

Folsom 2019 Zoning Code Update

Identified Issue Areas/Problems to Solve

Overall Issues/Tasks:

1. Consistency with 2035 General Plan
2. Consistency with relevant State and Federal laws
3. Organizational improvement
4. Clarity and ease of use (more tables, graphics, and clear/concise language)

Zoning District Provisions

5. Unused Land Use Districts– Update land use table; eliminate unused districts:
 - a. 17.34 Industrial Frontage District (MF),
 - b. 17.42 B, Special Building Site Combining District
 - c. 17.44 F, Special Highway Frontage Combining District
 - d. 17.46 H, Special Height Combining District
 - e. 17.48 CD, Special Civic District Combining District
 - f. 17.54 UUD, Underground Utility District
 - g. 17.56 E-1, E-2, Estates Districts
6. Commercial Land Uses – Update land use table to reflect current/modern uses. Also review notes and exceptions. Evaluate district purposes distinctions and corresponding allowed use regulations.
7. Use of Planned Development Permits – Consider whether to keep Planned Development (PD) section of the code or to simply or narrow the applicability. Need to remove requirement that multi-family projects be processed with a PD Permit consistent with State law.
8. Mixed-use development – Expand provisions for mixed use development existing commercial zones. Consider expanded applicability of the MU zone, or potential creation of a new MU overlay zone consistent with General Plan policies relative to East Bidwell and transit priority areas.
 - a. Review Mixed Use Design Guidelines workbook and incorporate as necessary.
 - b. Review Mixed Use zone requirements in Chapter 17.23.
9. Mixed Use Overlay Zones – Need to eliminate Mixed Use –Entertainment District Overlay Zone (MU-EDOZ) and Mixed-Use – Transit Center Overlay Zone (MU-TCOZ) and replace with equivalent existing zones, use permit requirements, or development standards.
10. R-M, R-3 and R-4 Zones – Need to be cleaned up and sorted out – especially as it relates to housing types, densities, and corresponding development standards. Need to allow additions to existing single- family residences in the R-4 zones.
11. M-L, M-1 and M-2 – Districts need to be evaluated and updated accordingly. They have independent district purposes, but many overlapping use regulations (e.g., Lake Forest Technical Center).
12. Mobile Home Park (RMH) – Need to clean this up consistent with State law and best practices.
13. Split Zoning - Prohibit split zoning on parcels especially if there is a lot line adjustment that creates the split zoning. Need to clean those up.

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Site Planning, Use and Development Standards

14. Parking Standards

- a. Need to update off street parking requirements to expand the list of uses and reflect current best practices. Specifically, the following issues need to be addressed:
 - Reductions required per General Plan (Program M-11)
 - Multi-family, senior facilities, and second units
 - Commercial parking standards (e.g., restaurants, shopping centers).
 - Parking standards for outdoor patios/seating areas for restaurants
 - Parking standards for breweries, tasting rooms, tasting rooms serving food, and brewery/restaurants
 - Prohibit parking on front yard lawns/landscaping.
- b. Need to update standards and maintenance requirements for shade trees and solar structures.
- c. Need to add standards for electric vehicle charging stations in parking lots and address distribution to reflect best practices.
- d. Need to update shared parking provisions and standards.
- e. Need to consider updating parking requirements associated with home occupation permits (Section 17.61.070).
- f. Need to add standards for parking lot lighting standards with minimum and maximum levels of illumination and shielding.
- g. May need to update parking requirements and location for single family R-1 district to be outside of required and/or actual front yard areas.
- h. Consider bicycle parking standards based on use and short-term vs. long-term bike parking.
- i. Consider relocating parking standards for Non-Registered Vehicles to FMC Chapter 10.16.

15. Lighting Standards – Need to incorporate new outdoor lighting standards for residential, commercial, industrial and other uses.

16. Electric Scooters/Bike Share – Consider whether to include regulations or standards relative to zoning for rental bikes, which may include penalties for misuse, illegal parking, or other violations in Title 17 or other Titles of the FMC.

17. Front Yard Landscaping – Consider relocating existing provisions from FMC Section 10.20.280 to Title 17 and expanding or updating to reflect best practices. Need to maintain at least 40% landscaped or should this be modified in light of drought issues and water restrictions.

18. Residential Lot Coverage – Need to look at increasing lot coverage for smaller homes, etc. Consider different standards for single story vs. two-story homes. Consider incentivizing single-story development by allowing increased lot coverage especially in active adult communities. Consider goals and impacts associated with regulating lot coverage vs. regulating impervious surfaces.

19. Vacation rentals/Boarding Houses

- a. Boarding houses – leasing/renting rooms. Standards are not clear.

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- b. Vacation Rentals – How does the City want to regulate? Which zones, hours of operation, noise, etc? Do we require owner to be present? How many people are allowed? How many rooms can be rented out? How much parking is allowed? What zones do we limit this to? Confusion between FMC Section 17.58.050 and 17.02.08. Address trash issues. Consider establishing penalties for multiple violations. Consider requiring TOT and business licenses.
20. Height
- a. Need clearer standards and need consistency across zoning districts. We have use permits to allow for height increases and should not use that approach.
 - b. Need standard and methodology for how to measure height. Need diagram.
 - c. Need to better define and illustrate 2.5 stories for residential homes.
21. Staircases - Address Exterior staircases for two-story homes, along with height visibility
22. Setbacks
- a. Need to consider large setbacks from center line of certain streets (Baldwin Dam Road, Oak Ave Parkway, etc.) and impacts relative to development standards. Need to review with Public Works.
 - b. Commercial setbacks may not be adequate or not applicable.
 - c. Need to reconsider the significant rear yard setback requirements in the R-1-L district.
23. Food Truck and Vendors – Consider how the City wants to regulate these.
24. Garage and accessory structures - Review sizes of garages and development standards for them (refer to Section 17.58.060 and 17.58.070)
25. Marijuana regulation – No change proposed, but need to make sure that standards are clear and legally defensible.
26. Accessory structures – Need to address:
- a. Definitions for accessory structures. Tree houses, shipping containers, etc. What’s included and excluded. What’s allowed – exempt, building permit, design review and what’s prohibited?
 - b. Whether patio covers are distinct from accessory structures and have different standards?
 - c. Consideration of siting, setback, height, and development standards for accessory structures especially for corner lots (need illustrations).
 - d. Outdoor kitchen/BBQ/fireplace areas
 - e. Accessory structures on zero lot line sites and small lots.
 - f. Garden sheds – size, square footage, height and location in backyard and proximity rear and side yard fencing. Not allowed in front yards.
 - g. Easy-up structures and metal RV cover in front and side yard not permitted.
 - h. Distance of accessory structure from street (illustration would help).
27. Telecommunications Facilities – Need to address:
- a. Cell towers, co-location and development standards
 - b. Small cell technologies, wireless, 5G, etc.
 - c. Including issue of private vs. public property (ROW)
 - d. Examples would be street ROW and parks vs. private property
 - e. Design guidelines and development standards

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- Timing and procedures for processing these applications per federal law
 - Maintenance
28. Gated Subdivisions – Need to address:
- a. Adding them after the fact (post subdivision consideration)
 - b. Standards and hours of operation
 - c. Locked vs. unlocked
 - d. Pedestrian access
 - e. Trail connections
29. Sunrooms and California Rooms - Current code doesn't address sunrooms specifically. It's a bit ambiguous as to whether we handle them like patio covers or additions – need to clarify.
30. Bars and Restaurants – Need better definitions and distinction for bar vs. restaurant and what the right requirements are especially in Historic District (e.g., Fat Rabbit, Gaslight Co., Samuel Horn). Do we use ABC license definitions for type? Should the City consider concentration/area saturation restrictions?
31. Breweries, Tasting Rooms, Distilleries and Tap Houses – Need to address issues with parking and operations especially in or adjacent to business parks.
32. Pool Houses and Guest Houses – Definitions and standards are not clear. Don't meet second dwelling unit requirements, but we are seeing more of these.
33. Fencing – Clarify that we don't allow 6' fences in front yard regardless of whether they are beyond the required front yard setback. Not allowed in front of house? Prohibit trellises and kickers that raise height above 6'. Need fencing illustrations in code so customers understand how fence height is measured. Measured from finished grade to top of fence. Also need illustrations for fence location and height limitations by use type, including clear visibility requirements at the intersection of streets and streets/alleys.
34. Day care – Need consistency about what districts allow these and reference to State licensing requirements.
35. Storage Containers – Need to address as housing or retail/restaurants or as sheds in rear or side yard areas.
36. Tiny Homes – Need to address this type of housing in terms of zoning and any standards or conditions that should be associated.
37. Patio covers – We currently have 8' separation requirement for accessory structure, but it's not clear if it applies to patio covers. Need consistency in standards, clear definition of many terms that refer to same type of structure, and reference to any applicable design guidelines.
38. Standards and Process for Unique Land Uses – Like Escape Folsom (escape room with bar)
39. Section Dwelling Units :
- a. Need to clarify height limits/exceptions and design requirements consistent with State law.
 - b. Also need to be intentional about attached vs. detached second units and any local size limitation in and outside of the Historic District.
 - c. Consider allowing garage conversions to create Second Dwelling Units if there is sufficient off-street covered parking to meet the requirements for the home. Similarly, allow the conversion of a third/fourth garage bay if there remain sufficient off-street covered parking to meet the requirements for the home.
 - d. For corner lots and accessory structures as well as second dwelling units, should the City allow accessory structures and second dwelling units on street side of corner lot be 5'

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from property line? Some ROW extend 16' from centerline and some easements may exist that prevent structure from being only 5' from property line.

40. Electric Vehicles and Charging Stations - Development standards for electric vehicle charging stations including dimensions, location, placement of charging devices, ADA path of travel, etc.
41. Multi- Family Residential Standards - Need to review standards for R-3, R-4 and RM
42. Group Dwellings - Group dwellings are only allowed in R-4, but should be allowed in lower density zones.
43. Hillside Development Areas: Need clear definition and standards for the hillside development areas.
44. Design Review - Need clearer standards for design review. Need to ensure that design review standards for residential development are consistent with the requirements of SB 35.
 - a. "Ministerial processing or approval" means a process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely ensures that the proposed development meets all the "objective zoning standards," "objective subdivision standards," and "objective design review standards" in effect at the time that the application is submitted to the local government, but uses no special discretion or judgment in reaching a decision.
 - b. Incorporate design standards for multi-family in code rather than separate design guidelines.
 - c. Commercial design standards
45. Solar/PV – Need to address location and design review, as well as roof-top vs. ground-mounted.
46. Drive-Thru – Evaluate use restrictions, as well as design and development standards to reflect best practices and include illustrations.
47. Unusual Shaped Lots – Update section with modern definitions and clarify how to measure setback, how to determine the front or the lot, and any requirements for access.

Administration and Process:

48. Project Review – Need to evaluate current thresholds, gaps, and identify policy direction regarding appropriate level of review for projects –Community Development Director vs. Planning Commission/Historic District Commission.
49. Nonconforming Uses – Need to clarify regulations, process, and any exceptions regarding improvements, additions/enlargement or reconstruction of legal non-conforming uses and structures.
50. Appeals – Need to address length of appeal periods for decisions of CDD Director and Planning Commission/Historic District Commission.
51. Use Permits – Consider opportunities to streamline or condition certain uses to reduce number of uses that require a Conditional Use Permit (e.g., Minor Use Permit). Also update process and regulations for temporary and limited term uses.
52. Timing and Processing – Need to address phasing of larger projects where the tentative map was approved under the old General Plan, but the model house plans are going through development review with the new General Plan.

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53. Design Review and GP Consistency - Should consistency with the new General Plan during design review just be limited to consistency with those General Plan policies related to design review? Should the zoning code requirements be changed to reflect that?
54. Submittal Requirements – consider removing submittal requirements from the Code and referring to the current application forms for required submittal materials.
55. Submittal and Posting Requirements – Use permits and variances need to be clarified and updated to reflect best practices.
56. Commission Review – Consider adding process to allow the director to elevate certain administrative determinations to the Planning Commission/Historic District Commission for review/determination.
57. Special Event Permit Process - Need to formalize special event permit process and standards in the code. Consider minor, major, annual special event permit options.
58. Project Closeout - Need to have a means in the zoning code to close out inactive projects. So after 1 or 2 years and no action on entitlements, should be able to close it out.

Definitions:

59. Need to check all definitions to remove unused or antiquated definitions, update to reflect best practices, and fill in gaps appropriately. A few examples below:
 - a. Need to be consistent on definitions of nursesey and pre-school. They are used interchangeably in the code (plus need layer in GIS).
 - b. Trailers/Trailer Parks - Remove the term Trailers and Trailer Parks Zone from the zoning code. Use mobile home and mobile home parks instead.
 - c. Dwelling groups vs. group dwellings (see R-M and R-3 zone references). Need to clarify.
 - d. Multi-family dwelling vs. multiple family dwelling. Need to be consistent.
 - e. Need definition of building story.

Other Issues:

60. General Plan Land Use Consistency Table: Need to include a land use consistency table in the Zoning Code which shows corresponding land use designations and consistent zoning designations.
61. Housing Element Implementation - Need to implement required programs from the City's Housing Element including:
 - a. H-1.C. Residential Mobilehome Zone: The City shall amend the boundaries of the Residential Mobilehome (RMH) zones to be consistent with areas designated as Single-Family High Density/Mobile Home Park (SFHD) in the General Plan Land Use Diagram. Additionally, the City shall amend the language in the Zoning Code to remove references to the "Trailer and Trailer Parks" Zone. See email from Stephanie dated 11/2/18.
 - b. H-2.C. Development Standards: Following adoption of the updated General Plan, the City shall review and revise, as appropriate, its infrastructure and other development standards to ensure that they are consistent with the General Plan and allow for a full

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variety of housing types, and do not unfairly burden residential developers while maintaining appropriate fire, health, and safety standards.

- c. H-2.D. Review and Update Guidelines for Multifamily Housing: Following adoption of the 2035 General Plan, the City shall review and update the Design Guidelines for Multifamily Development to ensure consistency between the policies in the General Plan and development standards in the Municipal Code and those in the Design Guidelines. Additionally, the City shall create a single document that consolidates all of the development and design standards for multi-family housing.
 - d. H-7.D. Facilitate Transit-Oriented Development: The City shall identify opportunities for transit-oriented development (TOD) in the city, consider Zoning Code amendments to facilitate mixed-use and high-density residential TOD opportunities, and explore funding opportunities.
 - e. H-2.E. Monitor Inclusionary Housing Ordinance - The City may revise, amend, or repeal the Ordinance if it finds the Inclusionary Housing Ordinance is a constraint on all housing types or is not meeting its desired objectives.
62. SACOG housing policy changes to consider:
- a. Expand “missing middle” zoning for medium density residential. Especially South of Highway 50 – maybe more with special development standards for higher density that all departments and at least 3 Council members can get behind – and the FPA can incorporate.
 - b. Establish TOD zoning in our Transit Priority Areas, particularly Historic Folsom (with reduced parking requirements, limited sf designations replaced by higher density and mixed use zoning)
 - c. Allow attached housing in certain commercial zones
 - d. Create housing overlay zone applied in targeted areas with significant incentives and by-right development densities for certain level and/or percentage of affordability (e.g., densify/upgrade/establish deed restricted # units at existing apartment complexes or undeveloped property prime for dense and/or affordable housing)
 - e. Update second dwelling unit regulations to remove parking requirements, eliminate owner occupancy requirements (we’re one of the only jurisdictions in the region with this requirement), and/or allow in all more areas with additional size restrictions and/or by reducing minimum development standards (lot size, setbacks).
63. Historic District Issues:
- a. Need to address the inconsistencies between Historic District subarea regulations (use and standards) and underlying zoning districts (use and standards) with consideration to impact on existing uses that may become nonconforming. Consider options for a single base district for the area, overlay, or alternative districts to resolve the inconsistencies.
 - b. Design and Development Guidelines update – consider any “shoulds” that should be “shalls” and codify those requirements.
 - c. Need to discuss pros and cons of creation of historic preservation ordinance so that Historic District would qualify as a certified local government, which has been requested by the Heritage Preservation League (HPL).
 - d. Accessory Dwelling Units – remove redundant terms – accessory dwelling units and second units.

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- e. Address shift from retail to entertainment, bar, and restaurant uses.
 - f. Update parking requirements
 - g. Update standards and any unique regulations relative to signs in the Historic District (e.g., A-frame)
64. Sign Code:
- a. Consider revised building signage requirements to address flexibility and lighting.
 - b. Need to address signage inside the building on a window that is visible from the public ROW as exempt or should be regulated and subject to the sign standards like an exterior sign consistent with relevant laws.
 - c. Address decals vs. illuminated signs
 - d. Consider appropriate number of monument signs for shopping centers. Should it depend on the number of streets surrounding the site or number of entries?
 - e. A-frame signs and rules for them inside and outside the historic district
 - f. Signs on historic structures (banner signs, etc.) – including things like museum banners
 - g. Signs for Vacation Rentals: As we look at adding in language about vacation rentals, consider whether we need to address signage.
 - h. Need to tackle the different standards for commercial vs. office uses because many of our strip centers have both types of tenants.
 - i. Need to better address multi-tenant buildings and signage especially office buildings.
 - j. Need to address signage on mixed use structures.
 - k. Need to update our regulations for temporary signs.
 - l. Need to address lawn signs/wind jammer signs
 - m. Need to address animated sign spinners
 - n. Need to update sign regulations for residential subdivision signs, including temporary and permanent signs.
 - o. Need to establish options for district or corridor signage beyond project branding signage with clear process, consideration for standards, maintenance, etc.
 - p. Need to update grand opening signs, banners, inflatables
 - q. Need to update sign standards with some degree of proportionality to building size, frontage or other best practice.
 - r. Need to update and clarify sign regulations for freeway facing signage
 - s. Need to better define city-sponsored signs
65. Sustainability Issues:
- a. Parking Lot Tree Shading – Need to improve. Penalties for removal. Use best practices.
 - b. Addressing Urban Heat Island Effect to reflect best practices such as reflective roofing, permeable pavement, cool paving, other ideas or practices.
66. Lot Line Adjustments and Zoning - Need to make sure there is an administrative process for lot line adjustments to ensure that GP land use designation, SP designation and zoning designation all are adjusted to match new parcel boundaries.
67. Home Occupation Permit – Need to update regulations to reflect best practices and consider restrictions on allowable uses such as home gun sales, vaping sales, tobacco, alcohol sales, etc. that require a CUP elsewhere in the City if in a commercial zone.

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68. Code Enforcement Issues: Need to move some items from FMC Title 10 to the zoning title (e.g., parking restrictions for abandoned vehicles)
69. Business License Permit Process - Need to understand MuniServices role vs. City role in process for business licenses.
70. Subdivision Ordinance (Title 16) - Need to clarify that for lot line adjustments the Planning Commission/Historic District Commission is the appeal body only. The Commission does not approve LLAs only the CDD Director does that.
71. Noise standards (Chapter 9 of FMC) – Need to update to reflect best practices and consistency with the General Plan.