Title 17

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Chapter 17.02

DEFINITIONS

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17.02.010 Definitions generally.

Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure," and the word "shall" is mandatory and not directory. The term city council means the city council of Folsom, and planning commission means the planning commission of Folsom. The word "city" means the incorporated area of the city of Folsom. (Prior code § 3104.01)

17.02.020 Accessory building.

"Accessory building" means a detached subordinate building, the use of which is incidental to that of the main building on the same lot, or to the use of the land. (Prior code § 3104.02)

17.02.030 Accessory use.

"Accessory use" means a use or building incidental or subordinate to the principal use of building located upon the same lot. (Prior code § 3104.03)

17.02.040 Agency.

"Agency" means an office or commercial establishment in which goods, material or equipment is received for servicing, treatment or processing elsewhere. (Prior code § 3104.04)

17.02.050 Alley.

"Alley" means a public or permanent private way or lane less than 36 feet in width which affords a secondary means of access to abutting property. (Prior code § 3104.05)

17.02.060 Apartment house.

"Apartment house" means any building or portion thereof which is designed and built for occupancy by 3 or more families. (Prior code § 3104.06)

17.02.070 Basement.

"Basement" means a space partly or wholly underground and having more than 1/2 its height, measured from its floor to its finished ceiling, below the average adjoining grade. If the finished floor level directly above a basement is more than 6 feet above grade at any point, such basement shall be considered a story. (Prior code § 3104.10)

17.02.080 Boarding house.

"Boarding house" means a building thereof, other than a hotel, where regular meals for 5 or more persons are provided for compensation or profit. (Prior code § 3104.11)

17.02.090 Building.

"Building" means any structure having a roof supported by columns and/or by walls and intended for the housing or shelter of any person, animal or chattel. (Prior code § 3104.12)

17.02.100 Building coverage.

"Building coverage" means the land area covered by all buildings on a lot, including all projections except eaves. (Prior code § 3104.13)

17.02.110 Building height.

"Building height" means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, ridge or parapet wall. (Prior code § 3104.14)

17.02.120 Building site.

"Building site" means the land area occupied or capable of being covered by all structures permissible under this title. (Prior code § 3104.15)

17.02.125 Community development director/ community development department.

"Community development director" means the director of the department of planning, inspections and permitting. "Community development department" means the department of planning, inspections and permitting. (Ord. 858 § 2 (part), 1997)

17.02.130 Dwelling.

"Dwelling" means a building designed for and/or occupied by one or more persons of a family. (Prior code § 3104.21)

17.02.140 Dwelling group.

"Dwelling group" means 2 or more detached 1- or 2-family dwellings, other than a commercial tourist or motor court, located upon a building site, together with all open spaces as required by this title. (Prior code § 3104.20)

17.02.150 Dwelling, multiple-family.

"Multiple-family dwelling" means a building designed and/or used to house 3 or more families, living independently of each other, including all necessary employees of each such family. (Prior code § 3104.24)

17.02.160 Dwelling, two-family.

"Two-family dwelling" means a building containing not more than 2 kitchens, designed and/or used to house not more than 2 families, living independently of each other, including all necessary employees of each such family. (Prior code § 3104.23)

17.02.170 Dwelling unit.

"Dwelling unit" means a building or part of a building designed for 1 family, and containing 1 kitchen. (Prior code § 3104.25)

17.02.180 Family.

"Family" means 1 person living alone, or 2 or more persons related by blood, marriage, or legal adoption; or a group not exceeding 5 persons living together as a single housekeeping unit. (Prior code § 3104.26)

17.02.190 Garage, commercial.

"Commercial garage" means a building, other than private garage used for the parking, repair or servicing of motor vehicles. (Prior code § 3104.31)

17.02.200 Garage, parking.

"Parking garage" means a public garage designed and/or used on a commercial basis for the storage only of vehicles. (Prior code § 3104.32)

17.02.210 Garage, private.

"Private garage" means an accessory building or portion of a building, designed and/or used only for the shelter or storage of vehicles by the occupants of the dwelling, including covered parking space or carport. (Prior code § 3104.30)

17.02.220 Helicopter port.

"Helicopter port" means land improved and intended to be used for the landing and taking off of helicopters or vertical flying aircraft. (Prior code § 3104.35)

17.02.230 Home occupation.

"Home occupation" means any business related use carried on within a dwelling or accessory structure thereto, primarily by the inhabitants thereof, which use is secondary to the residential use of the dwelling. The home occupation must not substantially or materially change the residential character of the surrounding neighborhood. (Ord. 804 § 1 (part), 1994: prior code § 3104.36)

17.02.240 Hotel.

"Hotel" means any building or portion thereof containing 6 or more guest rooms used or intended or designed to be used, let or hired out to be occupied or which are occupied by 6 or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise and includes hotels, lodging and rooming houses, dormitories, turkish baths, bachelor hotels, studio hotels, public and private clubs and any such building of any nature whatsoever so occupied, designed or intended to be so occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed or detained under legal restraint. (Prior code § 3104.37)

17.02.250 Junk yard.

"Junk yard" means any area of 200 square feet or more used for the storage of junk or scrap materials, or for the wrecking or dismantling of automobiles or other vehicles or machinery. (Prior code § 3104.40)

17.02.260 Lot.

"Lot" means a parcel of land under one ownership used or capable of being used under the regulations of this title, and including both the building site and all required yards and other open spaces and frontage as defined herein. (Prior code § 3104.41)

17.02.270 Lot, corner.

"Corner lot" means a lot located at the junction of 2 or more intersecting streets, with a boundary line bordering on each of such streets. The shortest such street frontage constitutes the front of the lot. (Prior code § 3104.42)

17.02.280 Lot width.

"Lot width" means the distance between side lot lines measured at the front yard building line. (Prior code § 3104.43)

17.02.285 Mobilehome.

A mobilehome is a structure which is transportable in 1 or more sections and designed for human habitation or occupancy. A mobilehome does not include a recreation vehicle as defined in the Vehicle Code of the state. A mobilehome also includes a manufactured home. (Ord. 445 Exh. A (part), 1981)

17.02.290 Nonconforming building.

"Nonconforming building" means a building or structure or portion thereof lawfully existing at the time this title became effective, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located. (Prior code § 3104.45)

17.02.330 Parking lot.

"Parking lot" means an area of land, a yard or other open space lot used for or designed for use by standing motor vehicles. A parking lot or parking area includes the parking space, maneuvering area and related landscape areas. (Ord. 509 § 1, 1983: prior code § 3104.50)

17.02.340 Parking space.

"Parking space" means land or space, covered or uncovered, laid out for, surfaced and used or designed for use by a standing motor vehicle, that is directly accessible from a street, driveway or maneuvering area as specified in Section 17.57.080. (Ord. 509 § 2, 1983: prior code § 3104.51)

17.02.343 Planning director/planning department.

"Planning director" means the director of the department of planning, inspections and permitting. "Planning department" means the department of planning, inspections and permitting. (Ord. 858 § 2 (part), 1997)

17.02.345 Real estate tract sales office.

"Real estate tract sales office" means a residential structure or a portion thereof which is utilized on a temporary basis as an office for the first-time sale or rental of newly constructed dwellings or dwelling units which are situated within the subdivision in which the office is located. Advertising signs located upon the lot or parcel upon which the office is located are also permitted, provided that the sign or signs (wall and/or freestanding) shall not exceed 6 square feet in area nor 4 feet in height and shall be in addition to those permitted under Section 17.58.090. No more than 1 office permitted under Section 17.58.090 shall be permitted within any subdivision unit and the use shall be discontinued as soon as all lots or parcels within the subdivision have been sold or rented. Ten days prior to the opening of a real estate tract sales office, the selling agency shall notify the planning department of the city of the location of the real estate tract sales office it intends

to use, the name of the subdivision which it serves and furnish a description of the size, location, color and wording of its proposed advertising signs. (Ord. 567 § 1, 1986)

17.02.350 Service station.

"Service station" means a retail business establishment supplying gasoline and oil, and minor accessories and services for automobiles. (Prior code § 3104.60)

17.02.360 Setback line.

"Setback line" means a line established by this title to govern the placement of buildings with respect to streets and alleys. This section governs setback lines on the particular streets and public ways set forth herein:

A. Along Prairie City Road, between the intersections of U.S. Highway #50 and Bidwell Street—Sixty-two feet from centerline of Prairie City Road in R-1, R-2, R-3, and R-4 districts; and ninety-two feet from centerline in all other zonings;

B. Along Bidwell Street, between the intersections of Folsom Boulevard and Riley Streets, 62 feet from centerline of Bidwell Street in R-1, R-2, R-3, and R-4 districts; and 92 feet from centerline in all other zonings;

C. Along Bidwell Street from the intersection of Riley Street to the most easterly city limits, 62 feet from centerline of Bidwell Street in R-1, R-2, R-3, and R-4 districts; and 92 feet from centerline in all other zonings;

D. Along Natoma Street, from Stafford Street to the most easterly city limits, 62 feet from the centerline of Natoma Street in R-1, R-2, R-3, and R-4 districts, and 92 feet from the centerline in all other zonings;

E. Along Baldwin Dam Road, its entire length, 62 feet from centerline of Baldwin Dam Road in R-1, R-2, R-3, and R-4 districts, and 92 feet from centerline in all other zonings;

F. Along Folsom-Auburn Road, its entire length within the city, 100 feet from centerline of Folsom-Auburn Road, in all zonings;

G. Along Oak Avenue, its entire length within the city, 62 feet from centerline in R-1, R-2, R-3, and R-4 zonings and 92 feet from centerline in all other zonings. (Ord. 275 § 1, 1971: prior code § 3104.61)

17.02.370 Servants' quarters.

"Servants' quarters" means a secondary dwelling or apartment without any kitchen facilities designed for and used only by persons or the families of persons regularly employed on the property. (Prior code § 3104.62)

17.02.380 Stable, commercial.

"Commercial stable" means a stable for horses to be let, hired or used on a commercial basis. (Prior code § 3104.63)

17.02.390 Stable, private.

"Private stable" means a stable for horses to be used by the owners thereof. (Prior code § 3104.64)

17.02.400 Structure.

"Structure" means anything constructed or erected upon the ground or attached to a structure having location on the ground. (Prior code § 3104.65)

17.02.410 Story.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof thereof. If the finished floor level directly above the basement is more than six feet above grade at any point, such basement shall be considered a story. (Prior code § 3104.66)

17.02.420 Street.

"Street" means a public or permanent private way thirty-six feet or more in width which affords a primary means of access to property. (Prior code § 3104.67)

17.02.430 Structural alterations.

"Structural alterations" means any change in the supporting members of a building, as bearing walls, columns, beams or girders and the floor joists, ceiling joists or roof rafters. (Prior code § 3104.68)

17.02.435 Surface mining operations, reclamation and related definitions.

The following definitions shall apply to surface mining and reclamation under Chapter 17.97:

A. "Exploration" or "prospecting" means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to: sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

B. "Mined lands" means the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures,

facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

C. "Minerals" means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

D. "Mining waste" means the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other material or property directly resulting from, or displaced by surface mining operations.

E. "Operator" means any person who is engaged in surface mining operations himself, or who contracts with others to conduct operations on his behalf.

F. "Overburden" means soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

G. "Permit" means a use permit issued under Chapter 17.60 of this code.

H. "Person" means any individual, firm association, corporation, organization, or partnership, or any city, county, district, or the state or any department or agency thereof.

I. "Reclamation" means the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

J. "State Board" means the State Mining and Geology Board, in the Department of Conservation, State of California.

K. "State Geologist" means the individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

L. "Surface Mining and Reclamation Act of 1975" or "the Act" means California Public Resources Code Section 2710 et seq.

M. "Surface mining operations" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

1. Inplace distillation, retorting or leaching.
2. The production and disposal of mining wastes.
3. Prospecting and exploratory activities. (Ord. 527 § 1, 1984)

17.02.440 Tourist court.

"Tourist court" means a group of buildings designed for use by tourists or transients with living or sleeping rooms, garages, parking spaces and related facilities advertised or offered on a commercial basis, including an auto court and motor court. (Prior code § 3104.70)

17.02.450 Trailer.

"Trailer" means a vehicle designed, equipped and/or used as a dwelling or for living or sleeping purposes. (Prior code § 3104.71)

17.02.460 Trailer court.

"Trailer court" means a lot or parcel of land used or designed or intended to be used for the accommodation of 2 or more trailers. (Prior code § 3104.72)

17.02.470 Yards.

"Yards" means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title, surrounding a building site. (Prior code § 3104.80)

17.02.480 Yard, front.

"Front yard" means a yard extending across the full width of the lot measured between the street line (or the lot line connected to a street by legal access) and the nearest line of the main building or enclosed or covered porch. The front yard of a corner lot is the yard adjacent to the shorter street frontage. (Prior code § 3104.81)

17.02.490 Yard, rear.

"Rear yard" means a yard extending between the side yards of the lot and measured between the rear line of the lot and the rear line of the main building or enclosed or covered porch nearest the rear line of the lot. (Prior code § 3104.82)

17.02.500 Yard, side.

"Side yard" means a yard on either side of the lot extending from the front yard to the rear lot line, the width of each yard being measured between the side line of the lot and the nearest part of the main building or enclosed porch. (Prior code § 3104.83)

Chapter 17.03

ENFORCEMENT

Sections:

17.03.010	**Enforcement.**
17.03.020	**Penalties.**
17.03.030	**Enforcement procedures—Notice to correct.**

17.03.010 Enforcement.

A. This title shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10, inclusive, of the Folsom Municipal Code.

B. Unless otherwise set forth in this title, the director of the department of planning, inspections and permitting, or his/her designee, shall enforce the provisions of this title. (Ord. 858 § 3 (part), 1997)

17.03.020 Penalties.

The following penalties shall apply to any violation of a provision of this title, unless a different penalty is otherwise established by the city council and specifically set forth by ordinance:

A. A violation of any provision of this title shall be an administrative violation as defined in Section 1.08.020. In addition to enforcement by any procedure set forth in Chapters 1.08 through 1.10, inclusive, any violation of this title shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed $1,000, or by imprisonment in the county jail for not more than 6 months, or by both such fine and imprisonment.

B. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available for enforcement of the provisions of this chapter.

C. In addition to the criminal penalty set forth in Section 17.03.020(A) of this chapter, based upon the standards for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of any provision of this title shall be deemed a Level E violation, as that term is described in Section 1.09.012. The range of monetary sanctions available for a violation of this chapter shall be as set forth in Section 1.09.012(A)(5). (Ord. 858 § 3 (part), 1997)

17.03.030 Enforcement procedures—Notice to correct.

A. Prior to suspension, revocation or denial of any license or permit, or the assessment of any fee, penalty or charge, or the commencement of any other enforcement action pursuant to this title, the director of the department of planning, inspections and permitting shall follow the procedures set forth in Sections 1.09.020 through 1.09.048, inclusive, of the Folsom Municipal Code. The rights to judicial review set forth in Sections 1.09.050 through 1.09.059, inclusive, of the Folsom Municipal Code shall apply.

B. A notice to correct or stop order shall be served in accordance with the provisions of Section 1.09.023.

1. Unless otherwise set forth in this title, if the violation that is the subject of the notice to correct concerns the failure to apply for and/or obtain a valid permit, the time allowed for application for a permit shall be no less than 7 calendar days and no more than 30 calendar days. A stop order shall accompany the notice to correct, and shall remain in effect pending the review of and decision on any permit application.

2. Unless otherwise set forth in this title, if the violation that is the subject of the notice to correct concerns: (1) the failure to comply with conditions placed on a permit or other entitlement issued by the city, or (2) a violation of any provision of this title, the time allowed to correct the violation shall be a minimum of 24 hours and a maximum of 90 calendar days, depending upon the type of action that will be necessary to correct the violation. If the violation creates a potential risk of harm to persons or property, a stop order may accompany the notice to correct, and shall remain in effect until the violation has been remedied to the satisfaction of the director of the department of planning, inspections and permitting.

C. If the director of the department of planning, inspections and permitting determines that there has been a good faith effort to correct the violation(s) set forth in a notice to correct, the director may extend the deadline for compliance for a reasonable period of time. Any such extension shall be memorialized in writing and a copy shall be sent by first class mail to all responsible persons.

D. A Notice of administrative violation may be issued pursuant to the procedures established in Section 1.09.024. (Ord. 858 § 3 (part), 1997)

Chapter 17.04

PLANNING COMMISSION*

Sections:

17.04.010 Created—Membership.
17.04.020 Members—Terms—Transition to Charter form of government.
17.04.024 Eligibility for office.
17.04.026 Vacancies in office.
17.04.028 Removal from office.
17.04.030 Director of planning appointment.
17.04.040 Members—Compensation.
17.04.050 Master plan.
17.04.060 Board of zoning adjustment—Created.
17.04.070 Board of zoning adjustment—Conditional use permit issuance.
17.04.080 Board of zoning adjustment—Variance granting.
17.04.090 Board of zoning adjustment—Permit review.
17.04.100 Board of zoning adjustment—Appeal procedure.
17.04.110 Appeal—Hearing.
17.04.120 Appeal—Decision.
17.04.130 Fees, general.

*See also Title 2, Administration and Personnel.

17.04.010 Created—Membership.

There shall be a planning commission of 7 members. The commission shall consist of 5 members appointed by councilmembers. Each councilmember shall appoint 1 commission member whose term shall run concurrently with that of the councilmember so appointing. Two members shall be appointed by the council for 2-year terms. (Ord. 710 § 1, 1990: prior code § 3000)

17.04.020 Members—Terms—Transition to Charter form of government.

All terms of planning commission members, including membership on the board of zoning adjustment, shall end when the city councilmembers elected in the November 6, 1990, election are sworn into office. Thereafter, in accord with the terms of Section 4.05 of the City Charter, each city councilmember shall appoint 1 planning commission member whose term shall run concurrent with that of the councilmember so appointing. Two additional members shall be appointed by the council for 2-year terms. (Ord. 710 § 2, 1990: prior code § 3001)

17.04.024 Eligibility for office.

A person is not eligible to hold office as a planning commissioner unless he or she is at the time of appointment, a resident and registered voter of the city. If, during his or her term of office, a member of the planning commission moves his or her residence outside the city limits, or ceases to be a registered voter of the city, such member's office shall immediately become vacant. (Ord. 710 § 3, 1990)

17.04.026 Vacancies in office.

If the office of a member of the planning commission appointed by a councilmember becomes vacant, the appointing councilmember shall fill the vacancy by appointing a planning commission member whose term shall run concurrent with that of the appointing councilmember. If the office of a member of the planning commission appointed by the council becomes vacant, the council shall fill the vacancy by appointing a planning commission member whose term shall run for the unexpired term of the former incumbent. (Ord. 710 § 4, 1990)

17.04.028 Removal from office.

The members of the planning commission who are appointed by a councilmember and the members of the planning commission appointed by the city council serve at the pleasure of the city council and may be removed from office by the vote of a majority of the members of the council. No public hearing need be held prior to removal and no cause for removal need be shown. The removal of a person as a member of the planning commission shall also terminate such person's membership on the board of zoning adjustment. (Ord. 710 § 5, 1990)

17.04.030 Director of planning appointment.

The city manager may appoint a director of planning and may employ or contract with planning consultants and specialists for such services as are required. The compensation paid such director, consultants, specialists or other employees shall be set by the council by resolution. (Ord. 487 § 11, 1982: prior code § 3002)

17.04.040 Members—Compensation.

Members of the commission shall receive such compensation for attendance upon meeting and reasonable traveling expenses as the council directs by resolution. (Prior code § 3003)

17.04.050 Master plan.

The planning commission shall, as soon as practicable, prepare and adopt a master or general plan, and precise plans in accordance with the conservation and planning law, and shall recommend to the council a comprehensive

zoning ordinance in accordance with the general and precise plans. (Prior code § 3004)

17.04.060 Board of zoning adjustment—Created.

The planning commission shall act as a board of zoning adjustment within the meaning of Article 2, Chapter 4, Title 7 of the Government Code, and shall have the powers, duties, and responsibilities vested therein. (Prior code § 3005)

17.04.070 Board of zoning adjustment—Conditional use permit issuance.

The board of zoning adjustment may issue permits for conditional uses of property within the city. (Prior code § 3006)

17.04.080 Board of zoning adjustment—Variance granting.

The board may grant applications for variance from the terms of any zoning ordinance. (Prior code § 3007)

17.04.090 Board of zoning adjustment—Permit review.

The planning commission, acting as the board of zoning adjustment shall review all applications for building or other permits required by the city which directly affect, in any manner, master or general plans, precise plans, zoning ordinances, or subdivision restrictions and the clerk or other official charged with the issuance of such permits shall not issue such permit without the favorable recommendation of the commission or if any appeal is taken by the applicant to the council, without the approval of the council. The city clerk or other officer may, in matters of urgency, issue such permits prior to approval of the commission or council, where the value of such improvement or the cost of construction does not exceed $400, but shall at the next meeting of the commission and council submit, in writing to such bodies an explanation of such action. At such time as the commission has an adequate staff it may delegate such functions of approval to its employees, retaining the power of appeal over decisions of its employees. (Prior code § 3008)

17.04.100 Board of zoning adjustment—Appeal procedure.

Any person aggrieved by the action of the commission acting as a board of zoning adjustment may have the acts reviewed by the city council. To obtain such review, the person aggrieved shall file with the city clerk a written statement, as set by resolution of the city council, setting forth:

A. The particular act or determination of the commission objected to;

B. The nature of the interest of the person aggrieved;

C. The relief desired of the city council;

D. The reasons for granting such relief. (Ord. 466 Exh. A (part), 1981; prior code § 3009)

17.04.110 Appeal—Hearing.

Upon the receipt of such appeal, the clerk shall notify the commission and receive therefrom a statement in writing of the reasons for the actions of the commission. Upon receipt of the statement or if no statement is presented by the commission within 10 days after notice from the clerk, the clerk shall schedule the matter for hearing at the next regular or special meeting of the city council and give the appellant, and the commission oral or written notice that the matter will be heard at that time. Any appeal from the acts of the commission must be filed with the clerk within 10 days of notice of the commission's action, or the council will not entertain the appeal. (Prior code § 3010)

17.04.120 Appeal—Decision.

At the hearing scheduled for hearing the appeal all persons interested may appeal and give such evidence or testimony, or make such statements as are pertinent to the appeal. The planning commission may appear in opposition to the appeal or may give such explanation of the action as it deems advisable. The council may continue the hearing from time to time as suits the convenience of the council and appellant, in order to give all parties an opportunity to present all matters necessary to a fair determination of the appeal. Any appeal, however, which is not finally decided within 60 days from the date of filing with the clerk, and within such additional time as is consented to by the appellant shall be deemed denied by the council. (Prior code § 3011)

17.04.130 Fees, general.

Fees to defray the cost of processing applications pursuant to this title shall be established by resolution of the city council. No part of such fees are refundable. (Ord. 446 Exh. A (part), 1981)

Chapter 17.06

ARCHITECTURAL REVIEW COMMISSION*

Sections:

17.06.010 Purpose.
17.06.020 Definitions.
17.06.030 Created—Membership.
17.06.040 Eligibility for office.
17.06.050 Vacancies in office.
17.06.060 Removal from office.
17.06.070 Rules adoption.
17.06.080 Application review.
17.06.090 Projects exempt from architectural review commission process.
17.06.100 Architectural review submittal requirements.
17.06.110 Posting of site.
17.06.120 Environmental review.
17.06.130 Plan evaluation.
17.06.140 Approval process.
17.06.145 Expiration and extension of approval.
17.06.150 Appeals.
17.06.160 Appeal fee.
17.06.170 Appeal hearings.
17.06.180 Actions on appeals.
17.06.190 Violation—Penalty.
17.06.200 Notices.
17.06.210 Chapter application.

*See also Title 2, Administration and Personnel.

17.06.010 Purpose.

It is the intent of the city council in enacting this chapter to promote an attractive community appearance and assure that the appearance of structures will be compatible and harmonious with the use and enjoyment of surrounding properties and community-wide themes.

This will be achieved by establishing administrative procedures and standards for the review of certain types of development projects. (Ord. 830 § 2 (part), 1995)

17.06.020 Definitions.

In addition to the definitions listed in Chapter 17.02, the following definitions apply specifically to this chapter.

"Design guidelines" means guidelines prepared under the planned development permit process outlining comprehensive design criteria to ensure consistency in buildout of the project.

"Master home plans" means a layout of the subdivision lots indicating placement of the various model units and elevations on individual lots.

"Model homes" means homes within a subdivision constructed on designated lots to serve as representations of homes that are available for individual purchase.

"Production homes" means homes that are reproduced throughout the subdivision built for individual sale. (Ord. 830 § 2 (part), 1995)

17.06.030 Created—Membership.

There shall be an architectural review commission of seven members. Each councilmember shall appoint one commission member whose term shall run concurrently with that of the appointing councilmember. Two additional members shall be appointed by the city council for two-year terms. (Ord. 930 § 2 (part), 2000)

17.06.040 Eligibility for office.

A person is eligible to hold office as an architectural review commissioner if he or she is at the time of appointment a resident and registered voter of the city. If, during his or her term of office, a member of the architectural review commission moves his or her residence outside the city limits, or ceases to be a registered voter of the city, such member's office shall immediately become vacant. (Ord. 930 § 2 (part), 2000)

17.06.050 Vacancies in office.

If the office of a member of the architectural review commission appointed by a councilmember becomes vacant, the appointing councilmember shall fill the vacancy by appointing an architectural review commissioner whose term shall run concurrent with that of the appointing councilmember. (Ord. 830 § 2 (part), 1995)

17.06.060 Removal from office.

The members of the architectural review commission serve at the pleasure of the city council and may be removed from office by the vote of a majority of the members of the council. No public hearing need be held prior to the removal and no cause for removal need be shown. (Ord. 830 § 2 (part), 1995)

17.06.070 Rules adoption.

The commission shall adopt bylaws and set a regular meeting schedule. (Ord. 830 § 2 (part), 1995)

17.06.080 Application review.

A. The architectural review commission shall act in an advisory capacity to the planning commission in matters relating to the design and architecture of the following:

1. Office, industrial and commercial structures of 1,000 square feet or larger in size when located in a planned development overlay zone;

2. Multifamily projects containing 2 or more units when located in a planned development overlay zone;

3. Proposed project design guidelines and standards when located in a planned development overlay zone.

B. The architectural review commission shall have final authority related to the design and architecture of the following:

1. Office, industrial and commercial structures of 1,000 square feet or larger in size, unless located in a planned development overlay zone;

2. Multifamily projects containing 2 or more units, unless located in a planned development overlay zone;

3. Custom single-family homes;

4. Master residential building plans including elevation variations for production type housing, placement of model homes on lots and the distribution of these master building plans indicating placement throughout the subdivision;

5. Proposed project design guidelines and standards, unless located in a planned development overlay zone. (Ord. 830 § 2 (part), 1995)

17.06.090 Projects exempt from architectural review commission process.

A. Individual building permits for placement of production style homes where distribution of the master homes has been approved.

B. Office, industrial and commercial structures under 1,000 square feet in size.

C. All buildings located within the area of the historic district as specified in Section 17.52.052.

D. Any development proposal located in the A-1-A, AV and RMH zoning districts.

E. Residential accessory buildings or additions to residential development 400 square feet in size or smaller. (Ord. 863 § 2, 1997: Ord. 858 § 4(1), 1997)

17.06.100 Architectural review submittal requirements.

The applicant shall file the following information with the planning director for review by the architectural review commission:

A. Completed and signed application form including name, address and telephone number of the applicant;

B. Application fee as established by resolution of the city council;

C. A copy of all entitlements granted for the property by the city, including conditions of approval and the environmental documentation;

D. A copy of all required state and federal permits;

E. Site plan;

F. Building design plans;

G. Material samples and color board;

H. Other material and information as requested by the commission. (Ord. 830 § 2 (part), 1995)

17.06.110 Posting of site.

Upon application for review of a project by the architectural review commission, the project site shall be posted 5 days prior to commission review, with a notice, 11 inches by 17 inches in size and visible to the public, indicating the project description and the place and time of the meeting. (Ord. 830 § 2 (part), 1995)

17.06.120 Environmental review.

Review by the commission is subject to the requirements of the California Environmental Quality Act (CEQA). The commission is authorized to hold public hearings on negative declarations, mitigated negative declarations, draft environmental impact reports and final environmental impact reports prepared on applications for design review. The commission shall not approve an application prior to considering the applicable environmental document and complying with the requirements of CEQA and any city procedures for preparation and processing of environmental documents. (Ord. 830 § 2 (part), 1995)

17.06.130 Plan evaluation.

In reviewing projects, the architectural review commission shall consider the following criteria:

A. Project compliance with the General Plan and any applicable specific plans and zoning ordinances;

B. Conformance with any adopted city-wide design guidelines;

C. Conformance with any project-specific design standards approved through the planned development permit process or similar review process;

D. Compatibility of building materials, textures and colors with surrounding development and consistency with the general design theme of the neighborhood. (Ord. 830 § 2 (part), 1995)

17.06.140 Approval process.

A. Where the architectural review commission has final authority in project review, the commission shall make its decision to approve, conditionally approve or deny the application with findings based on the criteria established in Section 17.06.110 of this chapter. A copy of the decision, findings and any applicable conditions shall be provided to the applicant and forwarded to the approving body or bodies.

B. Where the architectural review commission is acting in an advisory manner, the commission shall recommend approval, conditional approval, or denial of the project with findings. A copy of the decision, findings and any applicable conditions shall be provided to the applicant and forwarded to the approving body or bodies. (Ord. 830 § 2 (part), 1995)

17.06.145 Expiration and extension of approval.

A. An approval by the architectural review commission shall be null and void unless the applicant submits a complete application for a building permit within 6 months of the commission approval.

B. The architectural review commission may extend an approval for an additional one to 6 months upon receipt of a written request accompanied by a fee, as may be established by resolution of the city council, and other information deemed necessary by the director of the department of planning, inspections and permitting. Requests for approval extension must be received within 6 months of the original commission approval. (Ord. 858 § 4(2), 1997)

17.06.150 Appeals.

If the applicant for architectural review, or any other person is dissatisfied with any determination made by the commission, such person may appeal to the planning commission. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the director not later than 10 calendar days after the date of the action being appealed. If the appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which the complaint is made shall be deemed to have been waived. (Ord. 830 § 2 (part), 1995)

17.06.160 Appeal fee.

The city council shall by resolution, adopt and, from time to time, amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid. (Ord. 830 § 2 (part), 1995)

17.06.170 Appeal hearings.

After the filing of an appeal within the time and in the manner prescribed by Section 17.06.140, the planning commission shall conduct a public hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be served upon the appellant and or project proponent not later than 10 days preceding the date of the hearing. (Ord. 830 § 2 (part), 1995)

17.06.180 Actions on appeals.

A. The planning commission shall review the entire proceeding or proceedings relating to the act or decision being appealed, de novo, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.

B. At the conclusion of the hearing the planning commission shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof, shall be filed with the city clerk. The clerk shall serve such decision on the applicant. The decision of the planning commission shall become final upon the date of filing and service with respect to any appeal. (Ord. 830 § 2 (part), 1995)

17.06.190 Violation—Penalty.

A person who violates this chapter shall be subject to the administrative penalties set forth in Chapter 17.03 of this title. (Ord. 858 § 4(3), 1997)

17.06.200 Notices.

Any notice authorized or required by this chapter shall be deemed to have been filed, served and effective for all purposes on the date when it is personally delivered in writing to whom it is directed or deposited in the United States mail, first-class postage prepaid, and addressed to the party to whom it is directed. (Ord. 830 § 2 (part), 1995)

17.06.210 Chapter application.

This chapter shall apply to all applicable construction not commenced prior to the effective date of the ordinance codified in this chapter. (Ord. 830 § 2 (part), 1995)

Chapter 17.08

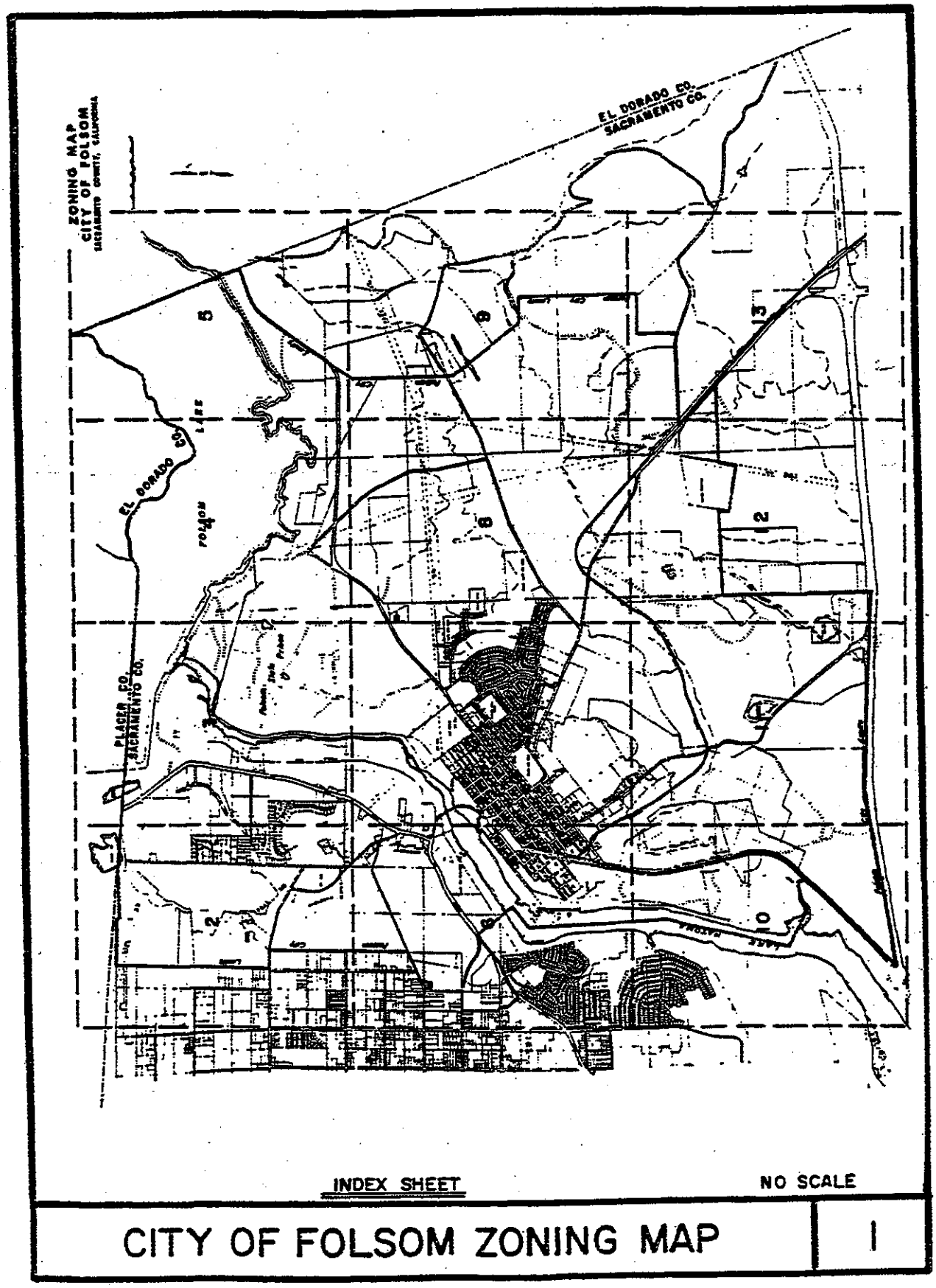
ZONING PLAN AND ADOPTION OF DISTRICTS

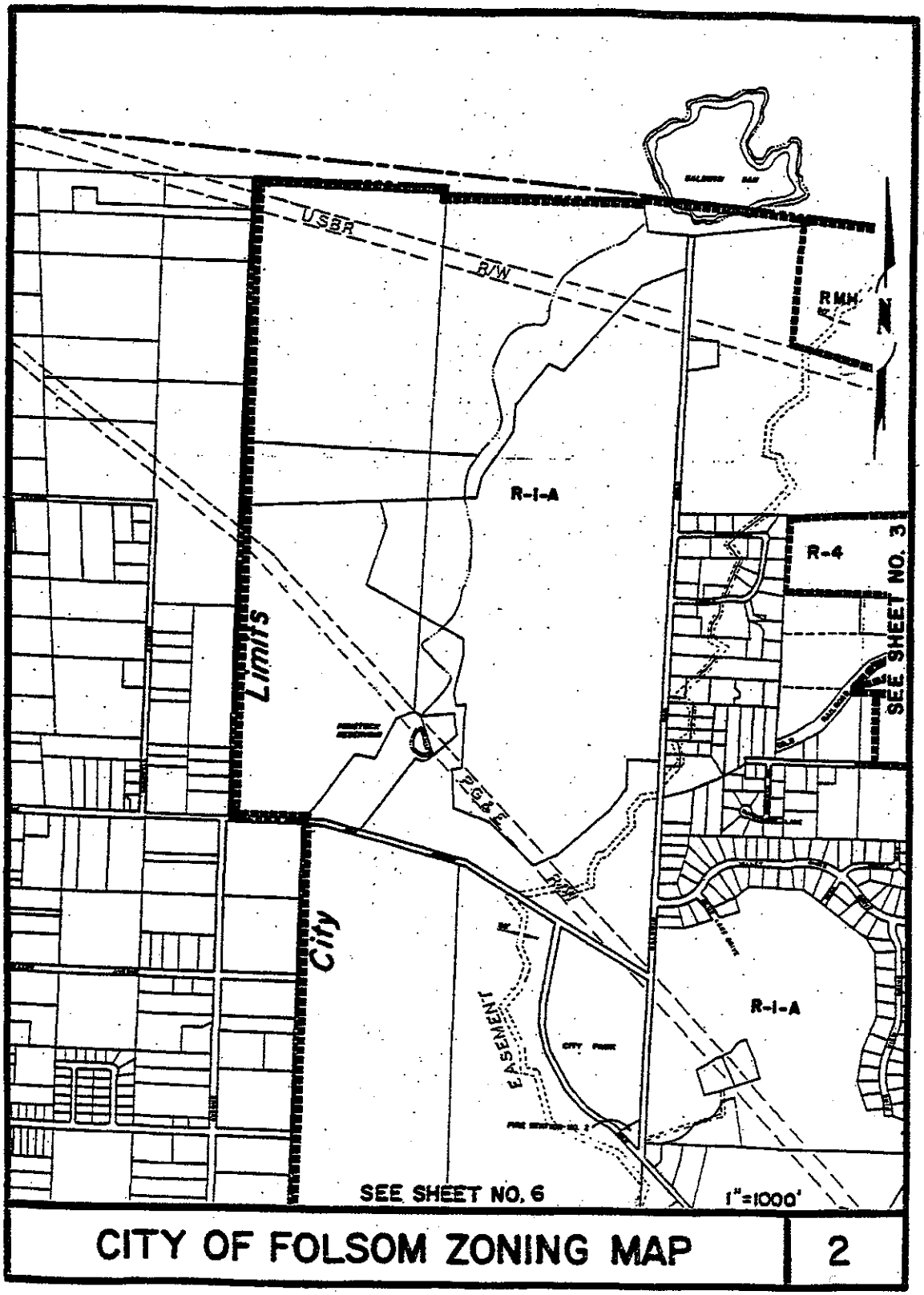
Sections:

17.08.010	Zoning plan—Adopted.
17.08.020	Zoning plan—Purpose.
17.08.030	Zoning plan—Content.
17.08.040	Zoning plan—Application.
17.08.045	Conformity to general plan.
17.08.050	Districts—Application.
17.08.070	Zoning map—Boundaries.

17.08.010 Zoning plan—Adopted.

There is adopted a zoning enabling plan for the city, which constitutes a precise plan based upon the adopted master plan of the city. (Prior code § 3101.01)


ZONING MAP
CITY OF FOLSOM
SACRAMENTO COUNTY, CALIFORNIA
EL DORADO CO.
SACRAMENTO CO.
EL DORADO CO.
PLACER CO.
SACRAMENTO CO.
INDEX SHEET
NO SCALE
CITY OF FOLSOM ZONING MAP
1



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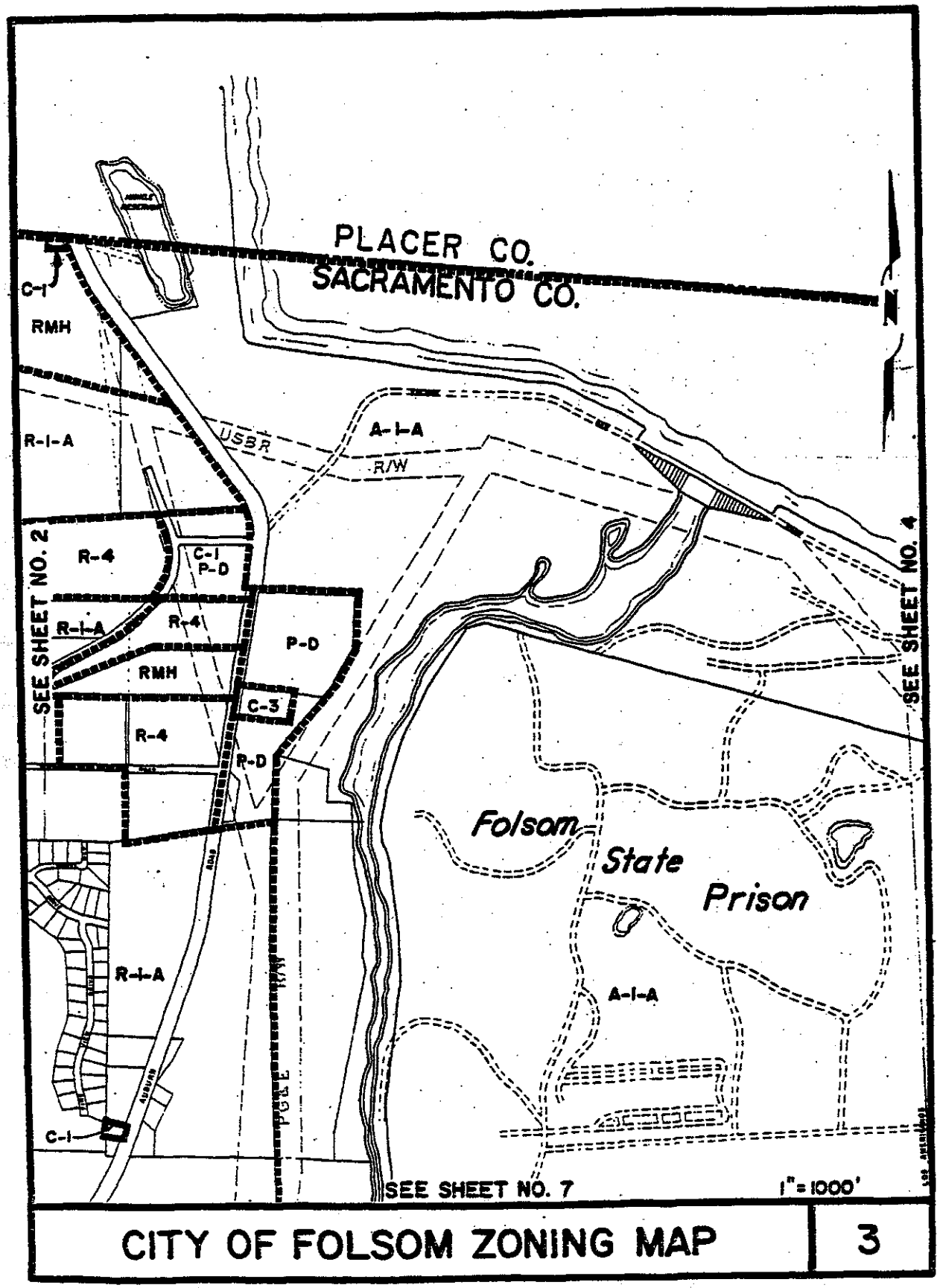
PLACER CO.
SACRAMENTO CO.
C-1
RMH
R-1-A
USBR
A-1-A
R/W
R-4
C-1
P-D
R-1-A
R-4
P-D
RMH
C-3
R-4
R-D
SEE SHEET NO. 2
SEE SHEET NO. 4
Folsom
State
Prison
R-1-A
A-1-A
C-1
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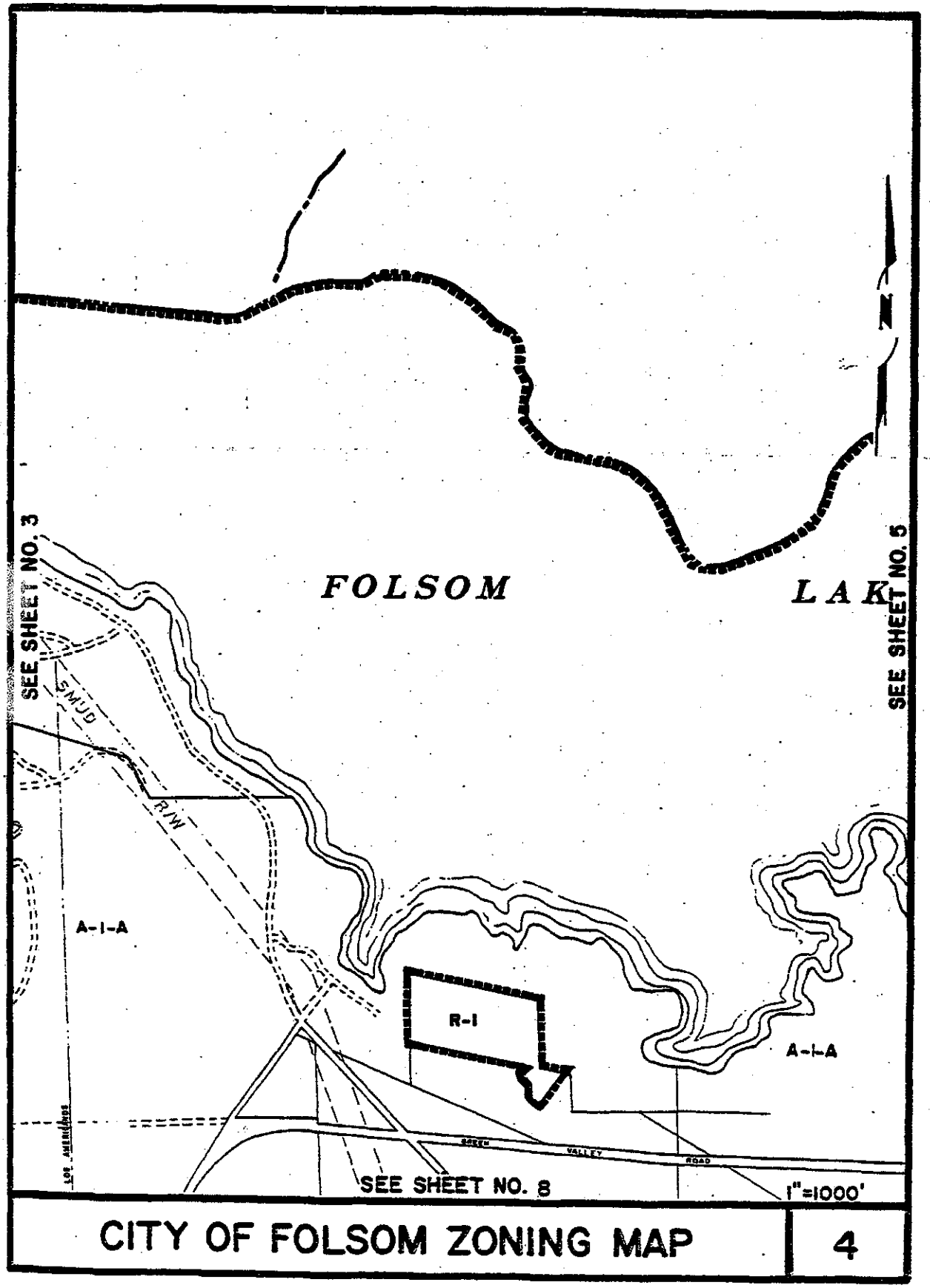
1"=1000'
CITY OF FOLSOM ZONING MAP
3



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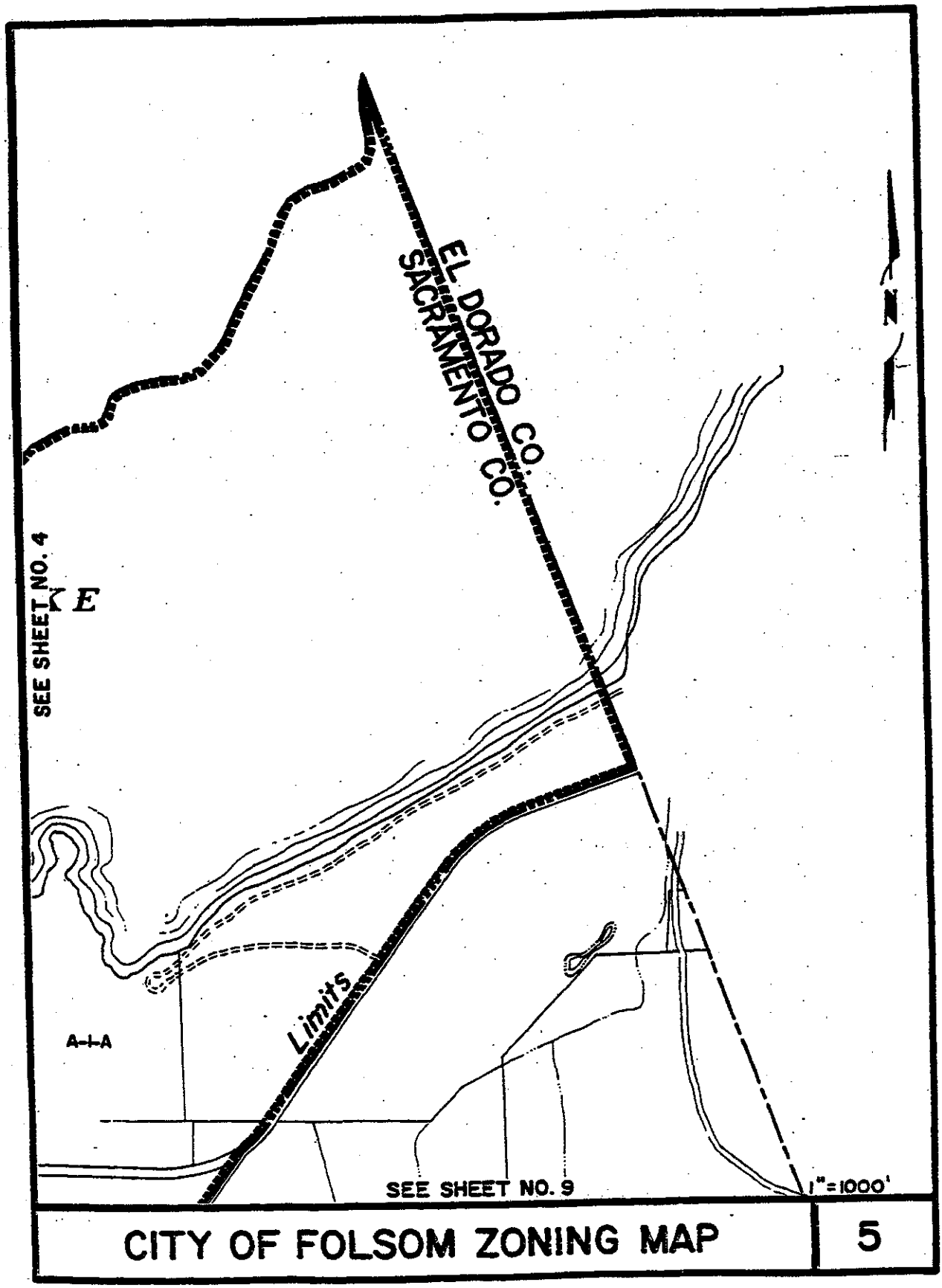
EL DORADO CO.
SACRAMENTO CO.
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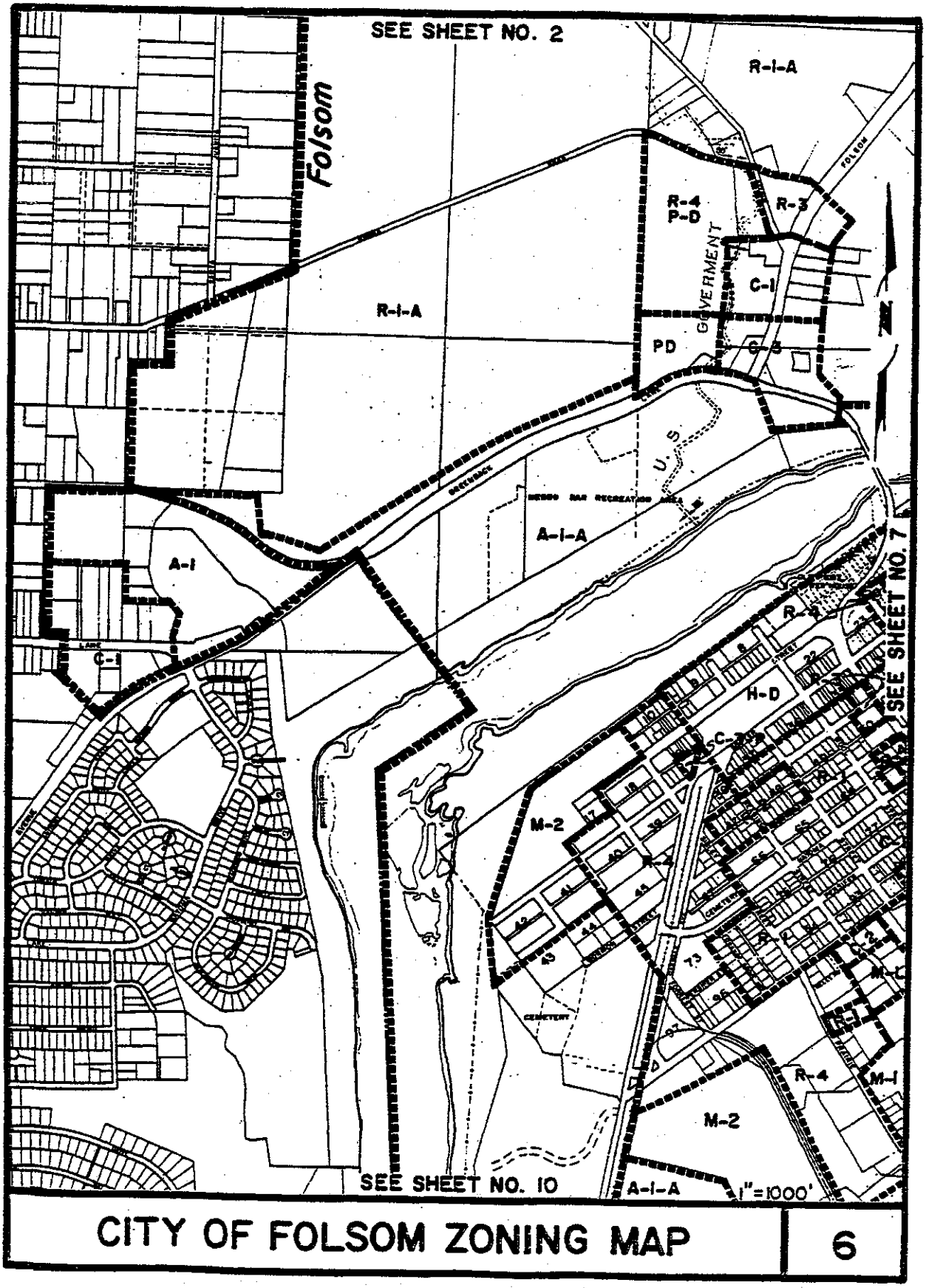
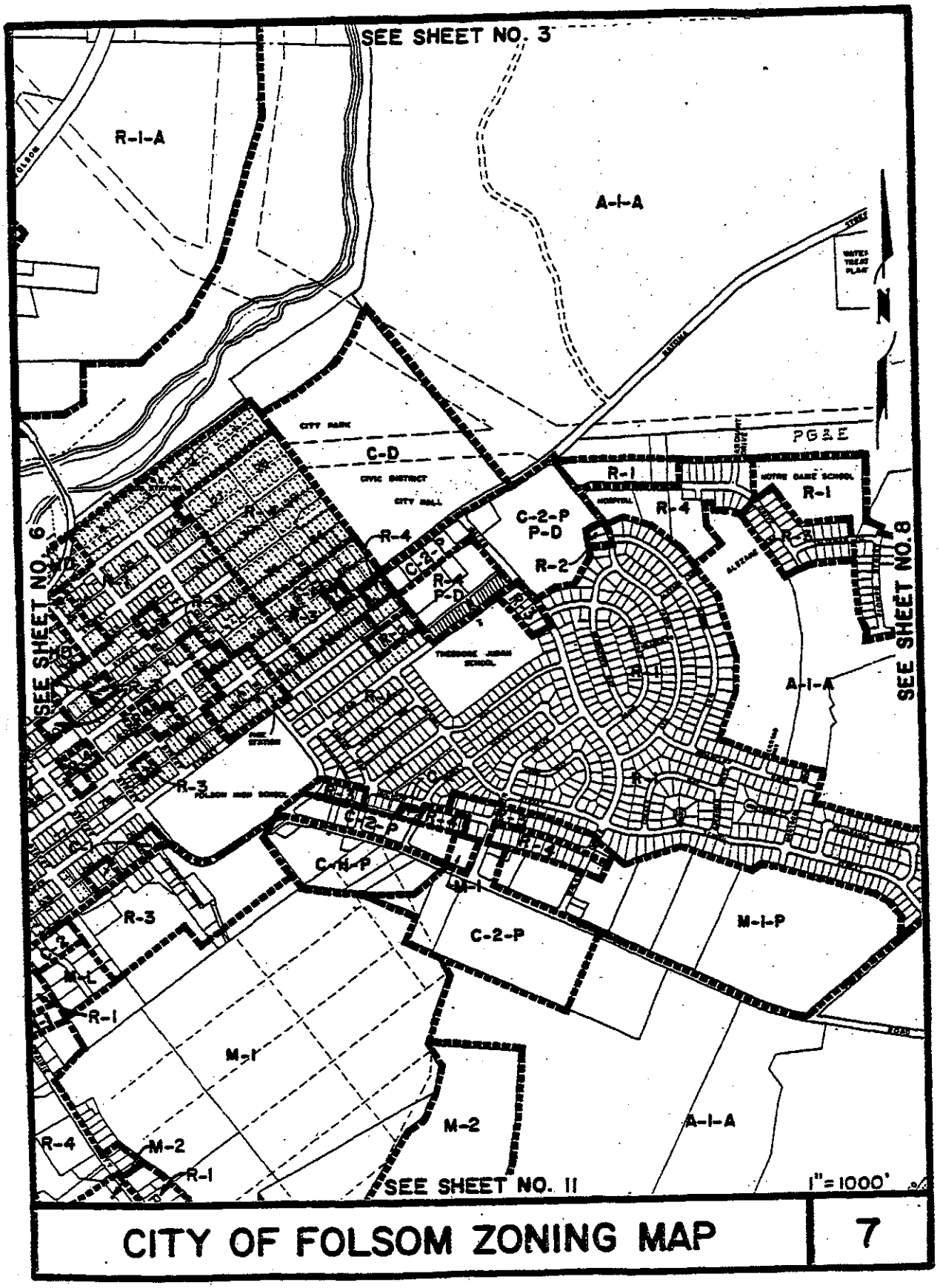
A-1-A
Limits
SEE SHEET NO. 9
1"=1000'
CITY OF FOLSOM ZONING MAP
5



CITY OF FOLSOM ZONING MAP

6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R-1-A
A-1-A
PG&E
C-D
CIVIC DISTRICT
CITY HALL
CITY PARK
R-1
R-4
C-2-P
P-D
R-2
R-3
C-H-P
M-1
M-1-P
M-2
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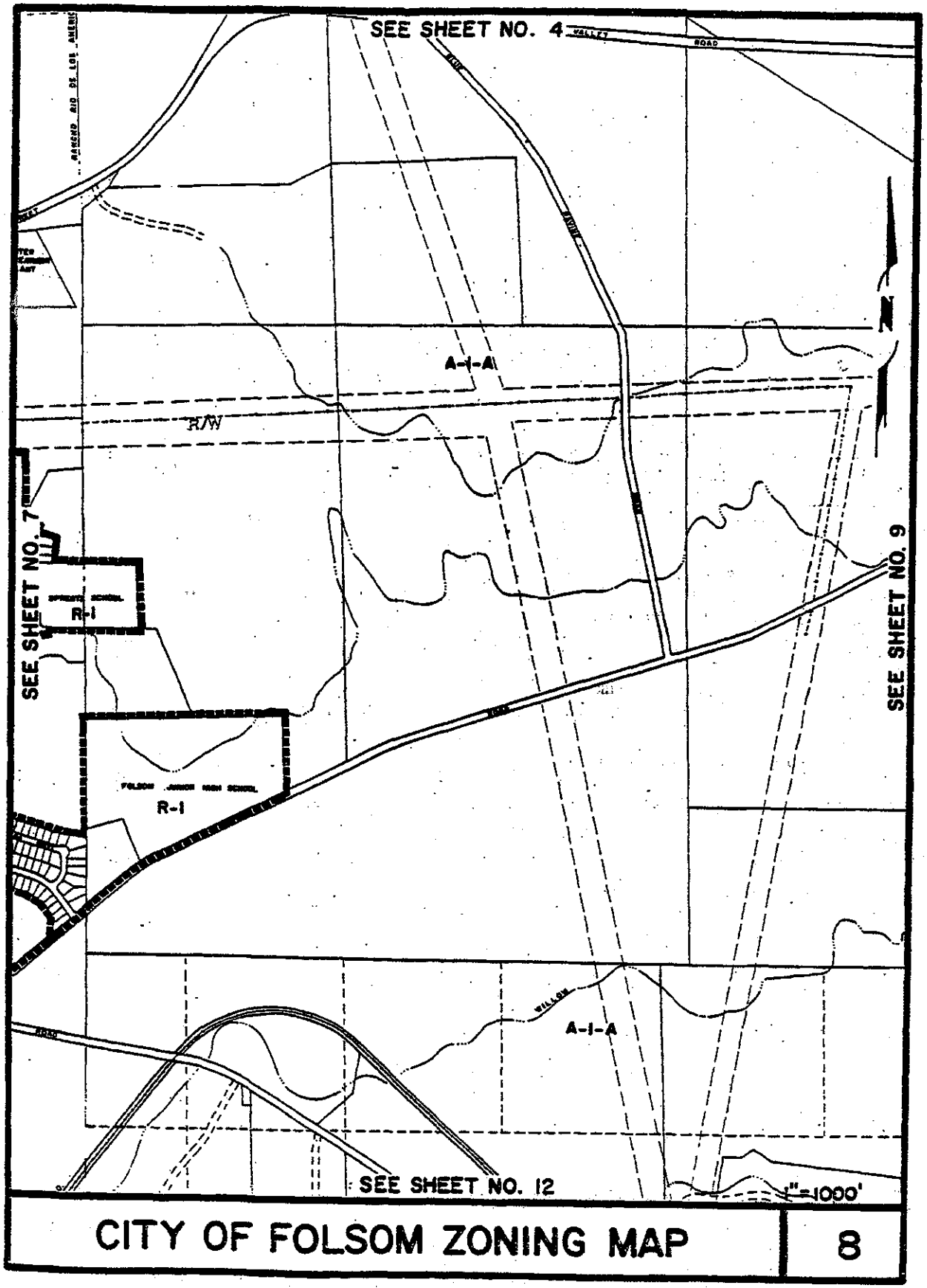
SEE SHEET NO. 8
SEE SHEET NO. 11
1"=1000'
CITY OF FOLSOM ZONING MAP
7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ROAD
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R/W
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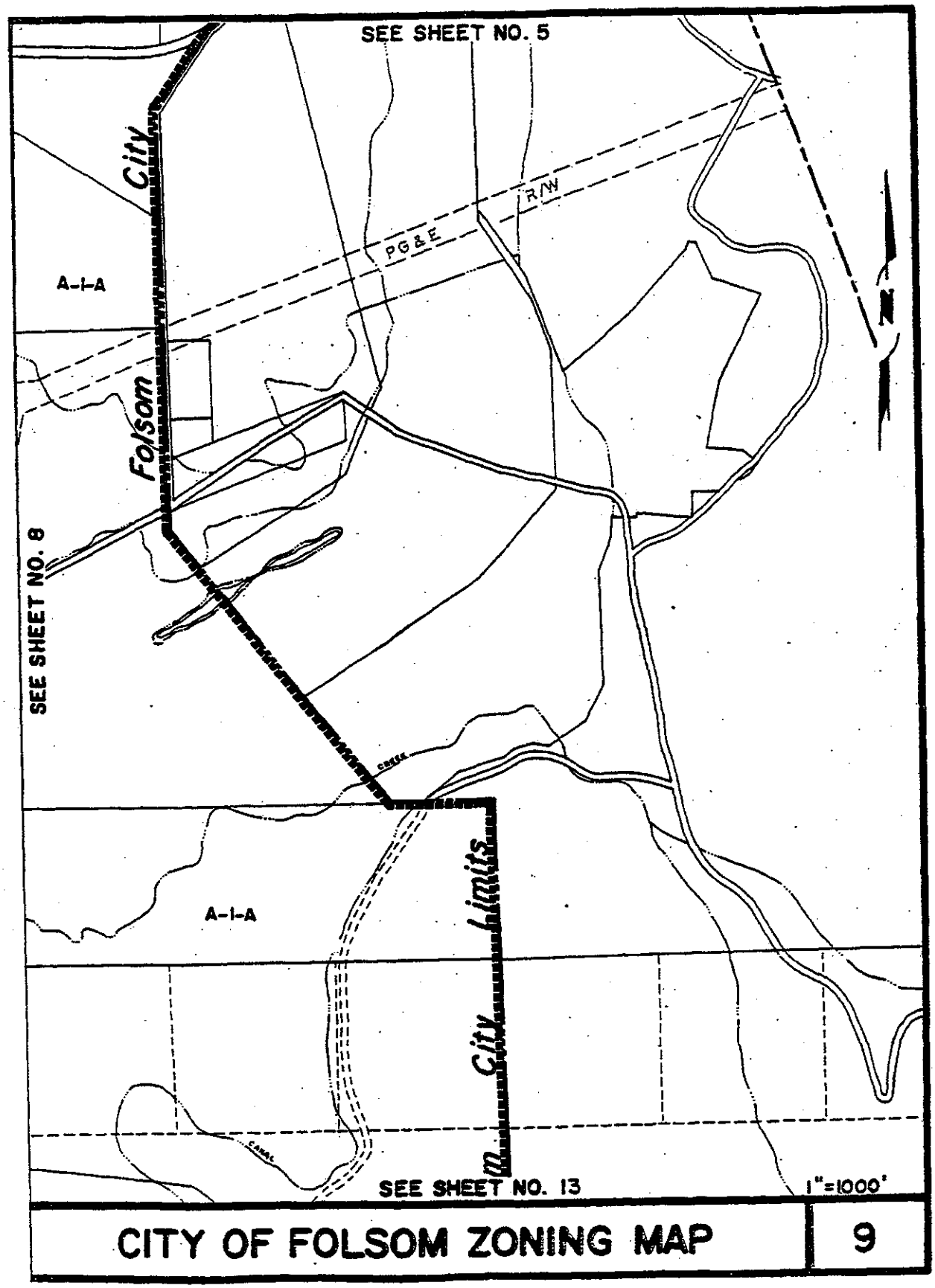
CITY OF FOLSOM ZONING MAP
8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PG&E
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Folsom
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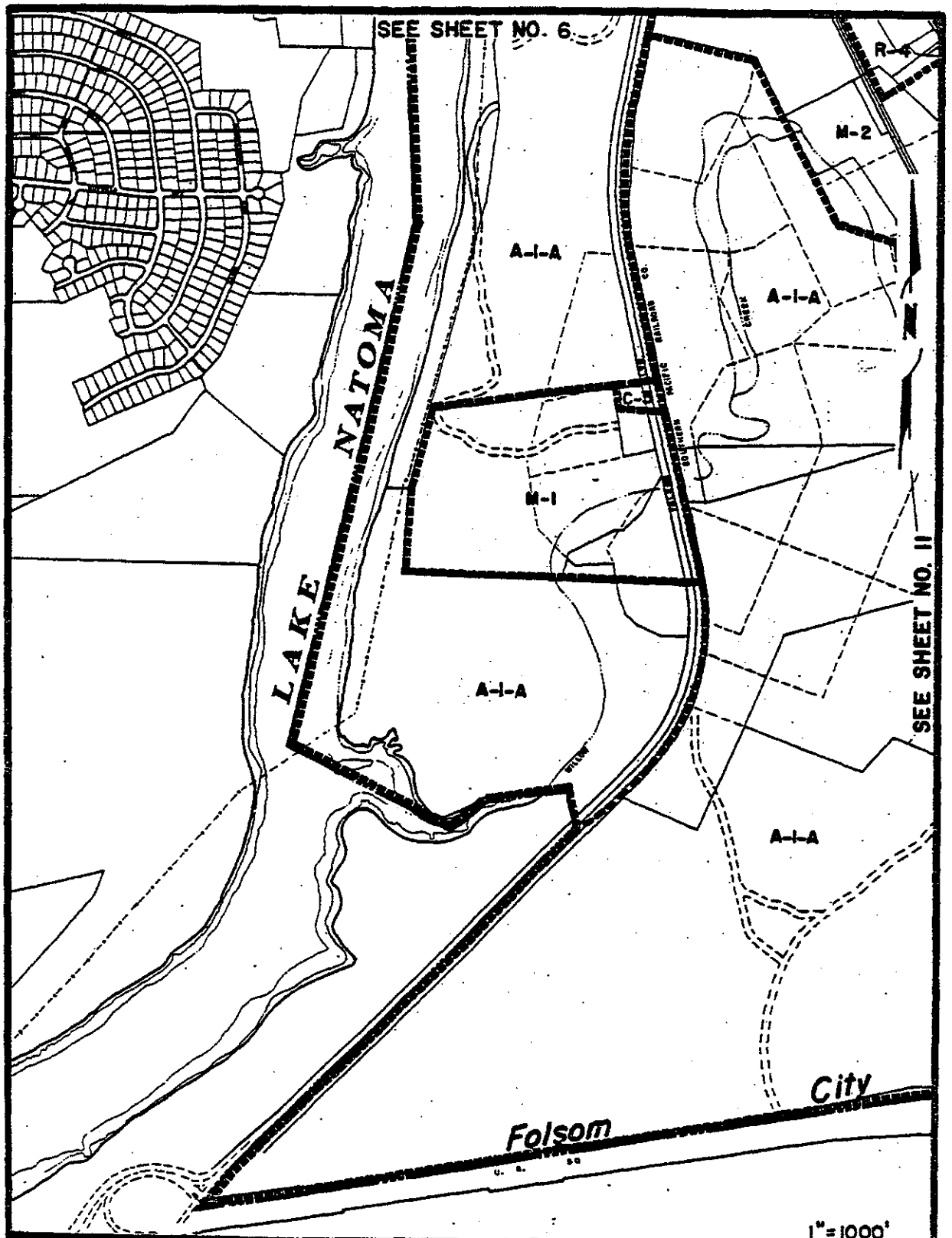
CITY OF FOLSOM ZONING MAP
9



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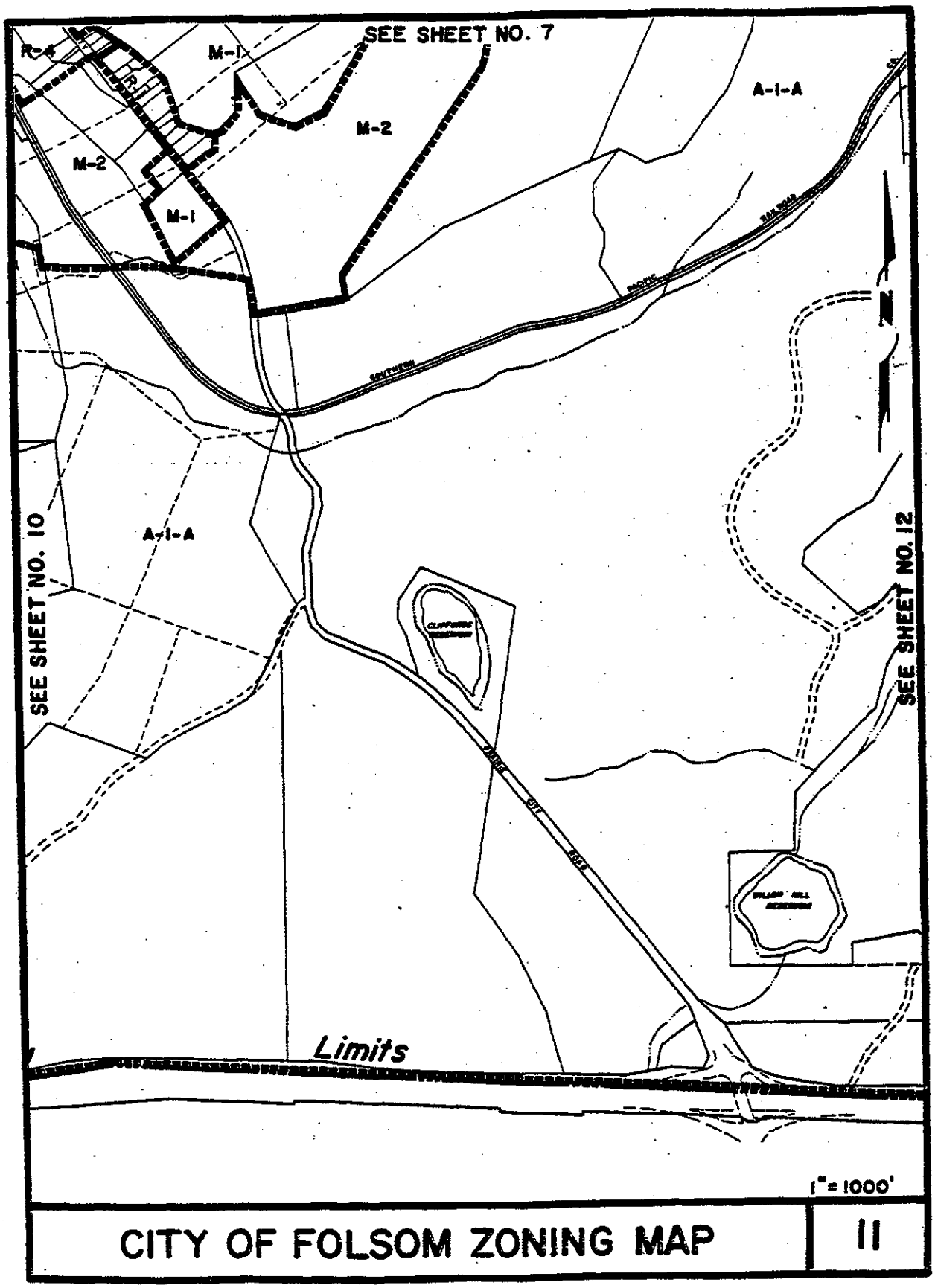
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R-4
M-1
M-2
M-2
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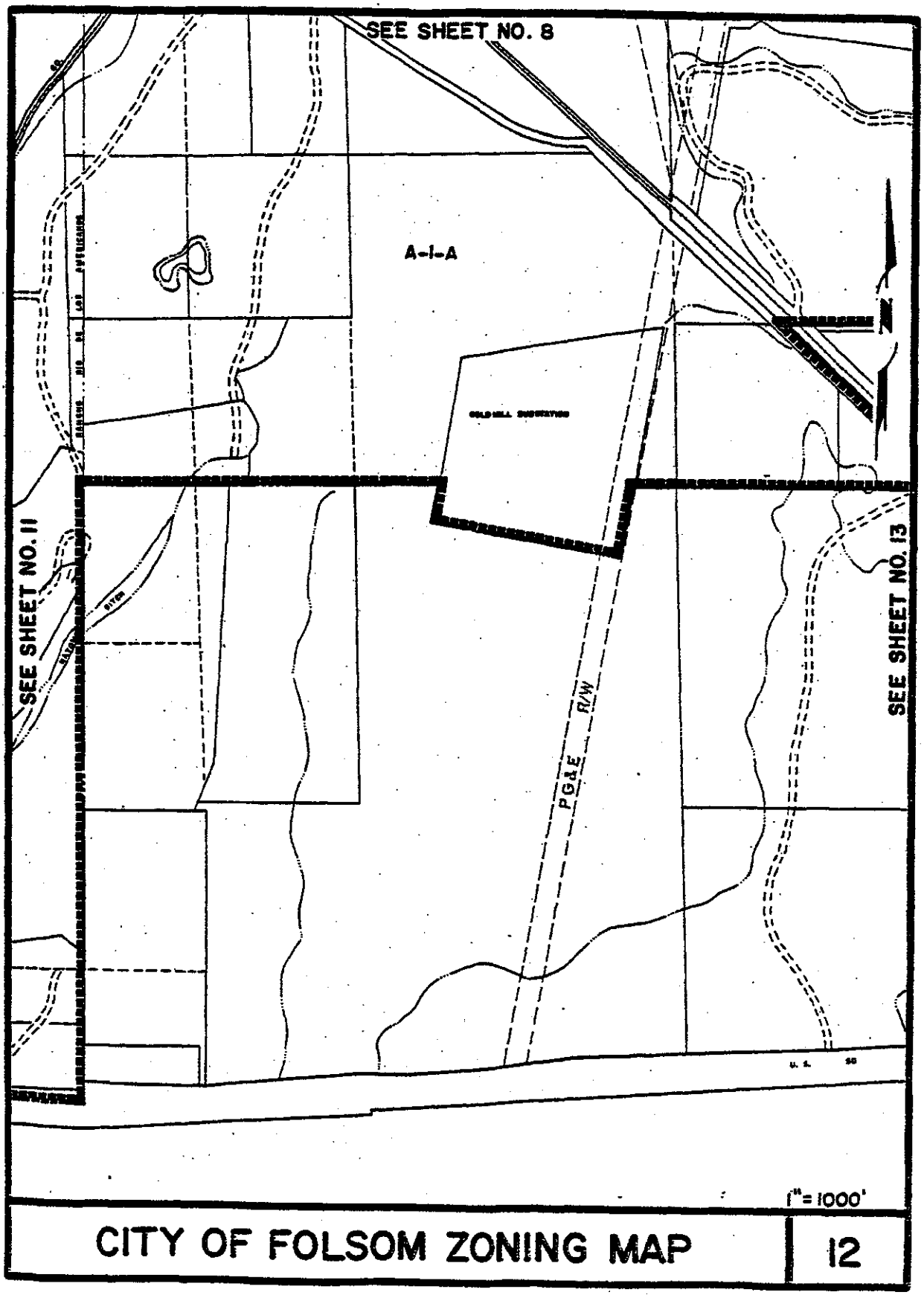
A-1-A
A-1-A
SEE SHEET NO. 10
SEE SHEET NO. 12
Limits
1"= 1000'
CITY OF FOLSOM ZONING MAP
11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P G & E R/W
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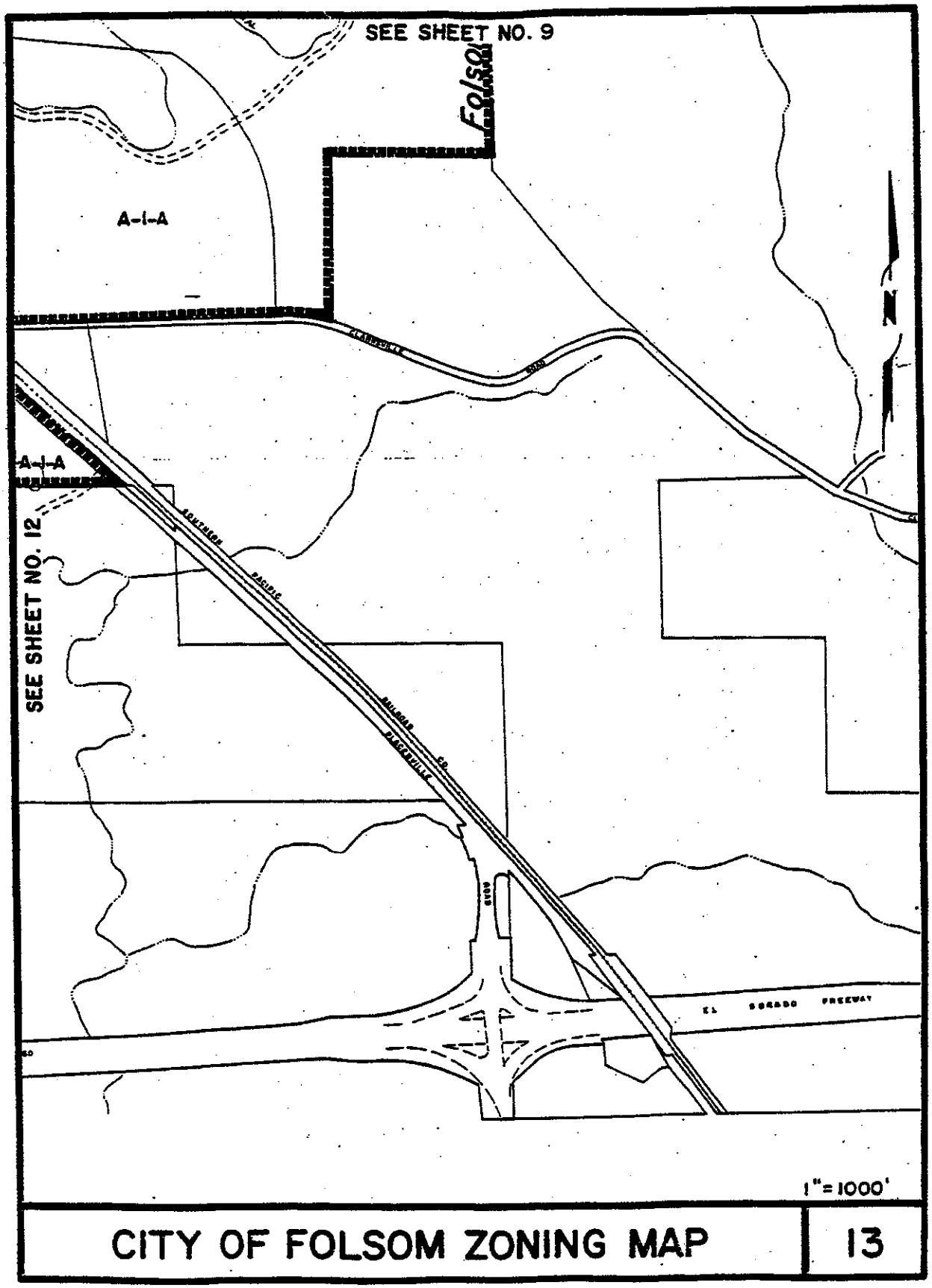
CITY OF FOLSOM ZONING MAP
12



CITY OF FOLSOM ZONING MAP 13