

(d) The failure to approve or disapprove a development project application within the time limits set forth in this section shall be deemed an approval of the project.

[*History:* formerly § 5.105; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

[*Reference:* GOV'T CODE §65920 et seq.]

5.01.060 Enforcement; Misdemeanor.

(a) It shall be the duty of the Police Department of the City, and all officers of said City otherwise charged with the enforcement of the law, to enforce this chapter.

(b) Any Person (as defined in section 1.01.100 of this Code) violating any of the provisions of this chapter, including, but not limited to, the provisions of sections 5.01.010, 5.02.010, 5.03.030, 5.04.010, 5.06.030, and 5.09.040, shall be guilty of a misdemeanor. Such person shall be deemed guilty for each day during any portion of which any violation is committed, continued or permitted and shall be punished as herein provided.

(c) The City Attorney, upon request of the City Council, shall institute any necessary civil proceedings to enforce the provisions of this chapter, and he is hereby authorized, in addition to the remedy herein provided, to institute an action for an injunction to restrain, or to institute any other appropriate action or proceedings to enforce such provisions.

[*History:* formerly § 5.106; ORD. 234, 3/14/79; ORD. 638, 12/14/05, ORD. 643, 4/12/06]

5.01.070 Late Filing Fee.

(a) If any person shall construct, reconstruct, alter, enlarge, move or maintain any building in the Town of Colma, or use or permit to be used any building or land in the Town of Colma, or split, diminish or maintain any lot area in the Town of Colma, without first obtaining all permit, licenses or other entitlements of use required of such person by this chapter, a late filing fee shall be assessed in connection with each such permit, license or other entitlement of use that should have been obtained.

(b) For each permit, license or other entitlement of use covered by subsection (a) above, the late filing fee shall be \$50.00 for each month or portion thereof from the date of first violation of any of the provisions of this chapter to the date that a completed application for such permit, license or other entitlement of use is received by the Town of Colma.

(c) Payment of the sums specified in this section shall not validate any action in violation of this chapter, and shall not relieve any person from liability under the provisions of section 5.01.060 of this Code.

[*History:* formerly § 5.107; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.01.080 Definitions.

Except where the context otherwise indicates, the following words and phrases shall have respective meanings ascribed thereto whenever such words and phrases are used in this chapter or in any amendments thereto hereinafter enacted:

Accessory Building means a portion of building or a detached subordinate building located on the same lot, the use of which is customarily incidental to that of the main building or to the use of the land. A building or structure shall be considered part of the principal dwelling if a substantial part of the wall of a building is a part of the main building, or if the building or structure is attached to the main building in a substantial manner by a roof, or if there is a common wall with a doorway between the building and the principal dwelling. Examples of accessory buildings and structures that are customarily incidental to a residence include, but are not limited to: a detached garage, tool shed, storage shed, carport, greenhouse, gazebo, detached patio cover, and similar buildings; second dwelling units are not accessory buildings.

Alley means a public or private way permanently reserved as a secondary means of access to abutting property.

Boarding house shall mean a building used for residential purposes, other than a hotel, wherein three (3) or more rooms, with individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence.

Building means any structure having a roof supported by columns or walls for the housing, use or occupancy of persons, animals or personal property. For purposes of the Zoning Code, uncovered, ground-level patios and decks are not buildings. Where a building is separated by a division wall without opening, each portion of such dwelling shall be deemed a separate building.

Commercial Center shall mean and refer to a group of commercial establishments and light industrial establishments (provided that the majority of the establishments are principally engaged in the retail sale of personal property) planned, designed and developed in a unit, and related in its location, size and type of shops.

Commercial Establishment shall mean and refer to an establishment that engages in the purchase or sale of real property, personal property or services to the general public, or any segment thereof, for their own use, consumption or enjoyment. As used herein, commercial establishment shall exclude any establishment substantially engaged in the assembly, construction, alteration, manufacture, repair or packaging, or destruction of any real or personal property.

Communications Structure means a tower, antenna, reception dish or similar structure, other than a residential television antenna, used for signal reception or relay in conjunction with radio, television or telephone communications systems.

Developer means any person applying for, constructing, placing, or undertaking a development project.

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in

- (2) Agriculture, which is primarily open field;
- (3) A golf course.

(b) The following uses may be permitted by the City Council on land located in the "G" Zone upon issuance of a use permit in accordance with the procedures hereinafter set forth:

- (1) Any use which now or hereafter may be customarily incident to a cemetery or memorial park use, including flower shops, monument shops, crematoriums, and cemetery corporation yards;
- (2) Any use which now or hereafter may be customarily incident to agriculture use, including nurseries, agriculture or flower growing utilizing greenhouses or shade structures, firewood yard, or landscape contractors yard;
- (3) Any use which now or hereafter may be customarily incident to a golf course, including clubhouse, sale of golf balls, golf shoes and clothing or golf clubs and equipment, lunch counter, conduct of "pro shop", practice range, practice green, and driving range.
- (4) Communications structures.

[*History:* formerly § 5.312; ORD. 234, 3/14/79; ORD. 325, 11/13/85; ORD. 480, 5/10/95; ORD. 520, 12/10/97; ORD. 638, 12/14/05]

5.03.070 "R" Zone.

(a) The following uses are permitted on land located within the "R" Zone:

- (1) A single family dwelling;
- (2) A "small family day care home", as defined in the Health and Safety Code providing family day care to six or fewer children; and
- (3) Second dwelling units.

(b) The following uses may be permitted in the "R" Zone upon issuance of a use permit in accordance with the procedures hereinafter set forth:

- (1) A multiple dwelling up to six units, provided that the proposed residential density does not exceed that specified in the Colma General Plan;
- (2) Residential Planned Development on land identified in the Colma General Plan as suitable for residential uses, provided the proposed residential density does not exceed that specified in the Colma General Plan;
- (3) Home office use;
- (4) A "large family day care home," as defined, and pursuant to the procedures and standards set forth, in Section 5.03.085 below.

(c) Accessory buildings may be permitted in the "R" zone as follows:

- (1) An accessory building less than 120 square feet in projected roof area and less than six feet in height is generally permitted on residential lots in the "R" zone and is not subject to setback requirements provided that such accessory building meets each of the following requirements: (A) the accessory building is not placed between any section of the front wall or foundation of the residence and the front property line, and (B) the aggregate floor area of all such accessory buildings on a single residential parcel does not exceed 120 square feet;
- (2) An accessory building not meeting the requirements of the preceding paragraph may be administratively permitted by the City Planner in accordance with the procedures set forth in Section 5.03.520 of this Code provided that the Planner makes the findings for a use permit set forth in section 5.03.410 of this Code and, that the accessory building meets each of the following requirements: (A) each accessory building that exceeds 120 square feet in area or is greater than six feet tall must comply with the setback requirements applicable to buildings in the "R" zone; (B) the aggregate floor area of all accessory buildings on the lot may not exceed 25% of the rear yard; and (C) the accessory building meets each of the following design requirements: (i) the accessory building shall conform to each restriction set forth in section 5.03.250 for the dwelling unit on the parcel; (ii) the design of and materials used for that accessory building shall be consistent with the design of and materials used in the dwelling unit on the lot; and (iii) the accessory building shall be sited to protect the privacy and quiet enjoyment of neighboring properties and shall minimize impacts of noise, light, glare, and traffic on neighboring properties.

[History: formerly § 5.313, ORD. 234, 3/14/79; ORD. 346, 3/11/87; ORD. 442, 10/14/92; ORD. 425, 7/10/91; ORD. 600 6/11/03; ORD.617, 6/16/04; ORD. 638, 12/14/05; ORD. 685, 1/13/10]

5.03.080 "R-S" Zone

(a) The following uses are permitted on land in the "R-S" Zone:

- (1) Single family detached dwelling;
- (2) A "small family day care home" as defined in the Health and Safety Code providing family day care to six or fewer children; and
- (3) Community parks and public buildings.

(b) The following uses may be permitted in the "R-S" Zone upon issuance of a Conditional Use Permit and provided they comply with standards hereinafter set forth:

- (1) Home office use;
- (2) A "large family day care home" as defined, and pursuant to the procedures and standards set forth, in Section 5.03.085 below.

(c) Existing multiple residence buildings, warehouses and other facilities not specifically listed in subparagraphs (a) and (b) above, shall be considered non-conforming uses. If warehouses or buildings housing commercial or light industrial uses are destroyed or damaged in excess of fifty percent (50%) of their market value they may only be replaced with conforming uses. If multiple residential buildings are destroyed or damaged beyond fifty percent (50%) of their market value they may be replaced with an equal number of legal units provided parking and other development standards comply with the standards set forth in this District.

(d) Legal second units, existing in conjunction with a principal residence on August 19, 1998, shall be considered legal, non-conforming uses. New second units or expansions to existing units are prohibited.

(e) Accessory buildings may be permitted in the "R" zone as follows:

(1) An accessory building less than 120 square feet in projected roof area and less than six feet in height is generally permitted on residential lots in the "R" zone and is not subject to setback requirements provided that such accessory building meets each of the following requirements: (A) the accessory building is not placed between any section of the front wall or foundation of the residence and the front property line, and (B) the aggregate floor area of all such accessory buildings on a single residential parcel does not exceed 120 square feet;

(2) An accessory building not meeting the requirements of the preceding paragraph may be administratively permitted by the City Planner in accordance with the procedures set forth in Section 5.03.520 of this Code provided that the Planner makes the findings for a use permit set forth in section 5.03.410 of this Code and , that the accessory building meets each of the following requirements: (A) each accessory building that exceeds 120 square feet in area or is greater than six feet tall must comply with the setback requirements applicable to buildings in the "R" zone; (B) the aggregate floor area of all accessory buildings on the lot may not exceed 25% of the rear yard; and (C) the accessory building meets each of the following design requirements: (i) the accessory building shall conform to each restriction set forth in section 5.03.250 for the dwelling unit on the parcel; (ii) the design of and materials used for that accessory building shall be consistent with the design of and materials used in the dwelling unit on the lot; and (iii) the accessory building shall be sited to protect the privacy and quiet enjoyment of neighboring properties and shall minimize impacts of noise, light, glare, and traffic on neighboring properties.

(f) The following uses are specifically prohibited in the "R-S" Zone:

- (1) Communications structures
- (2) Churches
- (3) Schools
- (4) Commercial and Light Industrial uses