



Planning & Building Department

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6-301 General.

The definitions in this chapter govern the construction of this title unless the context otherwise requires. Unless the natural construction of the word indicates otherwise, the present tense shall include the future and the plural number shall include the singular.

6-302 Accessory building.

“Accessory building” means a subordinate building of 120 sq. ft. or less, the use of which is incidental to that of a main building on the same lot. (Ord. 655 § 3, 2016)

6-303 Accessory use.

“Accessory use” means a use incidental and accessory to the principal use of a lot, or a use accessory to the principal use of a building located on the same lot.

6-304 Accessory sign.

“Accessory sign” means any surface or portion thereof, on which lettered, figured or pictorial matter is displayed for the purpose of advertising or identifying goods and services sold or produced on the property upon which the surface is located.

6-305 Agriculture.

“Agriculture” means the tilling of soil, the raising of crops, horticulture, dairying and the raising and managing of livestock, including all uses customarily incident, but not including slaughterhouses, fertilizer yards, bone yards, plants for the reduction of animal matter, or any other industrial use which may be objectionable because of odor, smoke, dust or fumes.

6-306 Apartment unit.

“Apartment unit” means a separate suite, including kitchen facilities, designed for and occupied as the home, residence or sleeping place of one or more persons living as a single housekeeping unit.

6-307 Average dwelling unit density.

“Average dwelling unit density” is expressed as one dwelling unit per the unit of area that results from dividing the entire area of a parcel of residentially zoned land proposed for subdivision by the proposed number of lots. In computing average dwelling unit density, those portions of lots lying within the exterior boundaries of an existing or proposed public road, street, highway, right-of-way or easement owned, dedicated or used for purposes of vehicular access shall not be included in order to satisfy minimum area requirements. Example: eight hectares is proposed to be divided into four lots. A private road easement will require 0.2 hectare, an area which cannot be counted in the calculation of average dwelling unit density. Therefore, since eight hectares minus 0.2 hectare equals 7.8 hectares, which, when divided by four lots, equals 1.95 hectares, the proposed average dwelling unit density is one unit for each 1.95 hectares. That is, average dwelling unit density $H (8 F 0.2 \% 4) H 1.95$ hectares per unit.

6-308 Average width.

“Average width” of a lot is the total area of the lot divided by the depth of the lot.

6-309 Reserved.

Adopted August 12, 2013

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6-310 **Reserved.**

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6-312 **Building.**

“Building” means any structure with a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels.

6-313 **Building height.**

“Building height” means the vertical distance between the average of the highest and lowest grade at the lowest foundation wall (measured at existing grade or finished grade, whichever is lower) and the (1) highest point of a flat roof or (2) deck line of a mansard roof or (3) average height of the highest gable of a pitched or hip roof.

6-314 **Repealed by Ordinance 266.**

6-315 **Repealed by Ordinance 240.**

6-316 **Depth of a lot.**

“Depth of a lot” means the distance normal to the frontage to the point of the lot farthest from the frontage.

6-317 **District.**

“District” means a portion of the territory of the city within which certain uses of land, buildings and structures are permitted; certain other uses of land, buildings and structures are not permitted; certain yards and other open spaces are required, and certain minimum lot areas and maximum heights are established for buildings and structures, under the regulations of this title.

6-318 **Repealed by Ordinance 266.**

6-319 **Duplex.**

“Duplex” means a detached building or part of it, designed for occupancy as the residence of two families living independently of each other.

6-320 **Dwelling—Dwelling unit.**

“Dwelling” or “dwelling unit” means a room or suite of rooms designed or occupied as separate living quarters for one of the persons or groups specified in Section 6-323 of this chapter.

6-321 **Existing grade.**

“Existing grade” means the elevation of the ground surface prior to any disturbance of the site resulting from construction of the proposed improvements.

6-322 **Flag lot.**

“Flag lot” means a lot, which is configured in the general shape of a flag on a pole, in which access from the street is accomplished by an easement, license or fee interest at least 20 feet in width through or alongside another lot for creation of a private driveway (pole portion) connecting the building site (flag portion) of the lot to the street.

6-323 Family.

“Family” means (a) an individual, (b) two or more persons related by blood, marriage or legal adoption, or (c) a group of not more than five persons, excluding servants, who are not related by blood, marriage or legal adoption, living together as a single nonprofit housekeeping unit in a dwelling unit, as distinguished from a hotel, club, fraternity or sorority house, dormitory or boarding house. A family includes necessary servants.

6-324 Front yard.

“Front yard” means an open area extending across the front of a lot, measured toward the rear of the lot to the nearest line of any building on it. If any setback is established by this Part 2 of this title for a lot, the area between the setback line and the boundary line that determines the position of the setback line shall constitute the front yard of the lot.

6-325 Frontage.

“Frontage” of a lot means the distance measured between the two points on the principal road, street or access that are farthest apart.

6-326 Half story.

“Half story” means that portion of a building under a gable, hip or gambrel roof, the top wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such building portion.

6-327 Home occupation.

“Home occupation” means an activity conducted by a person at his principal place of residence as a means of livelihood or in expectation of profit, which may involve not more than one nonresident employee employed in the home occupation, and which:

- a. Does not change the residential character of the dwelling;
- b. Is not detrimental to the health, safety, or welfare of the occupants of nearby property or of the community generally;
- c. Involves no evidence outside any structure or visible from outside the structure that the activity is being conducted on the premises;
- d. Requires no vehicular or pedestrian traffic or parking in excess of that normally associated with a strictly residential use of the premises;
- e. Is not a use which is an otherwise prohibited use in a residential area.

6-328 Hotel.

“Hotel” means a building or part of it containing six or more guest rooms designed, intended to be used, or used by six or more persons for money, goods, services or other compensation. Excepted are buildings where occupants are housed or detained under legal restraint, buildings for the refuge,

maintenance or education of needy, aged, infirm or young persons and buildings where patients or injured persons receive medical or surgical treatment.

6-329 **Reserved.**

6-330 **Reserved.**

6-331 **Kitchen.**

“Kitchen” means any room or portion thereof containing facilities designed or used for the preparation of food, including but not limited to stoves, ranges, ovens and/or hot plates.

6-332 **Inner court.**

“Inner court” means a court enclosed either in whole or in part on all sides by buildings.

6-333 **Landscaping.**

“Landscaping” means the following unless specifically noted to the contrary: walks, fences, retaining walls, stairs, terraces, surface drainage necessary for landscape development, irrigation (lawn and hose bibb systems), pools, fountains, recreation areas, garden lighting; rough grading, excavation, filling and fine grading required for preparation of an area for planting; and general planting (lawns, shrubs, trees and ground covers). Excluded are roads, parking areas, driveways, general site drainage, fire hydrants, public sidewalks and public utility items.

6-334 **Livestock.**

“Livestock” means domestic farm animals such as horses, cows, sheep, goats, etc.

6-335 **Lot.**

“Lot” means a parcel or area of land occupied or to be occupied by a building and buildings accessory thereto, together with such open and yard spaces as are required by the provisions of Part 2 of this title. In computing the area of a lot, those portions lying within the exterior boundaries of an existing or proposed public or private road, street, highway, right-of-way, or easement owned, dedicated or used for purposes of vehicular or pedestrian access to the lot shall not be included in order to satisfy minimum area, yard or dimensional requirements.

In the case of a flag lot, the pole portion of the lot, the primary function of which is connecting the building site (flag portion) to a public or private street must be at least 20 feet wide and is excluded from the calculation of the lot area requirements.

6-336 **Motel.**

“Motel” means detached or attached dwelling units providing automobile storage space for each dwelling unit and providing transient living accommodations primarily for automobile travelers.

6-337 **Multiple-family building.**

“Multiple-family building” means a detached building designed and used exclusively as a dwelling by three or more families occupying separate suites or apartments.

6-338 **Multiple-family building group.**

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“Multiple-family building group” means two or more detached single-family buildings, duplexes or multiple-family buildings occupying a parcel of land in one ownership, with common yards.

6-339 Multiple-family dwelling.

“Multiple-family dwelling” means a dwelling including one and only one kitchen and designed for occupancy as a residence of one family, and located in a multiple-family building.

6-340 Reserved.

6-341 Reserved.

6-342 Nonaccessory sign.

“Nonaccessory sign” means any surface, or portion thereof, on which letters, figures or pictorial matter is displayed for purposes of advertising other than the name and occupation of the user of the premises on which such surface is located, or advertising other than the nature of the business or activity conducted thereon, or advertising of goods and services other than those primarily sold or produced thereon.

6-343 Nonconforming use.

“Nonconforming use” means a use of land, building or structure on land that does not conform to this Part 2 of this title for the district in which it is situated.

6-344 Repealed by Ordinance 240.

6-345 Repealed by Ordinance 240.

6-346 Rear yard.

“Rear yard” means an open area extending across the rear of a lot, measured from the rear line toward the front to the nearest line of any building on the lot.

6-347 Residential business.

“Residential business” means an activity conducted by a person at his principal place of residence as a means of livelihood or in expectation of profit, which may involve more than one nonresident employee employed in the business at the residence, and which:

- a. Does not change the residential character of the dwelling;
- b. Is not detrimental to health, safety or welfare of the occupants of nearby property, or of the community generally;
- c. Involves no activity which is incompatible because of noise, vibration, glare, odor or appearance with the surrounding land uses; and
- d. Requires no vehicular or pedestrian traffic or parking in excess of that normally associated with a strictly residential use of the premises.

6-348 Retail business.

“Retail business” means the sale, barter and exchange of retail goods, wares, merchandise, services or other personal or real property or any interest in them for profit or livelihood; and includes all types of business and professional offices.

6-349 **Reserved.**

6-350 **Single-family dwelling.**

“Single-family dwelling” means a dwelling including one and only one kitchen, designed for occupancy as a residence of one family and located on a single lot of its own. This includes manufactured homes certified under the National Manufactured Home Construction and Safety Standards Act of 1974, and any subsequent revisions thereto, and conforming to requirements of Section 6-527 of this code.

6-351 **Side yard.**

“Side yard” means an open area between each side line of a lot and the nearest line of any building on the lot and extending from the front line to the rear line of the lot.

6-352 **Repealed by Ordinance 240.**

6-353 **Small farming.**

“Small farming” means horticulture on a small area of land and the raising and keeping of more than 24 fowl, rabbits, other grain-fed rodents, or livestock.

6-354 **Story.**

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than six feet above the ground adjacent to the building for more than 50 percent of the total perimeter or is more than 12 feet above ground at any point, such basement, cellar or unused under-floor space shall be considered a story.

6-355 **Structure.**

“Structure” means anything constructed or erected and permanently attached to land, except (a) a building as defined in Section 6-312 of this title; and (b) sidewalks, gateways, pipes, meters, meter boxes, manholes, mailboxes, poles and wires, and appurtenant parts of all devices for the transmission and transportation of electricity and gas for light, heat or power, devices for the transmission of telephone and telegraphic messages, and devices for the transportation of water.

6-356 **Repealed by Ordinance 240.**

6-357 **Repealed by Ordinance 240.**

6-358 **Townhouse.**

“Townhouse” means an attached or detached family unit with air space or air space and yard space for each individual unit. Townhouse ownership may include ownership of common grounds or facilities.

6-359 Yard.

“Yard” means an open space other than a court, on the same lot with the building, which open space is unobstructed from the ground upward to the sky, except as otherwise provided in this Part 2 of this title. In determining the dimensions of a yard as provided in this Part 2, the line of the building shall mean a line drawn parallel to the nearest lot line through the point of a building which is the nearest building to the lot line, without regard to parts of the building designated in this Part 2 as parts not to be considered in measuring yard dimensions.