



CITY OF CHICO OFFICIAL PLANNING DIRECTOR INTERPRETATION

(Section 19.02.020 Procedures for interpretation of the Chico Municipal Code)

Applicable Code Section(s): **Section 19.02.020 Rules of interpretation E (2): Applicable Standards and Permit Requirements. This Interpretation amends Table 4-2 (Allowed Uses and Permit Requirements for Residential Zoning Districts) of Title 19.**

Discussion: The referenced Table provides for a number of non-residential uses in the RD (Downtown Residential) zoning district. The purpose of the RD zoning district is to provide for a range of low to high density residential intermixed with some ground floor office and retail uses. In some cases, these uses are Principally Permitted (e.g., pharmacies under 4,000 square feet, and restaurants under 2,500 square feet). These same uses are likewise Principally Permitted in the CN (Neighborhood Commercial) zoning district. A footnote to the CN District, however, stipulates that when proposed with 24-hour operation or amplified music within 300 feet of a residential district, a Use Permit is required. This footnote is absent from the RD District table. The absence of the footnote may be interpreted to mean that 24-hour operation of a smaller pharmacy or restaurant with amplified music would be Principally Permitted in what is primarily a residential zoning district.

In order to ensure that residential uses in the RD zoning district are afforded the same protections from the potential impacts associated with 24-hour businesses and amplified music as residential uses in residential zones, an interpretation of the code which would in effect apply the Commercial District footnote to the Table is needed.

By applying this footnote to Principally Permitted commercial uses in the RD District, the Interpretation would inherently allow such operating characteristics (i.e., 24-hour operation or amplified music) to be considered as part of a Use Permit request for any of the Conditionally Permissible uses in the RD zoning district.

Interpretation:

1. When involving 24-hour operation or amplified music, uses which would otherwise be Principally Permitted in the RD zoning district shall require Use Permit approval.
2. Conditionally Permissible uses in the RD zoning district may include 24-hour operation or amplified music as a component of their Use Permit.

This Official Interpretation is effective immediately.


Stephen Peterson, Planning Services Director

Date: June 9, 2008