

ORDINANCE NO. 1158

**AN ORDINANCE AMENDING THE FOLSOM MUNICIPAL CODE
TO ADD A NEW CHAPTER 17.23
PERTAINING TO MIXED-USE DISTRICT ZONING REGULATIONS**

The City Council of the City of Folsom hereby does ordain as Follows:

SECTION 1 PURPOSE

The purpose of this ordinance is to add a new Chapter 17.23 regarding Mixed-Use District zoning regulations to the Folsom Municipal Code. This ordinance implements Program 18d of the July 14, 2009 adopted Housing Element of the General Plan by providing city-wide zoning regulations relative to future mixed-use development to be located near transit routes. This action will help the City meet the Regional Housing Needs Allocation (RHNA) requirements.

SECTION 2

Chapter 17.23 is added to the Folsom Municipal Code to read as follows:

**Chapter 17.23
MU, MIXED-USE ZONES**

Sections:

- 17.23.010 Purpose.
- 17.23.020 Prohibition.
- 17.23.030 Mixed-Use zones.
- 17.23.040 Special condition requirements for Mixed-Use zones.
- 17.23.050 Mixed-Use zone development standards table.
- 17.23.060 Mixed-Use zone site and architectural design standards.

17.23.010 Purpose.

The Mixed-Use land use zones established in this chapter are designed to promote and protect the public health, safety, and general welfare. The city council in establishing these zones finds that these zones with the uses and regulations provided in this chapter are consistent and compatible with the objectives, policies, general land uses and programs specified in the City General Plan and are adopted for the following purposes:

- A. To establish the Mixed-Use (MU) Zones to allow for mixture of uses that are mutually compatible near public transportation routes by encouraging a variety of high quality and innovative site design conducive to economic, social, and cultural vitality, unique identity, and safety of the district.
- B. To provide for diverse employment, housing, and transportation options to all segments of population by allowing a greater degree of flexibility in design, development standards, and practices.
- C. To promote efficient land use consistent with the SACOG's Blueprint principles and conservation of natural resources by reducing vehicle miles traveled (VMT) and greenhouse gas emissions by locating clusters of mutually supportive uses adjacent to public transportation hubs.

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: Christa Saunders
City Clerk of the City of Folsom, California

17.23.020 Prohibition.

No building, structure, vehicle, sign, or area in any Mixed-Use land use zone shall be used, nor shall any building, structure, sign, or vehicle be erected, altered, moved, enlarged, or stored in any Mixed-Use land use zone except as hereinafter specifically provided in this chapter or elsewhere in this code; nor shall any area, building, structure, vehicle, or sign be used in any manner so as to create problems inimical to the public health, safety, or general welfare, or so as to constitute a public nuisance. Any building, structure, vehicle, sign, or lot, or the use of any building, structure, vehicle, or lot in any Mixed-Use land use zone shall be regulated and governed by the provisions of this chapter and Title 17.

17.23.030 Mixed-Use zones.

A. Mixed-Use Zoning District Use Table.

The purpose of the Mixed-Use zoning district use table is to designate the uses permitted within the buildable area and within the yard areas in each of the following zones.

1. MU, General Mixed-Use Overlay Zone as further regulated in Section 17.23.050 of this chapter. The purpose of the MU zone is to designate areas suitable for mixed uses that are mutually compatible and supportive. The purpose of the MU zone is to create a vibrant mix of retail, dining, personal service, professional office, and residential uses, including live/work studios.
2. MU-TCOZ, Mixed-Use Town Center Overlay Zone as further regulated in Section 17.23.050 of this chapter. The MU-TCOZ zone is intended to provide for a mix of municipal, recreation, retail, dining, personal service, professional office,

and residential components that will become the focal point of the neighborhood.

3. MU-EDOZ, Mixed-Use Entertainment District Overlay Zone as further regulated in Section 17.23.050 of this chapter. The MU-EDOZ zone is intended to contain a mix of entertainment, dining, retail, personal services, and lifestyle components to create a synergistic leisure destination with an intrinsically appealing blend of local, regional, and national merchandisers. A greater concentration of high intensity and vibrant uses are allowed than are allowed in other mixed-use zones.

B. Permitted Uses Within the Buildable Area of Mixed-Use Lots. A “✓”

indicates that the described use is permitted in the zone represented by the described symbol appearing at the top of the column. All development within any of the Mixed-Use zones shall require a Planned Development (PD) Permit. In cases where a proposed use requires a conditional use permit, design review, and/or other entitlement process, both entitlements may be processed concurrently at the planning commission where possible.

- C. An “N” indicates that the described use is not permitted in the zone represented by the symbol appearing at the top of the column. A number indicates that the described use is permitted in that zone upon continuing compliance of the special condition referenced by the corresponding number in Section 17.23.040 of this chapter. The special condition requirements govern the described use.

- D. Similar and Like Uses. If a proposed use is not listed in the Mixed-Use zoning district use table, the Community Development Department (CDD) Director may determine whether the characteristics of the proposed use are sufficiently similar to a listed use to justify a finding that the proposed use should be allowed either principally or conditionally within any of the respective zones. If a finding of similarity is made, then the proposed use is to be allowed as a similar use listed in the Mixed-Use zoning district use table. Uses that are generally considered incompatible with residential uses due to noise, odor, vibration, and glare shall be prohibited in any of the Mixed-Use zones.
- E. The CDD Director may determine that any proposed use should be reviewed by the planning commission for a finding of similarity with other uses. Any determination that a proposed use is sufficiently similar to a listed use, whether made by the planning commission or the CDD Director, shall be in writing and shall contain the facts which support the determination. All such determinations shall be kept in a binder available to the general public at the CDD counter, and one copy shall be provided to the offices of the city attorney and city clerk.

F. Mixed-Use Zoning District Use Table.

Use		Zone		
		MU	MU-TCOZ	MU-EDOZ
<i>Education, Recreation & Public Assembly</i>				
1	Cardroom	N	N	I
2	Club, lodge, private meeting hall	✓	✓	✓
3	Conference/convention facility	N	✓	✓
4	Fitness/health facility	✓	✓	✓
5	Golf/country club	N	N	N
6	Library	✓	✓	✓
7	Park	✓	✓	✓
8	Pre-school facility	✓	✓	✓
9	Religious facilities	I	I	I
10	Recreation facility - indoor (private/public)	✓	✓	✓
11	Recreation facility - outdoor (private/public)	I	I	I
12	School facilities (elementary, middle, high school)	N	N	N
13	Studio - art, dance, martial arts, music, etc.	✓	✓	✓
14	Sports and entertainment assembly	N	I	✓
15	Theater, cinema, performing arts	✓	✓	✓
16	Trade/specialized school or training facility	I	I	I
17	University/college campus	N	N	N

<i>Industry, Manufacturing & Processing</i>				
18	Catering service, as a primary use	✓	✓	✓
19	Bakery, butcher, delicatessen as a primary use	✓	✓	✓
20	Furniture and fixtures manufacturing, cabinet shop	1	1	N
21	Laundry, dry cleaning services	1	1	1
22	Manufacturing/processing - light	N	N	N
23	Media production	1	✓	✓
24	Printing and publishing	✓	✓	✓
25	Recycling center	N	N	N
26	Recycling facility - scrap and dismantling yard	N	N	N
27	Research and development	N	N	N
28	Storage yard - outside	N	N	N
29	Storage – warehouse, indoor storage	N	N	N
30	Wholesale and distribution	N	N	N
<i>Lodging</i>				
31	Bed and breakfast inn	1	1	1
32	Lodging – hotel/motel	✓	1	✓
<i>Retail</i>				
33	Adult oriented business	N	N	N
34	Artisan shop	✓	✓	✓
35	Auto/recreational vehicle wash and detailing	N	N	N
36	Bar, tavern, night club	1	1	✓
37	Building and landscape materials - indoor	✓	N	N

38	Building and landscape materials - outdoor	N	N	N
39	Brewery/winery with restaurant service	1	1	✓
40	Eatery, restaurant, café, coffee shop	✓	✓	✓
41	Gas station	1	N	N
42	Grooming/beauty/general wellness shops	✓	✓	✓
43	General retail	✓	✓	✓
44	Groceries/specialty foods 50,000 s.f. or less	✓	✓	✓
45	Groceries/specialty foods more than 50,000 s.f.	N	N	N
46	Pharmacies/drug stores 25,000 s.f. or less	✓	✓	✓
47	Plant nursery	N	N	N
48	Vehicle parts sales	N	N	N
49	Vehicle sales and rental	N	N	N
50	Vendors, kiosks	1	✓	✓
<i>Services - Business, Financial, Professional</i>				
51	ATM	✓	✓	✓
52	Bank, financial services	✓	✓	✓
53	Laboratory - medical	✓	✓	1
54	Health care facility	1	N	N
55	Medical services - major	N	N	N
56	Medical services - minor	✓ ³	✓ ³	✓ ³
57	Office - business, service or government	✓	✓	1
58	Office - headquarter or processing 50,000 s.f. or less	1	1	1
59	Office - professions, administrative	✓	✓	✓

<i>Service - General</i>				
60	Assisted living facility	1	N	N
61	Adult daycare facilities	1	N	N
62	Child care facility	1, 5	1, 5	1, 5
63	Kennel, animal boarding	N	N	N
64	Maintenance/repair services - equipment, appliances	N	N	N
65	Mortuary, funeral home	N	N	N
66	Personal services	✓ ⁴	✓ ⁴	✓ ⁴
67	Public safety facility	✓	✓	✓
68	Vehicle services - major repair/body work	N	N	N
69	Vehicle services - maintenance and minor service	N	N	N
70	Veterinary clinic, animal hospital	1	N	N
<i>Residential</i>				
71	Accessory building/structure (non-residential)	2	N	N
72	Single-family (SF) dwellings SF detached SF zero-lot-line SF patio	N N N	N N N	N N N
73	Two family dwellings Duplexes Half-plexes	N N	N N	N N
74	Multiple-family dwellings Townhouses Condominiums Garden Apartments Apartments	✓ ✓ ✓ ✓	✓ ✓ 1 ✓	✓ ✓ 1 ✓
75	Second dwelling units	N	N	N
76	Live/work studios	✓	✓	✓
77	Home Occupations	2, 6	2, 6	2, 6

78	Covered, uncovered parking lots	2	✓	✓
<i>Transportation, Communication, Infrastructure</i>				
79	Alternative energy technologies	1	1	1
80	City water facility	N	N	N
81	City wastewater facility	N	N	N
82	Parking facility (private/public)	✓	✓	✓
83	Off-site parking facility (ancillary use)	2	2	2
84	Storm drainage facilities	✓	✓	✓
85	Underground utilities	✓	✓	✓
86	Utility facilities	✓	✓	✓
87	Wireless communication facilities	1	1	1
88	Temporary tract construction office	✓	N	N
89	Temporary tract construction equipment yard	✓	N	N

**17.23.040 Special condition requirements
for Mixed-Use zones.**

The following special condition requirements apply to the uses indicated by the corresponding numbers on the Mixed-Use zoning district use table described in Section 17.23.030.

1. Permitted only upon the issuance of a conditional use permit by the planning commission.
2. Permitted only upon the issuance of an accessory use permit by the CDD Director.
3. Minor medical services are defined as out-patient services including, but not limited to, Lasik surgery offices, dentistry office, same day clinics, and medical offices.
4. Personal services are defined as intellectual or manual work performed by a service provider in serving a customer including, but not limited to, consulting services, massage therapy, weight counseling, and personal concierge services.
5. Child care facilities connected to office/professional businesses will be considered as an ancillary use.
6. Home Occupation Permit shall be required as per the FMC 17.16.

17.23.050 Mixed-Use zone development standards table.

Mixed-Use Zone Development Standards Table

Lot Configuration	
Site Area	0.5 Acre min.
Buffers	Appropriate buffers by means of decorative walls or evergreen shrubs shall be provided within setback areas to minimize impacts on adjacent single-family residential uses.
Residential Density	
Minimum Residential Density Required	12 units per acre in MU 20 units per acre in MU-TCOZ and MU-EDOZ
Maximum Residential Density Permitted	30 units per acre except as provided by Density Bonus as permitted in the Folsom Municipal Code (FMC) Chapter 17.102
Location of Commercial Use	
Buildings fronting a major commercial corridor	Commercial use required on the ground floor
Buildings not fronting a major commercial corridor	Residential use may be permitted on the ground floor. Residential tenant space on the ground floors shall be constructed in a way that can accommodate a commercial use in the future without significant structural change to the space including the ceiling height.
Setbacks (measured at back of sidewalk)	
<i>Front Yard Setback</i>	
Primary Structure	0 ft. min. ¹
Courtyard / Porch / Plaza	0 ft. min. ¹
<i>Side Yard Setback</i>	
Interior Side Yard	0 ft. min., 10 ft. min. between buildings
Street Side Yard	0 ft. min.
Accessory Structures (interior lot lines)	3 ft. min.
<i>Rear Yard Setback</i>	
Main Building	0 ft. min. ¹
Accessory Structure	0 ft. min.
Landscape Coverage	
	10% min. of entire site including, but not limited to, entries, parking areas, and plazas

Building Height	
Main Building	50 ft. max., unless parking is provided underneath buildings
Accessory Structure	15 ft. max.
Off Street Parking	
Minimum Parking Spaces Required	A parking study is required demonstrating sufficient parking would be provided for the proposed project.
Location of Parking	<p>Parking lots shall be located to the rear or side of buildings only. See Figure 4 of the City of Folsom Mixed-Use Handbook.</p> <p>Parking lots shall be adequately landscaped and screened from adjacent properties and public streets to minimize the visual impact of parked cars and pavement. See Figure 5 of the City of Folsom Mixed-Use Handbook.</p>

NOTE: (1) Setbacks may vary through Planned Develop Permit review process by the City. New buildings shall be located as close to the fronting streets as practically possible.

17.23.060 Mixed-Use zone site and architectural design standards.

- A. The best design of the times shall be utilized in the Mixed-Use zones. Urban design principles associated with form-based codes, transit oriented development (TOD), or Smart Growth, "Complete Streets" design, crime prevention through environmental design (CPED) and/or other innovative urban design standards shall be utilized. See Figures 1 through 3 of the City of Folsom Mixed-Use Handbook.
- B. Orientation, location, size, height, design, material, color, and lighting of the new buildings shall be carefully determined by considering not only the site characteristics and anticipated uses, but also the characteristics of adjacent properties and public realms including connectivity for pedestrians and bicyclists and public views.
- C. Vertical mixed-use, where two or more different uses occupy the same building, is generally encouraged as opposed to integrated horizontal mixed-use, where two or more different types of uses are located within one parcel, but each of the buildings is occupied by only one use. See Figure 6 of the City of Folsom Mixed-Use Handbook.
- D. Horizontal mixed-use development shall meet all of the following standards:
 1. Horizontal mixed-use development shall be discouraged on parcels that front on a major commercial corridor.
 2. The site and parking design shall maximize opportunities for shared parking, access entries, and driveways to minimize the number of curb cuts.

3. Zero setbacks shall be required for all new non-residential buildings along both the main and secondary frontages unless pedestrian-friendly amenities, such as plazas or courtyards, including appropriate street furniture seating, trash receptacles, bike racks, and other similar elements are provided between the buildings and the applicable property line(s).
 4. Weather protection such as awnings and canopies shall be required along at least 70 percent of all new non-residential building façade facing a public street. See Figure 7 of the City of Folsom Mixed-Use Handbook.
 5. Permeable surface including windows, display windows, and building entrances shall consist of at least 70 percent of the ground floor façade, between 30 inches and 8 feet above grade, of all new non-residential buildings facing a public street. Permeable surface shall consist of at least 50 percent of the façade of upper floors of all new non-residential buildings facing a public street. See Figure 7 of the City of Folsom Mixed-Use Handbook.
 6. Parking lots shall be located to the rear of buildings only. Parking lots shall not be located on the corner of the lot.
- E. Clearly-marked, decorative driveways and pedestrian pathways shall be constructed to facilitate safe and efficient pedestrian movement on the site. Separation of uses by parking areas shall be minimized as much as practically possible. Safe and attractive pedestrian connection shall also be

provided between new buildings and adjacent existing commercial and residential sites. See Figure 8 of the City of Folsom Mixed-Use Handbook.

- F. Pedestrian-friendly amenities, such as plazas or courtyards, including appropriate street furniture seating, trash receptacles, bike racks, and other similar elements shall be provided on the street side(s) of lots, including corner lots, that front on a major commercial corridor. Special treatments, such as a rounded or angled facet, should be provided to corner buildings.

At least 2 of the following gathering elements shall be provided for each block, or every 150 linear feet, of the all lot frontage.

- Patio/seating areas
- Pedestrian plaza with benches
- Landscaped open space area
- Public art plaza
- Kiosk area
- Water feature

- G. Buildings shall have a distinct bottom, middle, and top. Primary building entries shall be accented with strong architectural features. High quality and durable building materials shall be utilized. See Figure 9 of the City of Folsom Mixed-Use Handbook.

- H. In general, building materials that should be used include, but are not limited to:

- Smooth or sand stucco finishes
- Style-appropriate stone
- Wood
- Metal
- Brick
- Stone
- Glass

- Concrete
 - Plaster
 - Wrought iron
 - Canvas awnings
 - Wood trellises
 - Tile roof elements
 - Wood Columns and beams in key locations
 - Pre-cast stone trims, head, and sills
 - Metal Roof elements
 - Decorative sheet metal gutters, downspouts, and collector, if and where appropriate
 - Wood Shutter elements
 - Individually articulated window elements
 - Tile-up construction that utilizes imaginative forming techniques to add texture and shadow to otherwise unarticulated walls
- I. In general, the building materials that should be prohibited include:
- Heavy “knock-down” or “Spanish lace” stucco finishes
 - Contrived stone veneers
 - Unfinished tilt-up wall panels
 - Exposed concrete block walls
 - Exposed aggregate walls
- J. Projects shall generally consist of smaller, multiple buildings with varied massing rather than a few large buildings to provide visual interest and human scale urban character. Design details that can be used to help break large buildings into smaller-scaled components include, but are not limited to:
- Enhanced entry elements or entry plazas
 - Atriums and interior courts
 - Upper floor setbacks
 - Dynamic building and roof forms
 - Cornices, parapets, and eaves
- Awnings, balconies, trellises
 - Distinctive window patterns
 - Accent lighting
 - Landscaping components
- See Figure 10 of the City of Folsom Mixed-Use Handbook.
- K. Vertical and horizontal offsets shall be used to provide building modulation or articulation features. Building bay widths should be generally 25 to 50 feet. Articulation should add three dimensional interest to the façade and not rely on “false” detailing. See Figure 10 of the City of Folsom Mixed-Use Handbook.
- L. Each retail establishment shall have clearly defined, highly visible, and distinctive customer entrances.
- M. Flat or shallow-pitched roofs shall be ornamented with shaped parapets or cornice treatments.
- N. Mirrored, opaque, and deeply tinted glass are strongly discouraged for retail uses, but may be used as an architectural element.
- O. Exterior building colors should be compatible with surrounding buildings. In general, building colors should not be garish. Color should be used to enhance the overall site and building design.
- P. Any building walls or parking structures shall be attractively screened by means of evergreen trees or shrubs, trellis, art, stoops, or other architectural elements from adjacent properties or public rights-of-way.

Q. Use of stoops shall be prohibited along the primary frontage and may be permitted only along the secondary frontage. Stoops shall generally meet the dimensional standards as depicted in Figure 11 of the City of Folsom Mixed-Use Handbook.

R. Ample and attractive landscaping shall be provided in areas visible from adjacent properties and public rights-of-way including on-site parking lots in a way that complements the overall design of the site and buildings.

Street trees shall be required and distinguish the development site from the surrounding community through species, color, order, scale, or shape. Large potted plants in groupings shall be encouraged to be interspersed along walkways to add another level of detail and interest to the streetscape.

S. Use of Low Impact Development (LID) techniques, Energy Star features, Leadership in Energy and Environmental Design (LEED) standards, and other sustainable development techniques shall be utilized as much as practically possible. See Figures 12 and 13 of the City of Folsom Mixed-Use Handbook.

T. Commercial and way-finding signs, kiosks, public art, thematic street furniture, water elements, and streetscape lighting shall be designed in a way that complements the overall design of the site and buildings. See Figures 14 through 16 of the City of Folsom Mixed-Use Handbook.

U. Service/loading areas, garbage receptacles, utility meters and mechanical and electrical equipment shall be located away from public view

and fully screened from adjacent properties and rights-of-way. The method of screening of these areas shall be integrated into the overall building and site design.

V. For phased developments, landscaping shall be installed along the entire street frontage of all subject properties. All undeveloped portions of each occupied or developed lot shall be maintained as landscaped area and irrigated until those areas are developed.

W. A Uniform Signage Program (USP) is required for every mixed-use project. USPs shall be reviewed and approved by the Planning Commission prior to installation of any sign for the project. All signs shall be designed to enhance the overall sign and building design and contribute to the pedestrian-friendly characteristics.

X. Through the Planned Development Permit review process, the review authority may impose conditions intended to help implement the goals and policies of the MU zoning district on a case-by-case basis. Such conditions shall be in writing and based on written findings.

SECTION 3

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code remain in full force and effect.

SECTION 4 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be in valid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

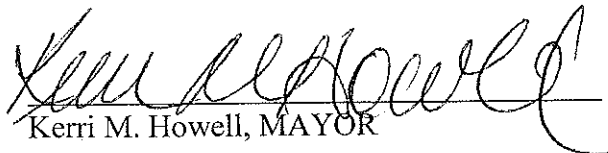
SECTION 4 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City of Folsom.

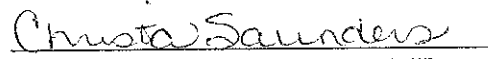
This ordinance was introduced and the title thereof read at the regular meeting of the City Council on March 13, 2012 and the second reading occurred at the regular meeting of the City Council on March 27, 2012.

On a motion by Council Member Starsky seconded by Council Member Morin, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 27th day of March, 2012 by the following vote, to wit:

AYES:	Council Members:	Miklos, Starsky, Morin, Sheldon, Howell
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None


Kerri M. Howell, MAYOR

ATTEST:


Christa Saunders, CITY CLERK

Effective: April 26, 2012