

(c) *Deed Restrictions Applicable to Second Dwelling Units.* Neither a Building Permit nor a Certificate of Occupancy may be issued for a second dwelling unit unless and until the property owner has filed with the County Recorder an Agreement of Restriction, which has been approved by the City Attorney as to form and content, containing a reference to the deed under which the property was acquired by the owner and stating the following:

- (1) The second dwelling unit shall not be sold separately from any part of the property on which it is located;
- (2) The second dwelling unit is restricted to the standards specified in Colma Municipal Code Section 5.03.270;
- (3) The second dwelling unit shall be considered legal only so long as either the primary residence or the second dwelling unit is occupied by the owner of record of the property;
- (4) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

[History: formerly § 5.331.2; ORD. 600, 6/25/03; ORD. 638, 12/14/05]

5.03.280 Regulation of Multi-Family Uses in Single-Family Residential Zones

(a) *Purpose.* The purpose of this Chapter is to preserve the residential character of neighborhoods in single-family residential zones by prohibiting the operation of boarding houses and rooming houses. This Chapter is directed at the commercial use of property that is inconsistent with the residential character of the neighborhoods in single-family residential zones and not the identity of the users.

(b) *Prohibition of Boarding Houses or Rooming Houses in Single-Family Residential Zones.* The operation of a boarding house or rooming house is prohibited in all single-family residential zones.

(c) *Permitted Use.* The renting of not more than two (2) rooms in a dwelling unit to individuals under separate rental agreements or leases is permitted by right as an accessory use in all residential districts, provided that:

- (1) The rental of rooms is for periods of at least fourteen (14) days; and
- (2) The rooms which are rented are fully integrated within the dwelling unit such that the rented rooms:
 - (i) Have interior access to the rest of the dwelling unit;
 - (ii) Do not have separate cooking facilities; and
 - (iii) Do not have separate street addresses assigned to such rooms(s).
- (3) All requirements for off-street parking are met.

(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