

(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:

Lot means land held under separate ownership and occupied or to be occupied by a building or unit group of buildings, together with such yards, open spaces, lot width and lot area as are required by this ordinance, and having its principal frontage on a street.

Lot Depth means the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

Lot Width means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Medical Marijuana Dispensary means any facility or location, whether fixed or mobile, where medical marijuana is made available to or distributed by or distributed to one (1) or more of the following: a primary caregiver, a qualified patient, or a patient with an identification card, as those terms are defined in California Health and Safety Code Section 11362.5 et seq. A "Medical Marijuana Dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health & Safety Code, as long as such use complies strictly with applicable law, including but not limited to, Health & Safety Code Section 11362.5 et seq.

Minor use means a use determined by the City Planner to be incidental to and a minor addition to a generally permitted use or a conditionally permitted use of property. By way of example only, the following may be considered minor uses: the addition to a vehicular sales establishment of a detached tent for display purposes where the tent structure is significantly smaller than the permanent buildings on the site; the addition to an auto repair facility of a display space for on-site sale of auto accessories.

Multiple dwelling means a building comprised of two or more dwelling units.

Non-Conforming Use means a use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Parking Access Way means a private roadway or off-street aisle in a parking lot providing direct access to off-street parking spaces. Such facilities shall measure no less than twenty-four (24) feet wide and, in the case of private roadways, shall be the clear distance between face of curbs. Private roadways shall have vertical curbs and the curbs shall be painted red and clearly marked "NO PARKING".

Parking Space shall refer to off-street parking spaces in the quantity specified for the various zoning districts as further defined below:

(a) *Standard Parking Space* shall refer to a standard off-street parking space measuring no less than nine (9) feet wide by nineteen (19) feet long, with direct access to a parking access

aisle or street. Parked vehicles shall not be allowed to overhang adjacent landscape or walkway areas, and parking spaces shall not include landscape, walkway areas or parking access aisles in their dimension.

(b) *Compact Car Parking Space* shall refer to a standard off-street parking space specifically designed for compact car parking and measuring no less than seven and one-half (7-1/2) feet wide by sixteen (16) feet long. Compact car parking is subject to City Council approval and may be allowed up to a maximum of thirty percent (30%) of the total required off-street parking in large (over 100,000 square feet) commercial shopping centers only. Compact car spaces shall be located in accordance with such guidelines as may be established from time-to-time by resolution of the City Council.

(c) *Accessible Parking Space* shall refer to an off-street parking space specifically designed for use by disabled individuals. The number and sizes of these parking spaces shall be as required by the provisions of the Colma Building Code. Such spaces shall be located as close to the facility being served as practical."

Processing costs shall mean:

- (a) the charges for the time spent by all employees, agents, and consultants of the city, except the City Manager, City Attorney, and their respective staffs, to investigate, review, process or recommend action with respect to a development project; and
- (b) the reimbursable costs defined in this section.

Processing fees means the fees charged to recover processing costs.

Reimbursable expenses means reasonable and necessary transportation, transmission, copying and communication expenses directly related to investing, reviewing, processing or recommending action with respect to a development project.

Retail Merchandising Unit (RMU) shall mean a movable cart, kiosk or similar device occupying a specific location on a regular basis and tended by a person who, in any public place or place open to the general public, sells or offers for sale any goods, wares or merchandise over the counter of a kiosk or cart.

Rooming house shall mean a building used for residential purposes, other than a hotel, wherein three (3) or more rooms, without 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.

Second dwelling unit means a dwelling unit which provides complete independent living facilities on the same parcel as a legal single family dwelling including, but not limited to, the permanent provisions for sleeping, eating, cooking and sanitation.

Short-term use means a use, lasting no longer than sixty days in a calendar year, determined by the City Planner to be incidental to a generally permitted use or a conditionally permitted use of the property. By way of example only, the following may be considered short-terms uses: parking lot sales, Christmas Tree lots, musical and theatrical performances, use of shipping

5.03.090 "C" Zone.

The following uses may be permitted in the "C" Zone upon issuance of a use permit in accordance with the procedures set forth:

- (a) A commercial establishment;
- (b) A single family dwelling or a multiple dwelling up to six units, provided the proposed residential density does not exceed that specified in the Colma General Plan;
- (c) 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;
- (d) A light industrial establishment;
- (e) Communications structures;
- (f) Commercial center;
- (g) Retail Merchandising Unit; [Ord. 506, 3/12/97]
- (h) Such other uses which, upon a finding of the City Council, are of a similar nature as the above described uses.

[History: formerly § 5.314; ORD. 234, 3/14/79; ORD. 309, 2/13/85; ORD. 425, 7/10/91; ORD. 638, 12/14/05]

5.03.100 "DR" Combining Zone.

The "DR" Design Review zone may be combined with all base zones to achieve a consistent site, landscape and building design theme in those areas where it is applied.

[History: formerly § 5.315; ORD. 500, 10/9/96; ORD. 638, 12/14/05]

5.03.110 "P" Zone.

The following uses are permitted in the "P" Zone:

- (a) Public buildings and parks, and any uses incident thereto.
- (b) Municipal supported senior housing.

[History: formerly § 5.316; ORD. 234, 3/14/79; ORD. 459, 10/13/93; ORD. 638, 12/14/05]

5.03.120 "E" Zone.

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

- (1) A cemetery or memorial park;

(d) Communications structures, including relay towers, antennas and reception dishes, shall be located so as not to be highly visible from any public street and shall be located no closer than 1,000 feet from any Residential District. Such structures shall be no higher than 36 feet from the ground if freestanding and no higher than 15 feet above the roof top if placed on a building.

(e) Buffering Regulations. A crematorium shall be located such that the retort vents are no closer than 650 feet to the nearest residence and shall be sited, using topography and landscaping, so that the retort vents and delivery entrance cannot be seen from any public right-of-way. If the building can be seen from any public right-of-way, crematoriums shall be incorporated into the design of buildings such as chapels and mausoleums so that the cremation aspect is not apparent. Any crematorium existing prior to the effective date of this ordinance may be maintained and its equipment upgraded provided no retorts are added and the proposed work does not result in greater visibility, from any public right-of-way, of the existing retort vent(s) and delivery entrance.

[History: formerly § 5.330, ORD. 234, 3/14/79; ORD. 5/10/95; ORD. 325, 11/13/85; ORD. 520, 12/10/97; ORD. 638, 12/14/05]

5.03.250 Restrictions Applicable to "R" Zone.

(a) All land within the "R" Zone, except as provided in subparagraph (5) below, shall be subject to the following area requirements:

- (1) The front yard shall have a depth of not less than fifteen (15) feet from property line to front line of the building;
- (2) The side yard shall be not less than 10 per cent of the width of the lot or 10 feet, whichever is the lesser;
- (3) The rear yard shall be not less than 25 per cent of the total area of the lot, but such rear yard need not exceed 25 feet; save and except any "R" Zone located in that portion of Colma bounded by F Street, Hillside Boulevard, El Camino Real, and the northern boundary of the Town of Colma, in which area the rear yard shall have a depth of not less than 15 feet from property line to rear line of the building with respect to the first story of the building, and a depth of not less than 25 feet from property line to the rear line of any portion of the building above the first story. The one-story portion of a building which extends less than 25 feet from the rear property line shall have a pitched roof, and the space above the roof shall not be used for a roof deck, balcony or other similar purpose.
- (4) Every lot shall have a minimum average width of 33-1/3 feet and a depth of not less than 100 feet.
- (5) Notwithstanding the setback requirements of subparagraphs (1), (2), and (3) above, the distance between the vehicle entry of any covered parking structure to the property line shall be not less than 19 feet.

(6) Notwithstanding the area requirements of subparagraphs (1), (2), (3) and (4) above, the City Council may waive one or more of the area requirements upon finding all of the following:

- (i) That there be two or more dwellings constructed prior to January 1, 1990 on a single parcel without common walls;
- (ii) That it would be beneficial to the neighborhood to have each dwelling on a separate parcel;
- (iii) That the parcel cannot be reasonably divided and still meet all of the foregoing area requirements; and
- (iv) That the waiver will not tend to increase the density of use.

(b) The minimum number of off-street parking spaces as defined in section 5.01.080 shall be as hereinafter set forth:

(1) For all units constructed after March 1, 1988 off-street parking spaces shall be as set forth in the following table:

Residence Type	Spaces Required		Total
	Covered	Uncovered	
Single Family Dwelling:			
Up to 4 Bedrooms	2		2
Over 4 Bedrooms: add .5 covered for each additional bedroom			
Multiple Units:			
Studio	1	.5	1.5
1 Bedroom	1	.5	1.5
2-4 Bedrooms	1	1	2
Over 4 Bedrooms add.5 covered or uncovered For each additional bedroom			

(2) Additions and Remodeling of Residential Structures. Residential structures existing prior to March 1, 1988, or for which a use permit was issued prior to March 1, 1988, complying with previous law which required only 1 covered parking space for a single-family dwelling or for a multiple dwelling unit having 0 or 1 bedrooms, and 1.5 covered parking spaces for each multiple dwelling unit having 2 or more bedrooms, shall not be required to provide additional parking in compliance with the standards of Section (1) above because of repair, restoration, additions, or remodeling of such units except as follows:

- (i) If additional bedrooms are added to such existing dwelling units, additional parking must be added at the rate of one-half (1/2) space per

- bedroom for each bedroom exceeding the total, existing and added, of 4 bedrooms. The additional parking required may be uncovered.
- (ii) Additional units may be added to an existing structure provided off-street parking is added to meet the minimum standards for the new unit.
- (3) Tandem parking is permitted provided tandem spaces are solely for the use of an individual unit. Tandem parking is not permitted where such spaces are required for two or more separate units.
 - (4) A bedroom for the purposes of these requirements is a room used as a bedroom or designed to be used as a bedroom. In the event of a dispute as to whether or not a room is a bedroom, determination shall be made by the City Planner based on the foregoing standard.
 - (5) If the total number of parking spaces required includes a fraction, the requirement shall be the next full number. For example, if the requirement is 4.5 spaces, 5 spaces shall be required.
 - (6) For all single-family residential units constructed, replaced or to which a second story is added after October 8, 2003, the covered parking spaces required by this section 5.03.250 must be enclosed by walls and a lockable vehicle entry door, and must meet the following minimum dimensions, excluding areas designed or used for stairs, utility closets, and major appliances:
 - (i) Eleven feet (11') wide and twenty feet (20') long, where one covered parking space is required;
 - (ii) Twenty feet (20') wide and twenty feet (20') long, where two covered parking spaces is required.
- (c) No building may exceed a height of thirty-six (36) feet in the "R" district.
 - (d) All buildings must be built to the specifications of the Uniform Building Code or with respect to a mobile home containing exclusively a single dwelling unit; be built to the Federal Department of Housing and Urban Development construction standards, on a permanent foundation system, pursuant to section 18551 of the Health and Safety Code of California.
 - (e) All single-family dwellings shall be subject to the following restrictions:
 - (1) They shall have a minimum width of 20 feet as measured by the narrowest elevation;
 - (2) They shall not have siding which is highly reflective;
 - (3) They shall not have finished roofing material which is highly reflective except for the employment of solar energy devices;

- (4) Exterior covering material shall extend to finish grade; except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;
 - (5) Shall have a roof with a pitch not less than two inch vertical rise for each twelve inches of horizontal run, unless, upon application to the City Planner, the City Planner finds that a flatter roof style would be compatible with the surrounding neighborhood;
 - (6) They shall have screening provided for all mechanical and electrical equipment so that such equipment is not visible from the public right-of-way. For roof and wall-mounted equipment, the screening shall be an integral part of the building design. They shall not use screening material which is highly reflective or incompatible with siding material.
- (f) Communications structures shall not be allowed in any Residential District.
- (g) A second dwelling unit shall be permitted in the "R" zone, subject to the standards and restrictions set forth elsewhere in this Zoning Code.

[History: formerly § 5.331, ORD. 234, 3/14/79; ORD. 298, 6/13/84; ORD. 280, 1/12/83; ORD. 304, 10/10/84; ORD. 309, 2/13/85; ORD. 319, 5/8/85; ORD. 367, 4/13/88; ORD. 404, 11/08/89; ORD. 463, 11/10/93; ORD. 480, 5/10/95; ORD. 600, 6/25/03; ORD. 608, 12/10/03; ORD. 638, 12/14/05]

5.03.260 Restrictions Applicable to the "R-S" Zone.

- (a) All land within the "R-S" Zone shall be subject to the following development standards:
- (1) Front yards must have a depth of not less than fifteen (15) feet from the front property line to the front face of the dwelling, nor less than nineteen (19) feet from the front property line to the front face of the garage. Corner lots shall be considered to have a front yard bordering each street.
 - (2) Side yards must not be less than ten percent (10%) of the lot width or ten feet (10'), whichever is less. No mechanical equipment, chimneys or above-ground stairs may project into required side yards. Stairs at grade and ground level decks are excepted.
 - (3) Rear yards must not be less than twenty-five feet (25') from the rear property line to any two story portion of the dwelling nor less than fifteen feet (15') to any one story portion of the dwelling. Any one story portion of a dwelling which extends less than twenty-five feet (25') from the rear property line must have a pitched roof, and the space above the roof must not be used for a roof deck, balcony or other similar purpose.
 - (4) Every lot must have a minimum average width of 33.33 feet and a minimum average depth of not less than 100 feet.

(d) Notwithstanding anything to the contrary herein, this section does not permit a commercial use in a residential district unless such a use is specified in the regulations for the district.

(e) *Violations.* Violations of this ordinance are declared to be a public nuisance. Each violation is subject to the penalties set forth in Subchapter Five of Chapter One of the Colma Municipal Code.

[History: formerly § 5.331.3; ORD. 628, 5/11/05; ORD. 638, 12/14/05]

5.03.290 Restrictions Applicable to "C" Zone.

(a) All residential use within the "C" Zone shall be subject to the same requirements as is applicable to residential use in the "R" Zone, as set forth in section 5.03.250 above.

(b) Commercial establishment uses and light industrial uses shall be subject to the following requirements:

(1) Area: Each lot shall have a minimum average width of 33-1/3 feet and a depth of not less than 100 feet;

(2) Setbacks: The front yard shall have a depth of not less than five (5) feet from property line to front line of the building; the side yards shall not be less than five (5) feet wide; the rear yard shall not be less than five (5) feet deep.

(3) Not more than 50 per cent of any building site shall be covered by buildings.

(4) Parking: For each commercial or light industrial use, the user must provide and maintain facilities for parking, loading and unloading. The minimum number of off-street parking spaces (as defined in section 5.01.080) for each use shall be as set forth in the following list. If a building or site is used by more than one user, each unit of the building or site being used by a separate user must comply with the minimum parking requirements herein, even if the use is the same in the different units. The minimum parking requirements are:

(i) Retail Stores: one (1) parking space for each one hundred (100) square feet of sales floor area, but in no case less than one (1) parking space for each two hundred (200) square feet of gross floor area;

(ii) Banks and Office Buildings: one (1) parking space for each three hundred (300) square feet of floor area;

(iii) Restaurants and Bars: one (1) parking space for each four (4) seats or stools;

(iv) Theaters: one (1) parking space for each (5) seats;

(v) Cardroom: a minimum of one (1) specified truck loading and unloading space for overall service to the cardroom facility, one (1) truck loading and unloading space for vehicles involved in secure money shipment, one

(1) standard parking space for each employee in the cardroom shift with the largest number of employees, eight (8) standard parking spaces for each gaming table, and one (1) standard parking space for each four (4) seats or stools in restaurant and bar facilities. All parking shall be designed for self-parking with the exception that up to fifty percent (50%) of the gaming table parking may be valet parking. With respect to valet parking, tandem parking and compact parking space dimensions may be utilized.

(vi) Vehicular Repair and Service Uses:

(A) For each building constructed after March 14, 1997, off-street parking spaces shall be provided to meet the following standards:

One (1) off-street parking space for each two hundred (200) square feet of gross building area but, in all cases, a minimum of five (5) regular off-street parking spaces. Off-street parking for service and repair facilities must be designed so that vehicles are not required to back directly onto a public street but are able to turn around and enter the public right-of-way while moving forward.

(B) For buildings existing on March 14, 1997, the floor area thereof may not be expanded and a change in use may not be permitted unless off-street parking is provided for the expanded or changed areas in accordance with the provisions of section 5.03.290.

(C) Existing buildings not occupied by a permitted use on March 14, 1997, shall not be utilized for vehicular repair and service uses unless off-street parking is provided in accordance with Section (A) above.

(vii) Mixed Office and Warehouse Uses:

(A) For all buildings constructed after March 14, 1997, off-street parking spaces shall be provided to meet the following standards:

(1) One (1) off-street parking space for each three hundred (300) square feet of office space; plus

(2) one (1) off-street parking space for each four hundred (400) square feet of warehouse space in each unit having up to 4,800 square feet of warehouse space; plus

(3) one (1) off-street parking space for each one thousand (1,000) square feet of warehouse space in each unit having in excess of 4,800 square feet but less than 10,000 square feet of warehouse space; plus

- (4) one (1) off-street parking space for each two thousand (2,000) square feet of warehouse space in each unit having in excess of 10,000 square feet of warehouse space.
 - (B) For buildings existing on March 14, 1997, the floor area thereof may not be expanded and a change in use may not be permitted unless off-street parking for the expanded or changed areas is provided in accordance with the provisions of section 5.03.290.
 - (viii) All other uses: minimum of one (1) parking space for each five (5) regular employees but, in any case, not less than one (1) space for each two thousand (2,000) square feet of floor area, or fraction thereof.
 - (5) Height: The maximum height of any building shall be forty (40) feet.
 - (6) Design: The design of any building shall be subject to approval by the City Council which shall consider the height, design and use of such building in relation to the height, design and use of buildings in the surrounding area.
 - (7) Landscaping: Within the required setback area from streets there shall be maintained on each site only paved parking spaces, paved walks, paved driveways, lawns and landscaping; and the surface of so much of the remainder of each site as is not covered by buildings, by lawns, or by landscaping shall be treated so as to be dust free. The City Council may require, as a condition of the Use Permit, that all or a portion of the setback area be maintained in lawns or landscaping.
- (c) *Commercial Centers:* A commercial center shall be subject to the following requirements:
- (1) Area: The building site of a commercial center shall be one-half acre or more.
 - (2) Setbacks: No building shall be located less than twenty (20) feet from any property line to any portion of the building.
 - (3) Parking: In any commercial center, the minimum amount of off-street parking shall be such that the ratio of parking spaces to gross leasable area in the shopping center shall be five (5) parking spaces as defined in section 5.01.080 for each one thousand (1,000) square feet of gross leasable area, as herein defined:
 - (i) For the purpose of this section, gross leasable area (GLA) shall mean the total floor area designed for tenant occupancy, including basements, mezzanines and upper floors. Area is measured from the center line of interior partitions and the outside face of exterior walls. GLA excludes common areas which are not set aside for occupancy and exclusive use of a commercial establishment within the shopping center, such as public toilets, truck and service facilities and malls;

- (ii) Exception for gasoline service stations. Gasoline service stations and the area delineated on the shopping center site plan for their use shall have no off-street parking requirements.
 - (4) Height: The maximum height of any building shall be forty (40) feet.
 - (5) Design: The design of any building in a commercial center shall be subject to approval of the City Council, which shall consider the height, design and use of such building in relation to the height, design and use of buildings in the surrounding area.
 - (6) Construction: No building shall have exterior walls constructed other than of tilt-up concrete or equal material, nor shall more than fifty per cent of the area of any building site be covered by buildings.
 - (7) Landscaping: Within the required setback area from streets there shall be maintained on each site only paved parking spaces, paved walks, paved driveways, lawns and landscaping; and the surface of so much of the remainder of each as is not covered by buildings, by lawns, or by landscaping shall be treated so as to be dust free. The City Council may require, as a condition of the Use Permit, that all or a portion of the setback area be maintained in lawns or landscaping.
- (d) Communications structures, including relay towers, antennas and reception dishes, shall be located so as not to be highly visible from any public street and shall be located no closer than 1,000 feet from any Residential District. Such structures shall be no higher than 40 feet from the ground if freestanding and no higher than 15 feet above the roof top if placed on a building.

[History: formerly § 5.332; ORD. 234, 3/14/79; ORD. 319, 5/08/85; ORD. 467, 6/8/94; ORD. 480, 5/10/95; ORD. 505, 2/19/97; ORD. 638, 12/14/05; ORD. 687, 1/13/10]

5.03.300 Restrictions and Procedures Applicable to the "DR" Design Review Zone.

- (a) *Applicability.* The requirements of this section shall apply to all site, landscape and building plans within the area described in Section 5.03.040(d) with the following exceptions:
- (1) Additions to existing buildings where the addition, if it were to conform to the DR standards, would clash with an established architectural theme.
 - (2) Construction of secondary or accessory structures on parcels with existing buildings where the new building plans, were they to conform to the DR standards, would clash with existing improvements having recognized historical or architectural merit.
 - (3) Construction of new buildings on cemetery grounds with a G base zone, where the new site and building plans, were they to conform to the DR standards,

(d) Buildings and structures may be developed in the "T" Zone, subject to a Use Permit, provided the building or structure is supported on a foundation system that will not prevent the development of covered, underground public or private transit facilities at that location.

[History: formerly § 5.335.2; ORD. 374, 09/14/88; ORD. 460, 11/10/93; ORD. 638, 12/14/05]

5.03.350 Restrictions Applicable to All Zones.

(a) There shall not be permitted any use which may be determined by the City Council to be obnoxious or offensive because of the presence or emission of odor, fumes, dust, gas, smoke, noise, bright lights, vibrations, pollution, detrimental sewer wastes, or have a detrimental effect on permissible adjacent uses, or will be hazardous by reason of danger of fire or explosion.

(b) In each zone there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased in capacity, sufficient off-street parking accommodations with adequate provisions for ingress and egress by standard size automobiles. Parking access-ways, parking spaces and fire lanes shall all meet the minimum standards provided in Section 5.01.080 (Definitions) above.

(c) The following uses are prohibited in all districts: amusement parks or centers, circuses, carnivals, outdoor theaters, race tracks, commercial recreation centers, stockyards, the slaughtering of animals, and medical marijuana dispensaries.

(d) Definition of "self-storage mini-warehouse": a structure containing more than five (5) individually locked rooms or compartments, each of which rooms or compartments are available for rent to the general public on a daily, weekly, monthly or other periodic basis for the purpose of storing chattel or personal property, where the property stored in the rooms or compartments is loaded and removed by the renter of the compartment, rather than by the owner of the self-storage mini-warehouse or his agent. "Self-storage mini-warehouse" does not include storage space made available on a rental basis to renters of apartments or owners of condominiums on the premises which contains the condominium or apartment building.

(e) No person shall install, construct or maintain a fence or hedge on any property in the Town of Colma except in compliance with the following:

(1) General fence and hedge limitations:

(i) If cyclone fencing is used, it must be black vinyl clad with black painted posts and supports.

(ii) Fences shall be maintained in good repair and condition.

(iii) Hedge height limits in this section do not apply to taller landscaping planted immediately adjacent to building walls. Free standing trees are encouraged in all yard areas.

(iv) Fences with razor wire are not permitted in the Town of Colma.

- (v) For corner lots, a vision triangle of 35' shall be maintained to insure safe visibility for motorists. The vision triangle shall be created by measuring along the curb line 35' in each direction from the street corner, with the endpoints connected across the lot. Within the vision triangle, no fencing or vegetation shall exceed three (3) feet in height and all tree canopies must be kept seven (7) or more feet above grade.
- (vi) Any unimproved right-of-way (the area between the back of sidewalk and the front property line of any property) may contain landscape planting, irrigation and fencing.
- (vii) The height of a fence shall be measured as the higher of the two sides of the fence.

(2) Fence and hedge limitations in all Residential Zones:

- (i) No fence or hedge in excess of four (4) feet in height is allowed between the back of the sidewalk and front wall of any residence. An exception is permitted for a single, freestanding trellis structure not exceeding eight (8) feet in height, five (5) feet in width, and five (5) feet in depth. An exception may be granted by the City Planner through the Design Review Process if required for security, pedestrian safety, to screen out undesirable views, or for other aesthetic reasons.
- (ii) No fence or hedge in excess of six (6) feet in height is allowed from the front face of the residence to the rear property line. An exception may be granted by the City Planner through the Design Review Process if required for security, pedestrian safety, to screen out undesirable views, or for other aesthetic reasons.
- (iii) No barbed wire shall be permitted in a residential zone.

(3) Fence and hedge limitations for Non-Residential Zones:

- (i) No fence or hedge in excess of four (4) feet in height is allowed between the back of the sidewalk and a parallel line set back thirty (30) feet from the front property line. An exception may be granted by the City Planner through the Design Review Process if required for security, pedestrian safety, to screen out undesirable views, or for other aesthetic reasons.
- (ii) No fence or hedge in excess of eight (8) feet in height is allowed from the thirty (30) foot setback line to the rear of the property. An exception may be granted by the City Planner through the Design Review Process if required for security, pedestrian safety, to screen out undesirable views, or for other aesthetic reasons.
- (iii) No barbed wire shall be permitted in front of the thirty (30) foot setback line. An exception may be granted by the City Planner through the Design Review Process if required for security.

- (4) Prior constructing or installing a fence in excess of six feet in height, retaining wall exceeding two (2) feet in height, masonry wall, or any improvement located in the public right-of-way, owners and occupants should consult with the Building Official or City Engineer to determine if a building permit and/or encroachment permit is needed.

[History: formerly § 5.336, ORD. 234, 03/14/79; ORD. 313, 02/13/85; ORD. 550, 4/14/1999; ORD. 638, 12/14/05, ORD 662, 9/12/07]

5.03.360 Restrictions and Landscaping Along El Camino Real.

(a) No building shall be located less than thirty (30) feet from any portion of El Camino Real to any portion of the building.

(b) Within the required setback from El Camino Real there shall be maintained only paved walks, paved driveways, lawns and landscaping. The landscaping shall be consistent with landscaping in the surrounding areas, and shall screen parking areas from passersby on El Camino Real. The City Council may, as a condition of any Use Permit, require a landscaping plan for the area within the required setback.

(c) The restrictions apply to property adjacent to El Camino Real the entire length of said street from the northern boundary of Colma to the Mission Road junction.

[N.B. Section 2 of Ordinance No. 270 (effective 7/9/82) provided as follows: "The requirements of this section shall not be construed to require the removal or other changes or alteration of any structure not conforming thereto as of the effective date hereof or otherwise interfere with the continuance of any non-conforming use; but shall apply to any replacement, addition, or substantial alteration of any such non-conforming structure."]

[History: formerly § 5.336.1; ORD. 270, 6/09/82; ORD. 638, 12/14/05]

5.03.370 Restrictions Applicable to Mobile Homes, Recreational Vehicles and Commercial Coaches.

Mobile homes, recreational vehicles and commercial coaches as defined in the Health and Safety Code of the State of California shall not be occupied in the Town of Colma except as follows:

(a) For temporary use as a field office or a business office during construction, alteration or repair of a project in the Town of Colma, provided that such use shall cease when the Certificate of Occupancy for such project is issued;

(b) For use as an office in connection with a commercial use, and pursuant to a conditional use permit issued by the City Council under section 18300.1 of the Health and Safety Code of the State of California; or

mechanical and electrical equipment. Garages should be used for vehicle storage and not converted to living space.

Some commercial land uses exist at the neighborhood boundary along Mission Street. The boundary between land designated for residential use and that designated for commercial use in Sterling Park is intended to follow lot lines at the top of the steep bank paralleling the east side of Mission Street. In this way, the commercial uses, primarily with frontage on Mission Street, are at the lower elevations and the residential uses, with access from minor streets, are at the upper elevations.

With the opening of the Colma BART Station just west of the Sterling Park area in February 1996, the major investment and convenience of the transit system is expected to cause the value of surrounding land to increase. Pressure will be brought to develop vacant and underutilized sites more intensively. Residential demand will increase as will the demand for pedestrian-oriented retail uses. The Mission Street frontage in the Sterling Park Planning Area should change, over time, from a few commercial enterprises to a more intensive mix of street level retail uses with at least one level of off-street parking above or below grade. Street level commercial use is addressed in Section 5.02.134. Typically, two floors of residential units may be accommodated above the street level. Where possible, access to parking should be developed from side streets so the number of curb cuts on Mission Street can be minimized. Residential densities up to 30 units per net acre may be considered where ground level retail frontage is included along Mission Street. New buildings should be set back at least ten feet from the street curb with the setback area paved as sidewalk but articulated with planters, street trees and benches. Overall building height should be limited so that no more than two stories are seen from the prevailing elevation of the residential portion of Sterling Park. Pitched rooflines and articulated wall surfaces should be used to insure compatibility with the remainder of the Sterling Park Planning Area.

5.02.124 Scattered Sites (Intended Density: up to 22 units per net acre)

Various scattered sites that are not inventoried here may be suitable for residential development. Proposals for residential uses on scattered sites will be considered but may be rejected if the residential use would conflict with existing or planned land use for the specific area.

5.02.130 COMMERCIAL LAND USE

5.02.131 Planning Context

Approximately 13.68% of the land area within the Town limits is committed to commercial land use. Although the Zoning Ordinance identifies only one commercial zone, the General Plan locates specific commercial sub-areas and contains policies and guidelines aimed at directing specific types of commercial uses to specific sites. Four commercial sub-areas are recognized in the Plan: a Core Commercial Area, two Service Commercial Areas and two areas identified for mixed Commercial/Residential uses. There are also some scattered, outlying commercial sites that are not included in these recognized planning areas. Specific policies are included to govern the types of uses at various identified sites. Where noted, coverage refers to the percentage of the site area that may be covered by buildings or structures, and, FAR refers to floor area ratio which is the ratio of building floor area to site area.

5.02.132 Core Commercial Area (Coverage: 50%; FAR: 1.5)

Colma's core commercial area is associated with the Central Colma Planning Area. It is intended to house the Town's most extensive use of commercial land including two regional shopping centers, an extensive new car Auto Sales District, and several large individual retail facilities. The Commercial Core Area is centered on Serramonte Boulevard between El Camino Real and Junipero Serra Boulevard, extends south to Collins Avenue and north to Colma Boulevard. The City Council should encourage tenants that strengthen the retail orientation of the Serra Center and 280 Metro Mall. Emphasis should also be given to encouraging the expansion of the Auto Sales District onto vacant and redevelopable properties located at the

westerly end of Collins Avenue. Commercial uses should not be expanded easterly from the 280 Metro Center along Colma Boulevard in order to protect the cemetery frontages on Colma Boulevard and the continuity of cemetery uses along El Camino Real north and south of Colma Boulevard. Service facilities related to the major automobile dealerships on Serramonte Boulevard may be included on the same site with the principal retail use or in separate facilities located on Collins Avenue or in one of the two identified Service Commercial Areas. It is intended that new development in the Core Commercial Area will include convenient off-street parking and high quality landscaping that results in an attractive street frontage. Signs should be integrated with building architecture; however, it is recognized that freestanding signs may be necessary in the Core Area.

**5.02.133 Service Commercial Areas
(Coverage: 50%; FAR: 1.0)**

Service commercial uses include auto servicing, light manufacturing, warehousing, contractors' supplies and other non-retail uses. Three areas suitable for the concentration of service commercial uses include Serramonte Boulevard east of El Camino Real, the central portion of Collins Avenue, and the northerly portion of the Mission Road District. Service commercial uses should be contained within a building. No open, uncovered storage of materials, supplies or refuse should be permitted and all repair and manufacturing work must be done inside of a building qualified to meet building and fire code standards for such use. Auto repair and servicing facilities, in particular, should not be approved unless there is sufficient off-street parking for each employee, vehicles waiting for service or repair, repaired or serviced vehicles waiting for pickup and vehicles stored until needed parts arrive. It is intended that new development in the Service Commercial Areas will include convenient off-street parking and landscaping that results in an attractive street frontage. Signs should be integrated with building architecture; pole signs should be discouraged.

In the Mission Road District, some commercial parcels have frontage on both Mission Road and El Camino Real. Access to and from the

segment of El Camino Real bordering the Mission Road District is potentially hazardous because of poor visibility due to the curvature of the road, relatively high traffic speeds, and a steep embankment. Access to parcels with frontage on both El Camino Real and Mission Road should be restricted to Mission Road.

Special guidelines and design standards for development along the Collins Avenue corridor have been adopted and are covered under a separate heading. Uses along Collins Avenue have included auto servicing, light manufacturing, and contractor's supplies -- uses that are primarily contained in a building and do not, regularly, draw a large clientele to the site. Buildings with these service uses may not cover more than 50% of the site and total floor area may not exceed 1.0 times the lot area. As properties along Collins Avenue are redeveloped, however, new uses that support the Auto Row function of the Core Commercial Area should be encouraged. Where a new use is consistent with those of the Core Commercial Area, an FAR of 1.5 would apply.

**5.02.134 Mixed Commercial/Residential
Areas (Coverage: 75%; FAR: 3.0; Intended
Density: 30 units per net acre)**

Mixed commercial and residential uses will be encouraged in the southerly portion of the Mission Road District and in the commercial frontage along Mission Street in the Sterling Park Planning Area pursuant to Planned Development Zoning. Both of these locations are within convenient walking distance of existing or planned BART stations and bus lines, helping to minimize reliance on automobile use. With the development of the new BART stations near D and Mission Streets, west of Colma, and adjacent to the Hickey Boulevard extension, south of Colma, it is expected that surrounding land values will increase and pressure will be brought to develop vacant and underutilized sites more intensively. It is intended that mixed commercial/residential uses will consist of pedestrian-oriented retail facilities on the ground floor with two or more levels of residential or office uses above. It is the most intensive use of commercial land in Colma.

New buildings should be set back at least ten feet from the street curb with the setback area



A building with pedestrian-oriented retail facilities on the ground floor and residential uses above.

sites will be compatible with nearby, established land uses. Sites that are close to cemeteries or residences, for instance, should be restricted to uses that do not generate traffic or noise and that are not visually unsightly. Signs, other than small identification signs, should be discouraged. Planning and zoning designations should not be changed to create any new scattered commercial sites. When opportunities arise, the outlying commercial uses should be eliminated and the land use designation changed for improved compatibility with surrounding uses.

5.02.136 Commercial Land Use Development Guidelines

It is intended that new buildings in all commercial districts, with the exception of established shopping centers, will incorporate a Spanish/Mediterranean architectural theme. Exceptions will be considered if this approach would clash with existing improvements having recognized historical or architectural merit.

paved as sidewalk but articulated with planters, street trees and benches. Pitched roofs should be used and the front facades should be well articulated with windows, doors, balconies, bays, exposed beams, overhangs and similar features. Appropriate ground floor uses are listed below:

- | | |
|----------------|-------------------|
| Baker | Hardware Store |
| Barber Shop | Health Club |
| Beauty Salon | Home Furnishings |
| Book Store | Office Supplies |
| Butcher Shop | Pet Store |
| Camera Store | Pharmacy |
| Clothing Store | Restaurant |
| Coffee Shop | Shoe Sales/Repair |
| Delicatessen | Specialty Foods |
| Dry Cleaner | Sporting Goods |
| Florist | Toy Store |
| Gift Store | Video Rental |

5.02.135 Outlying Commercial Areas (Coverage: 50%; FAR: 1.0)

Outlying commercial uses are scattered across the Town. Specific policies should be used to ensure that the types of uses allowed on these



Examples of a commercial buildings incorporating Spanish Mediterranean architectural themes.