



ZONING TOPIC: Comprehensive Zoning Ordinance Update (CZO) – Tools and Techniques to Create a Zoning Plan.

Introduction

Our local zoning provisions (Title 17 of the SLMC), subdivision regulations (Title 16), and other development standards form the rulebook governing the construction of homes, businesses, and structures throughout the community. The General Plan is largely implemented through zoning and subdivision decisions. The typical zoning plan and related zoning ordinances are a product of careful consideration. They set land use by dividing the community into districts or “zones” and specifying the uses that are permitted outright, those that are conditionally permitted, and those that are prohibited within each zone. Text and map(s) describe the distribution and intensity of land uses in such categories as residential, commercial, industrial, and open space throughout the city.

Many considerations affect the content of a zoning plan, including existing development patterns, environmental constraints, and the availability of public services and utilities. These issues must be weighed individually and in combination when creating legally defensible zoning maps and zoning regulations.

Zoning ordinance provisions must be consistent with the general plan (Gov. Code § 65860), and the ordinances must reflect the direction of the General Plan to be legally adequate. However, an individual ordinance (or project) need not be in perfect conformity with every policy of the General Plan if those policies are not relevant or the policies provide room for interpretation.

Zoning Districts and Tools

The Shasta Lake General Plan land use diagram and the plan’s goals and policies inform the structure and content of the draft zoning plan. The following are examples of zoning provisions and zoning districts that will be used in the draft CZO to further the General Plan direction.

PLEASE NOTE: The chapter references below are preliminary references for illustrative purposes only. Final references and content cannot be determined until the completion of the CZO development and adoption processes.

Base zones: Base zoning districts are the building blocks of a zoning map. They cover the entirety of a municipality without overlapping with each other on the zoning map. The base zoning districts reflect the basic land use districts established in a general plan’s land use diagram. However, base zoning district boundaries are not required to perfectly match the General Plan’s land use district boundaries. Zoning districts must reflect those modifications necessary to implement a general plan’s policy direction. The draft zoning plan reflected in Chapter 17.02, “Zoning Plan” of the CZO, identifies 18 base zoning districts, including two area-specific planned development districts (*Chapters 17.38 - Mtn. Gate PD and 17.37 - Shasta Gateway Industrial Park PD*).

Overlay zones: Overlay districts, as their name suggests, overlap base zoning districts (and sometimes each other) to add further detail or to modify regulatory specifics of the underlying districts. Overlay zoning supplements (or may supersede) regulations of the underlying base zoning district. Its benefit is that it can be used to apply a layer of special standards to areas that exhibit well-defined physical characteristics. These characteristics can then be addressed without the need to repeatedly re-establish the criteria in every zoning district potentially affected by the physical condition or hazard being addressed.

For example, a base zoning district, such as the “SR-1” Suburban Residential district, establishes the types of uses permitted, the allowable intensity of development, and the minimum dimensional requirements of lots and buildings. If the property is affected by a FEMA 100-year floodplain, then it would also be subject to the specific standards of a floodplain overlay district. “**Figure 1**” on the last page of this document provides a composite view of some of the environmental constraints and hazards that affect large areas of the city. These constraints are identified and addressed through overlay district zoning or other development standards.

In the city's current zoning plan, limited tools are available to address these hazards and quickly decide when to apply mitigations as part of project entitlements. The use of overlay districts (or similar development limitations) is needed to allow development decisions to be made more efficiently as required by the General Plan rather than requiring time-consuming and costly project-specific analysis of each proposal.

Advantages of overlay zones.

The primary benefit of overlay zoning is applying a unique set of standards to a specified area without having to amend all other relevant sections of the code. Other benefits include:

- Provides additional public health and safety protections for defined hazard areas without negotiating on a case-by-case basis.
- Allows existing zoning regulations to be superseded or complemented to solve a known problem.
- Can effectively implement comprehensive plan policies and strategies associated with future land use and the environment.
- Relatively easy to maintain over time following initial adoption.

Typical zoning tools to use in the CZO.

- **Overlay districts:** In the city, there are large areas affected by steep slopes, FEMA-designated floodplains, large areas lacking adequate infrastructure, and areas designated as “Very High Fire Hazard Severity Zone” by state law. In the preliminary zoning plan, these issues can be addressed through specific development standards (e.g., *Chapter 17.51 – Development on Steep Slopes and in the VHFHSZ*) and through zoning overlay districts applied to those areas affected by environmental or other conditions (*Chapter 17.53 - “NR” Natural Resources Overlay; Chapter 17.55 – “IDZ” Infrastructure Dependent Interim Development Overlay*).

- **Cluster zoning:** A district that allows the clustering of structures upon a given site in the interest of preserving open space. Cluster zones typically have a low standard for gross residential density and a high minimum open-space requirement to encourage the clustering of dwelling units or structures. (*Chapter 17.52, “Open Space Preservation and Cluster Development”*)
- **Permits (UP, AP, and SDP):** This is a discretionary permit type that enables a city to consider, on an individual basis, specific land uses that might otherwise have undesirable effects upon an area and to approve such uses when conditions can be placed on them that would avoid those effects (*Chapter 17.14 - “Administrative Permits and Use Permits”*).
- **Design review:** Required review of project design and/or architectural features for the purpose of ensuring compatibility with established standards. It is often used in historic districts or areas that have a distinct character worthy of protection. Design review is a means of enforcing quality site and building design standards that are not applicable city-wide (*Section 17.40.040 “Design criteria and quality” and Chapter 17.56 “Design Review Overlay District”*).
- **Floating zone(s):** A district described in the zoning ordinance but not given a specific location on the zoning maps until a property owner or developer applies for development entitlements. Planned Development (PD) zoning districts and “interim” zoning districts are common examples of floating zones. Floating zones can implement both permanent and interim development standards when necessary to achieve conformity with a general plan’s direction. In the draft zoning plan for Shasta Lake, there will likely be several “floating” zones, including a PD district and a Public Facilities Zoning overlay district (*Chapter 17.38 “PD” Planned Development District” and Chapter 17.58 “PF” Public Facilities Overlay District*).
- **Floodplain zone:** A district that restricts development within delineated floodplains in order to avoid placing people and structures in harm’s way and obstructing flood flows. The zone may allow for agricultural, open-space, or similar low-intensity uses that account for current and future flood risk. (*Chapter 17.39 – “FP” Floodplain District”*).
- **Hillside development ordinance:** Provisions regulating development on steep slopes by establishing a direct relationship between the degree of slope and minimum lot size and density of the project location. Such ordinances reflect the environmental sensitivity and development constraints associated with developing on slopes exceeding 20%. The ordinances implement specific development policies and standards that can be found in the land use, open-space, conservation and public safety elements of the General Plan (*Chapter 17.51 – Steep Slopes and High Fire Hazard Severity Zones*).
- **Mixed-use zoning:** Zoning that authorizes several land uses to be combined in a single structure, area, or project. It is being widely used in a variety of communities, from urban to rural in nature. It is often used for office/commercial/high-density residential and for urban projects that combine ground floor retail/commercial with residential units above. The Shasta Lake General Plan relies heavily on mixed-use districts, and in turn, the Mixed-use and Village

mixed-use zoning districts must be reflected in the zoning plan (*Chapter 17.31 – “MU” and “VMU” Mixed-Use Districts*).

- **Open-space zoning:** Government Code section 65910 specifically requires the adoption of open-space zoning to implement the open-space element. These requirements are addressed in specific zoning districts and regulatory provisions (*Chapter 17.54 - “OS” Open Space Overlay District*).
- **Planned development (PD) zoning:** A type of floating zone designed to provide flexibility in project design and standards. It is usually characterized by comprehensive site planning, clustering of structures, and a mixture of land uses. A PD can implement specific density, open space, community design, and hazard mitigation standards that are contained in a general plan, with the added benefit of providing increased flexibility in development standards and allowable uses that are needed to achieve general plan implementation. A PD is typically established through the creation of a project-specific entitlement and rezoning from the base district to the PD zone (*Chapter 17.38 – “PD” Planned Development Zone*).
- **Specific plan overlay zone:** A district that mandates the preparation of a specific plan prior to development. The specific plan establishes zoning regulations tailored to that site, consistent with the general plan (*Chapter 17.57 - “SP” Specific Plan Overlay District*).

Applicable General Plan Goals and Policies

A sampling of General Plan goals and policies used in the development of the CZO:

- **IMPLEMENTATION-LU-1.7** Establish zoning districts and quality development standards consistent with general plan goals and policies, and amend the city’s zoning map in a timely manner to be consistent with the General Plan. (Source: 1999 Plan Implementation LU-1, modified).
- **GOAL LU-3:** Ensure new development is high-quality, well-integrated, and compatible with existing and surrounding uses, natural features, and environmentally sensitive areas, and allows for a flexible relationship between all land uses to promote creative and beneficial development.
- **POLICY-LU-3.1** Where practical, promote mixed-use development patterns and higher densities that use land and resources efficiently, reduce automobile dependence and pollution, and facilitate walking, bicycling, and transit use. (Source: New)
- **POLICY-LU-3.3** Development on slopes in excess of 20 percent should generally be avoided. Development of highly sloped areas over 20 percent may be considered with additional design requirements. (Source: 1999 Policy LU-r, modified)
- **POLICY-LU-3.4** Development on slopes over 30 percent or within 50 feet of prominent ridgetops visible from major transportation corridors should be prohibited, except for the extension of utilities, street connections to access otherwise developable property, or for public safety improvements. (Source: 1999 Policy LU-r, modified)

- **POLICY-LU-3.9** In order to ensure orderly growth and development, the minimum size for newly created parcels not served by public sewer or package sewage treatment facility, or for parcels not contributing to a sewer assessment district, should be five acres in the Suburban Residential and two acres in the Urban Residential and Urban Residential High A and B land use designations. Modifications to these standards may be allowed if consistent with state (law) and Shasta County environmental health and water quality standards. (Source: Existing Policy LU-s, modified)
- **POLICY-LU-3.13** If a property or project area includes two or more land use designations and is of sufficient size, clustering and other development requirements may be flexibly addressed through a planned development or area plan process. Appropriate densities or intensity of uses will be established by the planned development or area plan. (Source: Existing Policy LU-t, modified)
- **POLICY-LU-3.14** Specific or area plans should be developed to address infrastructure planning and land uses for lands east of Shasta Dam Boulevard, or north and south of the Pine Grove Avenue extension, before any substantial development is approved. (Source: Existing Implementation LU-5, 6, modified)
- **POLICY-LU-3.15** Encourage sustainable, resilient development that conserves water and energy resources and incorporates best practices for avoiding and minimizing damage from flood, earthquake, wildfire, and other hazards. Explore incentives and other methods for addressing conservation and resiliency in existing development. (See Conservation Element and Public Safety and Community Health Element) (Source: New)
- **POLICY-LU-3.16** Do not approve new development unless infrastructure is in place or is planned to be provided in a timely fashion to support the growth. (Source: New)
- **IMPLEMENTATION-LU-3.3** For larger new and undeveloped industrial areas, require master plans and infrastructure financing programs as a condition of project approval. (Source: Existing Policy LU-k, Implementation LU-8, modified)
- **IMPLEMENTATION-LU-3.5** Evaluate the zoning ordinance for possible updates to the Habitat Protection and Open Space districts to ensure development is consistent with natural resource protection goals in the General Plan. (Source: New)
- **IMPLEMENTATION-LU-3.6** Develop specific or area plans, as needed, that cover services and facilities necessary to serve an identified area based on ultimate development potential. Services and facilities include, but are not limited to, roads, water, sewer, storm drainage, power, law enforcement, fire protection, schools, libraries, parks, trees and landscaping in public spaces, and trail systems. These plans should include a schedule for the phasing of public improvements and anticipated development, and timing of preliminary grading and tree removal and replacement. (Source: Existing Policy LU-w, Implementation LU-11, modified)

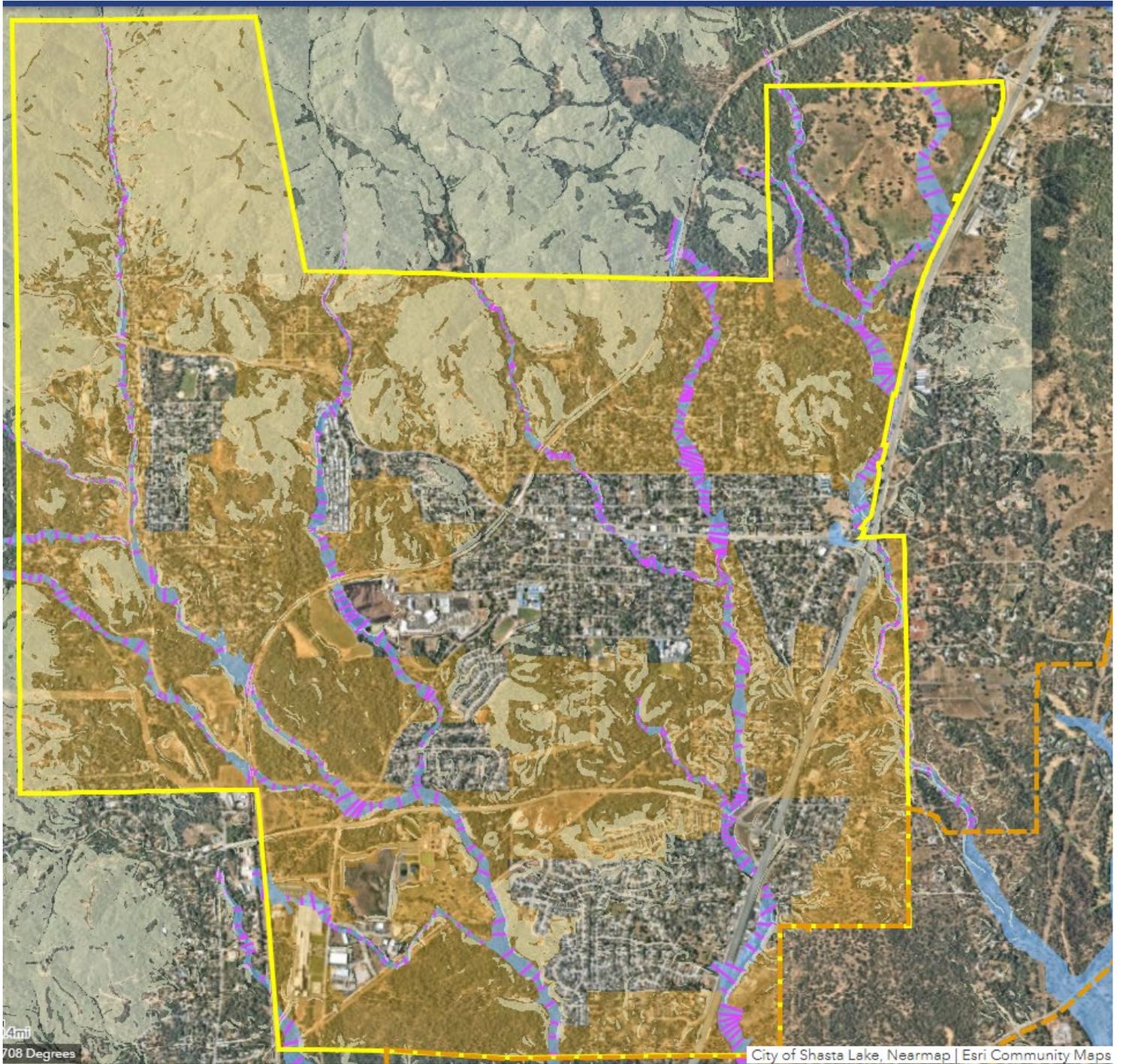


Figure 1: A composite view of environmental and other constraints that must be reflected in the updated zoning plan. Included in this composite are FEMA 100-year floodplains (blue and pink), the VHFHSZ (orange color tone), and areas of slopes exceeding 20% (light tan areas).