

OFFICIAL ZONING CODE INTERPRETATION (No. 18)
(Zoning Code Section 20-23.030, Table 2-6, and Section 20-24.030, Table 2-10)

ZONING CODE PROVISION INTERPRETED:

Section 20-23.030, Table 2-6, Allowed Land Uses and Permit Requirements for Commercial Zoning Districts, Note 4; and Section 20-24.030, Table 2-10, Allowed Land Uses and Permit Requirements for Industrial Zoning Districts, Note 3

At issue is what is meant by the term “abut” in Zoning Code Table 2-6, Note 4, and Zoning Code Table 2-10, Note 3, and whether it includes properties located across a creek or highway. Also at issue is what is meant by “the use, specific suite, or its associated operations” in Table 2-10, Note 3.

Zoning Code Table 2-6, Note 4, states the following: “Minor Conditional Use Permit required when site abuts residential zoning district or parcel with residential use.”

Zoning Code Table 2-10, Note 3, states the following: “Minor Conditional Use Permit required if the use, specific suite, or its associated operations abuts a residential zoning district or parcel with a residential use.”

Zoning Code Chapter 20-70, Definitions, defines the term “abut” as “having property lines, street lines, or zoning district lines in common.”

The phrase “the use, specific suite, or its associated operations” was added to the Zoning Code to address large, multi-tenant industrial sites, where a residential property may only abut a portion of the site. The intent was that if a proposed use would be located on a portion of a site, or in a specific suite, that is not directly abutting a residential property, then the impacts would be reduced and a Minor Conditional Use Permit (MUP) would not be necessary.

Based on the Zoning Code definition of “abut”, it is determined that a property, use, specific suite, or its associated operations that is directly adjacent to and sharing a property line, street line or a zoning district line to a residential property would be abutting.


The intent of requiring an MUP is to provide discretionary review for proposed uses that could have a potentially negative impact on a residential use or zone, such as noise or glare from lights.

Due to the varying widths of creeks within Santa Rosa, as well as their low impact use, the presence of a creek located between two properties that abut would not necessarily negate the potential negative impacts. Therefore, it is determined that a property, use, specific suite, or its associated operations that abuts a residence or residential zone, but is separated by a creek, shall require an MUP.

However, given the width of both Highway 101 and 12, as well as the higher impact use and related light and noise, the presence of a highway located between two properties that abut would likely reduce the potential negative impacts. Therefore, it is determined that a property, use, specific suite, or its associated operations that abuts a residence or residential zone, but is separated by Highways 101 or 12, does not require an MUP.

This determination is consistent with the General Plan.

Date: 6-7-17


Jessica Jones
Zoning Administrator