

CHAPTER FIVE: PLANNING, ZONING, USE, AND DEVELOPMENT OF LAND AND IMPROVEMENTS

Subchapter 5.03: Zoning

5.03.010 Title.

This subchapter shall be known as the "Zoning Ordinance" of the Town of Colma.

[*History:* formerly § 5.301; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.020 Purpose.

There is hereby adopted a zoning or districting plan for the Town of Colma. This plan is adopted to promote and protect the public health, safety, peace, morals, comfort and general welfare. It consists of the establishment of various zones, including therein all the territory within the boundaries of said city, within some of which zones it shall be lawful and within some of which zones it shall be unlawful to construct, reconstruct, alter, enlarge, move, or maintain certain buildings or to use certain lands or buildings, and it further consists of appropriate regulations to be enforced in such zones, all as set forth in this ordinance.

[*History:* formerly § 5.302; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.030 General Prohibition.

No person may use, design, or intend to be used, any building or land in the city, except for the purposes specified in, and in compliance with, the provisions of this subchapter.

[*History:* formerly § 5.303; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.040 Zones and Boundaries Thereof.

(a) The following land use zones shall be established in the City:

- G - Memorial Park, Agricultural and Recreational
- R - Residential
- R-S - Neighborhood Residential [Ord. 536, 7/8/98]
- C - Commercial
- P - Public
- E - Executive, Administrative
- T - Transit

(b) The following safety zone shall be established in the City: F.

Such zone shall be in addition to and lay over the land use zones as set forth in subsection (a) above. All real property in the Town of Colma lying within 50 feet of either edge of the Colma Creek, and all other real property determined by the City Engineer to be subject to a one per cent chance of flooding in any given year, shall be in the F zone.

(c) The following transit zone shall be established in the City: T.

Such zone shall be in addition to and lay over the land use zones as set forth in subparagraph (a) above. All real property in the Town of Colma lying within the 60-foot right-of-way owned, or formerly owned, by Southern Pacific Company shall be in the T zone.

(d) The following design review zone shall be established in the City: DR.

Such zone shall be in addition to and lay over the land use zones set forth in subparagraph (a), above. All real property from the junction of Mission Road and El Camino Real on the south to the junction of F Street and El Camino Real on the north, and from Junipero Serra Boulevard on the west to the City limits on the east, plus all property fronting on Mission Road, shall be in the DR zone.

(e) The zones aforesaid and the boundaries of such zones are shown upon a map filed with the City Clerk and designated "General Plan Land Use, Town of Colma, April 2008 Zoning Map". Said map and all notations, references and other information shown thereon shall be and hereby is incorporated by reference in this ordinance as if fully set forth herein.

[History: formerly § 5.310, ORD. 234, 3/14/79; ORD. 290, 8/10/83; ORD. 321, 7/10/85; ORD. 374, 9/14/88; ORD. 409, 3/14/90; ORD. 536, 7/8/1998; ORD. 557, 8/18/1999; ORD. 573, 4/12/00, ORD. 588, 8/15/2001; ORD 609, 12/10/03; ORD. 610, 1/14/04; ORD. 627, 4/13/05; ORD. 638, 12/14/05; ORD. 668, 5/14/08]

5.03.050 Zone Boundaries.

Where uncertainty exists as to the boundaries of any zone shown on said "Zone Map", the following rules shall apply:

(a) Where such boundary is indicated as approximately following a street or alley line, such street or alley line shall be deemed to be such boundary.

(b) Where such boundary is indicated as approximately following a lot line, such lot shall be deemed to be such boundary.

(c) Where uncertainty exists, the City Council shall, by written declaration, determine the location of the zone boundary.

[History: formerly § 5.311; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.060 "G" Zone.

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

(1) A cemetery or memorial park;

(j) Use of a single-family dwelling for the purposes of a Large Family Day Care Home shall not constitute a change of occupancy for purposes of State Housing Code, Section 17910, *et seq.*, or for purposes of local building and fire codes.

(k) Large family day care homes shall be considered as single-family residences for the purposes of the State Uniform Building Standards Code and Town of Colma Building and fire codes, except with respect to any additional standards specifically designed to promote the fire and life safety of the children in these homes adopted by the State Fire Marshal pursuant to the Health and Safety Code.

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.

- (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, whether submitted in connection with the construction of a new building or an alteration or modification to the structure or façade of an existing building, within the area described in Section 5.03.040(d) with the following exceptions:

- (1) An addition or modification to an existing building where the addition or modification, if it were to conform to the DR standards, would clash with the building's 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, would clash with existing improvements having recognized historical or architectural merit.

(b) *DR Design Standards.* All plans for development in the DR zone shall incorporate building, site and landscape design elements representing the Spanish/Mediterranean style as defined in the following subsections.

(1) Building Design Elements. Principal structures and secondary structures such as, storage buildings and trash enclosures must be architecturally consistent. The following design elements must be present in all buildings:

(i) Buildings shall incorporate simple, stepped massing, highlighted with towers, cupolas and varied chimney forms. Flat walls shall be minimized by interruptions using balconies, patios, shed roof elements, clerestory windows, gable end or trellis arcades and colonnades of stylized columns or arches.

(ii) Roofs shall be low pitched gable and shed roof types with terra-cotta or similar colored real, individual Spanish barrel tile. No manufactured tile or sheets of tile may be used. All flat roof areas shall be surrounded by a parapet wall and must not be located where they can be viewed from adjacent buildings or property. Parapet walls shall be of such height that will completely screen all rooftop equipment.

(iii) Wall surfaces shall be composed primarily of stucco and must be articulated by use of columns, piers and pilasters. Window and door openings shall be varied in size and articulated by use of deep reveals, exposed lintels and sills, iron grillwork and faux balconies. Arched openings are encouraged.

(iv) Door and window openings shall be designed to convey the thickness of masonry construction by recessing the doors and windows and using ornamental surrounds. Ornamentation may consist of stucco moldings, bands of tile or other framing. Glass areas must be broken up by mullions. Operable casement or double hung windows are encouraged. Windows can be covered externally with appropriately designed grilles integral to the surface of the building.

(2) Site and Landscape Design Elements. The following elements must be present in the site and landscape designs:

(i) Site plan and landscape design must appropriately integrate and conceal utility vaults, back flow prevention devices, trash dumpsters and other accessory elements that may not be compatible with the Spanish-Mediterranean theme.

- (ii) A formal balanced planting layout shall be achieved by using elements such as landscape entry features, tree lined walks and drives, and boundary tree rows. Formal placement of trees in courts, pavilions and parking lots can significantly enhance the character of these public and private areas. Use of accent features such as brightly colored flowers and palm trees is encouraged.
- (iii) Landscape design shall incorporate features such as arbors, trellises, fountains, walks, pavilions, curbs, light standards, benches, sculpture, enhanced pavement (materials, textures and patterns), garden walls (free standing and retaining), wood fences and gates, ironwork gates and railings, planting pots and urns in order to integrate the Spanish/Mediterranean design theme throughout the overall project design.

(c) *Additional Design Standards for Automobile Dealerships.* Due to the unique nature of automobile sales where the primary display of merchandise offered for sale is located outside, the following additional design provisions shall apply:

- (1) Concrete pads or ramps for the prominent display of vehicles are allowed within the area between the front of the building and the street, provided that a minimum of 7' of landscaping is maintained between the back of the sidewalk and the paved area. The height of any display pad shall not exceed 18 inches above grade. Configuration and design of the structures are subject to review and approval by the City Planner prior to installation. Landscaping may be required to include low shrubs or trees. Drainage and other design features may require review and approval by the City Engineer.
- (2) Scissor ramps may be used to elevate cars above grade but only if the base of the ramp is elevated no more than 48 inches above the prevailing parking elevation. An exception can be made by the City Planner to accommodate unique topographic differences.
- (3) Tent Structures are allowed, subject to the following design standards. All Tent Structures are considered structures and therefore may only be installed pursuant to a valid Building Permit.
 - (i) Tents shall be located only on paved areas and not on approved landscaping. Tents shall not block any access aisles or fire lanes. A total of three tents per property are permitted at any given time, not to exceed 400 square feet each (1,200 square feet total). Exceptions may be granted by the City Planner for infrequent special events.
 - (ii) Tents shall be made of high quality fire retardant materials, and must be in colors which are consistent with color that matches the principal building on the site or approved signage on the property. Tents shall be securely fastened according to accepted engineering practices.

(d) *Design Review Procedure and Approval.* No grading or building permit shall be issued until design plans have been reviewed and approved. Plans shall be submitted to the City Planner for review and approval according to the following procedures:

- (1) *City Council Approval.* Whenever the project requires approval of a Use Permit, Subdivision Map, Planned Unit Development, or other action by the City Council, then the City Council shall also, at that time, make the determination to approve the design in accordance with this ordinance. Determinations made by the City Council may be reconsidered in accordance with the procedure set forth at Section 5.03.420.
- (2) *Zoning Administrator Approval.* The Zoning Administrator shall make the determination to approve the design of all projects other than those described in the preceding paragraph, and any determination by the Zoning Administrator may be appealed by any interested party to the City Council in accordance with the procedures set forth in section 1.02.140 of the Colma Municipal Code.
- (3) *Modification of Standards.* The City Council or Zoning Administrator may, in its sole discretion, modify the application of these *DR Design Standards* to a modification or addition of an existing building after considering: (a) the nature of the specific standard or standards to be applied; (b) the economic impact of strict compliance with these standards on the property; and (c) the extent to which strict compliance interferes with the property owner's investment-backed expectations.
- (4) *Findings.* The City Council or Zoning Administrator, as appropriate, may approve a design only if it finds that:
 - (i) The architectural, site and landscape design of the proposed project incorporates design elements adopted for the DR zone.
 - (ii) The architectural, site and landscape design substantially reflects the goal of the DR zone to achieve a consistent site, landscape and building design theme for the Town of Colma.
- (5) *Fees.* Design review fees shall be set forth in the Town of Colma Master Fee Schedule.

[*History:* formerly § 5.333, ORD, 467, 6/8/94; ORD. 500, 10/9/96; ORD. 521, 12/10/97; ORD. 524, 1/14/98; Ord. 551, 4/14/1999; ORD. 638, 12/14/05; ORD. 707, 4/11/11]

5.03.310 Restrictions Applicable to "P" Zone.

There shall be no restrictions on buildings or use within the "P" Zone, except that it is the policy of the City that any use in the "P" Zone shall be consistent with the other uses in the City.

[*History:* formerly § 5.334; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

(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.

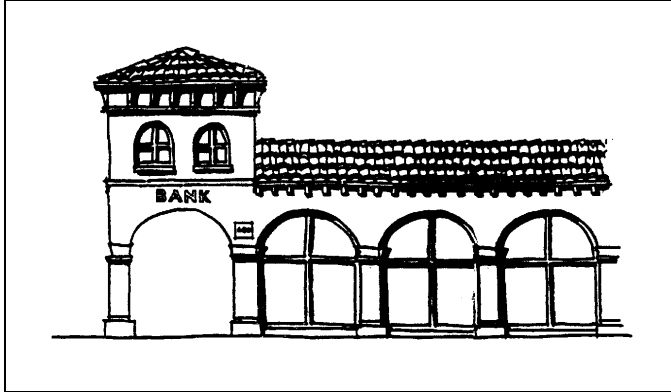
Mobile homes, recreational vehicles and commercial coaches as defined in the Health and Safety Code of the State of California shall not be occupied in the Town of Colma except as follows:

(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;

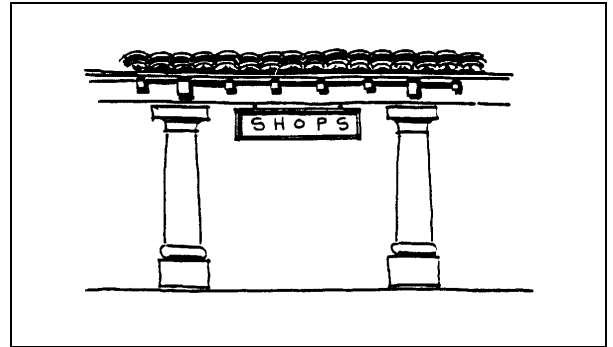
(b) For use as an office in connection with a commercial use, and pursuant to a conditional use permit issued by the City Council under section 18300.1 of the Health and Safety Code of the State of California; or

TOWN OF COLMA DR ZONE DESIGN STANDARDS

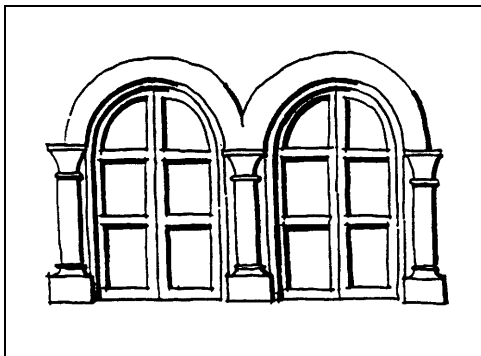
I. Building Design Elements



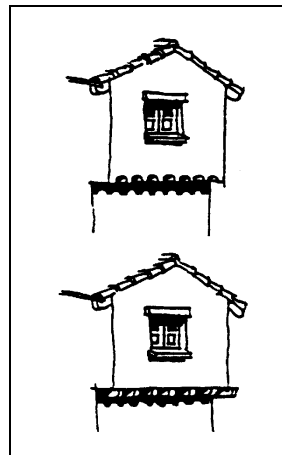
Elevation with tower element, arches, real barrel roof tile, divided windows, exposed rafters, horizontal banding and proper signage



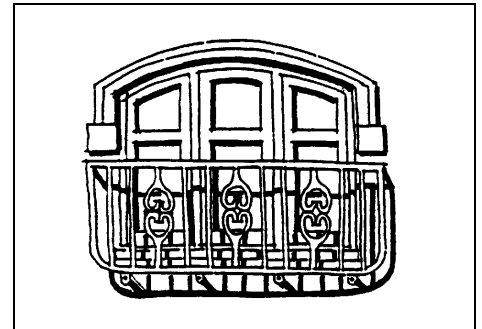
Colonnade with stylized columns, exposed beams, double row of roof tiles and theme signage



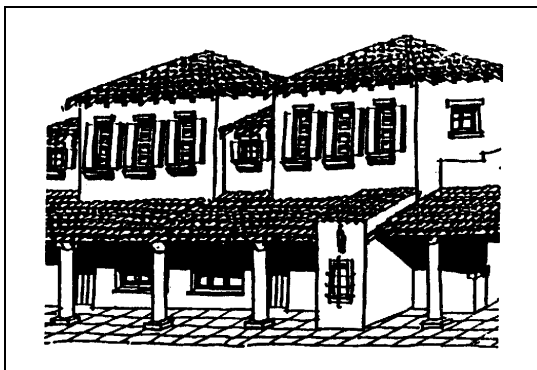
Doorway with arches, pilasters, ornamental surrounds and divided windows



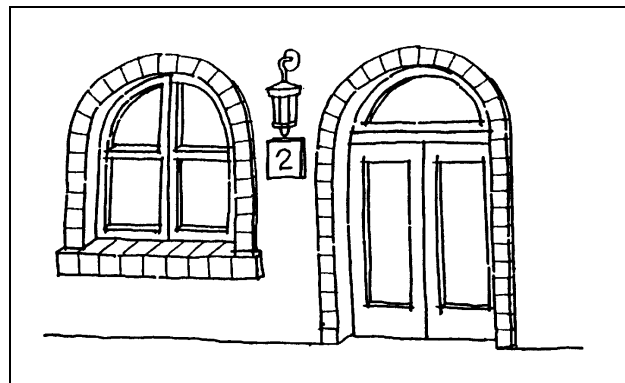
Projection with detail



Window with ornamental surrounds and wrought iron

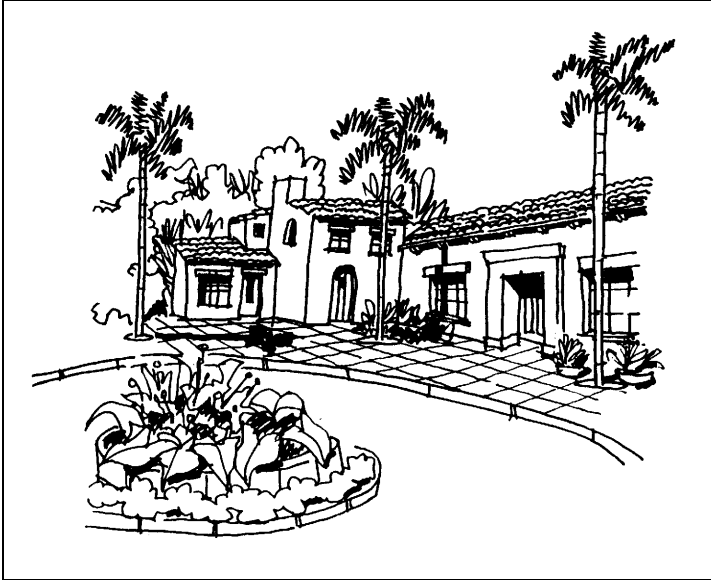


Massing

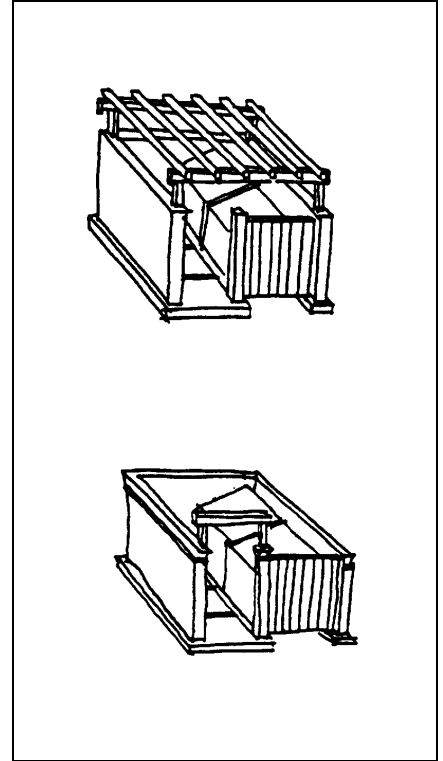


Storefront with arches, recessed windows and doors and tile accents

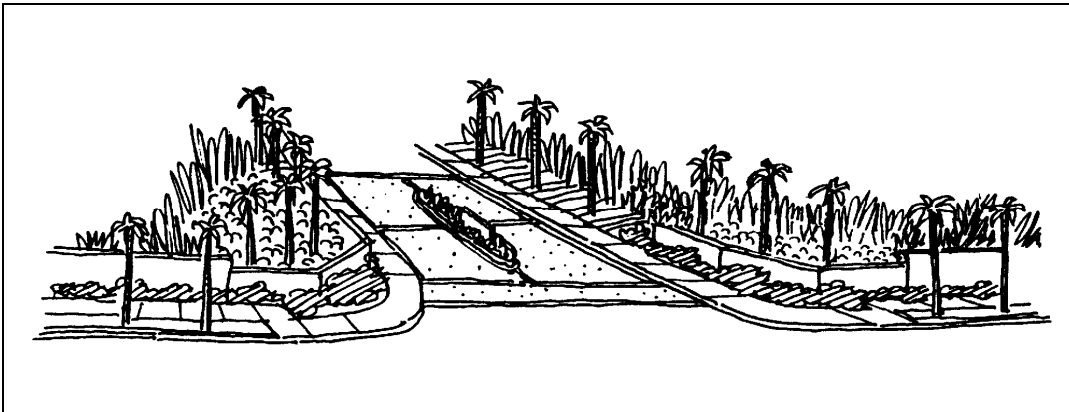
II. Site and Landscape Design Elements



Formal Landscape Layout with courtyard, theme element, enriched pavement, pots and urns



Accessory Structure
with similar architectural theme



Project Entry with theme landscape, wall treatments, enriched pavement and monument signage