

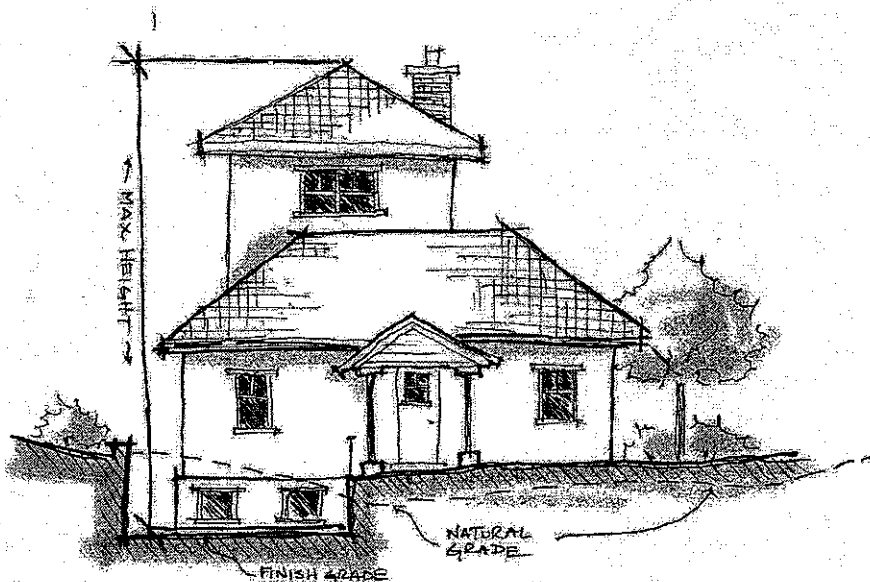
ORDINANCE NO. 3428 C.S.

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY
AMENDING MONTEREY CITY CODE SECTIONS 38-11, 38-22, AND 38-23**

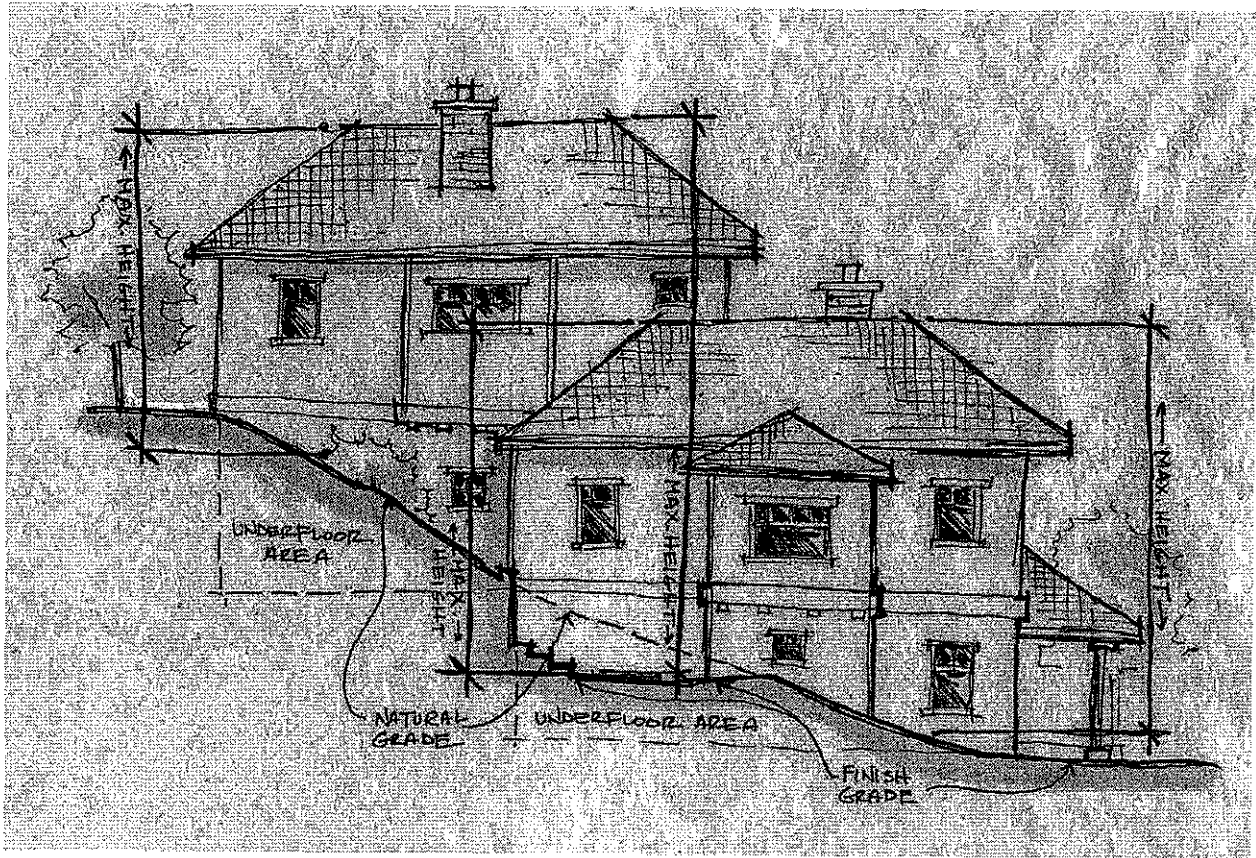
THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1: Monterey City Code Municipal Code Section 38-11 (Definitions) is hereby amended as follows:

Height, Building: The plumb vertical distance from any roof or parapet point on the top of a building to the grade directly below prior to any grading as documented by topographic data. If finished, natural, or existing grades are different at the building's exterior, the lowest of these will be used in applying this definition. Exceptions to height limits for elements such as chimneys are regulated in Municipal Code Section 38-106.

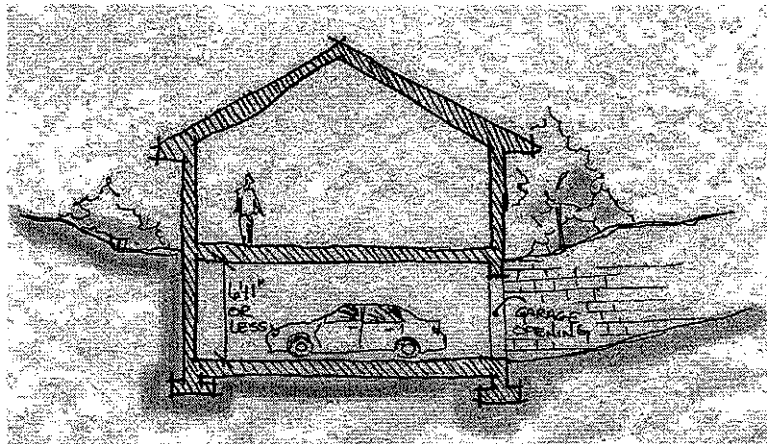
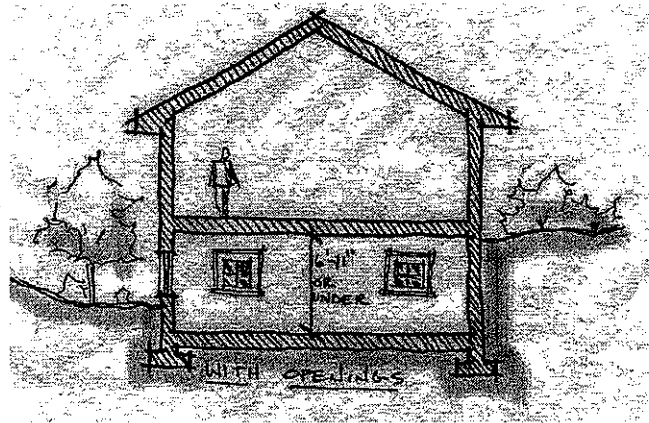
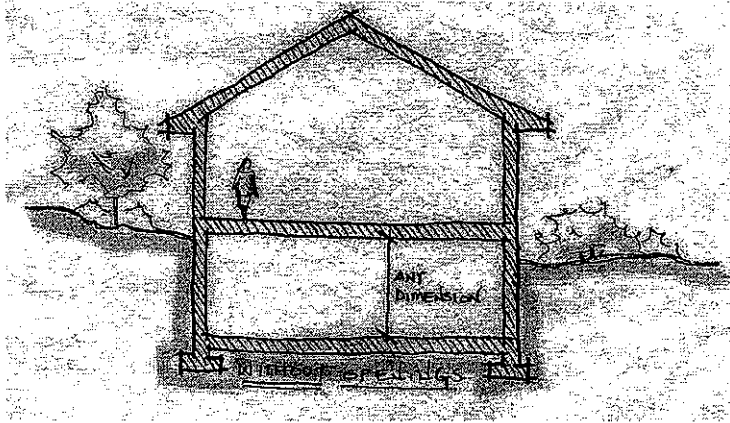


Flat Lot

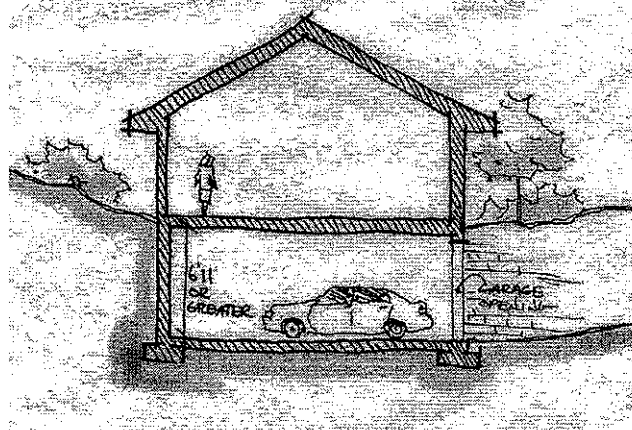


Hillside Lot

Basement: A finished or unfinished underground room or excavated space that has a floor. Such spaces that have an interior height that is greater than 6'-11" are considered habitable space and shall be considered floor area. Underground areas that do not have any windows, doors, or exterior access are not considered floor area.

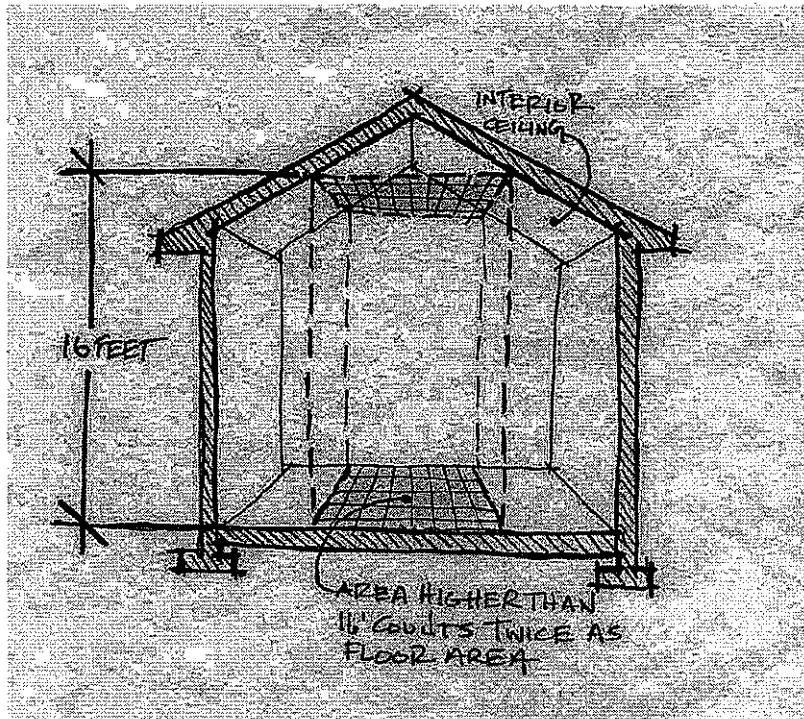


Basement/Garage – Not Included in Floor Area



Basement/Garage – Included in Floor Area

Floor Area, Gross: The total enclosed area of all floors of a building, measured to the exterior-most surface. Floor area includes, but is not limited to halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, chimneys, habitable basement area (as defined in this Section), and habitable attic areas. Stairways and vaulted areas with an interior height that is greater than 16 feet are counted twice.



Ceiling Height and Floor Area

SECTION 2: Monterey City Code Section 38-22.D (RE District Property Development Standards) is hereby amended as follows:

1. Minimum Yards (in feet):
 - a. Front 35 (a)
 - b. First-Story Side (b)
 - c. Corner Side (c)
 - d. Second-Story Side (d)
 - e. Second-Story Corner Side (e)
 - f. Rear 35 (f)

3. Maximum Floor Area Ratio (FAR) 40% (g)

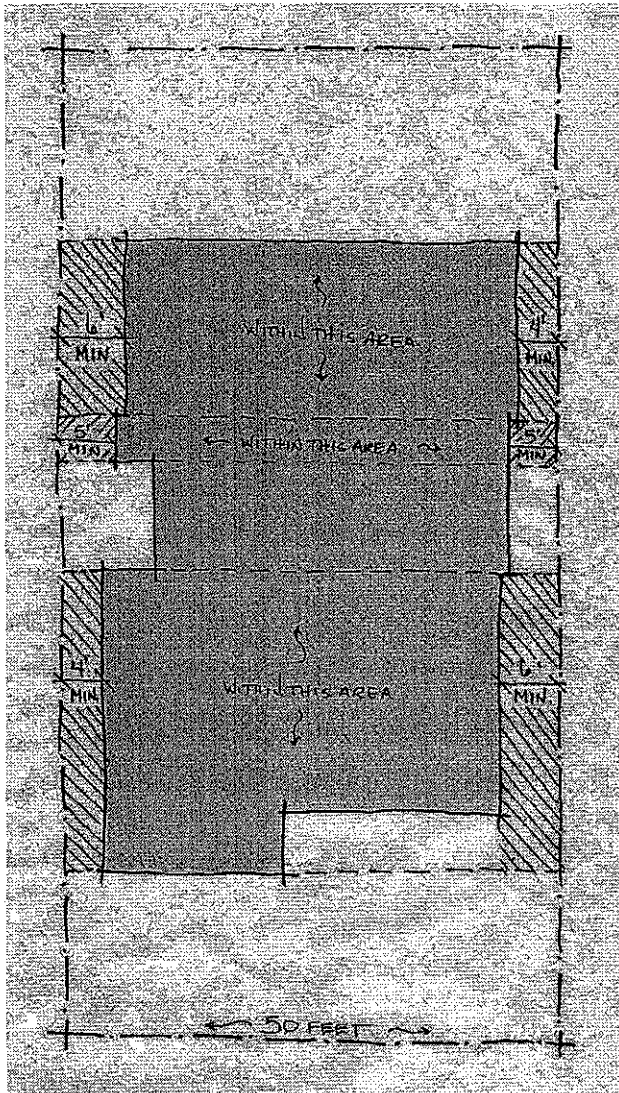
- (a) The minimum front yard setback of any garage, carport, or parking pad is 35 feet from the front property line.
- (b) A combined total of 20 percent of the lot width may be varied along the length of a structure with a minimum setback of 15 feet. Combined side yard setbacks shall be measured along lines parallel to the front property line. Side yard setbacks for non-rectangular sites shall be computed using an average of the front and rear property lines.
- (c) 20 percent of the lot width but not more than 25 feet.

- (d) A combined total of 30 percent of the lot width may be varied along the length of a structure with a minimum setback of 15 feet. Combined side yard setbacks shall be measured along lines parallel to the front property line. Side yard setbacks for non-rectangular sites shall be computed using an average of the front and rear property lines.
- (e) 25 percent of the lot width but not more than 30 feet.
- (f) On lots less than 100 feet in depth, minimum setback shall be 20 percent of lot depth, but not less than 10 feet.
- (g) The maximum floor area of the building(s) on a parcel divided by the area of the parcel, excluding a portion of a garage (up to a 250 square feet that is not occupied by any appliance, equipment, mechanical system, work bench, or built-in fixture), carports, decks, uncovered patios, and landscaping areas.

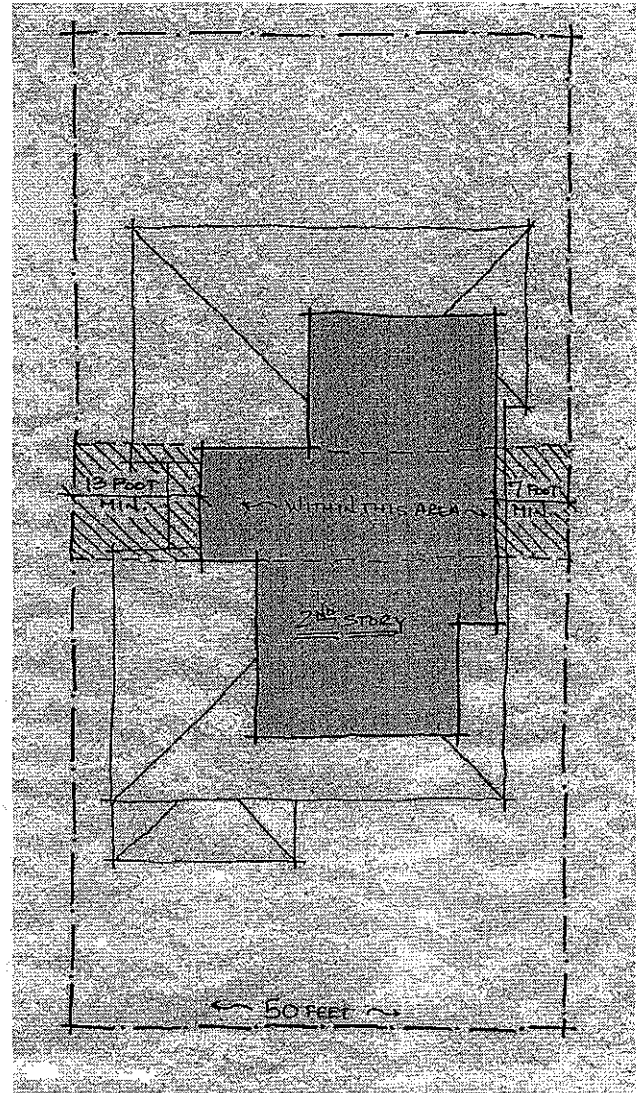
SECTION 3: Monterey City Code Section 38-23.D (R-1 District Property Development Standards) is hereby amended as follows:

- | | | |
|----|--------------------------------|---------|
| 1. | Minimum Yards (in feet): | |
| | a. Front | 15 (a) |
| | b. First- Story Side | (b) |
| | c. Corner Side | (c) |
| | d. Second-Story Side (d) | |
| | e. Second-Story Corner Side | (e) |
| | f. Rear | 20 (f) |
| 3. | Maximum Floor Area Ratio (FAR) | 40% (g) |

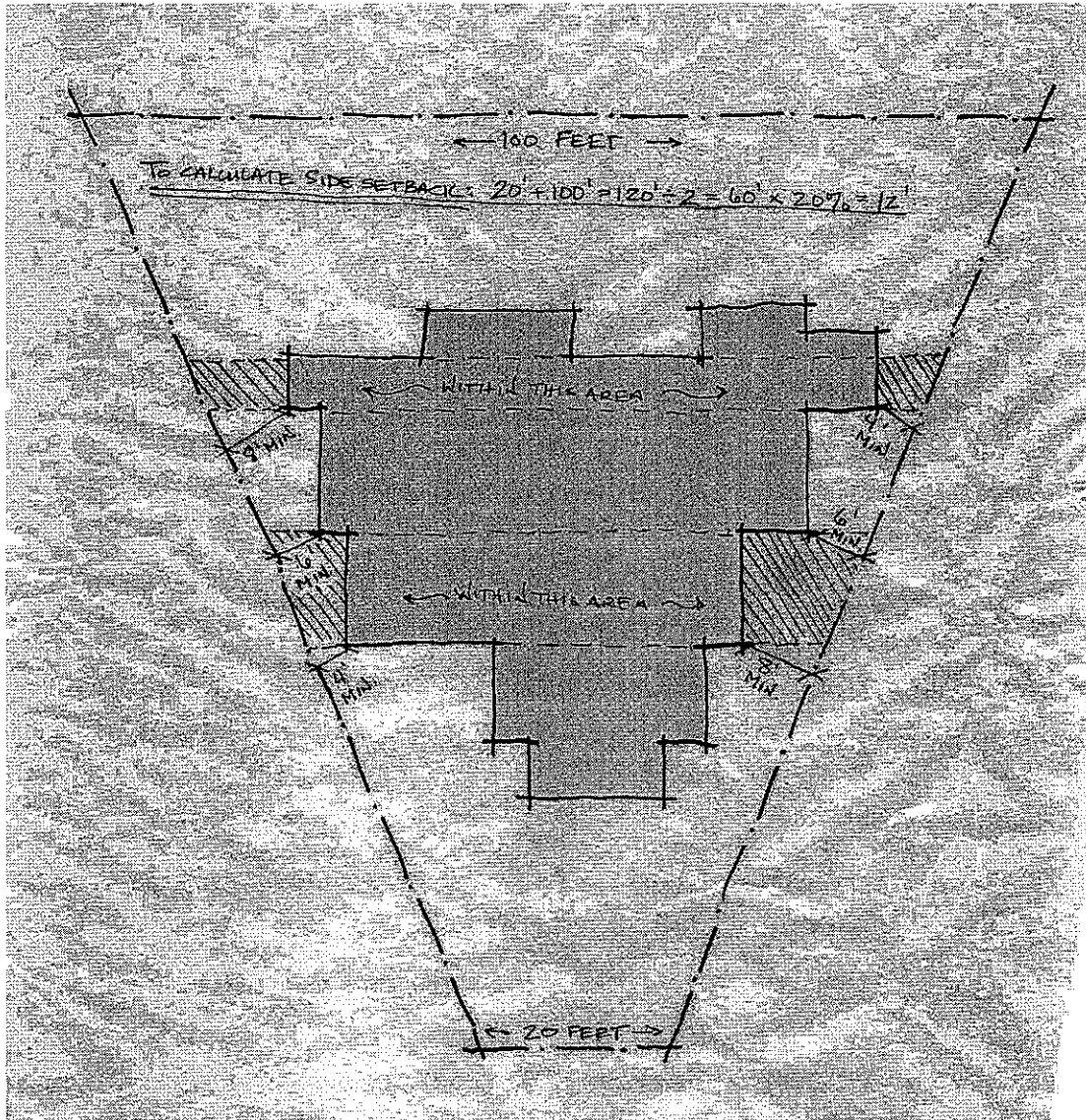
- (a) The minimum front yard setback of any garage, carport, or parking pad is 20 feet from the front property line.
- (b) A combined total of 20 percent of the lot width may be varied along the length of a structure, but not less than four (4) feet nor more than 10 feet (except on corner sides). The sum of the side yard setback on any lot shall not exceed 30 percent of the width of the lot. Combined side yard setbacks shall be measured along lines parallel to the front property line. Side yard setbacks for non-rectangular sites shall be computed using an average of the front and rear property lines.
- (c) 20 percent of lot width, but not less than 10 feet, or more than 15 feet.
- (d) A combined total of 40 percent of the lot width may be varied along the length of a structure, but not less than seven (7) feet or more than 15 feet. Combined side yard setbacks shall be measured along lines parallel to the front property line. Side yard setbacks for non-rectangular sites shall be computed using an average of the front and rear property lines.
- (e) 25 percent of lot width, but not less than 15 feet, or more than 20 feet.
- (f) On lots less than 100 feet in depth, the minimum rear yard setback shall be 20 percent of the lot depth, but not less than 10 feet.
- (g) The maximum floor area of the building(s) on a parcel divided by the area of the parcel, excluding a portion of a garage (up to a 250 square feet that is not occupied by any appliance, equipment, mechanical system, work bench, or built-in fixture), carports, decks, uncovered patios, and landscaping areas.



Varied Side Setback – First Floor



Varied Side Setback – Second Floor



Varied Side Setback – First Floor – Irregular Lot

4. Maximum Number of Stories and Maximum Height (feet)
 - a. Dwelling: Two (2) stories and 25 feet.
 - b. Accessory Structure(s): One (1) story and 12 feet.

5. Off-Street Parking

a. Number of Off-Street Parking Spaces Required

1. Lots greater than or equal to 5,000 square feet: Two (2) spaces, including one (1) covered neither of which may be located in the front yard setback. Tandem spaces are permitted.
2. Lots less than 5,000 square feet: One (1) covered space that may not be located in the front yard setback.
3. Guest houses: One (1) space in a location approved by the Planning Commission but not located in the front yard setback.

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 17th day of March 2009, by the following votes:

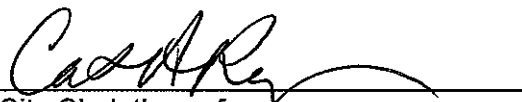
AYES:	4	COUNCILMEMBERS:	Della Sala, Downey, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	1	COUNCILMEMBERS:	Haferman

APPROVED:



Mayor of Said City

ATTEST:



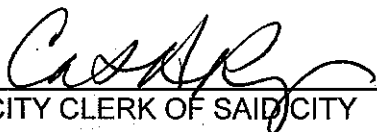
City Clerk thereof

STATE OF CALIFORNIA
COUNTY OF MONTEREY
CITY OF MONTEREY

I, Bonnie L. Gawf, CITY CLERK OF THE CITY OF MONTEREY, AND EX-OFFICIO CLERK OF THE COUNCIL THEREOF, HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY PASSED TO PRINT IN THE OFFICIAL NEWSPAPER OF SAID CITY BY THE COUNCIL THEREOF ON THE 3rd DAY OF March, 2009 BY THE FOLLOWING VOTE:

AYES:	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

PUBLICATION: March 9, 2009



CITY CLERK OF SAID CITY