



## Planning & Building Department

3675 Mt. Diablo Boulevard, Suite 210

Lafayette, CA 94549-1968

Tel. (925) 284-1976 • Fax (925) 284-1122

<http://www.ci.lafayette.ca.us>

R-40

Single-family Residential District-40

6-7101	General.
6-7102	Uses permitted.
6-7103	Uses requiring a permit.
6-7104	Lot area.
6-7105	Lot width.
6-7106	Lot depth.
6-7107	Height.
6-7108	Side yards.
6-7109	Setback.
6-7110	Rear yard.
6-7111	Parking space.
6-7112	Parking restrictions.
6-7113	Modifiable sections.

**NOTE:** The City has other regulations, which may affect individual properties, including, but not limited to hillside development, structures over 17-ft. in height, development in excess of 6,000 sq. ft., tree protection, grading, and public art. Please review the Project Checklist available on the City of Lafayette web site at [www.lovelafayette.org](http://www.lovelafayette.org) for an overview of regulations that might apply. You may consult Planning & Building Department staff to ascertain which rules and regulations apply to any given project.

## Single-family Residential District-40

### 6-7101 General.

All land in the single-family residential district-40 (map symbol R-40) shall be used in accordance with the provisions of this article. (Ord. 63 § 8 (part), 1972)

### 6-7102 Uses permitted.

The following uses are permitted in the R-40 district:

- (a) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it;
- (b) The keeping of livestock, as provided in Sections 6-523 and 6-524;
- (c) Small farming, including the raising of poultry or rabbits or other grain-fed rodents exclusively for home consumption;
- (d) A home occupation;
- (e) Supportive care pursuant to §6-534 LMC.

(Ord. 115 § 3 (part), 1973; Ord. 63 § 8 (part), 1972)

### 6-7103 Uses requiring a permit.

In the R-40 district, the following uses are permitted on the issuance of a land use permit:

- (a) Residential businesses;
- (b) Churches, religious institutions, and parochial and private schools, including nursery schools;
- (c) A second unit which complies with Chapter 6-5, Article 3 of this title;
- (d) Reserved.
- (e) Publicly owned buildings and structures, except as provided in Section 6-516;
- (f) Publicly owned parks and playgrounds;
- (g) Crop and tree farming and horticulture;
- (h) Horse riding academies and horse riding instruction, if the requirements listed in Sections 6-523 and 6-524 are met;
- (i) Uses which the planning commission has found, after notice and hearing, to be comparable to the uses enumerated in this section;
- (j) Multiple pet activity, but only on parcels of land 20,000 square feet in size, or larger;
- (k) Kennel activity.

(Ord. 333 § 1 (part), 1985; Ord. 300 §§ 3 (part), 4 (part), 1984; Ord. 266 § 9, 1982; Ord. 115 § 5 (part), 1973; Ord. 63 § 8 (part), 1972)

### 6-7104 Lot area.

No single-family dwelling or other structure permitted in the R-40 district shall be erected or placed on a lot smaller than 40,000 square feet in area. (Ord. 63 § 8 (part), 1972)

### 6-7105 Lot width.

No single-family dwelling or other structure permitted in the R-40 district shall be erected or placed on a lot less than 140 feet in average width. (Ord. 63 § 8 (part), 1972)

### 6-7106 Lot depth.

No single-family dwelling or other structure permitted in the R-40 district shall be erected or placed on a lot less than 140 feet deep. (Ord. 63 § 8 (part), 1972)

6-7107 Height.

(a) No single-family dwelling or other structure permitted in this district may exceed 35 feet in height or two and one-half stories.

(b) Structures higher than 30 feet in height shall be subject to approval of the design review commission and the findings contained in Section 6-1905.

(Ord. 386 § 5 (part), 1991)

6-7108 Side yards.

There shall be an aggregate side yard width of at least 40 feet. No side yard shall be less than 20 feet wide. These minima may be reduced to three feet for an accessory building or structure, if it is set back at least 75 feet from the front property line. (Ord. 84 § 1, 1972; Ord. 63 § 8 (part), 1972)

6-7109 Setback.

There shall be a setback (front yard) of at least 25 feet for any structure in the R-40 district; on corner lots the principal frontage of the lot shall have a setback of at least 25 feet and the other setback shall be at least 20 feet. (Ord. 63 § 8 (part), 1972)

6-7110 Rear yard.

There shall be a rear yard for any principal structure in the R-40 district of at least 15 feet. There shall be a rear yard for accessory structures of at least three feet. (Ord. 63 § 8 (part), 1972)

6-7111 Parking space.

Every dwelling unit permitted in the R-40 district shall have on the same lot or parcel enough automobile storage space for at least two automobiles; each parking space shall have minimum dimensions of at least ten feet by 20 feet, either covered or open, and shall not be located within the setback or side yard area of a principal structure. (Ord. 63 § 8 (part), 1972)

6-7112 Parking restrictions.

The provisions of Section 8125 of the Contra Costa County Ordinance Code apply to the R-40 district. (Ord. 63 § 8 (part), 1972)

6-7113 Modifiable sections.

Land use permits for the special uses enumerated in Section 6-7103, and variance permits to modify the provisions of Sections 6-7104 to 6-7112, inclusive, may be granted in accordance with the applicable provisions of Chapter 6-1 of this title. (Ord. 63 § 8 (part), 1972)

6-526

Height limitations in required yards.

(a) Accessory buildings, as defined in Section 6-302 of this title, and structures, as defined in Section 6-355 of this title, shall not exceed the following height limits, if constructed in the required setback (front yard), side yard or rear yard which is applicable to the main building or principal structure on the lot:

- (1) Accessory buildings, 12 feet;
- (2) Structures, six feet.

For example, if the rear yard for the principal structure is 15 feet, but the rear yard for an accessory building is three feet, any accessory building within the 15-foot rear yard required for the principal structure shall not exceed 12 feet in height.

(b) For the purpose of this section, the height of a structure shall be determined by measurement on its tallest side between natural grade and its highest part; and the height of an accessory building shall be determined as provided in Section 6-313 of this title.

(c) Variance permits to modify the provisions of this section may be granted in accordance with the applicable provisions of Chapter 6-1 of this title.

(Ord. 274 § 1, 1982; Ord. 243 § 2, 1981)

NOTE: These height provisions apply to accessory structures or buildings located in Residential Zoning Districts.

6-271

Definitions—Applicability.

(a) “Design review” means review of the aesthetic elements of a project. Reference elsewhere in this title or in conditions of approval to design approval, site plan and building elevations approval, or in the case of the environmental review commission, means design review under this article.

(b) “Gross floor area,” under this article, means the total horizontal area in square feet of each floor within the exterior walls of all buildings on a parcel, including garages and carports as measured at the exterior face of the enclosing walls.

(c) This article applies to:

(1) New construction, exterior remodeling, or any change to a structure or facility which affects the exterior appearance, and which occurs in a multiple-family or commercial land use district (site plan and building elevations applications);

(2) A project or construction for which design review is required as a condition of approval;

(3) Any other projects for which design review is required; and

(4) New single-family residential construction which exceeds 6,000 square feet in gross floor area or an addition to an existing residence which will increase its gross floor area to over 6,000 square feet and which occurs in a single-family residential district.

(Ord. 386 § 2, 1991; Ord. 324 § 1 (part), 1984)