

Chapter 28.37

PR - PARK AND RECREATION ZONE

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28.37.001 In General.

The Park and Recreation Zone is established in order to protect and preserve publicly owned park and beach lands for the benefit and enjoyment of present and future generations of residents and visitors. The zone is also established to promote uses of park lands which are compatible with the surrounding land uses and categories within which the respective parks are assigned and to encourage the protection of the City's open space through conservation and appropriate development. (Ord. 4919, 1995; Ord. 4169, 1982.)

28.37.005 Legislative Intent.

The purpose and intent of this zone is to establish categories of park and recreation facilities and/or land and establish an appropriate system of review for proposed uses, improvements and/or development. The regulations of this zone are designed to maintain and protect neighborhoods that are adjacent to parks and recreation facilities, while providing for the appropriate types and/or intensity of land use of parks and recreation facilities, for the benefit of the community. (Ord. 4919, 1995.)

28.37.007 Definitions.

A. **ACTIVE RECREATION.** Activities such as organized sports and drop-in sports, usually team oriented, which utilize equipment and are played on a field or court. Active Recreation includes, but is not limited to, soccer, football, swimming, baseball, softball, basketball, tennis, ultimate frisbee, volleyball and wheelchair football.

B. BALL FIELDS AND COURTS.

1. **Informal.** Informal Ball Fields are usually open grass areas with no field or court delineation, or only bases, players' benches and backstop. Fields are not scheduled for league or tournament play. No dugouts, bleachers or lighting are provided. May include basketball courts with pavement striping, but without lighting.

2. **Formal.** Formal Ball Fields are often lighted and may include dressed infield area, baselines, pitcher's mound for baseball, large backstops, dugouts, players' benches and bleachers. Soccer fields are delineated, include players' benches and goals and may include lighting. Formal indoor courts for volleyball, basketball and other organized sports are also included. Formal ball fields may also include related food concessions.

C. **COMMUNITY GARDEN.** A Community Garden is a piece of urban land that is made available to residents of the community who may not have private yard area that is adequate to plant and maintain a private garden. This land is made available for the purpose of planting small personal gardens and usually consists of several small plots that are assigned to individuals or groups of people and which may be subject to an annual rental fee.

D. **CONCESSION.** A Concession is a rental or lease of land or space in a building by the City to an operator of the following types of retail outlets: snack bar, restaurant, push cart and miscellaneous sundries and equipment rental that relate to the uses of the facility where the concession is located.

E. COMMUNITY MEETING ROOMS.

1. **Small Community Meeting Room.** A Small Community Meeting Room accommodates up to 75 people. Small Community Meeting Rooms may include food preparation areas and are used for meetings, seminars and small parties.

2. **Large Community Meeting Room.** A Large Community Meeting Room accommodates small or large groups of people. Large Community Meeting Rooms usually include food preparation facilities and may be used for large parties, banquets, dances and lectures.

F. LIGHTING.

1. **General Lighting.** General Lighting is used for security, safety or decorative purposes.

2. **Ball Field Lighting.** Ball Field Lighting is used to illuminate formal ball fields and courts in order to allow evening use of such facilities.

G. **MINOR BUILDINGS.** Buildings which are not used for recreation programming or meetings. Minor buildings include restrooms, storage buildings, equipment sheds and caretakers' residences.

H. **OUTDOOR GAME AREA.** A delineated area designed specifically, and meeting established criteria, for a game. Outdoor Game Areas include, but are not limited to, volleyball, lawn bowling, horseshoe pitching, tether ball, hopscotch and handball.

I. **PARKING AREAS.**

1. **Informal Parking Area.** Informal Parking Areas are unimproved, unpaved, include no striping or designated stalls and are not lighted. They may serve as overflow for an existing formal lot.

2. **Small Formal Parking Area.** Small Formal Parking Areas include ten (10) or fewer spaces and are paved, usually striped and sometimes lighted. They are subject to City standards outlined in Chapter 28.90 of this Title.

3. **Large Formal Parking Area.** Large Formal Parking Areas include more than ten (10) parking spaces and are paved, usually striped and sometimes lighted. They are subject to City standards outlined in Chapter 28.90 of this Title.

J. **PASSIVE RECREATION.** Activities that are engaged in by individuals or small groups, usually not dependent on a delineated area designed for specific activities. Passive Recreation includes, but is not limited to, hiking, bicycling, jogging, frisbee catch, bird watching, walking, picnicking and horseback riding.

K. **PICNIC AREA.**

1. **Individual Picnic Area.** Picnic tables generally set a minimum of ten feet (10') apart and intended for use by small groups requiring the use of only one (1) picnic table.

2. **Small Group Picnic Area.** A Small Group Picnic Area consists of picnic tables intentionally arranged to accommodate use by a group of up to thirty (30) people. Small Group Picnic Areas often include a single barbecue sized to accommodate a group meal.

3. **Large Group Picnic Area.** A Large Group Picnic Area consists of picnic tables intentionally arranged to accommodate use by more than thirty (30) people, which may be subject to reservation. Large Group Picnic Areas often include one or more barbecues and food preparation tables sized to accommodate a group meal.

L. **PLAYGROUND.** A playground is an area which includes, but is not limited to, swings, slides, climbing structures, sand play, spring riders and other play structures.

1. **Small Playground.** A Small Playground includes up to 4000 square feet of area.

2. **Large Playground.** A Large Playground includes 4001 or more square feet of area.

M. **TRAIL.** A Trail is a passageway for hikers, equestrians and/or bicyclists. Uses of individual trails shall be determined by the Parks and Recreation Director. (Ord. 4919, 1995.)

28.37.010 Procedure and Noticing.

A. **DESIGNATION OF PARKS BY CATEGORY.** The City Council shall adopt a resolution that designates or assigns all City parks and recreation facilities to one of the categories listed in §28.37.030. In addition, the resolution shall include an exhibit that summarizes review and approval procedures for park and recreation facility uses.

In the future, if a new facility is proposed to be designated or an existing facility assigned to another category, the Parks and Recreation Commission and Planning Commission shall make a recommendation on such a designation to the City Council. The City Council shall hold a noticed public hearing prior to making a decision on the proposed category designation and amending said resolution.

B. **PARKS AND RECREATION COMMISSION REVIEW.** The Parks and Recreation Commission, or City Council on appeal, shall review and may approve, conditionally approve or deny applications based upon the required findings specified in §28.37.025 for the following:

1. **Noticed Public Hearing.** For the following facilities, a noticed public hearing shall be required as outlined in Subsection E of this Section:

a. Additions to or new community buildings that may have the potential to impact the surrounding neighborhood due to a change in the intensity of use resulting in traffic, noise or lighting impacts.

b. Formal ball fields and courts.

c. Large playgrounds.

d. Large group picnic areas.

e. New community gardens.

f. New ball field lighting for previously unlit formal ball fields and courts.

g. New parking areas with more than 10 spaces or additions of more than 10 spaces to existing parking areas.

h. Child care centers.

i. Carousels and similar amusements.

j. Concessions.

2. **Public Meeting.** For the following facilities, a public meeting shall be held:

a. Informal ball fields and courts.

b. Small playgrounds.

c. Parking Areas/Improvements involving ten (10) or fewer spaces.

d. General Lighting, except new ball field lighting in previously unlit areas.

- e. Minor buildings, except temporary restrooms.
- f. Swimming and wading pools.
- g. Miscellaneous projects including but not limited to artwork, memorials and shade structures.

C. **PLANNING COMMISSION REVIEW.** The Planning Commission, or City Council on appeal, shall review and may approve, conditionally approve or deny applications based upon the required findings specified in §28.37.025 for the following:

1. **Projects that are located within or outside the Coastal Zone (S-D-3 Overlay Zone):**

- a. Additions to or new community buildings pursuant to Section 28.87.300 of this Title.
- b. New formal ball fields and courts.
- c. New swimming or wading pools.

2. **Projects that are located in the Coastal Zone.** Such projects that meet the definition of "development" as defined in Chapter 28.44 of this Title may require a noticed public hearing pursuant to said Chapter.

D. **DESIGN REVIEW.** Design review is required to the extent provided for by Chapters 22.22 (Historic Structures) and 22.68 (Architectural Board of Review) of this Code.

E. **NOTICING.** The public notice for projects specified above in Subsections A, B.1 and C of this Section shall be mailed and posted at least ten (10) days prior to the hearing date and shall include the following:

- 1. Posting of signs at all park entrances and along adjacent streets at a sign spacing interval of 150 feet; and
- 2. Mailed notice to all property owners within 300 feet of the park property shall be required if the project involves a new park or recreational facility or changes to an existing Sports Facility or Regional Park, as defined in §28.37.030 of this Chapter. If the proposed project involves changes to any other existing park or recreation facility, mailed notice shall be provided to all property owners within one hundred feet (100') of the park or recreation facility property.

F. **APPEAL - NOTICE OF HEARING.** Decisions by the Park and Recreation Commission or the Planning Commission are appealable to the City Council pursuant to Section 1.30.050 of this Code. If noticing was required pursuant to Subsection E of this Section before either the Parks and Recreation Commission or the Planning Commission, such notice shall also be provided as delineated in said Subsection E for the hearing on the appeal.

G. **COMMUNITY DEVELOPMENT DIRECTOR REVIEW.** Determinations as to whether a use or a change in the intensity of use is allowed in a particular park category and the appropriate review process shall be made by the Community Development Director. (Ord. 5380, 2005; Ord. 5136, 1999; Ord. 4919, 1995; Ord. 4849, 1994; Ord. 4701, 1991; Ord. 3944, 1978; Ord. 3646 §1, 1974.)

28.37.025 Findings.

The Parks and Recreation Commission and/or Planning Commission, where applicable, or City Council on appeal, shall review and make the following findings when approving or denying a project pursuant to §28.37.010.B and §28.37.010.C:

- A. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors;
- B. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood;
- C. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties;
- D. That the intensity of park use is appropriate and compatible with the character of the neighborhood;
- E. That the proposed park and recreation facilities are compatible with the scenic character of the City; and
- F. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location. (Ord. 4919, 1995.)

28.37.030 Uses Permitted by Category.

A. The following categories of park and recreation facilities reflect the diversity of such facilities within the community. Parks and recreation facilities with similar use characteristics have been grouped into the following categories to establish an orderly system of inventory and allowed uses within the respective categories and to make property owners aware of the uses allowed in such nearby facilities.

- 1. **UNDEVELOPED PARKLAND.** The future use of these undeveloped parklands has not been determined. These are properties that the City owns that may or may not be appropriate for parks and/or recreation use.
- 2. **OPEN SPACE.** This land is intended to be protected and managed as a natural environment with passive recreation usage and minimal development.

3. **PASSIVE PARK.** These are developed parks of natural, cultural or ornamental quality suited to passive outdoor recreation such as bird watching, walking and picnicking.

4. **NEIGHBORHOOD PARK.** These are small parks that typically serve a limited geographic area and nearby population.

5. **BEACH.** These are areas that provide access to the ocean and sand areas for passive and active recreation.

6. **COMMUNITY PARK.** These multi-use parks are usually larger than Neighborhood Parks. These are parks where special, pre-arranged activities and special events and functions occur. These are specialized facilities that serve a concentrated or limited population or specific group from a wide geographic area of the City.

7. **SPORTS FACILITIES.** These are outdoor facilities where intense recreational activities and organized sports and tournaments occur and which may include related buildings and parking areas.

8. **COMMUNITY BUILDINGS.** These are indoor facilities where intense recreational activities and organized sports and tournaments, meetings and gatherings and other community oriented activities occur. Community Buildings may also include related parking and grounds.

9. **REGIONAL PARK.** These are facilities where major organized events occur that draw people from throughout the region. They may also include areas of diverse environmental, cultural, educational or scientific quality with a variety of opportunities for both passive and active recreation activities.

B. The following chart sets out the uses allowed in the park and recreation categories defined above. "Yes" means the use or improvement is allowed. "No" means the use or improvement is prohibited.

CATEGORIES OF PARKS AND RECREATION FACILITIES AND ALLOWED IMPROVEMENTS/USES

ALLOWED IMPROVEMENTS/USES (a)	CATEGORY OF PARK								
	Undeveloped	Open Space	Passive Park	Neighborhood Park	Beach	Community Park	Sports Facilities	Community Buildings	Regional Park
Trails	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Minor Buildings	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Meeting Rooms •Small (≤ 75 people)	No	No	No	Yes	No	Yes	No	Yes	Yes
•Large (>75 people)	No	No	No	No	No	Yes	No	Yes	Yes
Outdoor Game Areas and Informal Ball Fields and Courts	No	No	No	Yes	Yes	Yes	Yes	No	Yes
•Formal Ball Fields and Courts	No	No	No	No	No	No	Yes	Yes	Yes
Swimming Pools •Wading	No	No	No	Yes	No	Yes	Yes	Yes	Yes
•Swimming	No	No	No	No	No	No	Yes	Yes	Yes
Playgrounds •Small (Up to 4,000 SF)	No	No	No	Yes	Yes	Yes	Yes	No	Yes
•Large (> 4,000 SF)	No	No	No	No	Yes	Yes	Yes	No	Yes
Picnic Areas •Individual	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
•Small Group (up to 4 tables together)	No	No	No	Yes	Yes	Yes	Yes	No	Yes
•Large Group	No	No	No	No	Yes	Yes	Yes	No	Yes
Community Gardens	No	No	No	Yes	No	Yes	No	No	Yes
Child Care Centers	No	No	No	Yes	No	Yes	No	Yes	Yes
Carousels and similar amusements	No	No	No	No	No	Yes	No	No	Yes
Day Camps	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Concessions	No	No	No	No	No	Yes	Yes	Yes	Yes
Parking Area •Informal (not paved)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
•Small Formal (≤ 10 spaces)	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
•Formal (> 10 spaces)	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Lighting - General	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
•Ball Field Lighting	No	No	No	No	No	No	Yes	No	Yes
Miscellaneous •Artwork or Memorial	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
•Shade Structure	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes

If an improvement is proposed that is not specifically called out as an allowed use in the category, the Community Development Director will determine if the improvement is allowed or whether the park or recreation facility would be required to move to another category.

C. SPECIAL PROVISIONS. In addition to the uses and improvements allowed in the categories of uses stated in Subsection B of this Section, the following special provisions apply:

1. Formal courts for volleyball only are allowed at Beaches.
2. Zoological gardens that are classified as a Regional Park are also allowed to include the following uses: animal exhibits/habitats and related animal care, medical and holding areas for animals, class rooms including indoor educational exhibit space, gift shops, restaurants, snack bars and administrative offices and service facilities related to zoological garden operations.
3. Outdoor performance areas, including band shells and amphitheaters, existing or approved prior to June 30, 1995, are allowed uses and may be maintained and improved without a Conditional Use Permit as long as: a. no expansion in seating occurs; or, b. no improvements occur which allow amplified music where it did not previously exist. Future outdoor performance areas and expansions of existing ones may be allowed in Community and Regional Parks, subject to issuance of a Conditional Use Permit as outlined in Chapter 28.94 of this Title. (Ord. 4919, 1995; Ord. 4169, 1982.)

28.37.040 Development Standards.

A. SETBACKS. The following setbacks shall apply to parking areas, buildings, structures, outdoor game areas, playground equipment and formal/informal ball fields:

1. Front Setback. The required front setback shall be the same as that specified for the residential zone of the property on the abutting parcels on each side of the subject property. Where the setbacks on the abutting parcels are different from each other, the front setback shall be the least restrictive residential setback of the abutting zones. In the event the park property is bounded by a street, the front setback shall be the same as the least restrictive front setback on the adjacent properties on the same side of the street. In no case shall the front setback be less than ten (10) feet.

2. Interior and Rear Setbacks. There shall be interior and rear setbacks of not less than ten (10) feet.

B. LIGHTING. All exterior lighting shall be directed such that it will not cast light or glare onto adjacent properties. Any lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect diffused lights and low garden lights shall be used wherever possible and shall be required as necessary to assure compatibility with adjacent and surrounding properties.

C. LOCATION OF PLAY AREAS. Outdoor playgrounds and informal ball fields and courts shall be located in a manner that is compatible with the character of the surrounding area and that minimizes significant detrimental noise impacts to adjacent properties while promoting visibility and safety.

D. PARKING REQUIREMENTS. Parking within the Park and Recreation Zone shall be in accordance with requirements set forth in Chapter 28.90 - Automobile Parking Requirements. (Ord. 5459, 2008; Ord. 4919, 1995; Ord. 4169, 1982.)

28.37.090 Coastal Zone Review.

All development in the Coastal Overlay Zone is subject to review pursuant to Chapter 28.44 of this Code. (Ord. 5417, 2007; Ord. 4169, 1982.)

28.37.131 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in General Provisions, Development Plan Approval, Section 28.87.300 of this Title. (Ord. 4919, 1995; Ord. 4670, 1991.)