

(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

(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 (½) 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.

- (5) Notwithstanding the 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 are 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 single parcel;
 - (iii) That the parcel cannot be reasonably divided and still meet all of the foregoing 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 or replaced after March 1, 1988, off-street parking must be provided as set forth in the table:

Residence Type	Spaces Required		Total
	Covered	Uncovered	
Single Family Detached: (Over 4 bedrooms add 0.5 spaces for each bedroom)	2		2
Legal Second Units:			
Studio			
One Bedroom			
Multiple Units:			
Studio	1	.5	1.5
1 Bedroom	1	.5	1.5

- (2) For all 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 one (1) covered space for a single family dwelling or for a multiple dwelling having no more than one bedroom, and 1.5 covered parking spaces for each multiple dwelling having two (2) or more bedrooms, owners are not required to provide additional parking because of repair, restoration, remodeling or additions to such units except as follows:
- (i) If additional bedrooms are added to an existing single family dwelling the number of off-street parking spaces must be increased by 0.5 covered or uncovered spaces for each bedroom exceeding the total, existing and added, of four (4) bedrooms.

- (3) Tandem parking is not permitted for new single family detached dwellings; tandem parking is only permitted for dwellings where tandem parking existed prior to the effective date of this ordinance.
- (4) A bedroom for 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 requirements shall be the next full number.
- (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 buildings may exceed a height of twenty-seven feet (27') measured from the finished grade at the perimeter of the building to the highest point of the roof line.

(d) Buildings constructed or substantially remodeled after the effective date of this ordinance must incorporate the following design standards:

- (1) Buildings must be designed to feature a one-story front facade at the front yard setback;
- (2) Any existing second unit must be clearly subordinate to the principal unit and must not have its front door facing the street;
- (3) Exterior building walls must be well articulated with windows, doors, balconies, bays, exposed beams, overhangs and similar features; trim and moldings must be utilized to accentuate rooflines and wall openings;
- (4) All roofs must have a pitch not less than two inch vertical rise for each twelve inches of horizontal run. This shall not apply to existing buildings where the roof is not being remodeled;
- (5) All mechanical and electrical equipment must be located so as not to be visible from the public right-of-way;
- (6) At least sixty percent (60%) of the front setback area must be devoted to landscaping; front yard areas, other than driveway aprons, must not be used for storage of motor vehicles.