

CITY OF CHICO
OFFICIAL PLANNING DIRECTOR INTERPRETATION



Authority: **Chico Municipal Code Section 19.02.030 (Procedures for interpretations)**

Applicable Code Sections: **Section 19.44.020, Table 4-6 (Allowed Uses and Permit Requirements for Commercial Zoning Districts).**

Discussion: A number of properties adjacent to Little Chico Creek, at the corner of W 9th and Hazel Streets, were acquired by the City over several decades for the purpose of creating a creekside park and greenway. The properties were never appropriately rezoned to an open space designation, and retain the CS Service Commercial zoning designation associated with their historic use. The proposed passive park and greenway use of the property falls within the definition of "Parks, Greenbelts, and Landscape Areas" as defined in CMC 19.04.020. This use is not allowed, either by right or subject to issuance of a use permit, in any commercial zoning district. However, the much more intense "Outdoor Commercial Recreation" is allowed in a number of commercial zoning districts, including CS, subject to issuance of a use permit.

There appears to be no public benefit in prohibiting passive parks and greenways on commercial property, when a use permit may be issued to authorize a miniature golf course or other similar outdoor recreation use. These two uses should be put on equal footing, pending rezoning of the subject property to an open space designation. Doing so would further general plan goals regarding increasing public access to creeks and providing greenways within the established urban fabric.

Interpretation:

"Parks, greenbelts, and landscape areas" shall be allowed in the OC, CN, CC, and CS zoning districts, subject to issuance of a use permit.

This Official Interpretation is effective immediately and will require an amendment to Title 19 Land Use and Development Regulations.



Mark Wolfe, Interim Planning Services Director

Date: November 12, 2009