



REPORT TO PLANNING COMMISSION City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
June 24, 2010

To: Members of the Planning Commission

Subject: Status Report on Land Use Designation Changes and Rezoning for
General Plan Consistency (LR10-005)

Location/Council District: Citywide

Recommendation: Review and Comment

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Department: Community Development

Description/Analysis

Issue: Pursuant to the 2030 General Plan adopted by City Council in March 2009, staff initiated the rezoning of over 2,000 parcels for consistency with the General Plan's Land Use and Urban Form Diagram. In September 2009, the Planning Commission deferred the rezones of over 500 parcels to allow for additional community outreach. The rezoning of the remaining 1,636 parcels was approved by Council in October 2009. Attachment 1 includes background information on the rezoning project, and Attachment 2 provides a map of the rezones approved by Council.

The purpose of this report is to provide an update on the deferred parcels, and provide the Commission and opportunity for early review and comments. This is informational only. Staff plans on returning to the Commission in July with a recommendation for action on the rezones.

Deferred Rezones

A total of 548 parcels were deferred for rezoning. Attachment 3 provides maps of the deferred rezones.

A majority of the deferred rezones are located in three areas: 1) The Robla Area, 2) the Ben Ali Neighborhood, and 3) the Power Inn Area. A brief description of the issues follows, and a more detailed discussion is provided in Attachment 4.

- 1) *The Robla Area*. This area is in the northern area of the city, just west of the McClellan Business Park. The land use designation was changed from industrial to suburban neighborhood low density in the 2030 General Plan. Staff recommends changing the zoning from light industrial (M-1S-R) to single family residential (R-1) in this area to be consistent with the 2030 General Plan Land Use Designation.
- 2) *The Ben Ali Neighborhood*. This area is bounded by El Camino Avenue, Auburn Boulevard, Marconi Avenue, and Business 80. The 2030 General Plan land use designation of the Ben Ali area is primarily suburban neighborhood low density with a suburban corridor designation along a portion of Auburn Blvd. Staff recommended rezoning the residential area from multi-family residential (R-2A) to single family residential (R-1), and the suburban corridor area from light industrial (M-1) to commercial (C-2). Staff continues to work with the Ben Ali Neighborhood Association and recommends the rezoning in this area continue to be deferred.
- 3) *Power Inn Area*. This area is in the southeastern portion of the city. It was designated heavy commercial and warehouses and industrial in the 1988 General Plan. Portions of the area were changed to Employment Center Low Rise in the 2030 General Plan. As a result, staff had initially proposed changing the zoning in the area from Heavy Industrial (M-2) to Light Industrial (M-1). However, based on additional community outreach, staff now proposes a combination of rezoning, land use amendments and zoning code amendments to implement the 2030 General Plan in this area.

There are a few deferred rezones that fall outside the Robla, Ben Ali, and Power Inn areas. The proposed new zoning for the affected parcels are provided on the maps in Attachment 3.

Next Steps

Staff will continue its outreach efforts to address property owner questions and concerns. Staff plans to return to the Commission in July, 2010, and the Council in August with a recommendation for the rezones that were deferred last year.

Environmental Considerations: There is no action associated with this report. Therefore, environmental review is not required. Staff will return to the Planning Commission in July 2010 with a formal recommendation, at which time the appropriate environmental determination will be made.

Policy Considerations: Rezoning for consistency with the Land Use Diagram is a top priority implementation program of the 2030 General Plan. The proposed rezones and changes to the land use diagram is the implementation action taken for this program

and will assist in achieving the goals of promoting development consistent with the General Plan and avoid conflicting layers of regulation.

Respectfully submitted by: 
TERESA HAENGGI
Associate Planner

Recommendation Approved:

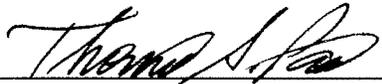

THOMAS S. PACE
Long Range Planning Manager

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Background

Summary

The 2030 General Plan was adopted by Council on March 3, 2009. One of the Plan's priority implementation measures is to rezone properties that are inconsistent with the General Plan's Land Use and Urban Form Diagram. The rezoning of inconsistent parcels promotes development consistent with the 2030 General Plan and avoids conflicting layers of regulation.

Staff initiated community outreach on the rezones in April of 2009, which included three community meetings and a presentation to the Planning Commission in June 2009. Staff returned to the Planning Commission on September 24 with a recommendation to approve the proposed rezones. Staff also recommended amendments to the General Plan's Land Use and Urban Form Diagram to address inconsistent zoning. After much public testimony, the Planning Commission recommended deferring the rezones of the property whose owners opposed the rezones. Council approved the rezoning of the remaining parcels on October 27, 2009.

Process for Rezoning

Staff's initial identification of inconsistent parcels took place in late 2008. During this review, the rezoning of several parcels was postponed if one or more of the following factors applied:

- A specific plan was pending;
- Development was pending or expected;
- New zones needed to be created; and
- There was a lack of infrastructure to support development.

Areas where the rezones were postponed included the River District, 65th Street/CSUS Technology Village, Arden Fair/Point West/Cal Expo, Florin Corridor, the Northeast Line (Globe, Arden Del Paso, Royal Oaks and Swantson), and Florin and Meadowview Stations. The rezoning of these areas will take place in conjunction with their respective planning efforts. Additionally, publicly-owned parcels and unbuildable parcels were eliminated from the rezone list.

In some cases of inconsistency, staff determined, after detailed review of the particulars of each site, that the appropriate course of action was to amend the Land Use Diagram to match the zoning rather than rezoning the property.

Nonconforming Uses

Many questions regarding nonconforming uses were asked during community outreach. As per Chapter 17.88 of the Zoning Code, if a property has a legally established land use that is not allowed under the new zone, the use will be "grandfathered in" as a legal nonconforming use. In the case that a land use goes from "by right" to "special permit" due to the rezone, the use will be deemed to have a special permit and treated as if it had been granted a special permit at the time of development pursuant to section

17.88.030 (7) of the Zoning Code. However, land uses that are not legally established at the time of rezoning will not be granted legal nonconforming status or a deemed special permit.

Public/Neighborhood Outreach and Comments:

- *Rezone Website.* Staff developed a Rezone Website (www.sacgp.org/rezones) which includes maps and property lists of the proposed rezones and information on the city zoning code and the 2030 General Plan.
- *Initial Notice and Website, spring 2009.* On April 30, 2009, staff mailed preliminary notices to property owners to inform them that their property was under consideration for rezone. Staff responded to approximately 60 phone calls and 15 email inquiries following the initial notice. The majority of inquiries were informational in nature.
- *Public Workshops.* Staff held three public workshops in 2009, following the initial notice:
 - South Public Workshop: May 13 at Evelyn Moore Community Center
 - North Public Workshop: May 18 at Robertson Community Center
 - Central Public Workshop: May 20 at Hart Senior Center

The purpose of the workshops was to gather initial feedback on the rezoning proposals from property owners and/or concerned citizens. Comments were gathered orally and via written comment cards.

- *Planning Commission Workshop.* On June 6, 2009, Staff presented the proposed rezones to the Planning Commission and provided feedback gathered at the public workshop and subsequent discussion.
- *Hearing Announcement.* In early September, 2009, Staff sent out a notice to the proposed rezone or land use property owners to announce the upcoming Commission and Council meetings. This notice was provided in addition to legal noticing requirements. Staff fielded approximately 150 phone and e-mail inquiries.
- *Planning Commission Hearing.* On September 24, the Planning Commission recommended deferring the rezoning of approximately 550 parcels in order to allow for additional outreach for those property owners that continued to have objections to the rezones. The remaining parcels were forwarded to Council with a recommendation of approval.
- *Council Hearing.* Council approved the rezones of approximately 1,600 parcels.
- *Post Hearing Outreach.* Staff has held several meetings with property owners, as well as conducted several site visits. Additional outreach includes the following:

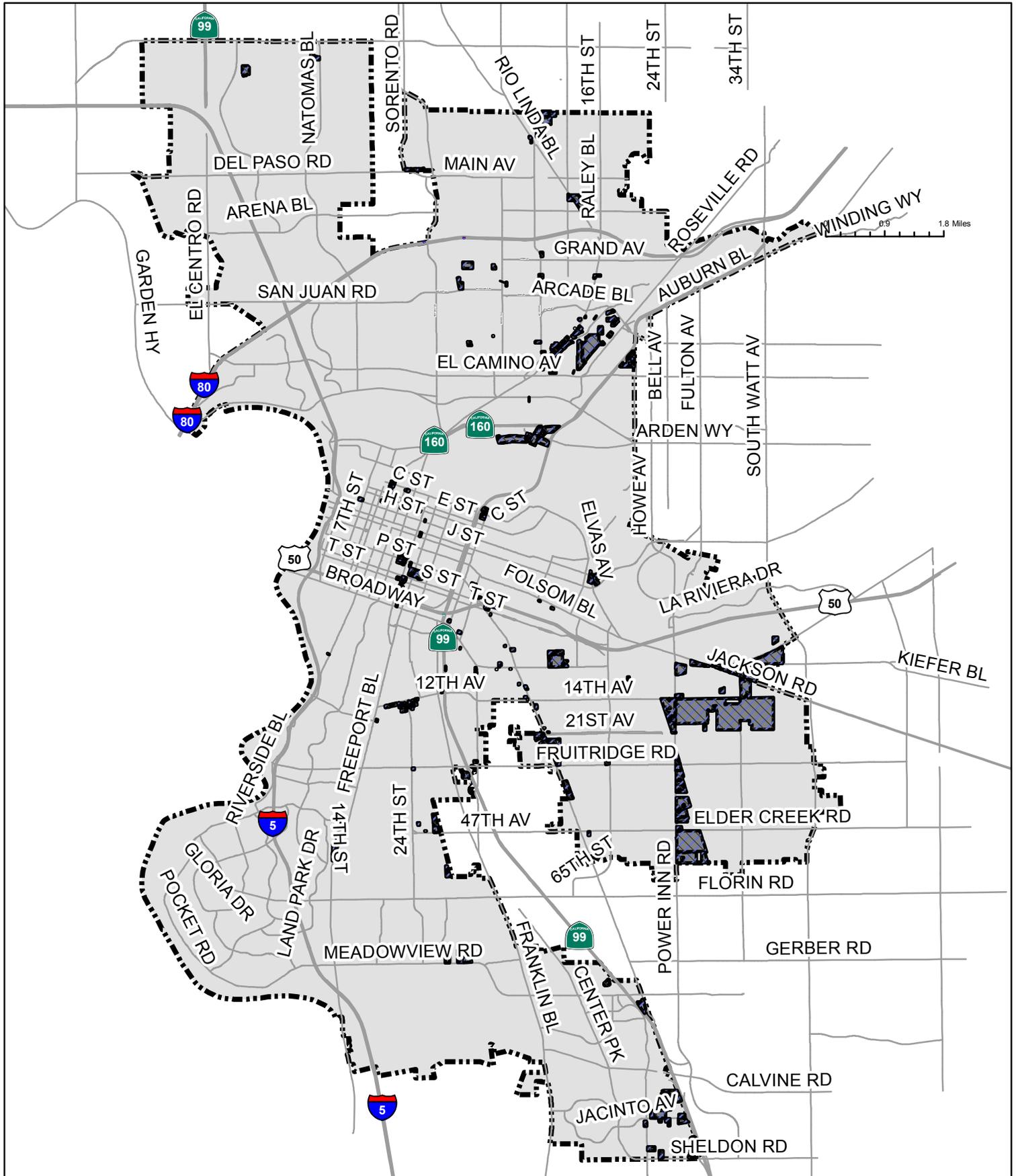
- *October 2009, February 2010*: Staff presented on the rezones to the Ben Ali Neighborhood Association.
- *November 2009*: Staff held a meeting with the Robla Community to discuss issues specific to rezone concerns. Code Enforcement staff was also present to address questions the community had on code violations.
- *November 2009, January 2010*: Staff presented at the Power Inn Alliance's Policy and Zoning Advisory Committee. The property owners of deferred rezones were notified of these meeting, and many attended and participated in the discussions.
- *December, 2009*: Staff presented on the rezones at a meeting held by property owners in the Power Inn Area.

Future Rezones

Currently, staff is focusing on the deferred rezones. Once that effort is completed, staff will address the other inconsistent zoning as resources permit. Future rezones include the following:

- The Ben Ali neighborhood. A community survey conducted by the Ben Ali Neighborhood Association indicated a large majority of the property owners were opposed to the rezone. Staff has removed the rezones in this area from the proposed rezone list. Additional outreach and analysis will be needed in the future to determine how to address the inconsistent zoning of this area.
- Planning Efforts. The rezoning of areas with pending plans (e.g. River District, 65th Street/CSUS Technology Village, Arden Fair/Point West/Cal Expo, Florin Road Corridor, and the Northeast Line) will occur as the plans are adopted.
- Agriculture Zoned Parcels. Parcels zoned agricultural are generally not consistent with the 2030 General Plan. Staff identified privately owned agriculturally zoned parcels that need to be rezoned. Additional analysis, such as infrastructure capacity, is required to identify appropriate new zoning and may be undertaken in the future as resources allow.

Approved Rezones - 2009



Legend
 Approved Rezones

Deferred Rezones

Maps of the deferred rezones are provided on the following pages. They include the existing and proposed zoning at the time of the deferral. Below is a list of zoning descriptions from the City of Sacramento's zoning code (Title 17). This is not a comprehensive list of the zones in the City Code, but reflects the existing and proposed zoning of the deferred rezones.

RESIDENTIAL

RE—Rural Estates Zone. This is a very low density residential zone. It is intended to be applied primarily to areas impacted by high noise levels, within designated approach or clear zones around airports, within identified floodway and floodway fringe areas, and other areas where physical and/or safety considerations necessitate very low density residential use. This zoning district shall be designated as "RE" with the maximum permitted units per acre as a suffix (i.e., RE-1/4, RE-1/2, RE-1/1, RE-1/.5).

R-1—Standard Single-Family Zone. This is a low density residential zone composed of single-family detached residences on lots a minimum of fifty-two (52) feet by one hundred (100) feet in size. A duplex or halfplex is allowed on a corner lot subject to compliance with specific restrictions. In addition, alternative ownership housing types, such as townhouses, rowhouses, and cluster housing, may be permitted with a special permit to satisfy inclusionary housing requirements. This zone may also include recreational, religious and educational facilities as the basic elements of a balanced neighborhood. Such areas should be clearly defined and without encroachment by uses not performing a neighborhood function. Minimum lot dimensions are fifty-two (52) feet by one hundred (100) feet interior, sixty-two (62) feet by one hundred (100) feet corner. Approximate density for the R-1 zone is six to eight dwelling units per acre.

R-2A—Multi-Family Zone. This is a multi-family residential zone designated to provide for garden apartments and cluster housing. This zone is regulated so that the structures cover a minimum of ground area and a maximum of open space is provided. Units can be individually owned through compliance with the condominium regulations in Chapter 17.192. Minimum land area per unit is two thousand five hundred (2,500) square feet. Maximum density for the R-2A zone is seventeen (17) dwelling units per acre.

R-3—Multi-Family Zone. This is a multi-family residential zone intended for more traditional types of apartments. This zone is located outside the central city serving as a buffer along major streets and shopping centers. Minimum land area per unit is one thousand four hundred and fifty (1,450) square feet. Maximum density for the R-3 zone is thirty (30) dwelling units per acre.

R-3A—Multi-Family Zone. This is a multi-family residential zone located in the central city and certain areas adjacent thereto. It is designed to provide development regulations that are consistent with goals for various residential areas in the central city. Minimum land area per unit is one thousand two hundred (1,200) square feet. Maximum density for the R-3A zone is thirty-six (36) dwelling units per acre.

R-4—Multi-Family Zone. This is a multi-family residential zone located generally adjacent to R-5 zoning. Minimum land area per unit is seven hundred fifty (750) square feet. Maximum density for the R-4 zone is fifty-eight (58) dwelling units per acre.

COMMERCIAL

C-2—General Commercial Zone. This is a general commercial zone which provides for the sale of commodities, or performance of services, including repair facilities, offices, small wholesale stores or distributors, and limited processing and packaging. Any nonresidential development in the C-2 zone that requires a discretionary entitlement shall also be subject to review for consistency with the commercial corridor design principles adopted pursuant to Section 17.132.180 and as they may be amended from time to time.

C-4—Heavy Commercial Zone. This is a commercial zone designed primarily for warehousing, distribution types of activity, and those commercial uses having a minimum of undesirable impact upon nearby residential areas. A minimum of light manufacturing and processing is permitted.

INDUSTRIAL

M-1—Light Industrial Zone. This zone permits most fabricating activities, with the exception of heavy manufacturing and the processing of raw materials. In addition, regulations are provided in the M-1(S) zone to provide more attractive and uncrowded developments.

M-2—Heavy Industrial Zone. This zone permits the manufacture or treatment of goods from raw materials. Like the M-1(S) zone, the M-2(S) zone has certain regulations designed to obtain industrial park developments that are in keeping with the modern concept of attractive, landscaped industrial plants.

M-1S—Light Industrial Zone. The same as M-1, but with additional setback, screening, fencing and landscaping requirements.

M-2S—Heavy Industrial Zone. The same as M-2, but with additional setback, screening, fencing and landscaping requirements.

ZONING SUFFIXES (ZONING REQUIREMENTS BEYOND BASE ZONING)

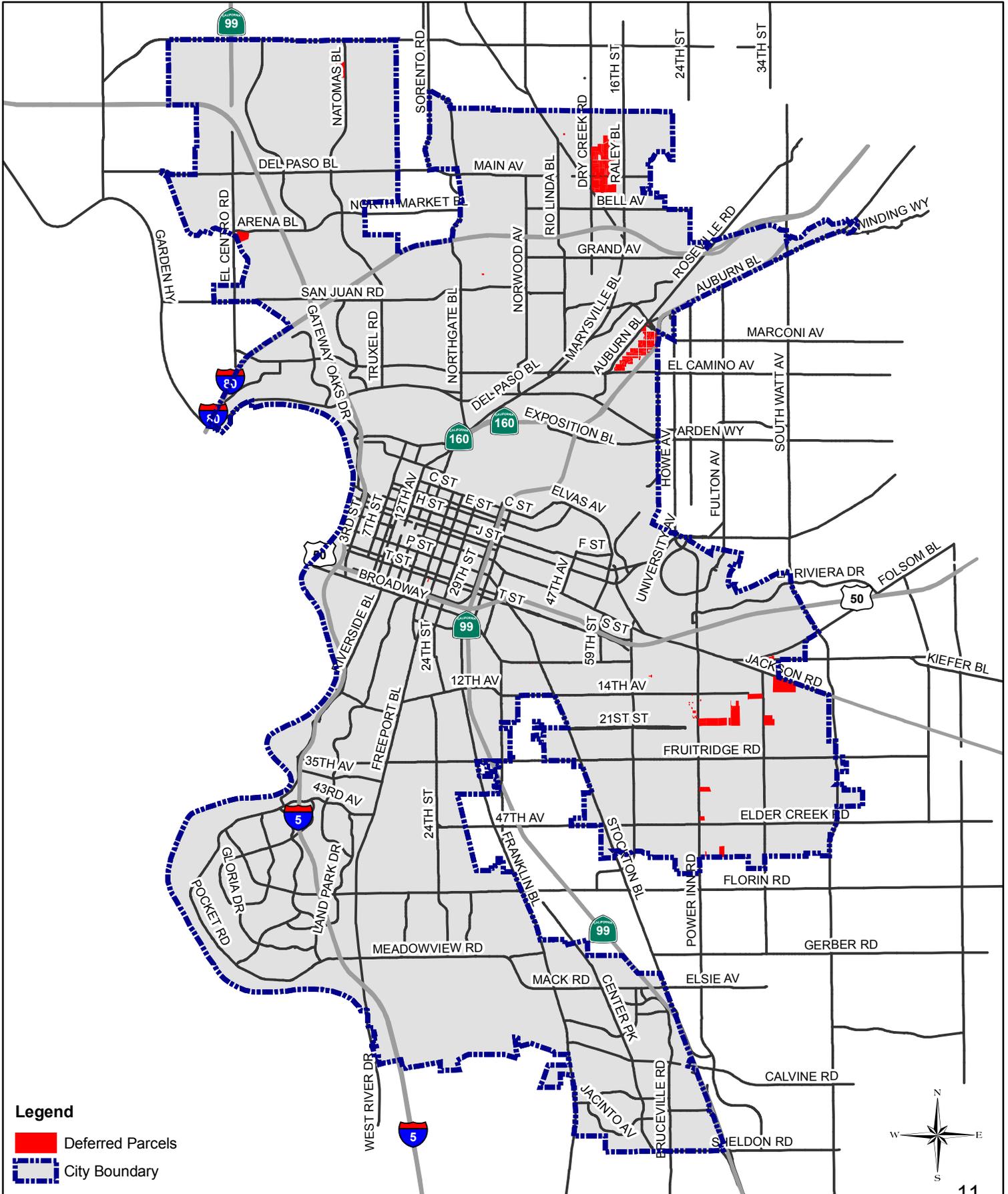
PUD – Planned Unit Development. A PUD is a residential and/or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

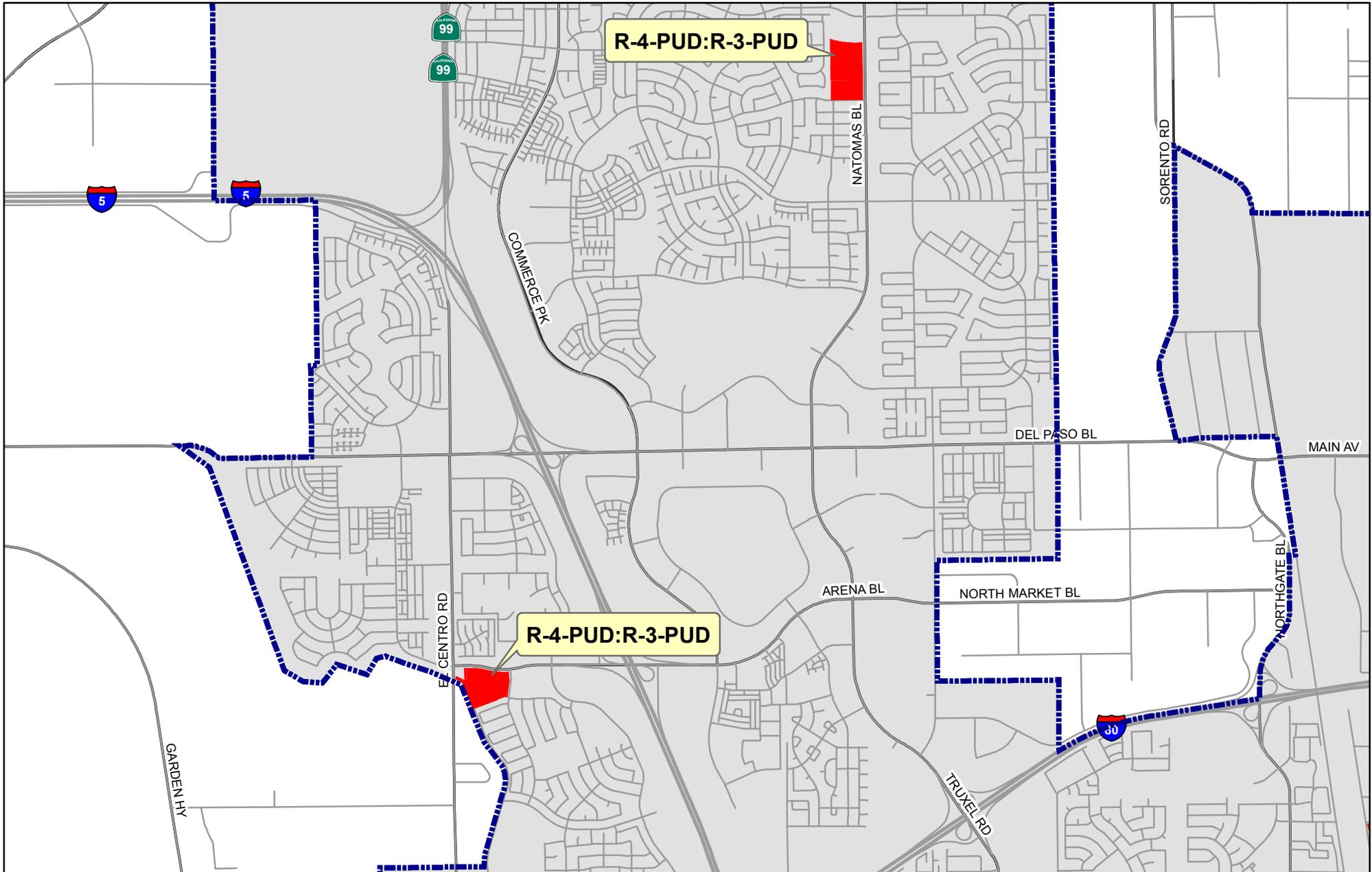
R – Plan Review. A plan review is an additional review requirement for a proposed development plan to ensure, among other things, that the proposed development is consistent with the general plan and any applicable community or specific plans; that the utilities and infrastructure are sufficient to support the proposed development and are compatible with city standards; and that the proposed development is compatible with surrounding development.

SWR – Solid Waste Restriction. The purpose of the Solid Waste Restriction (SWR) is to address the heavy concentration of solid waste facilities that exist in certain areas of the city. Concentration of a large number of solid waste facilities has led to increases in traffic congestion, air quality impacts, and hazards to human health.



Deferred Rezones





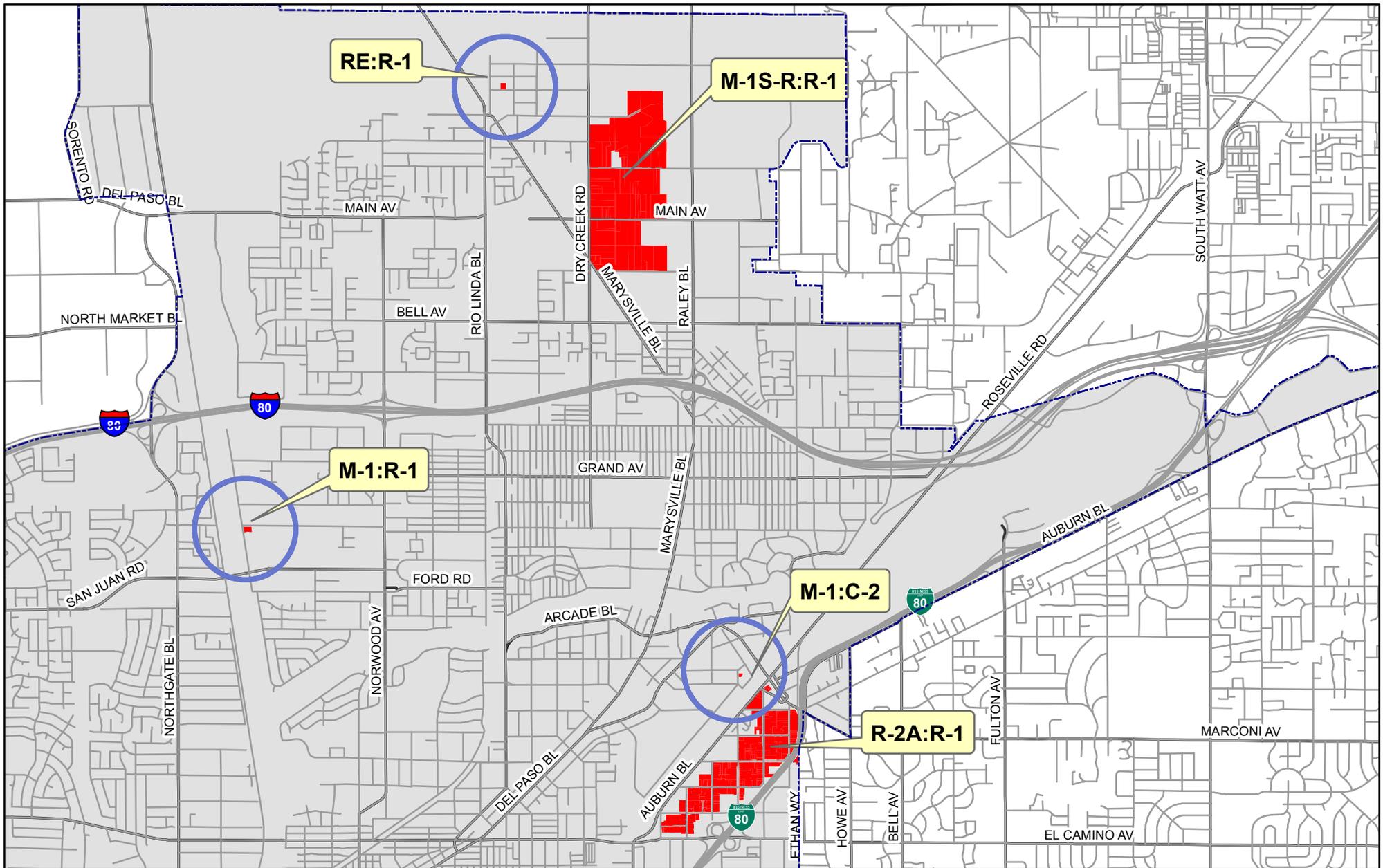
Legend

- Deferred Parcels
- City Boundary

X:Y Existing Zoning:Proposed Zoning

Deferred Rezones Natomas Area





Legend

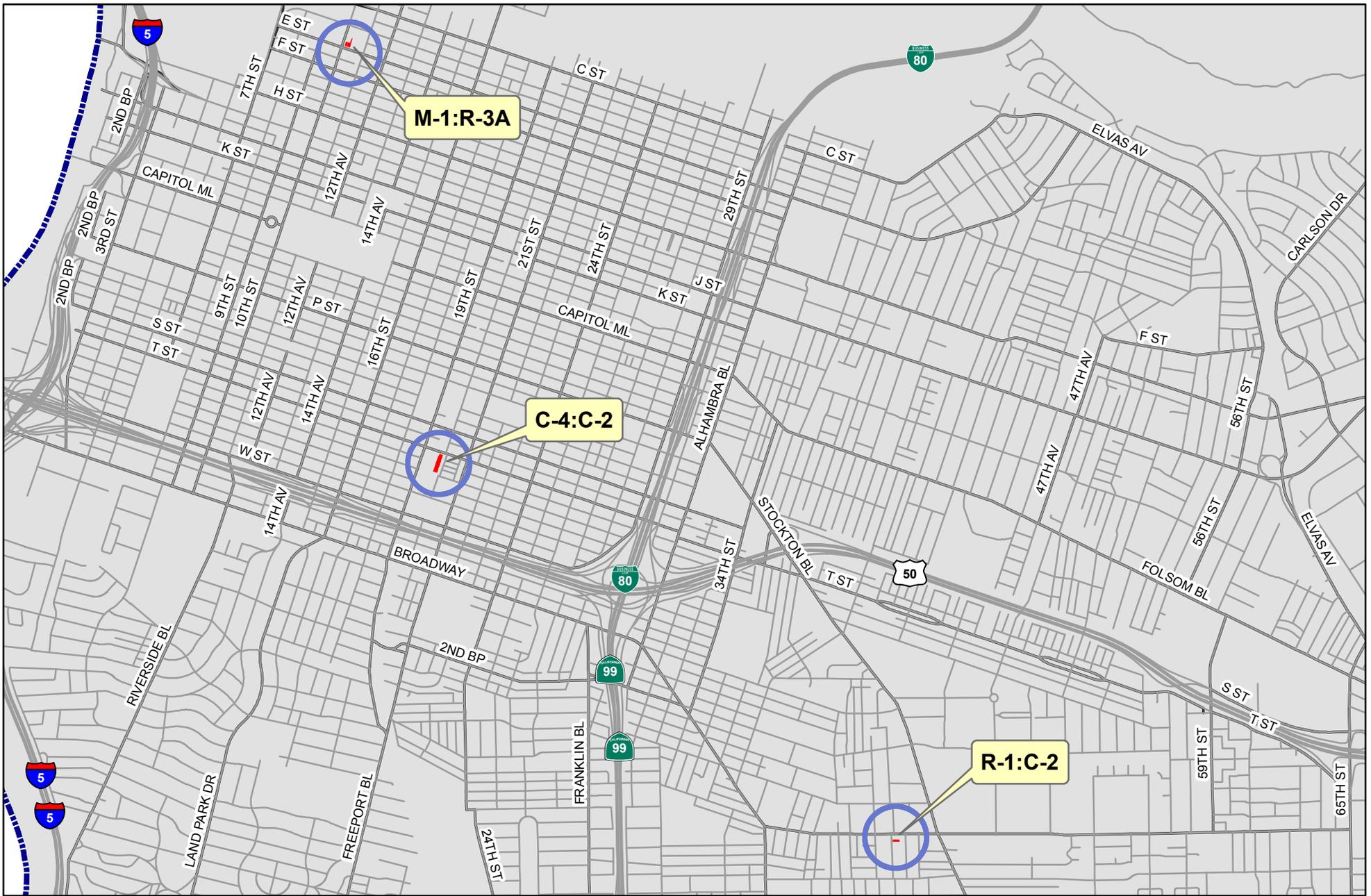
 Deferred Parcels

 City Boundary

X:Y Existing Zoning:Proposed Zoning

Deferred Rezones North Area



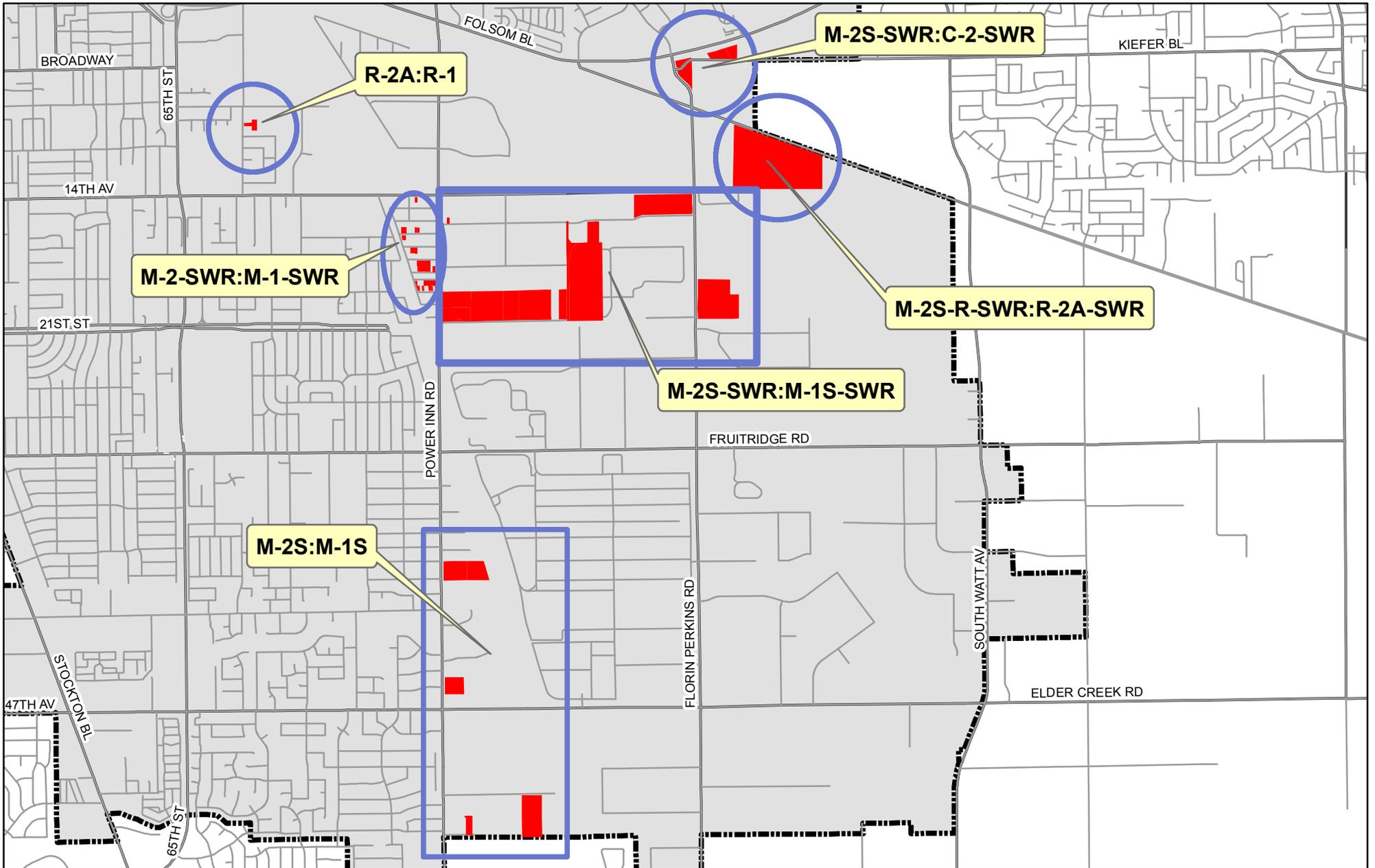


Legend

- Deferred Parcels
- City Boundary
- X:Y** Existing Zoning:Proposed Zoning

Deferred Rezones Central Area





Legend

 Deferred Parcels

 citybdy

X:Y Existing Zoning:Proposed Zoning

Deferred Rezones South Area



Issue Areas

There are three areas that encompass nearly all the deferred rezones: Robla Area, Ben Ali Neighborhood, and the Power Inn Area. The issues are summarized on the following pages. Maps are also provided.

ROBLA AREA

Robla Area Background

In 1986, the Robla area was rezoned from standard single family residential (R-1) to its current light industrial (M-1-R) zone. This rezone was initiated to ensure new development in the Robla area was compatible with the high noise level produced by the military aircraft operating at McClellan Air Force Base. At the time, the Robla residents were strongly opposed to the rezone from residential to industrial. In the early 1990's, the McClellan Air Force Base was decommissioned and redeveloped into a business park. New noise contours, recognizing the quieter private aircraft that was anticipated to operate at the airport in the future, were established in 1992. As a result, the noise contours no longer were incompatible with residential development in the Robla Area.

2030 General Plan Update

The 2030 General Plan re-designated a portion of the Robla area from industrial to suburban low density residential. This change was made to recognize the existing residential community in the area, and to prohibit future industrial development that might encroach into the neighborhood. During the period from 1986 to the present, very few industrial uses were lawfully established in the area proposed to be rezoned, although a number of non-residential uses appear to have been established without proper permits. There were also concerns about the ability of the infrastructure (roads, drainage, etc.) to accommodate future industrial development.

General Plan Land Use Designation: Suburban Neighborhood Low Density

Reasons for Rezone

- To bring zoning into consistency with the General Plan land use designation.
- Many of the properties contain existing houses (which are not allowed in the industrial zone).
- The area is no longer subject to significant noise levels from the airport. Community residents requested a neighborhood designation during the general plan outreach process.
- The area lacks adequate infrastructure (roads, water, drainage etc.); Residential uses require fewer infrastructure improvements than light industrial development.
- There are a number of illegally established uses in the area that compromise the quality of life and potential for redevelopment in that area. Only a handful of properties have received necessary building and planning permits.

Property Owner Concerns

- Property owners oppose the restrictions to industrial uses in the R-1.
- Potential Impacts from McClellan Air Force Base (e.g. air quality, water quality, noise).
- Restrictions on residential development near an airport.

Staff Proposal

Staff recommends rezones in the Robla Area from light industrial (M-1S-R) to standard single family residential (R-1).

Deferred Rezones Robla Area

 Deferred Parcels

2030 General Plan

Rural

 Rural Neighborhood

Suburban

 Suburban Neighborhood Low

 Suburban Neighborhood Medium

 Suburban Neighborhood High

Traditional

 Traditional Neighborhood Low

 Traditional Neighborhood Medium

 Traditional Neighborhood High

Urban

 Urban Neighborhood Low

 Urban Neighborhood Medium

 Urban Neighborhood High

Centers

 Suburban Center

 Traditional Center

 Regional Commercial

 Urban Center Low

 Urban Center High

 Central Business District

Corridors

 Suburban Corridor

 Urban Corridor Low

 Urban Corridor High

Other Districts

 Employment Center Low Rise

 Employment Center Mid Rise

 Industrial

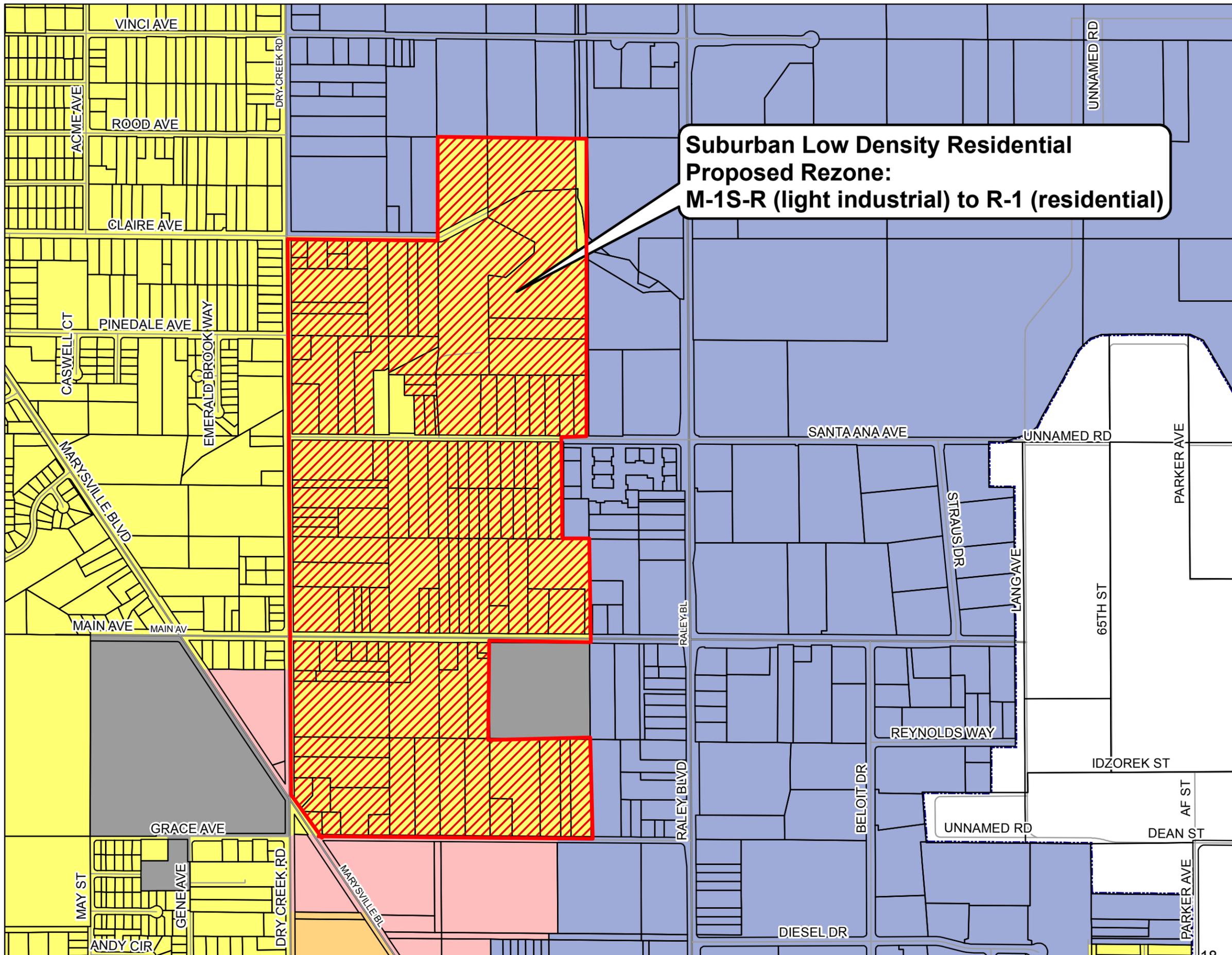
 Special Study Areas

 Planned Development

 Public

 Parks

 Open Space



BEN ALI NEIGHBORHOOD

Ben Ali Neighborhood Background

The Ben Ali Neighborhood is bounded by Auburn Boulevard to the west, Marconi Avenue to the north, Business 80 to the east, and El Camino Boulevard to the south. It is an established neighborhood with primarily single family homes, although there are several multi-family and higher density residential developments. There are also commercial and industrial uses along Auburn Boulevard.

2030 General Plan Update

During outreach for the 2030 General Plan, members of the Ben Ali community expressed support for rezoning to R-1 to keep the low density residential nature of the existing community.

General Plan Land Use Designation: Suburban Residential Low Density (Residential Area); Suburban Corridor (Industrial Area).

Property Owners Concerns

Property owners of the residential areas have now expressed concern that rezoning the residential area to R-1 would diminish their property value. According to the president of the Ben Ali Neighborhood Association, the Association has surveyed the residents and business owners in the community. The survey indicated a large majority of those surveyed preferred to retain the R-2A and M-1 zoning.

Staff Proposal

Staff initially proposed to rezone the residential area in the Ben Ali neighborhood from R-2A to R-1 and the industrial area from M-1 to C-2. Currently, staff is proposing that the rezoning of this area continue to be deferred. Additional planning and outreach will be required in this area in the future, when resources allow.

Reasons for Deferral

- Both R-1 and R-2A are residential zoning, so the use will remain the same.
- The area is largely built out with legally established uses.

Deferred Rezones Ben Ali

Deferred Parcels

2030 General Plan

Rural

Rural Neighborhood

Suburban

Suburban Neighborhood Low

Suburban Neighborhood Medium

Suburban Neighborhood High

Traditional

Traditional Neighborhood Low

Traditional Neighborhood Medium

Traditional Neighborhood High

Urban

Urban Neighborhood Low

Urban Neighborhood Medium

Urban Neighborhood High

Centers

Suburban Center

Traditional Center

Regional Commercial

Urban Center Low

Urban Center High

Central Business District

Corridors

Suburban Corridor

Urban Corridor Low

Urban Corridor High

Other Districts

Employment Center Low Rise

Employment Center Mid Rise

Industrial

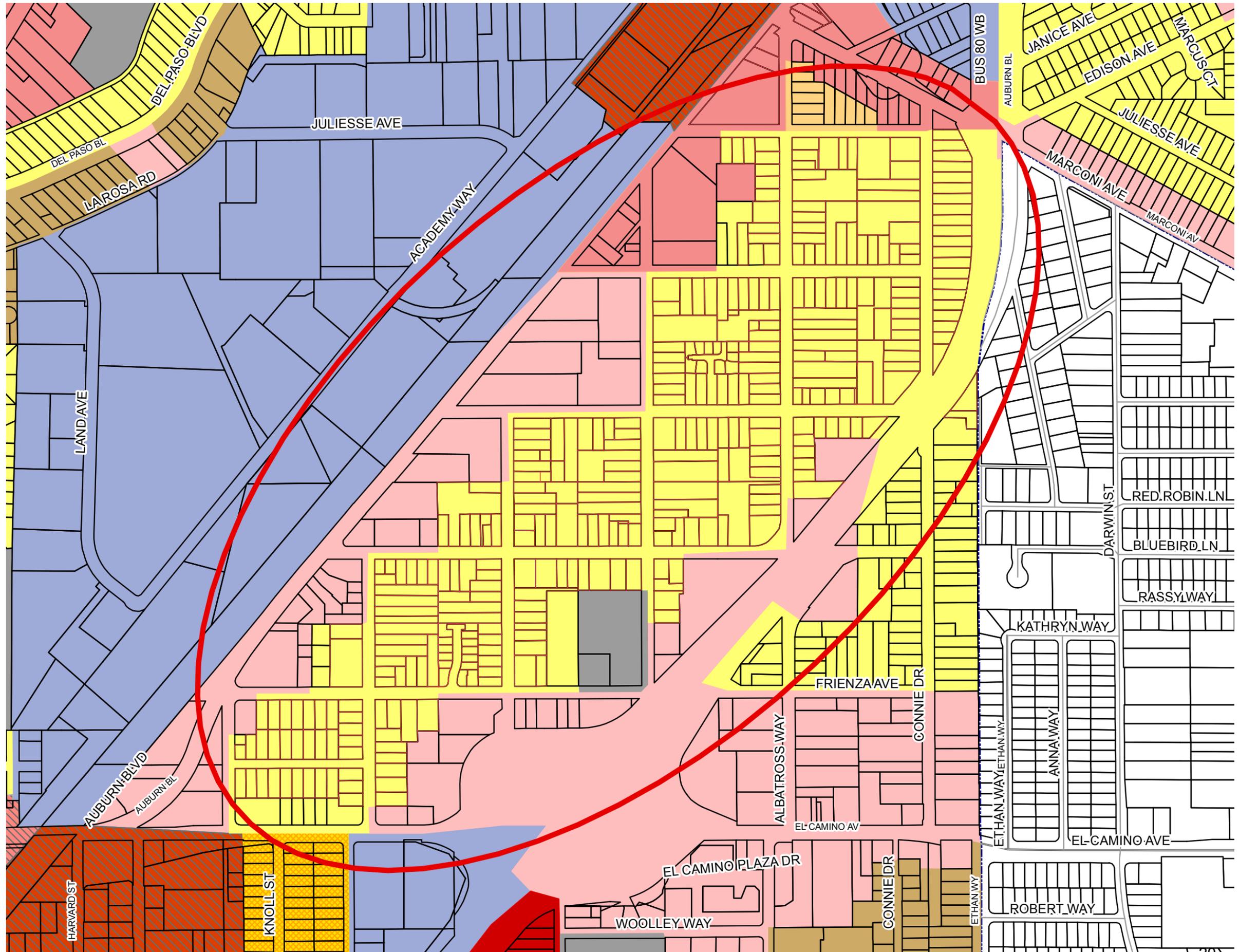
Special Study Areas

Planned Development

Public

Parks

Open Space



POWER INN AREA

Power Inn Area Background

This area is in the south eastern portion of the City and is a mixture of commercial, warehouse, industrial, and office uses. There are also a small number of single family homes near the area. The Power Inn Area has a land use designation of either Industrial or Employment Center Low Rise. The areas designated industrial are zoned M-2, which is consistent with the land use designation. Several of the parcels in the Employment Center Low Rise designation have an M-2 zoning which is inconsistent with the General Plan.

Most of the land uses that are permitted in the M-2 zone are also permitted in the M-1 zone. However, there are eight uses that are allowed by right in the M-2 zone, but require a Special Permit in the M-1 Zone:

- Concrete batch plant
- Dairy processing plant
- Food processing plant
- Planing Mill
- Public Utility Yard
- Terminal yard – trucking
- Truck and tractor repair
- Towing Service and Storage Yard

If one of these uses is legally established when the rezone occurs, the use would be allowed to continue under a deemed special permit, pursuant to section 17.88.030(7) of the Zoning Code. Although the use can continue, the deemed special permit may require additional entitlements if the facilities are significantly expanded. Also, if a use were to become inactive for over two years, the deemed special permit would lapse and no longer be valid.

2030 General Plan Update

The Power Area Inn area was designated industrial and heavy commercial and warehouses in the 1988 General Plan. The 2030 General Plan re-designated portions of the area to Employment Center Low Rise to encourage lighter industrial uses, such as clean, green technology-related industry, and to buffer existing and planned residential areas to the west and north of the Power Inn Area.

General Plan Land Use Designation: Employment Center Low Rise

Reasons for Rezone

- To bring zoning into consistency with the 2030 General Plan land use designation.
- To provide a buffer to existing residential areas to the west and north of the Power Inn Area.
- To provide the city with more sites for clean, green light-industrial uses.

Property Owner Concerns

The property owners in the Power Inn Area have expressed the following concerns:

1. The M-1 zone may diminish the value of their property, because the uses allowed in the M-1 zone are more limited than that offered in M-2;
2. The application fees for a special permit required for some uses in the M-1 zone are expensive and do not guarantee the special permit would be granted; and
3. Deemed special permits limit how much facilities on the property can be expanded without a special permit modification or other entitlement.

Staff Proposal

Initially, staff proposed changing all the areas in the Employment Center Low Rise land use designation from M-2 (heavy industrial) to M-1 (Light Industrial). However, after extensive outreach to affected property and business owners and a re-evaluation of the applicable zoning regulations, staff is now proposing a combination of land use changes and rezones:

1. Change the General Plan's land use diagram from Employment Center Low Rise to Industrial on a portion of 21st Street and on Power Inn Road near Elder Creek Road. Staff determined that the amount of Employment Center Low Rise buffer area being required along the east side of Power Inn Road south of Elder Creek Road was much greater than was being provided north of Elder Creek Road, which resulted in disproportionately more rezoning and hardships for property owners in this southern portion of the area. This land use change will allow more of the area to remain M-2, while still providing an adequate Employment Center Low Rise buffer area along Power Inn Road. (Please see map on the following maps).
2. Rezone the remaining deferred rezones to M-1.
3. Amend the zoning code to reduce the number of uses that require a special permit. This change results from staff taking a closer look at the nature of the impacts associated with certain uses such as dairy processing plants and food processing plants and finding such uses to be compatible with clean, green industry and nearby residential uses. Allowing these uses by right in the M-1 zone will reduce unnecessary hardships for affected businesses.
4. Amend the zoning code to add and/or modify definitions for uses to provide clarity and consistency.

Power Inn Area

X:Y Existing Zoning:Proposed Zoning

- Proposed Rezone
- Proposed Land Use Change
- Proposed Rezone and Land Use Change

GeneralPlan_2030

- Rural**
 - Rural Neighborhood
- Suburban**
 - Suburban Neighborhood Low
 - Suburban Neighborhood Medium
 - Suburban Neighborhood High
- Traditional**
 - Traditional Neighborhood Low
 - Traditional Neighborhood Medium
 - Traditional Neighborhood High
- Urban**
 - Urban Neighborhood Low
 - Urban Neighborhood Medium
 - Urban Neighborhood High
- Centers**
 - Suburban Center
 - Traditional Center
 - Regional Commercial
 - Urban Center Low
 - Urban Center High
 - Central Business District
- Corridors**
 - Suburban Corridor
 - Urban Corridor Low
 - Urban Corridor High
- Other Districts**
 - Employment Center Low Rise
 - Employment Center Mid Rise
 - Industrial
 - Special Study Areas
 - Planned Development
 - Public
 - Parks
 - Open Space

