

Part 1

GENERAL PROVISIONS

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Chapter 1-05

ADOPTION, PURPOSE, AND APPLICATION OF ZONING CODE

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1-05-010 Adoption.

A. There is hereby adopted a zoning ordinance (Livermore planning and zoning code) for the city of Livermore, state of California, said code being a precise and detailed plan for the use of land in said city based on the general plan for the city of Livermore.

B. Zoning Ordinance Text Amendment #T-294 (adopted by Ordinance No. 1584) amends and recodifies the Livermore Zoning Ordinance to include establishment of a new Livermore Planning and Zoning Code. (Ord. 1584 § 1, 2000; Ord. 1104, 1982; Ord. 442 § 1.10)

1-05-020 Purpose.

The zoning code is adopted to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the code is adopted to achieve the following objectives:

A. To provide a precise plan to guide the physical development of the city in such manner as to achieve progressively the general arrangement of public and private land uses depicted and described by the general plan.

B. To foster a wholesome, serviceable, and attractive living environment; the beneficial development of areas which exhibit conflicting patterns of use; and the stability of existing land uses which conform with goals, objectives, policies, principles, and standards of the general plan.

C. To promote the stability of existing land uses which conform with the general plan and to protect them from inharmonious influences and harmful intrusions.

D. To ensure that public and private lands ultimately are used for the most appropriate and beneficial purposes as proposed by the general plan.

E. To prevent excessive population densities and overcrowding of the land with structures.

F. To promote a safe, effective transportation system, including auto, pedestrian, bicycle, and transit and air modes; the provision of adequate off-street parking and loading facilities; and the appropriate location of community utilities and facilities.

G. To protect and promote appropriately located commercial and industrial activities in order to protect, preserve, and strengthen the community's economic base.

H. To conserve the city's natural assets by giving appropriate and sensitive consideration to the opportunities and constraints imposed by the land, water, air, recreation, and biological resources of the community and its environs.

I. To protect and enhance real property values, consistent with the general plan.

J. To insure such new urban expansion that is logical, desirable, and in conformance with the general plan.

K. To facilitate the transition from county to municipal jurisdiction those lands which are shown by the general plan as being required for eventual urban expansion.

L. To foster the protection of farming operations and other open space uses of land in areas of planned urban expansion until such time as the conversion of such lands to urban use is appropriate in accordance with the general plan. (Ord. 1104, 1982; Ord. 442 § 1.20)

1-05-030 Property classified.

Said zoning code consists of the establishment and designation of various zoning districts within the incorporated territory of the city of Livermore, the listing of uses of land to be permitted within each district, and the regulations and conditions to be enforced upon said uses of land within each district. Said zoning code further divides some zoning districts into subdistricts with different minimum site requirements. These are designated by suffix to the zoning district designations. (Ord. 1104, 1982; Ord. 442 § 1.30)

1-05-040 Conformance of buildings and uses.

Within said zoning district:

1-05-050

A. It shall be unlawful to erect, construct, alter, or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land or buildings within certain open spaces, which shall be required about future buildings as set forth in this code.

B. No building shall be erected and no existing building shall be moved, altered, added to, or enlarged, nor shall any land, building, or premises be used, designated or intended to be used for any purpose or in any manner, other than is included among the uses hereinafter listed as permitted in the district in which such building, land, or premises is located.

C. No building shall be erected, nor shall any existing building be altered, enlarged, or rebuilt, except as hereinafter provided for in this code, nor shall any open space be encroached upon in any manner, except in conformity to the yard, building site area, building location and height regulations hereinafter designated for the district in which such building or open space is located, except as provided for in LPZC 1-05-050. (Ord. 1104, 1982; Ord. 442 §§ 1.40 – 1.43)

the health, safety, or general welfare of the residents of Livermore. (Ord. 1104, 1982; Ord. 442 § 1.50)

1-05-050 Application of zoning code.

This code shall apply to all property owned by private persons, firms, or organizations except public streets. It shall also apply to property owned by the city of Livermore; by any agencies of the city of Livermore; or by any local agency required to comply with this code by state law. However, this code shall not apply to property owned by the United States of America or any of its agencies; by the state of California or any of its agencies or political subdivisions or any local agency not required to comply with this code by state law; or by any other city, county or rapid transit district. All exempt agencies are urged to submit their proposed projects to the permit and review procedures set forth in this code and to cooperate in meeting the goals and objectives of this code and the Livermore general plan.

The city of Livermore will comply with the standards of this code, except that it may exempt a particular project of the city of Livermore from the application of this code where the city council determines the exemption is necessary to further

Livermore Planning and Zoning Code

Chapter 1-10

DEFINITIONS

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1-10-001

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1-10-001 Construction.

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this code, and words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word “building” shall include the word “structure”; the word “used” shall include “arranged,” “designed,” “constructed,” “altered,” “converted,” “rented,” “leased” or “intended to be used”; and the

word “shall” is mandatory and not directory. The word “may” is permissive; the words “provisions,” “requirements” and “conditions” are interchangeable, as are the words “lot,” “parcel,” “site,” “premises,” and “property.” The term “street” shall include “avenue,” “drive,” “circle,” “road,” “parkway,” “boulevard,” “highway,” “thoroughfare,” “freeway,” or any other similar term. (Ord. 800 § 1, 1972; Ord. 442 § 31.10)

1-10-010 Abutting.

“Abutting” means land having a common property line or district boundary or separated by a private or public street or easement. (Ord. 800 § 1, 1972; Ord. 442 § 31.20.A)

1-10-015 Access or service drive.

“Access or service drive” means a public or private way of paving or right-of-way of not more than 30 feet affording means of access to property. (Ord. 800 § 1, 1972; Ord. 442 § 31.20.B)

1-10-020 Access frontage or service road or street.

“Access frontage or service road or street” means a public or private street or right-of-way of not less than minimum requirements as specified by the subdivision ordinance of the city of Livermore affording means of access to property. (Ord. 800 § 1, 1972; Ord. 442 § 31.20.C)

1-10-025 Accessory use, structure, or building.

“Accessory use, structure or building” means a use, structure or building subordinate to the principal use of the land on the same lot, serving a purpose customarily incidental to the use of the main use, structure and/or building, and which does not change the character of the principal use. (Ord. 800 § 1, 1972; Ord. 442 § 31.20.D)

1-10-030 Agent of owner.

“Agent of owner” means any person who can show written proof that he is acting for the property owner. (Ord. 800 § 1, 1972; Ord. 442 § 31.21.A)

1-10-035 Aggregate coverage.

Defined as “coverage.” See LPZC 1-10-205. (Ord. 800 § 1, 1972; Ord. 1250, 1987; Ord. 442 § 31.21.B)

1-10-040 Agriculture.

“Agriculture” means the use of the land for agricultural purposes, including farming, agriculture, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that any such accessory uses shall be secondary to that of normal agricultural activities. (Ord. 800 § 1, 1972; Ord. 442 § 31.21.C)

1-10-045 Agricultural processing plants.

“Agricultural processing plants” means plants which process agricultural products produced on the premises or within the surrounding agricultural area. (Ord. 800 § 1, 1972; Ord. 442 § 31.21.D)

1-10-050 Airport hazard.

“Airport hazard” means any obstruction or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off. (Ord. 800 § 1, 1972; Ord. 442 § 31.22.A)

1-10-055 Airport reference point.

“Airport reference point” means the point at which the mean elevation is established for an airport. (Ord. 800 § 1, 1972; Ord. 442 § 31.22.B)

1-10-060 Alter.

“Alter” means to change any of the supporting members of a structure. (Ord. 800 § 1, 1972; Ord. 442 § 31.22.C)

1-10-065 Amusement center or facility.

“Amusement center or facility” means places of amusement, recreation, or entertainment, involving assemblages of people. (Ord. 800 § 1, 1972; Ord. 442 § 31.22.D)

1-10-070 Animal husbandry.

“Animal husbandry” means the use of land for dairying, animal raising and pasturage and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities. The above uses shall not include the commercial feeding of garbage or offal to swine or other animals. (Ord. 800 § 1, 1972; Ord. 442 § 31.23.A)

1-10-075 Animal husbandry, limited.

“Animal husbandry, limited” means poultry, rabbit, turkey, frog, and other small animal raising, not including kennels for dogs or cats. (Ord. 800 § 1, 1972; Ord. 442 § 31.23.B)

1-10-080 Apartment, efficiency.

“Apartment, efficiency” means a dwelling unit in a multifamily building, consisting of not more than one habitable room, excluding the kitchen or kitchenette and sanitary facilities, of a total floor area of not more than 400 square feet. (Ord. 800 § 1, 1972; Ord. 442 § 31.23.C)

1-10-085 Attached building or structure.

“Attached building or structure” means any building or structure which is structurally a part of, or has a common wall and/or continuous roof with a main building or structure, except where such connection is a breezeway or walkway incidental to and not a necessary part of the construction of the main building. (Ord. 800 § 1, 1972; Ord. 442 § 31.24.A)

1-10-090 Automobile disassembly or wrecking.

“Automobile disassembly or wrecking” means the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. (Ord. 800 § 1, 1972; Ord. 442 § 31.24.B)

1-10-095 Automobile repair, major.

“Automobile repair, major” means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting, or paint shop. (Ord. 800 § 1, 1972; Ord. 442 § 31.24.C)

1-10-100 Automobile repair, minor.

“Automobile repair, minor” means incidental minor repairs to include replacement of parts and service to passenger cars, but not including any operation defined as “automobile repair, major,” or any other operation similar thereto. (Ord. 1423, 1994; Ord. 800 § 1, 1972; Ord. 442 § 31.25.A)

1-10-105

1-10-105 Automobile sales or trailer sales area.

“Automobile sales or trailer sales area” means an open area and/or building, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done. (Ord. 800 § 1, 1972; Ord. 442 § 31.25.B)

1-10-110 Automobile service station.

“Automobile service station” means a building and/or lot or use having pumps and storage tanks where motor vehicle fuels or lubricating oil or grease or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only; where deliveries are made directly into motor vehicles, including greasing and oiling on the premises, car washing; and where repair service is incidental to the use. Incidental accessory retail sales are limited to 1,800 square feet of convenience market. (Ord. 1443, 1995; Ord. 1423, 1994; Ord. 800 § 1, 1972; Ord. 442 § 31.25.C)

1-10-115 Basement.

“Basement” means a story whose floor is more than 12 inches, but not more than half of its story height below the average level of the adjoining ground (as distinguished from a “cellar,” which is a story more than one-half below such level). A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, and as a half-story for purposes of side yard determination. (Ord. 1355, 1991; Ord. 800 § 1, 1972; Ord. 442 § 31.26.A)

1-10-120 Bathroom.

“Bathroom” means a room that contains all of the following features: a bathtub or shower, a washbowl, and a toilet. (Ord. 1355, 1991; Ord. 1296, 1989; Ord. 442 § 31.26.B)

1-10-125 Bay window.

“Bay window” means an architectural projection from a wall, cantilevered from the house with no foundation directly under the projection. A bay window shall have a minimum glass area of 60 percent and may extend from the floor level of the ground floor up to the roof of the main structure. (Ord. 1355, 1991; Ord. 442 § 31.26.C)

1-10-130 Bed and breakfast use.

“Bed and breakfast use” means a use of sleeping units, where one unit equals one room, for the rental accommodation of transient guests on an overnight basis. Sleeping units are limited to eight or fewer units per residential structure. (Ord. 1589 § 1, 2000; Ord. 1355, 1991; Ord. 442 § 31.26.D)

1-10-135 Block.

“Block” means that property abutting on one side of a street and lying between the two nearest intersecting streets or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, watercourse, or body of water. (Ord. 1355, 1991; Ord. 800 § 1, 1972; Ord. 442 § 31.26.E)

1-10-140 Building.

“Building” means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided. (Ord. 1355, 1991; Ord. 800 § 1, 1972; Ord. 442 § 31.26.F)

1-10-145 Building site coverage.

Defined as “coverage.” See LPZC 1-10-205. (Ord. 1355, 1991; Ord. 1250, 1987; Ord. 442 § 31.26.G)

1-10-150 Building frontage.

For the specific purpose of determining the maximum aggregate area or number of signs allowable as provided by Chapter 3-45 LPZC, “building frontage” is the width of a building exclusive of roof overhang and canopies, attached or unattached, or ornamental features which cause a protrusion from the walls of the building. Where the wall of a building is not vertical, the frontage shall be measured at ground level. (Ord. 800 § 1, 1972; Ord. 442 § 31.27.A)

1-10-155 Building site.

“Building site” means the ground area of a building or buildings together with all open spaces required by this code, and which site has its principal frontage upon a street. (Ord. 800 § 1, 1972; Ord. 442 § 31.27.B)

1-10-160 Building, main or principal.

“Building, main or principal” means a building in which is conducted the principal use of the building site upon which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the building site on which the same is located. (Ord. 800 § 1, 1972; Ord. 442 § 31.27.C)

1-10-165 C district or commercial district.

“C district” or “commercial district” means any CS, CHS, CN, CB, CO, CP, or the DSP district as set forth in this code. Where certain uses in “any C district” are subject to certain regulations as contained herein, such regulations may apply in any of the above districts. (Ord. 1709 § 3, 2004; Ord. 1423, 1994; Ord. 800 § 1, 1972; Ord. 442 § 31.28.A)

1-10-168 Caretaker’s residence.

“Caretaker’s residence” means a temporary dwelling consisting of a modular building set on an engineered pier block foundation for persons employed in the agricultural use of the property and the families of those persons, and/or living quarters for farm workers when necessary for on-site farming operations. Such uses shall be reviewed for compliance with the temporary nature of the use every three years. Inspections of the units for compliance with health and safety standards shall be conducted every three years. Subject to a noticed public hearing the building shall be removed if it no longer meets this definition or at the end of any three-year permit period. (Ord. 1589 § 2, 2000)

1-10-170 Car wash/automobile washing.

“Car wash/automobile washing” means a place where motor vehicles are vacuumed, cleaned, washed and/or waxed. (Ord. 1423, 1994; Ord. 442 § 31.28.B)

1-10-175 Cellar.

“Cellar” means a story, the floor of which is more than one-half of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes other than a janitor or caretaker employed on the premises. (Ord. 800 § 1, 1972; Ord. 442 § 31.28.C)

1-10-180 City.

“City” means the city of Livermore. (Ord. 800 § 1, 1972; Ord. 442 § 31.28.D)

1-10-185 City council.

“City council” means the city council of the city of Livermore, California. (Ord. 800 § 1, 1972; Ord. 442 § 31.28.E)

1-10-190 Collector streets.

“Collector streets” means a street designated as a secondary traffic street. (Ord. 800 § 1, 1972; Ord. 442 § 31.28.F)

1-10-195 Convenience market.

“Convenience market” means a food store limited to 1,800 square feet of gross floor area which carries a limited inventory of food, beverages, and convenience retail items. (Ord. 1423, 1994; Ord. 442 § 31.28.G)

1-10-200 Court or open space.

“Court or open space” means an open, unoccupied and unobstructed space, other than a required yard, on the same lot with a building or group of buildings, but not including any off-street parking or loading area, street or road right-of-way. (Ord. 800 § 1, 1972; Ord. 442 § 31.28.H)

1-10-205 Coverage.

“Coverage” is the floor area of the largest story of a building divided by the total site area. (Ord. 1250, 1987; Ord. 442 § 31.28.I)

1-10-210 Dangerous or objectionable elements.

“Dangerous or objectionable elements” means any land or building structure used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire,

1-10-215

explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or elements in such manner or in such amount as to adversely affect the surrounding area or adjoining premises. (Ord. 800 § 1, 1972; Ord. 442 § 31.29.A)

1-10-215 District.

“District” means a portion of the territory of the city of Livermore within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this code. (Ord. 800 § 1, 1972; Ord. 442 § 31.29.B)

1-10-220 Dwelling group.

“Dwelling group” means two or more dwelling units constructed as two or more single-family or multifamily dwelling units, all in the same parcel of land in one ownership and having yard or court in common. (Ord. 800 § 1, 1972; Ord. 442 § 31.29.C)

1-10-225 Dance club.

“Dance club” means any dance open to the general public, whether or not a fee is charged for admission, but where such activity is in connection with any commercial activity. (Ord. 442 § 31.29.D)

1-10-230 Drive-in business.

“Drive-in business” means any business which either by design or operation provides services or products directly to occupants of a motor vehicle, except gasoline service stations. (Ord. 442 § 31.29.1)

1-10-235 Dwelling, multifamily.

“Dwelling, multifamily” means a detached building designed as two or more structurally joined dwelling units and occupied by two or more families living independently of each other with separate entrances and including apartment houses, resident hotels, and flats, but not including automobile courts or motels unless such are equipped with kitchen facilities for each unit. (Ord. 800 § 1, 1972; Ord. 442 § 31.30.A)

1-10-240 Dwelling, rear.

“Dwelling, rear” means a detached building designated as a dwelling unit or units. (Ord. 800 § 1, 1972; Ord. 442 § 31.30.B)

1-10-245 Dwelling, single-family.

“Dwelling, single-family” means a detached building designated as one dwelling unit and/or occupied exclusively by one family, including a mobile home installed on a permanent foundation system as defined in Government Code Section 65852.3, but not including a tent, cabin, or trailer. (Ord. 800 § 1, 1972; Ord. 442 § 31.30.C)

1-10-250 Dwelling, two-family or duplex.

“Dwelling, two-family” or “duplex” means a detached building designed as two structurally joined dwelling units and occupied exclusively by two families living independently of each other, but with separate entrances. (Ord. 800 § 1, 1972; Ord. 442 § 31.31.A)

1-10-255 Dwelling unit.

“Dwelling unit” shall be a room or suite of two or more rooms which is designed for or occupied by one or more persons or a family for living and sleeping purposes, and living as a single nonprofit housekeeping unit and doing cooking therein, and having only one kitchen. (Ord. 442 § 31.31.B)

1-10-260 Dwelling unit, secondary.

“Dwelling unit, secondary” is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure. (Ord. 1140, 1983; Ord. 442 § 31.31.C)

1-10-265 Essential services.

“Essential services” means the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of ade-

quate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings or high transmission power lines. (Ord. 800 § 1, 1972; Ord. 442 § 31.32.A)

1-10-270 Family.

“Family” means a person living alone, or two or more persons living together as a single house-keeping unit, including necessary servants, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house. (Ord. 800 § 1, 1972; Ord. 442 § 31.33.A)

1-10-275 Floor area.

“Floor area” is the sum of the gross areas of all stories of a building, measured from the exterior faces of the exterior walls. The floor area shall include any building that has a roof and is enclosed so as to provide shelter from the elements on three or more sides. (Ord. 1250, 1987; Ord. 800 § 1, 1972; Ord. 442 § 31.33.B)

1-10-280 Floor area ratio.

“Floor area ratio” is the floor area of the building divided by the total site area. (Ord. 1250, 1987; Ord. 442 § 31.33.C)

1-10-285 Floor coverage.

Defined as “coverage.” See LPZC 1-10-205. (Ord. 1250, 1987; Ord. 442 § 31.33.D)

1-10-290 Fast food business.

“Fast food business” means a restaurant with a drive-through facility providing food service directly to occupants of a motor vehicle. (Ord. 1538 § 13, 1998; Ord. 1423, 1994; Ord. 442 § 31.33.E)

1-10-295 Food store.

“Food store” means a business establishment exceeding 1,800 square feet of gross floor area principally intended to provide retail food sales and related products and services otherwise permitted within the zoning district in which the business is located. (Ord. 1423, 1994; Ord. 442 § 31.33.F)

1-10-300 Fuel station, private.

“Fuel station, private” means a motor fuel dispensing facility exclusively serving the business occupying the subject property and not involving either wholesale or retail sales of motor vehicle fuels to other individuals or businesses. (Ord. 1423, 1994; Ord. 442 § 31.33.G)

1-10-305 Garage or carport for residential off-street parking area.

“Garage or carport for residential off-street parking area” means a detached and covered accessory building or an attached portion of the principal main building used for the storage of self-propelled passenger vehicles. (Ord. 800 § 1, 1972; Ord. 442 § 31.34.A)

1-10-310 Garage, public.

“Garage, public” means a structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, minor or major repair, or refinishing of self-propelled vehicles or trailers; except, that a structure or part thereof used only for storage or display of self-propelled passenger vehicles, but not for transients, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired or hired, shall not be deemed to be a public garage. (Ord. 800 § 1, 1972; Ord. 442 § 31.34.B)

1-10-315 General plan.

“General plan” means the general plan for the city of Livermore, California, as adopted by the city council and/or as amended. (Ord. 800 § 1, 1972; Ord. 442 § 31.35.A)

1-10-320 Guest house.

“Guest house” means an accessory structure with no kitchen or cooking facilities. (Ord. 800 § 1, 1972; Ord. 442 § 31.35.B)

1-10-325 Height of buildings.

“Height of buildings” means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs. (Ord. 800 § 1, 1972; Ord. 442 § 31.35.C)

1-10-330

1-10-330 Home occupations.

“Home occupations” means any use conducted entirely within a dwelling and conducted only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and is not evidenced beyond the limits of the property by noise, light, smoke, odor, vibration, electrical interference, storage of material or equipment, abnormal human activity, or vehicular traffic or other exterior evidences. (Ord. 800 § 1, 1972; Ord. 442 § 31.36.A)

1-10-335 Hotel.

“Hotel” means any building or portion thereof containing six or more guest rooms used, designed or intended to be used, let or hired out to be occupied by transients. (Ord. 800 § 1, 1972; Ord. 442 § 31.37.A)

1-10-340 I district or industrial district.

“I district” or “industrial district” means any I-1, I-2, or I-3 district as set forth in this code. Where certain uses in “any I district” are subject to certain regulations as contained herein, such regulations may apply in any of the above districts. (Ord. 800 § 1, 1972; Ord. 442 § 31.37.B)

1-10-345 Improved.

“Improved” means an area which has been paved or planted and is permanently maintained as such. (Ord. 800 § 1, 1972; Ord. 442 § 31.37.C)

1-10-350 Junk yard.

“Junk yard” means a place where waste, discarded or salvaged materials are bought, sold, exchanged, packed, baled, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable conditions, or salvaged materials incidental to manufacturing operations. (Ord. 800 § 1, 1972; Ord. 442 § 31.38.A)

1-10-355 Kennel.

“Kennel” means any premises, except where accessory to an agricultural use where five or more dogs or cats 10 weeks in age or older are kept. (Ord. 800 § 1, 1972; Ord. 442 § 31.38.B)

1-10-360 Kitchen.

“Kitchen” means a room that is utilized for the preparation of food and contains a kitchen sink. (Ord. 1296, 1989; Ord. 442 § 31.38.C)

1-10-365 Labor camp.

“Labor camp” means a camp established in agricultural areas for transient labor. (Ord. 800 § 1, 1972; Ord. 442 § 31.39.A)

1-10-370 Loading spaces, off-street.

“Loading spaces, off-street” means a permanently improved and maintained area contiguous to the site, not less than 12 feet in width, 25 feet in length, with a clearance height of not less than 16 feet. (Ord. 800 § 1, 1972; Ord. 442 § 31.39.B)

1-10-375 Lot, parcel, or site.

“Lot,” “parcel” or “site” means a piece or parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required, and having its principal frontage on a street. (Ord. 800 § 1, 1972; Ord. 442 § 31.39.C)

1-10-380 Lot coverage.

Defined as “coverage.” See LPZC 1-10-205. (Ord. 1250, 1987; Ord. 442 § 31.39.D)

1-10-385 Lot area.

“Lot area” means the computed area contained within the lot or property lines. (Ord. 800 § 1, 1972; Ord. 442 § 31.40.A)

1-10-390 Lot, corner.

“Lot, corner” means a lot bounded on two or more adjacent sides by street lines at their intersection; provided, that the interior angle of intersection does not exceed 135 degrees, or a width not greater than 75 feet. The point of intersection is the corner. (Ord. 800 § 1, 1972; Ord. 442 § 31.40.B)

1-10-395 Lot, interior.

“Lot, interior” means a lot other than a corner lot. (Ord. 800 § 1, 1972; Ord. 442 § 31.40.C)

1-10-400 Lot, irregular.

“Lot, irregular” means any lot where the requirements of this code cannot be clearly applied and must be established by the planning commission. (Ord. 800 § 1, 1972; Ord. 442 § 31.40.D)

1-10-405 Lot lines.

“Lot lines” means the property lines bounding the lot. (Ord. 800 § 1, 1972; Ord. 442 § 31.40.E)

1-10-410 Lot line, front.

“Lot line, front” means, in the case of an interior lot, the property line separating the lot from the street, and in the case of a corner lot, either property line separating the lot from the street as so designated by the lot owner at the time of application for a building and/or zoning use permit. (Ord. 800 § 1, 1972; Ord. 442 § 31.40.F)

1-10-415 Lot line, rear.

“Lot line, rear” means the lot line opposite and most distant from the front lot line. (Ord. 800 § 1, 1972; Ord. 442 § 31.41.A)

1-10-420 Lot line, side.

“Lot line, side” means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line. (Ord. 800 § 1, 1972; Ord. 442 § 31.41.B)

1-10-425 Lot line, street.

“Lot line, street” means a lot line separating the lot from a street. (Ord. 800 § 1, 1972; Ord. 442 § 31.41.C)

1-10-430 Lot width and depth.

The width is the shorter average horizontal dimension, generally perpendicular to the longer average horizontal dimension, which is the depth. (Ord. 800 § 1, 1972; Ord. 442 § 31.41.D)

1-10-435 Major street.

“Major street” means a street designated as a major street on the official street and highway plan of the city of Livermore, or so designated on the general plan of the city of Livermore. (Ord. 800 § 1, 1972; Ord. 442 § 31.42.A)

1-10-440 Motel, motor hotel, or auto court.

“Motel,” “motor hotel” or “auto court” means a building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests. (Ord. 800 § 1, 1972; Ord. 442 § 31.42.B)

1-10-445 Name plate.

“Name plate” means a sign which displays only the name and/or address of the resident and (A) does not exceed one square foot in area and (B) is not self-illuminated. (Ord. 800 § 1, 1972; Ord. 442 § 31.42.C)

1-10-450 New use.

“New use” means any purpose for which land or premises, or a building or structure thereon, is improved, occupied, utilized, built or constructed for said purpose, which has not before existed on said land or premises, or any purpose for which a building or structure is rebuilt or reconstructed more than 60 percent of its then assessed value. (Ord. 800 § 1, 1972; Ord. 442 § 31.43.A)

1-10-455 Nonconforming use.

“Nonconforming use” means a use legally existing at the time of adoption of this code or any amendment thereto which does not conform with the use regulations of the district in which it is located. (Ord. 1758 § 1, 2005; Ord. 800 § 1, 1972; Ord. 442 § 31.43.B)

1-10-456 Nonconforming building.

“Nonconforming building” means a building, structure or premises legally existing at the time of adoption of this code or any amendment thereto which does not conform with the development regulations of the district in which it is located. (Ord. 1758 § 2, 2005)

1-10-460

1-10-460 Off-street parking.

“Off-street parking” means an area located on private property available for public use for the short-term temporary storage of passenger vehicles, with or without the specific permission of the owner, including a public or private parking lot where parking is the principal use of the property. (Ord. 1525 § 2, 1998; Ord. 442 § 31.44.A)

1-10-463 Olive oil mill, boutique, small, medium.

A. “Olive oil mill, boutique” means the business produces between 100 to 5,000 gallons of olive oil per year. Maximum site area of two acres, with up to 5,000 square feet of building area, including space allocated to pressing facilities, lab and office space, tasting room, sales area, storage and an indoor events room.

B. “Olive oil mill, small” means the business produces 5,000 to 10,000 gallons of olive oil per year. Maximum site area of three acres, with up to 10,000 square feet of building area, including space allocated to pressing facilities, lab and office space, tasting room, sales area, storage, an indoor events room and small outdoor event or picnic area.

C. “Olive oil mill, medium” means the business produces up to 100,000 gallons of olive oil per year. Maximum site area of eight acres, with up to 50,000 square feet of building area, including space allocated to pressing facilities, lab and office space, tasting room, sales area, storage, an indoor events room and small outdoor event or picnic area. (Ord. 1589 § 3, 2000)

1-10-465 Outdoor advertising structure, billboard, or signboard.

“Outdoor advertising structure, billboard, or signboard” means any structure or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is displayed for advertising purposes or products not appurtenant to the use of the premises. This definition shall not include any sign used to display any official notices or bulletin boards wherein such bulletin boards used to display announcement of meetings to be held on premises wherein such bulletin boards are used to display announcement of meetings to be held on premises wherein such bulletin boards are located, nor shall it be held to include real estate signs

advertising for sale or rent the property upon which it stands, name plates, or signs appurtenant to any use. (Ord. 1525 § 2, 1998; Ord. 800 § 1, 1972; Ord. 442 § 31.44.B)

1-10-470 Outdoor sales display.

“Outdoor sales display” means an area where customers are encouraged to examine and/or experience merchandise in their typical configuration and/or manner of use. (Ord. 1525 § 2, 1998; Ord. 442 § 31.44.C)

1-10-475 Outdoor storage.

“Outdoor storage” means the short-term or long-term parking or storage of motor vehicles, or storage of equipment, products, and materials outside an enclosed building and not for the purpose of outdoors sales display. Outdoor storage buildings or containers used for shipping do not constitute an enclosed building. (Ord. 1720 § 1, 2004; Ord. 1525 § 2, 1998; Ord. 442 § 31.44.D)

1-10-476 Outdoor storage building.

“Outdoor storage building” means a building under 120 square feet, used primarily for storage of goods and materials, and is uninhabitable. (Ord. 1720 § 2, 2004)

1-10-478 Palm readers, psychics, astrologers and similar uses.

“Palm readers, psychics, astrologers and similar uses” means a business primarily engaged in providing personal services including, but not limited to, the practice of reading a person’s character or future by studying the conformation of the physical structure of the body, a person’s birth date, stars, planets, or by similar means. (Ord. 1589 § 4, 2000)

1-10-480 Parks.

“Parks” shall include playgrounds, public gardens, outdoor sports grounds, indoor sports structures within a park area, tot lots, passive park areas, and other areas of use to the general public for recreation or outdoor diversions, not including commercial recreation facilities. (Ord. 800 § 1, 1972; Ord. 442 § 31.45.A)

1-10-485 Parlor, funeral home.

“Parlor, funeral home” means rooms or chapels from which funeral services may be conducted. (Ord. 800 § 1, 1972; Ord. 442 § 31.45.B)

1-10-490 Performance standards.

“Performance standards” means regulations for the control of “dangerous or objectionable elements.” (Ord. 800 § 1, 1972; Ord. 442 § 31.45.C)

1-10-495 Planning commission.

“Planning commission” means the planning commission of the city of Livermore, California. (Ord. 800 § 1, 1972; Ord. 442 § 31.45.D)

1-10-500 Planned unit development permit.

“Planned unit development permit” means a special permit issued by the zoning administrator, on approval of the planning commission, authorizing buildings, structures, or uses, where a unit site development of large areas may allow a variation from exact site requirements of this code. (Ord. 800 § 1, 1972; Ord. 442 § 31.46.A)

1-10-505 Public and quasi-public uses.

“Public and quasi-public uses” shall include public, semi-public, and private elementary schools, high schools, civic buildings, community buildings and uses, and public utility uses including substations, governmental buildings, churches, museums, art galleries, fire houses, post offices, police stations, reservoirs, libraries, parks, essential services, hospitals and similar uses, any of which may have additional requirements to use set forth herein. (Ord. 800 § 1, 1972; Ord. 442 § 31.46.B)

1-10-510 R district or residential district.

“R district” or “residential district” means any RS, RL, RM, or RG district as set forth in this code. Where certain uses in “any R district” are subject to certain regulations as contained herein, such regulations may apply in any of the above districts. (Ord. 800 § 1, 1972; Ord. 442 § 31.47.A)

1-10-515 Recreation, commercial.

“Recreation, commercial” means recreation facilities operated as a business and open to the general public for a fee. (Ord. 800 § 1, 1972; Ord. 442 § 31.47.B)

1-10-520 Recreation, private, noncommercial.

“Recreation, private, noncommercial” means recreation facilities operated by a nonprofit organization and open only to bona fide members of such nonprofit organization. (Ord. 800 § 1, 1972; Ord. 442 § 31.47.C)

1-10-525 Recycler, retail certified.

“Recycler, retail certified” is defined as a state-certified recycler providing convenient locations for consumers to redeem beverage containers pursuant to AB 2020. (Ord. 1239, 1987; Ord. 442 § 31.47.D)

1-10-530 Recycler, wholesale certified.

“Recycler, wholesale certified” is defined as a state-certified recycler providing both consumer redemption of beverage containers and collection of redeemable containers from other certified recyclers. (Ord. 1239, 1987; Ord. 442 § 31.47.E)

1-10-535 Recycle processor.

“Recycle processor” is defined as a state-certified receiver of redeemable recycle materials providing either collection, storage, separation, distribution or primary reprocessing of recycled materials. (Ord. 1239, 1987; Ord. 442 § 31.47.F)

1-10-540 Restaurant.

“Restaurant” means any room, building, place or portion thereof intended to provide seated and/or take-out service of food selections, prepared on the premises, typically appropriate for a complete breakfast, lunch or dinner meal, but excluding bakeries, specialty coffee and similar retail establishments providing incidental seating/table accommodations for the convenience of the retail customer. (Ord. 1538 § 15, 1998; Ord. 442 § 31.47.G)

1-10-545 Roadside service establishment.

“Roadside service establishment” shall mean service stations, garages, restaurants, motel, hotels, and similar enterprises which provide food, shelter or necessary automotive services or supplies to travelers. (Ord. 1288, 1988; Ord. 800 § 1, 1972; Ord. 442 § 31.48.A)

1-10-550

1-10-550 Rooming, boarding, or lodging house.

“Rooming, boarding, or lodging house” means a dwelling or part thereof other than a hotel where meals and/or lodgings are provided, for compensation, for six or more persons, not transients. (Ord. 1288, 1998; Ord. 800 § 1, 1972; Ord. 442 § 31.48.B)

1-10-555 Shopping center.

“Shopping center” means a group of retail stores and/or service establishments on a site of at least three acres where restaurant uses do not occupy more than 25 percent of the building floor area. The establishments must provide a diversity of services which are designed to serve the neighborhood or the community. (Ord. 1288, 1988; Ord. 442 § 31.48.C)

1-10-560 Site coverage.

Defined as “coverage.” See LPZC 1-10-205. (Ord. 1288, 1988; Ord. 1250, 1987; Ord. 442 § 31.48.D)

1-10-565 Story.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. (Ord. 1288, 1988; Ord. 1250, 1987; Ord. 800 § 1, 1972; Ord. 442 § 31.48.E)

1-10-570 Story, first.

“Story, first” means the lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker or his family, shall be deemed the first story. (Ord. 800 § 1, 1972; Ord. 442 § 31.49.A)

1-10-575 Story, half.

“Story, half” means a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for residence

purposes, other than for a janitor or caretaker and his family, shall be deemed a full story. (Ord. 800 § 1, 1972; Ord. 442 § 31.49.B)

1-10-580 Story, mezzanine.

“Story, mezzanine” means a story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story in case it covers more than one-third of the area of the story directly underneath said mezzanine story. (Ord. 800 § 1, 1972; Ord. 442 § 31.50.A)

1-10-585 Street.

“Street” means a right-of-way which has been dedicated to the city or the public for street purposes, and which has been accepted by the city of Livermore. (Ord. 800 § 1, 1972; Ord. 442 § 31.50.B)

1-10-590 Structure.

“Structure” means any construction built in conjunction to any use which cannot be defined as a building, to include walls, fences, supporting members of signs, porches one foot from ground level, and uses of similar nature; anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. (Ord. 800 § 1, 1972; Ord. 442 § 31.51.A)

1-10-595 Structural alteration.

“Structural alteration” means any change in the structural members of a building or structure, such as walls, columns, beams or girders. (Ord. 1758 § 3, 2005; Ord. 800 § 1, 1972; Ord. 442 § 31.51.B)

1-10-597 Superstore.

“Superstore” means a store that typically offers diverse products and customer services, centralized cashiering, and a full service grocery store under the same roof that shares entrances and exits. Such stores exceed 90,000 square feet of gross floor area and devote at least five percent of the total sales floor area to the sale of nontaxable merchandise. “Sales floor area” means only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space. “Nontaxable merchandise”

means products, commodities, or items the sale of which is not subject to California State sales tax. These stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking area. The superstore definition does not include a discount club store, where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires, and appliances, and many items sold in large quantities or bulk. (Ord. 1809 § 1, 2007)

1-10-600 Swimming pool, public or private.

“Swimming pool, public or private” means a swimming pool as regulated herein, and shall be any pool, pond, lake or open tank located within or outside of a building, and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. (Ord. 800 § 1, 1972; Ord. 442 § 31.51.C)

1-10-605 Store front use.

“Store front use” means ground level walk-in retail activity. (Ord. 442 § 31.51.D)

1-10-610 Trailer.

“Trailer” means a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle. The term “trailer” shall also include, but not be limited to, vehicles designed for use as mobile homes or other sleeping quarters; for the conduct of any business, trade, or occupation; for advertising, exhibition, or sales purposes; and for the storage or conveyance of animals, goods, tools, machinery, boats and other equipment. For purposes of this section, the term shall include an unmounted camper top, boat, or similar device which is designed to be or is usually carried or mounted on a trailer or other vehicle. (Ord. 800 § 1, 1972; Ord. 442 § 31.52.A)

1-10-615 Use.

“Use” means the purpose for which land or premises or a building thereon is or is proposed to be improved, built or constructed, occupied, or utilized. (Ord. 1400, 1992; Ord. 800 § 1, 1972; Ord. 442 § 31.53.A)

1-10-620 Use, principal.

“Use, principal” means the main or primary use or uses conducted on a parcel or located within a building or within a portion of a building which is separated structurally from other uses within the same building, not to include an accessory use as defined herein or a subordinate department of a main or primary use. (Ord. 1400, 1992; Ord. 800 § 1, 1972; Ord. 442 § 31.53.A.1)

1-10-625 Use, temporary.

“Use, temporary” means the use of land or premises or a building thereon for a limited period of time which does not change the character of the site, premises, or uses therein. (Ord. 1400, 1992; Ord. 442 § 31.53.A.2)

1-10-627 Used merchandise stores.

“Used merchandise stores” means businesses primarily devoted to the sale of nonspecialty used goods consisting primarily of household items. This definition does not apply to specialty goods including, but not limited to, books, antique merchandise that is old or rare, jewelry, stamps, or coins. (Ord. 1589 § 5, 2000)

1-10-630 Variance permit.

“Variance permit” means a special permit issued by the zoning administrator on approval of the planning commission authorizing variance from requirements or conditions of this code under special circumstances as set forth herein. (Ord. 1400, 1992; Ord. 800 § 1, 1972; Ord. 442 § 31.53.B)

1-10-633 Winery, boutique, small, medium, large.

A. “Winery, boutique” means the business produces 100 to 5,000 cases per year. Maximum site area of two acres co-located with a residential development site, with up to 5,000 square feet of winery building area, including space allocated to bottling/crushing facilities, lab and office space,

1-10-635

tasting room, and storage. A boutique winery shall provide at least two of the following four activities on site: crushing, fermentation, bulk aging/storing, and bottling.

B. “Winery, small” means the business produces 5,000 to 10,000 cases per year. Maximum site area of three acres, with up to 10,000 square feet of building area, including space allocated to bottling/crushing activities, lab and office space, tasting room, storage, an indoor events room, and a small outdoor event or picnic area. A winery shall provide at least two of the following four activities on site: crushing, fermentation, bulk aging/storing, and bottling.

C. “Winery, medium” means the business produces 70,000 to 100,000 cases per year. Maximum site area of eight acres, with up to 50,000 square feet of building area, including space allocated to bottling/crushing facilities, lab and office space, tasting room, storage, an indoor events room, and a small outdoor event or picnic area. A winery must accomplish at least two of the following four activities on site: crushing, fermentation, bulk aging/storage, and bottling.

D. “Winery, large” means the business produces greater than 100,000 cases per year with no minimum site area. (Ord. 1589 § 6, 2000)

1-10-635 Yard, front.

“Yard, front” means an actual or required open space extending across the front of a lot and bounded by side or rear lot lines, a public right-of-way, and the actual setback of a building or that setback required for the district in which the lot is located. (The front yard is normally on the frontage where the address of the property is located.) (Ord. 800 § 1, 1972; Ord. 442 § 31.54.A)

1-10-640 Yard, street frontage.

“Yard, street frontage” means any front, side, or rear yard contiguous to a street. Such yard shall be measured laterally between any part of the street side of the building and the street right-of-way line; provided, however, that if any future right-of-way line has been established for the street upon which the lot faces, then such measurement shall be taken from such future width line to the nearest line of the building. (Ord. 800 § 1, 1972; Ord. 442 § 31.54.B)

1-10-645 Yard, non-street frontage.

“Yard, non-street frontage” means any side or rear yard not contiguous to a public right-of-way. Such yard shall be measured laterally from the nearest part of that portion of a main building facing said side or rear yard toward the nearest point of the lot line. (Ord. 800 § 1, 1972; Ord. 442 § 31.55.A)

1-10-650 Yard, rear.

“Yard, rear” means an actual or required open space bounded by one or more yards, the actual setback of a building or that setback required for the district in which the lot is located, and a property line. (The rear yard is normally opposite the front yard.) (Ord. 800 § 1, 1972; Ord. 442 § 31.55.B)

1-10-655 Yard, side.

“Yard, side” means an actual or required open space bounded by the required front yard setback line, the actual setback of a building or that setback required for the district in which the lot is located, and a property line. (Side yards are normally opposite.) (Ord. 800 § 1, 1972; Ord. 442 § 31.55.C)

1-10-660 Zoning administrator.

“Zoning administrator” means the duly designated and appointed zoning administrator of the city of Livermore. (Ord. 800 § 1, 1972; Ord. 442 § 31.56.A)

1-10-665 Zoning map.

“Zoning map” means the zoning map(s) of the city of Livermore, California, together with all amendments. (Ord. 800 § 1, 1972; Ord. 442 § 31.56.B)

1-10-670 Zoning use permit.

“Zoning use permit” means a permit issued by the zoning administrator determining that any proposed building, structures, or uses are consistent with the terms of this code and to insure a means for carrying out and enforcing its requirements. (Ord. 800 § 1, 1972; Ord. 442 § 31.56.C)