of special pavers, bricks, or colored/textured concrete to enhance pedestrian safety and the attractiveness of the walkways. Pedestrian circulation in parking areas shall be parallel to traffic flow toward building entrances, and separated from drive aisles within 50 feet of entrances. Sidewalk landings shall be provided and extended between parking spaces where needed to connect pedestrians to walkways.
5. Clearly demarcated and direct pedestrian routes shall extend from peripheral public sidewalks and

transit stops to the sidewalks that front commercial outlets. These routes shall be distinguished from driving surfaces by using contrasting pavement materials.

E. Building design. Building design shall be site-specific, and incorporate design themes and features reflecting Grass Valley's character and history. Building details shall relate to the scale of pedestrians as well as passing motorists.

- 1. Entrances.** Each side of a principal building facing a public street shall provide at least one customer entrance. Where a principal building directly faces more than two abutting streets, this requirement shall apply only to two sides of the building. The use of a corner entrance will satisfy the entrance requirement for only one side of the building.

Customer entrances shall be clearly defined and highly visible, with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.

- 2. Exterior wall materials.** Predominant exterior building materials shall be of high quality. Examples of these materials include brick, wood, stone, tinted/textured stucco, and tile accents. Smooth or split-faced concrete masonry units, tilt-up concrete panels, or prefabricated steel panels shall generally be avoided for expansive wall surfaces, but may be appropriate in limited areas as building accents.

- a. Building walls shall incorporate the same quality and level of detail of ornamentation on each elevation visible from a public right-of-way.

- b. Building facade details and materials shall be authentic, and integrated into building design, and shall not be or appear as artificial "glued/tacked-on" features, such as trellises that do not support plant materials, encouraging the perception of low quality.

See also Subsection D.3.c below regarding wall design details.

- 3. Wall design.** All building walls, especially those visible from public roadways or residential areas shall be designed to break up the appearance of a box-like structure.

- a. Facade articulation.** Include extensive facade articulation in the form of horizontal and vertical design elements to provide variations in wall plane and surface relief, including providing a variety of surface textures, recesses and projections along wall planes. Facades greater than 100 feet in length shall incorporate recesses or projections at least 20 feet deep along at least 30 percent of the length of the facade. These recesses or projections shall accommodate secondary uses/liner shops, and/or reflect the different internal functions of the store.

- b. Ground floor windows.** Ground floor windows are required, which may either provide pedestrians with views into the building, or be display windows.

- c. Design details.** A variety of building and wall features shall be used, in ways that avoid a cluttered appearance. These may include varying colors, reveals, an external wainscot or bulkhead at the building base to reduce apparent bulk, cornices and parapet details, and moldings. The features shall employ a variety of materials as appropriate for the architectural style. See also Subsection D.2 above regarding exterior materials.

Bulkheads shall be constructed of a durable material other than stucco, such as tile, brick, rock, or pre-cast concrete. Windows, awnings, and arcades shall total at least 60 percent of the facade length abutting a street.

- d. Corporate identification.** Colors or logos identified with an individual company shall be

employed as building accent features, and not used as the main or dominant architectural feature of any wall.

4. **Vertical wall articulation.** The height of building walls facing streets or on-site pedestrian areas shall be varied so that the vertical mass is divided into distinct, human-scaled elements.
 - a. Except on a pedestrian-oriented public street where buildings are at the back of the sidewalk, structures over 20 feet in height (typical for structures of two stories or more) shall step-back the building mass at least five feet for the portions of the structure above 14 feet (or the height where an actual second story begins) to provide visual variation.
 - b. The facade of the areas stepped-back above the actual or apparent first floor shall include detailed building articulation with windows, eaves, and decorative details such as tiles, wood trim, etc. as appropriate.
 5. **Roof lines.** The roof lines shall also be varied to break up the mass of the building. Pitched roofs with roof overhangs proportional to the scale of the adjoining building wall are encouraged. Major roof-mounted equipment shall not be visible from off the site. Cornices and decorative parapets shall be utilized to conceal flat roofs and to screen any roof-mounted mechanical equipment. The height of mechanical equipment shall not exceed that of the parapets or other roof features intended to screen the equipment. The Director may require enclosures, blinds, or other architectural treatment to screen roof equipment visible from residences or public areas.
 6. **Location of secondary uses.** Secondary uses or departments including pharmacies, photo finishing/development, snack bars, dry cleaning, offices, storage, etc., shall be oriented to the outside of the building by projecting them outward or recessing them inward. This includes providing the individual uses with separate entrances and windows facing the outside of the building. The intent is to break up the appearance of the large, primary building with more human-scale elements. Food courts/bars shall provide indoor and sheltered outdoor eating areas with tables, chairs, umbrellas, etc.
 7. **Design continuity.** Large-scale retail projects shall incorporate elements to visually unify the buildings and signage without creating monotony. Buildings on separate pads shall maintain the overall architectural character of the site.
- F. **Loading areas.** Loading docks, trash collection areas, outdoor storage, and similar facilities shall be incorporated into the overall design of the building and landscaped, so that the visual and acoustic impacts of these functions are fully contained, and out of view from adjacent properties and streets. Any screening materials shall be of the same quality and appearance as those used on the building itself.
- G. **Landscaping.** Landscaping that complements and is in scale with the building shall be provided adjacent to structures. Landscaping shall include evergreen trees, shrubs and ornamental landscaping (and berms where appropriate) with all landscape areas having a minimum width of six feet. Landscaping shall be used to create a focal point near front building entrances. Sidewalks and other walkways shall also be integrated with landscape areas around building base and in parking lot areas. Trees shall be planted in notable clusters within larger planting areas, and not exclusively in lines along building facades.

CHAPTER 17.46 - TELECOMMUNICATIONS FACILITIES

Sections:

- 17.46.010 - Purpose
- 17.46.020 - Definitions
- 17.46.030 - Applicability
- 17.46.040 - Permit Requirements
- 17.46.050 - Limitations on Location
- 17.46.060 - Facility Design and Development Standards
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- 17.46.080 - Discontinuance and Removal, Financial Security

17.46.010 - Purpose

This Chapter establishes development standards consistent with Federal law to: regulate the placement and design of communication facilities so as to preserve the unique visual character of the City, promote the aesthetic appearance of the City, and to ensure public safety and welfare; pursue additional benefits from the facilities to the public by encouraging the leasing of publicly owned properties where feasible for the development of communication facilities; and to acknowledge and provide the community benefit associated with the provision of advanced communication services within the City.

17.46.020 - Definitions

The technical terms and phrases used in this Chapter are defined in Article 10 (Glossary) under "Telecommunications Facilities."

17.46.030 - Applicability

The location, permit requirements, and other provisions of this Chapter shall apply to all communications facilities within the City, except the following, which are exempt from this Chapter. All communication facilities shall also comply with all applicable requirements of State and Federal law.

- A. Replacement or modification of previously permitted facilities or equipment determined by the Director to be of a minor nature that does not increase the number or height of antennas or significantly change or enlarge the ancillary related equipment at the site.
- B. An antenna that is one meter (39.37 inches) or less in diameter or diagonal measurement, that is designed:
 - 1. To receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Code of Federal Regulations Title 47, and any interpretive decisions thereof issued by the Federal Communications Commission; or
 - 2. For subscribing to a multipoint distribution service.
- C. A satellite earth station (SES) antenna of two meters (78.74 inches) or less in diameter or diagonal measurement, located in a commercial or industrial zone, that is designed to transmit or receive radio communications by satellite or terrestrial communications antenna. These antennas may require a Building Permit and approval of the placement by the Director to ensure maximum safety is maintained. In order to avoid tripping hazards and the creation of an attractive nuisance, these antennas shall be placed whenever possible, on the top of buildings as far from the edge of rooftops as possible.

17.46.040 - Permit Requirements

A. **Use Permit or Minor Use Permit.** Use Permit approval is required for all communication facilities subject to this Chapter, except for the following, which shall require Minor Use Permit approval. The Director shall ensure through the Minor Use Permit approval that each of the following facilities complies with all applicable requirements of this Chapter. The Director may also choose to defer action and refer any of the following facilities to the Commission for consideration as a Use Permit application.

1. An antenna that is installed and maintained on an existing structure and is:
 - a. Under the roofline or above, behind, and below an existing approved roof screen and does not extend above the highest point of the structure; or
 - b. Camouflaged within an existing structure so as not to be visible from a public right-of-way or other property; or
 - c. Architecturally blended into the structure.
2. A communication facility in which the antenna is mounted on a mast less than 10 feet high, is not located on an historic structure, and is not visible from a public right-of-way.
3. An antenna that is co-located on an existing telecommunications tower.
4. An amateur and/or citizens band antenna operated by a person holding a license issued by the FCC in compliance with 47 C.F.R. Part 97, and used solely in connection with that license, and which shall be subject to the "minimum practicable regulation to accomplish the local authority's legitimate purpose," in keeping with the order of the FCC known as "PRB-1," FCC 85-506, released September 19, 1985; provided that there shall be no more than one antenna support structure on a single parcel and that the antenna structure complies with the height limits of the applicable zone.

B. **Application requirements.** In addition to the information required for Use Permit or Minor Use Permit application by Chapter 17.70 (Permit Application Filing and Processing) the application for a communication facility shall include:

1. **Map of future service needs.** A map showing planned and/or anticipated future needs of wireless communication services within and throughout the County. In addition to the map, the applicant shall explain the basis for the projected service requirements. To the extent feasible, planned and anticipated needs for future wireless communication facilities shall be forecasted for a minimum of two years following the date of application for a new wireless communication facility. An applicant not able to submit planned and/or anticipated needs forecasted for two years shall explain why it is not feasible to do so. The applicant shall also supply a "search ring" within which their new facilities and associated communications equipment must be sited, and shall explain the criteria used to establish the "search ring" and the constraints of siting facilities outside of it.
2. **An alternative site analysis.** An alternative site analysis detailing the specific steps undertaken to determine the applicant's selection of a particular project site and its relationship to the location preferences prescribed in this Chapter. The analysis shall include a radio propagation model for each carrier, or carriers if the monopole/towers are for multiple users. The alternative analysis shall include the following information:
 - a. A topographical map of the proposed local service area and which identifies the local network facilities with which the proposed site will interconnect;

- b. Identification of all other existing structures which might provide an opportunity for attached antenna facilities;
 - c. Identification of service gaps in the proposed service area, or areas of high usage requiring in-fill of existing service areas; and
 - d. A technical report discussing why alternatives would not be feasible for use as a communications site. This may include construction, interconnect, utility or other factors precluding development of the property or facility as a suitable site.
3. **Certification of compliance with standards.** Certification acceptable to the Director that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to electromagnetic and/or radio frequency radiation.
 4. **Report on potential interference with emergency service provider communications.** A report, as required by the Police Department, to evaluate the potential for interference (e.g., HF, UHF, VHF, 800 MHz). The applicant shall be responsible for paying any costs incurred by the City, including the costs of retaining consultants, to review and analyze the report.
- C. **Master Use Permit.** A service provider who intends to establish multiple wireless telecommunications facilities within the City is encouraged to apply for the approval of all facilities under a Master Use Permit. Under this approach, all proposed facilities may be acted upon by the City as a single application, ensuring feasibility of long range company projections.
- D. **Communications consultant may be required.** In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a communications consultant may be requested to determine the engineering or screening requirements of establishing a specific wireless communications facility. This service will be provided at the applicant's expense.
- E. **Required findings for approval.** The approval of a Use Permit or Minor Use Permit for a communication facility shall require that the review authority first make the following findings, in addition to those required for Use Permit approval by Section 17.72.060 (Use Permit and Minor Use Permit):
1. The height of the tower is the minimum necessary to meet the technical requirements of the proposed wireless communication system;
 2. The applicant has agreed to accept proposals from future applicants to co-locate at the approved site;
 3. The project as proposed is necessary for the provision of an efficient wireless communication system;
 4. The communication facility will not adversely impact the character and aesthetics of any public right-of-way; and
 5. The communication facility complies with all applicable requirements of this Chapter.

17.46.050 - Limitations on Location

- A. **Zone priorities.** A communication facility shall be not be approved or located within other than the P (Public) zone; except that the review authority may approve a facility within a commercial, industrial open space or recreation zone if it first determines that the applicant has demonstrated that all P zone options are infeasible, and that there is no site within a P zone where the communication facility would provide adequate coverage.

- B. Co-location required.** A new communication facility shall be co-located with existing facilities and with other planned new facilities unless it is determined not to be feasible, and whenever determined by the review authority to be aesthetically desirable. A service provider shall co-locate a new communication facility with non-communications facilities (e.g., light standards, water tanks, and other utility structures) where the review authority determines that this collocation will minimize the overall visual impact.
1. A service provider shall exhaust all reasonable measures to co-locate their communications facilities on existing towers or with or within existing ancillary support equipment facilities before applying for a new communication facility site.
 2. Each service provider shall provide the City with evidence that they have contacted all other potential providers who have, or who are reasonably likely to be installing facilities within the vicinity of the proposed facility and have offered to participate in a joint installation project on reasonable terms.
 3. In order to facilitate collocation, Use Permit conditions of approval for a new facility shall require each service provider to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site where determined by the review authority to be feasible and aesthetically desirable.
- C. Public or utility property.** A communication facility shall not adversely affect the public health, peace, safety or welfare. In order to best benefit the citizens of Grass Valley from this necessary community impact, the Commission shall always consider publicly owned or public/private utility sites as the highest priority for the location of communication facilities.

17.46.060 - Facility Design and Development Standards

Each proposed communication facility shall comply with the following standards; except that any standard may be modified or waived by the review authority upon a determination that effective signal reception and transmission will not occur if the facility complies with these standards.

- A. Facility placement.**
1. **Standards for all facilities.**
 - a. A roof-mounted antenna on a structure that complies with applicable height limits shall be set back from the nearest roof edge the equivalent of the height of the tower or a minimum of 10 feet, whichever is greater.
 - b. A ground-mounted communication facility (including towers and antennas) shall be located as far as possible from all property boundaries, and set back from the property line at a ratio of 1.5 horizontal feet for every one foot of height, where feasible.
 - c. A tower or antenna shall be set back from all property and public right-of-way lines by a minimum of 25 feet. No part of any tower shall extend into a required front setback or beyond a property line of the site.
 - d. Communication facilities other than towers and antennas shall be located either within a structure, underground, in a rear yard (not visible from a public right-of-way), or on a screened roof top area. Communications equipment may be located within a front or side setback or within a public right-of-way only if it is underground. See also Subsection D. (Visibility and screening), below.

2. **Facilities within commercial and industrial zones.** Within an industrial zone, a minimum distance of 500 feet shall be provided between towers, and there shall be no more than two towers on a single Assessor's parcel or developed site, unless the towers are located on a public facility as described in A.1, above.

B. Height limitations.

1. All ground mounted communication equipment, antennas, poles, or towers shall be of a minimum functional height.
2. The height of a communications tower shall be the minimum necessary to meet the technical requirements of the proposed communication system. A technical report and/or radio propagation model shall be submitted with each application and in compliance with Section 17.46.040.B.
3. The height of a communications facility located on a structure other than a dedicated support tower shall not exceed 20 feet above the highest point of the structure and shall at no time exceed the height allowed by the applicable zone.
4. An antenna mounted on the side of a structure shall not extend above the structure's parapet so that it is visible from below against the sky.

C. Colors and materials.

1. All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts.
2. Antennas attached to a structure shall be painted or otherwise treated to match the exterior of the structure or the antenna's background color.
3. A new freestanding tower shall be designed to appear as a native pine tree to the extent feasible.
4. All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the Director or shall be adequately secured to prevent graffiti.

- D. Visibility and screening.** All ground mounted equipment shall be sited in compliance with Subsection A.1.d above, and so that it will be screened by existing development, topography, or vegetation. Ground mounted facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.

- E. Additional screening and landscaping.** As part of project review, the Director, the Commission, or the Council (on appeal) may require additional screening and/or landscaping, undergrounding, an alternative color scheme, or relocation of a tower or ancillary equipment to a less obtrusive area of the site where it would have a less prominent visual presence due to slope, topography, size, or relationship to public right-of-ways.

- F. Power lines.** All power lines to and within a communication facility site shall be underground.

- G. Backup power supplies.** A backup power supply (i.e., generator) located in an industrial zone shall be enclosed within a structure and operated in compliance with Section 17.46.060.D (Visibility and screening). In any zone, ancillary power supplies and fuel storage tanks to support backup power supplies shall require Use Permit approval.

17.46.070 - Operation and Maintenance Standards

- A. Contact and site information.** The owner or operator of any facility shall submit and maintain current at all times basic contact and site information. The applicant shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:
1. Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility;
 2. Name, address, and telephone number of a local contact person for emergencies;
 3. Type of service provided; and
 4. Identification signs, including emergency phone numbers of the utility provider, shall be posted at all communication facility sites.
- B. Facility maintenance.** All communication facilities and related equipment, including lighting, fences, shields, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed by the service provider from any facility or equipment as soon as practicable, and in no instances more than 48 hours from the time of notification by the City.
- C. Landscaping maintenance.** All trees, foliage, and other landscaping elements on a communication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping as promptly as reasonably possible. Amendments or modifications to the landscape plan shall require approval by the Director. The Commission may also require a landscape maintenance agreement.
- D. Noise.** Each communication facility shall be operated so as to minimize the generation of noise that is audible from off the site. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
- E. Site inspection required.** Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards identified in this Chapter.
- F. Exterior lighting.** Any exterior lighting shall be manually operated and used only during night maintenance or emergencies, unless otherwise required by applicable Federal law or FCC rules. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Light fixtures shall be low wattage, hooded, and downward directed.

17.46.080 - Discontinuance and Removal, Financial Security

The carrier and/or successor in interest shall properly maintain and ultimately remove the approved wireless communication facilities as required, in compliance with this Chapter and any conditions of permit approval.

- A. Inoperative facility removal required.** All equipment associated with an approved communication facility shall be removed within 30 days of the discontinuance of the use and the site shall be restored to its original pre-construction condition, subject to the approval of the Director. The service provider shall provide the City with a notice of intent to vacate a site a minimum of 30 days before site vacation. This removal requirement, and appropriate bonding requirements shall be included in the terms of a lease for a facility on public property. A private lease for a facility located on private property is encouraged to include terms for equipment removal, because the property owner shall be ultimately responsible for removal of the equipment.
- B. Financial security requirement.** The carrier shall post a financial security acceptable to the City to ensure that approved facilities are properly maintained, and guarantee that the facilities are dismantled and removed from the premises and the site reclaimed if it has been inoperative for a one-year period, or upon expiration of the permit. Financial assurance shall be an amount determined by a California licensed engineer, and approved by the Commission, and shall cover the costs associated with the demolition, removal, and reclamation of the facility site in the event the carrier abandons operations.

