

CHAPTER 1. PURPOSE AND APPLICABILITY

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1.10 Title

Sections:

- 1.10.010 - Title
- 1.10.020 - Zoning Map

1.10.010 Title

- A. Article IX of the City of Grover Beach Municipal Code shall be known and may be cited as "The City of Grover Beach Development Code" or "the Development Code". Within this Title, it may also be known as "this Development Code" or "these regulations."
- B. The Zoning Map that is a part of this Development Code shall be known as the "Zoning Map of the City of Grover Beach" (hereafter "Zoning Map") (See Section 1.10.020 (Zoning Map)).
- C. Article IX and the Zoning Map shall be subject to change from time to time as may be determined by the City Council.

1.10.020 Zoning Map

- A. **Adoption.** The City of Grover Beach (City) is hereby divided into zones, as shown on the Zoning Map of the City of Grover Beach which, together with all explanatory notes provided on the Zoning Map, is adopted by reference and declared to be a part of this Development Code. The Zoning Map shall be kept on file in the office of the Community Development Director (Director).
- B. **Determination of Zone Boundaries.** If the exact boundaries of a Zone cannot be readily or exactly ascertained by reference to the Zoning Map, the boundary shall be deemed to be along the nearest street or lot line. If a Zone boundary line divides or splits a lot, the lot shall be deemed to be included within the Zone that is more restrictive. The provisions of the Section shall not apply to acreage as determined by the Director.
- C. **Zone Boundary or Classification Changes**
 - 1. Changes in the boundaries of Zones shall be made by ordinance in the manner provided in Section 7.30 (Amendments). Zone changes shall be identified by either Assessor's Parcel Number (APN), diagram, lot and block number, or by metes and bounds.
 - 2. If, in compliance with the provisions of the Development Code, changes are made in zone boundaries, zone classifications, or other matters set forth on the Zoning

Map, such changes shall be entered on the Zoning Map within 30 days following the effective date of the ordinance adopting the change.

- D. **Maintenance of Zoning Map.** The Zoning Map shall be maintained in electronic format by the Community Development Department (Department), as authorized by the Director.
- E. **Copies of the Zoning Map.** Paper copies of the Zoning Map shall be certified as true and correct by the Director. Electronic copies of the Zoning Map shall not be certified as true and correct.

1.20 Purpose and Applicability

Sections:

- 1.20.010 - Purpose of the Development Code
- 1.20.020 - Authority for the Development Code
- 1.20.030 - Responsibility for Administration
- 1.20.040 - Applicability of Development Code
- 1.20.050 - Rules of Interpretation
- 1.20.060 - Relationship to General Plan and Local Coastal Program

1.20.010 Purpose of the Development Code

- A. The City of Grover Beach Development Code carries out the policies of the City of Grover Beach General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. This Development Code is adopted to protect and promote the public health, safety, and general welfare of residents and businesses in the City. More specifically, the purposes of the Development Code are to:
1. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in improving the character and community identity of Grover Beach;
 2. Ensure development is of human scale, pedestrian-oriented and compact where appropriate, and designed to create attractive streetscapes and pedestrian spaces;
 3. Provide for a mixture of land uses, pedestrian-oriented development, safe and effective traffic circulation, and adequate on- and off-street parking facilities;
 4. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population; and
 5. Ensure compatibility between different types of development and land uses.

1.20.020 Authority for the Development Code

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

1.20.030 Responsibility for Administration

- A. **Responsible Bodies and Individuals.** This Development Code shall be administered by the Grover Beach City Council (Council), the Grover Beach Planning

Commission (Commission), the Community Development Director (Director), and the Public Works Director/City Engineer.

- B. **Exercise of Discretion.** In the event that a provision of this Development Code allows for the exercise of discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:
1. The decision is consistent with the General Plan.
 2. The proposed development complies with all applicable provisions of this Development Code and all other applicable City standards; and
 3. The exercise of discretion will act to ensure the compatibility of the proposed development with its site, surrounding properties, and the community.

1.20.040 Applicability of Development Code

In addition to all applicable federal, State, and local laws and regulations governing land use and development, this Development Code applies to all land within the City, as follows:

- A. **New Land Uses or Structures, Changes to Land Uses or Structures.** No building, structure, or land shall be used or occupied, and no building, structure, or land shall be constructed, replaced, occupied, enlarged, or altered, nor shall any applicable permit be issued unless in conformity with all the provisions of this Development Code for the zone in which it is located and other applicable regulations except as provided in Section 7.40 (Nonconforming Uses, Structures, and Lots).
- B. **Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Development Code shall be consistent with the minimum lot size requirements of Chapter 2 (Zones and Allowable Land Uses), Chapter 3 (Standards for All Development and Land Uses), and all applicable requirements of this Development Code.
- C. **Minimum Requirements.** The provisions of this Development Code shall be the minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Development Code, as may be determined by the Review Authority to be necessary to promote appropriate land use and development, environmental resource protection, and other purposes of this Development Code.
- D. **Property Owned by Federal or State Agencies.** The provisions of this Development Code shall not apply to property owned by the United States of America or any of its agencies, nor to the State of California or to any local agency not required to comply with this Development Code by State law when the proposed use or structure is for a governmental purpose. All exempt agencies are encouraged to design any new developments in compliance with the standards set forth in this

Development Code and to cooperate in meeting the goals and objectives of this Development Code and the General Plan.

E. Conflicting Requirements:

1. Development Code requirements. If different requirements within this Development Code conflict, the provisions of Chapter 2 (Zones and Allowable Land Uses) control over Chapter 3 (Standards for All Development and Land Uses), and the provisions of Chapter 4 (Standards for Specific Development and Land Uses) control over Chapters 2 and 3. Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program. (Am. Ord. 14-04)
2. Development Code and Municipal Code provisions. If a conflict occurs between requirements of this Development Code and requirements of the City of Grover Beach Municipal Code, or other regulations of the City, the most restrictive shall apply.
3. Development agreements or specific plans. If a conflict occurs between the requirements of this Development Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
4. Private agreements. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development, land use, or land than a private agreement or restriction (for example, "Covenants, Conditions and Restrictions" (CC&Rs).

F. Effect of Development Code changes on projects in progress.

1. A development permit application that has been accepted by the Department as complete in compliance with Subsection 6.10.040 (Application Review) before the effective date of this Development Code shall be processed in compliance with the standards in effect when the application is accepted as complete.
2. A project that has been approved by the City but is not yet under construction on the effective date of this Development Code or any amendment need not be changed to satisfy any new or different requirements of this Development Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.
3. A project that is under construction on the effective date of this Development Code or any amendment need not be changed to satisfy any new or different requirements of this Development Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.

- G. Other requirements may apply.** Nothing in this Development Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State or Federal agency.

1.20.050 Rules of Interpretation

- A. **Authority.** The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission or Council for their determination.
- B. **Language.** In addition to the general provisions of this Development Code, the following rules of construction shall apply:
1. The particular controls the general.
 2. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory.
 3. “Should” is not mandatory but is strongly recommended; and “may” is permissive.
 4. The words “includes” and “including” shall mean “including but not limited to . . .”.
 5. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - a. “And” indicates that all connected words or provisions shall apply.
 - b. “Or” indicates that the connected words or provisions may apply singly or in any combination.
 - c. “Either . . . or” indicates that the connected words or provisions shall apply singly but not in combination.
 6. References to departments, divisions, sections, commissions, boards, or other offices are to those of the City unless otherwise indicated.
 7. References to a public official in the City are to that person who performs the function referred to and includes a designee of such official.
 8. All references to measurements are in feet unless otherwise indicated.
- C. **Time limits.** Whenever a number of days is specified in this Development Code, or in any permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a day City Hall is closed.
- D. **Calculations of fractions.** Any fraction greater than or equal to 0.50 shall be rounded up to the nearest whole number unless otherwise indicated in this Development Code. Any fractional unit less than 0.50 shall be rounded down to nearest whole number unless otherwise indicated in this Development Code.
- E. **Zoning Map boundaries.** See Section 1.10.020 (Zoning Map).
- F. **Allowable uses of land.** See Chapter 2 (Zones and Allowable Land Uses).
- G. **State law requirements.** Where this Development Code references applicable provisions of State Law (for example, the California Government Code, Subdivision

Map Act, or Public Resources Code), the reference shall be construed to be the applicable State law provisions as they may be amended from time to time.

- H. **Conflicting requirements.** See Subsection 1.20.040.E (Conflicting Requirements).

1.20.060 Relationship to General Plan and Local Coastal Program

- A. **Consistency with General Plan and Local Coastal Program (LCP).** This Development Code is a primary tool used by the City to carry out the goals, objectives, and policies of the Grover Beach General Plan, and Local Coastal Program (LCP). The Grover Beach City Council intends that all provisions of this Development Code be consistent with the General Plan and Local Coastal Program. Any land use, subdivision, or development approved in compliance with these regulations shall also be consistent with the General Plan and Local Coastal Program. (Am. Ord. 14-04)
- B. **LCP provisions.** The following provisions of this Development Code constitute the City's ordinances for the implementation of the Grover Beach LCP, in compliance with the California Coastal Act:
1. Chapter 1 - Purpose and Applicability. All Sections.
 2. Chapter 2 - Zone and Allowable Land Uses. Section 2.10 that affects the CPR1, CR1, CR2, CR3, CVS, CC, CI, CIC, CGC, COS, CPB and CVB zones; Section 2.20 that affects the CPR1, CR1, CR2 and CR3 zones; Section 2.30 that affects the CVS and CC zones; Section 2.40 that affects the CI and CIC zones; Section 2.70 that affects the CGC, COS, CPB, and CVB zones; and Section 2.90 Overlay Zones.
 3. Chapter 3 - Standards for All Development and Land Uses. All Sections.
 4. Chapter 4 - Standards for Specific Development and Land Uses. All Sections.
 5. Chapter 5 - Site Development Regulations. All Sections.
 6. Chapter 6 - Procedures. Sections 6.10, 6.20.040, 6.20.050, 6.20.100, and 6.30.
 7. Chapter 7 - Administration. All Sections.
 8. Chapter 8 - Subdivision Regulations. All Sections.
 9. Chapter 9 - Definitions. All Sections.