

Chapter 17.10 R-1 DISTRICT DESIGN REGULATIONS¹

Sections:

- [17.10.010](#) Purpose and Design Objectives.
- [17.10.020](#) Dimensional Standards – Lots, Parcels and Building Sites.
- [17.10.030](#) Site Development and Building Standards.
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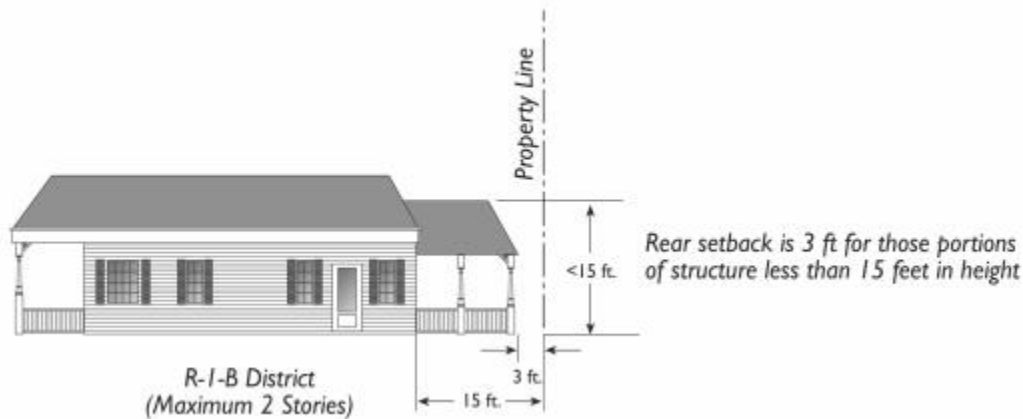
17.10.030 Site Development and Building Standards.

A. Setbacks. Minimum building setbacks shall conform to the standards in Table 17.10-A: Setback Standards for R-1 District.

Table 17.10-A: Setback Standards for R-1 District					
Lot Type	Front Setback (in feet)	Rear Setback* (in feet)	Side Setbacks		
			Composite** (both sides)	Minimum Setbacks (in feet)	
				Interior Side	Street Side
Interior Site	15	15	25% of site width	3	N/A
Corner Site	15	15	25% of site width	3	5
Resubdivided Corner Site	10	15	25% of site width	3	9
Double-Frontage Site	15	N/A	25% of site width	3	5 (if applicable)

* The rear setback is three feet for those portions of structures less than 15 feet in height.

** See CMC [17.10.030](#)(A)(1) and [17.06.020](#), Rules of Measurement.



1. Detached Garages and Carports. To encourage variety and diversity in neighborhood design, and to provide flexibility in locating parking structures on constrained sites, detached garages and carports may be authorized by the Planning Commission within rear yard setbacks or front or side yard setbacks facing a street, subject to the following standards:

- a. ~~Front or Side Yard Setback Facing a Street.~~ The Planning Commission may authorize a single-car, detached garage or carport not exceeding 12 feet in width, 250 square feet in floor area and 15 feet in height in either both the front yard setback and interior side yard or composite side yard setbacks. A detached garage or carport may not encroach into the both the front yard setback and or a side yard setback facing a street (but not both). if: A detached garage or carport may encroach a maximum of 1 foot into an interior side yard setback.

The following standards shall apply when locating a detached garage or carport in a setback:

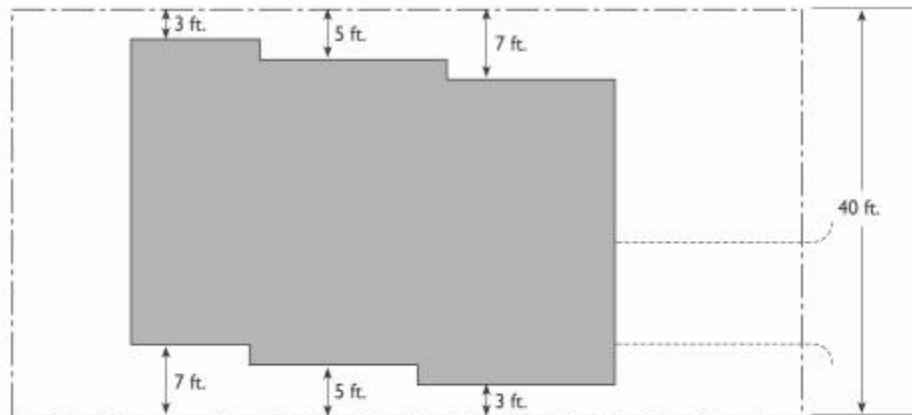
- i. Site constraints such as trees, topography and existing structures make it impractical to locate the parking structure in conformance with general setback standards;
- ii. At least 50 percent of the adjacent right-of-way is landscaped or preserved in a natural and forested condition to compensate for the loss of open space;
- iii. The proposed setback encroachment would not impact significant or moderately significant trees;
- iv. Free and safe movement of pedestrians and vehicles in adjacent rights-of-way is protected;

- v. All development on site will be in scale with adjacent properties and the neighborhood context consistent with adopted design guidelines; and
- vi. Placement of the garage or carport in the setback will add diversity to the neighborhood streetscape.

b. The director may authorize a maximum 200 square foot parking pad providing required parking in the setbacks, subject to the same requirements and standards that apply to a detached garage or carport. A parking pad is not permitted in any setback on sites that also contain a detached garage or carport in a setback.

~~Interior Side Yard Setback and/or Rear Setback, garages may encroach into an interior side yard setback rear yard setbacks, or both, if limited to 15 feet in height, the setback encroachment would not impact significant or moderately significant trees, and the garage location/design complies with design guidelines.~~

Figure II-2: Composite Side Yard Setbacks



Sideways setbacks may vary throughout the depth of the lot, but shall not be less than 3 feet on either side or equal to less than 25 percent of the lot width on both sides. The above example shows a variety of setback combinations that equal 25 percent of a 40 foot wide lot.

2. Garbage Enclosures. Garbage enclosures are permitted in setbacks subject to the following standards:

- i. Site constraints such as trees, topography and existing structures make it impractical to locate the garbage enclosure in conformance with general setback standards;

ii. The size of the garbage enclosure shall be the minimum necessary to contain receptacles provided by the waste disposal service;

iii. Garbage enclosures should be set back from the front property line the maximum extent feasible depending on site conditions;

iv. Garbage enclosures incorporated into design features such as a wall or fence are encouraged; and

v. Garbage enclosures shall be made of natural materials such as wood.

23. Setback Exceptions. The following table identifies allowed exceptions to setbacks in the R-1 district:

Table 17.10-B: Setback Exceptions in R-1 District						
Design Element	Front Setback		Rear Setback		Side Setback	
	Allowed	Limits	Allowed	Limits	Allowed	Limits
Chimneys	Yes	24 in.	No	N/A	No	N/A
Driveway	Yes	N/A	Yes	N/A	Yes	18 in.
Eaves	Yes	24 in. <u>Maximum 2 ft. into front yard setback</u>	Yes	<u>18 in. 2 ft. from property line</u>	Yes	<u>18 in. 2 ft. from property line</u>
<u>Outdoor Fireplace or Fire Pit</u>	<u>No</u>	<u>N/A</u>	<u>Yes</u>	<u>3 ft. from property line</u>	<u>No</u>	<u>3 ft. from property line</u>
Entryway/Porch	No	N/A	No	N/A	Yes	18 in. street side only, uncovered

Table 17.10-B: Setback Exceptions in R-1 District

Design Element	Front Setback		Rear Setback		Side Setback	
	Allowed	Limits	Allowed	Limits	Allowed	Limits
Fences/Walls/Arbors	Yes	Refer to Table 17.10-G	Yes	Refer to Table 17.10-G	Yes	Refer to Table 17.10-G
Garage/Carport/<u>Parking Pad</u>	Yes	Refer to CMC 17.10.030(A)(1)	Yes	Refer to CMC 17.10.030(A)(1)	Yes	Interior side of corner lots only
Garbage Enclosure	No <u>Yes</u>	N/A	Yes	3 ft. from property line <u>See design standards</u> <u>CMC 17.10.030 (A)(2)</u>	Yes	3 ft. from property line <u>See design standards</u> <u>CMC 17.10.030 (A)(2)</u>
Ramps	Yes	Max. 4 ft. width	Yes	Max. 4 ft. width	Yes	Max. 4 ft. width
Masonry Stoops and <u>House</u> Stairs	No	N/A	No	N/A	Yes	First floor only <u>and minimum required for access.*</u>
Walkways	Yes	Max. width into setback: 4 ft.	Yes	Max. width into setback: 4 ft.	Yes	Max. width into setback: 4 ft.

Table 17.10-B: Setback Exceptions in R-1 District						
Design Element	Front Setback		Rear Setback		Side Setback	
	Allowed	Limits	Allowed	Limits	Allowed	Limits
Terraces	Yes <u>No</u>	N/A	Yes	N/A	Yes	N/A
Window Wells	No	N/A	Yes	3 ft. from property line**	Yes	3 ft. from property line

* Building Code prescribes minimum 36" width for access.

~~* Eaves shall not encroach into any minimum side yard for more than 20 linear feet per side.~~

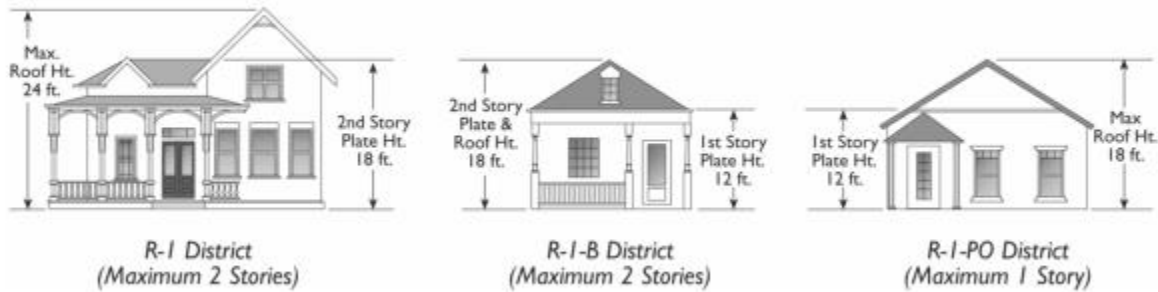
~~** All window wells that encroach into setbacks shall meet the minimum length, depth, and width requirements for egress and access to light.~~

B. Height Limits. The following height standards apply to the R-1 district. Where conflicts between two or more of these standards occur, the more restrictive limits shall apply.

Table 17.10-C: Maximum Height Standards			
	R-1 District	R-1-BR District	R-1-PO District
Number of Stories Allowed	2	2	1*
Roof Height of First Story (in feet)	18	18	18
Plate Height of First Story (in feet)**	12	12	12
Roof Height of Second Story (in feet)	24	18	24*
Plate Height of Second Story (in feet)**	18	18	18*

* See CMC [17.20.100](#), Required Planning Commission Review, and CMC [17.20.110](#), Review Criteria.

** Plate height may exceed this maximum along a single continuous segment of the exterior wall not exceeding 10% of the total exterior wall length.



1. Chimneys. Fireplace chimneys and vents, including caps, shall be no higher than required by the ~~UBC~~ CBC and shall not exceed four feet in height above the building height. Chimneys, vents or chimney enclosures which project above a roofline, flat deck or parapet wall shall also be subject to the following standards.

a. Maximum horizontal dimension: three feet and four inches. No cap or ornament shall exceed 24 inches in any horizontal dimension.

i. Exception: three feet and six inches for double-flue chimneys.

b. Chimneys shall not contain any storage space, access openings or other uses unrelated to the vent function of the chimney.

c. No more than one wood-fueled fireplace or appliance is permitted per dwelling.

d. Outdoor fireplaces and fire pits shall be gas-fueled only and limited to the maximum height required by the CBC.

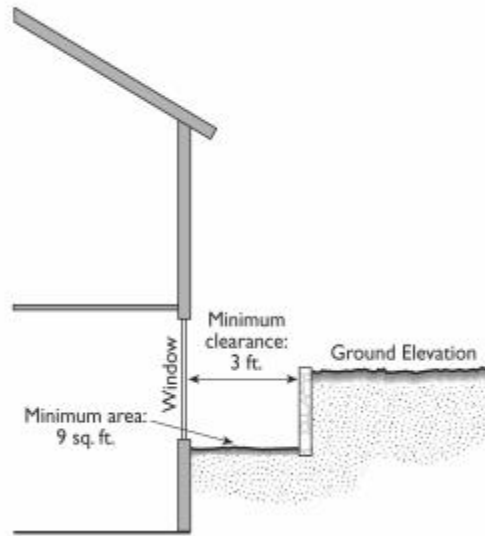
C. Site Coverage. Impermeable site coverage, as defined in Chapter 17.70 CMC, shall be limited to a maximum of 22 percent of the base floor area allowed for the site (Note: on a 4,000 square-foot site this equals 396 square feet or 10 percent of the site).

1. Exemptions.

a. Building Projections. Structural elements that project out from building walls including oriel windows, eaves, balconies, overhangs and similar structural elements are exempt from site coverage calculations ~~if limited to a projection of 18 inches or less.~~ The first 100 square feet of a

spaced deck or porch is exempt. Window wells providing emergency egress shall provide at least three feet of clearance from the window opening and nine square feet in area unless otherwise determined by the Building Official. The ground area of each window well shall be fully counted as site coverage.

Figure II-4: Window Well



b. ~~Additional Site Coverage for Driveways.~~ If at least 50 percent of all site coverage on the property is made of permeable or semi-permeable materials, an additional amount of site coverage of up to four percent of the site area may be allowed for use in other locations on the property. ~~a single driveway of up to nine feet in width.~~

c. Flag Lots. The paving of private roads or the paving on the “pole” of a flag lot are exempt from site coverage limits.

d. Garbage enclosures are exempt from site coverage calculations when designed to the minimum area necessary to contain receptacles provided by the waste disposal service.

2. Nonconforming Site Coverage. Sites not in compliance with site coverage limits shall not be authorized to increase site coverage. Sites with excess coverage may add floor area consistent with subsection (D)(3) of this section, Exterior Volume, only when:

- a. ~~The site complies with the R-1 district tree density provisions established in CMC 17.48.080(A)~~ and ~~a~~All existing and new trees have sufficient space to protect the root zones and provide for new growth; and
- b. Excess site coverage will be reduced at a rate equal to two times the amount of floor area added to the site, or to an amount that complies with the site coverage limits, whichever is less. The removal of additional nonconforming site coverage may be required when necessary to achieve the open space and landscaping objectives of the design guidelines.

Figure II-5: Maximum Site Coverage

D. Floor Area Ratio and Exterior Volume.

1. Floor Area. "Floor area" means the total gross square footage included within the surrounding exterior walls of all floors contained within all enclosed buildings on a building site whether finished or unfinished. In above-ground spaces, floor area is measured at the exterior of the enclosing walls. In basement spaces, floor area is measured at the interior of the enclosing walls. Floor area shall include, but shall not be limited to, all floors of all enclosed spaces within all building, basements, mezzanines, guesthouses, studios, garages and carports. All attic, and ~~basement and storage shed~~ spaces with five or more feet of clearance between the floor or walking surface and the ceiling, or ~~or~~ roof surface or rafters shall be counted as floor area. All required parking shall be counted as floor area, whether supplied by garage, carport or other means such as a parking pad. Storage sheds that are 120 square feet or less, with a height of 8 feet or less, and do not include a foundation, electrical or plumbing are exempt from floor area calculations. Residences constructed prior to January 1, 2019 may deduct unfinished crawl spaces from the floor area calculation at the discretion of the Planning Commission when the proposed modifications to the residence meet the design objectives of the design guidelines with regard to mass and bulk.
2. Maximum Floor Area. The maximum potential floor area on a site is the sum of the base floor area plus any bonus floor area. The actual floor area that will be permitted on each site is dependent on site constraints and compliance with the design objectives for the R-1 district. The maximum floor area will not be achievable on sites with constraints such as slopes, significant trees, unusual shape or difficult access. For sites with an average slope greater than 30 percent, the maximum allowed base floor area and exterior volume shall be reduced by two percent for each one percent increase in average slope

above 30 percent up to a maximum reduction of 50 percent (See CMC [17.06.020](#)(D), Determining Buildable Area).

a. Sites Less Than 4,000 Square Feet. On sites of 4,000 square feet or less in area, the maximum base floor area shall not exceed 45 percent of the area of the building site.

b. Sites Between 4,000 and 10,000 Square Feet. On sites between 4,000 square feet and 10,000 square feet, the base floor area shall be calculated as follows:

$$\text{Building Site Area} \times \left[0.45 - \frac{((\text{Sq. Ft. Over } 4,000) \times 0.02)}{1,000} \right] = \text{Base Floor Area}$$

c. Sites Larger Than 10,000 Square Feet. For sites larger than 10,000 square feet the base floor area shall be as stated in Table 17.10-D. For building sites of a size between two entries in the table, the base floor area shall be prorated using a straight, arithmetic projection between entries. The maximum allowed floor area on any building site 22,000 square feet or larger shall not exceed 6,000 square feet.

Table 17.10-D lists base floor area for common lot sizes.

Table 17.10-D: Base Floor Area and Bonus Floor Area Standards for Typical Lots			
Site Area	Base Floor Area	Maximum Bonus Floor Area	Maximum Total Floor Area*
4,000	1,800	600	2,400
5,000	2,150	717	2,867
6,000	2,460	820	3,280
7,000	2,730	910	3,640
8,000	2,960	987	3,947
9,000	3,150	1,050	4,200
10,000	3,300	1,100	4,400
11,000	3,450	1,150	4,600
12,000	3,600	1,200	4,800

Table 17.10-D: Base Floor Area and Bonus Floor Area Standards for Typical Lots			
Site Area	Base Floor Area	Maximum Bonus Floor Area	Maximum Total Floor Area*
13,000	3,735	1,245	4,980
14,000	3,870	1,290	4,160
15,000	4,005	1,335	5,340
16,000	4,140	1,380	5,520
17,000	4,255	1,418	5,673
18,000	4,370	1,457	5,827
19,000	4,485	1,495	5,980
*The "maximum total floor area" equals the base floor area plus the bonus floor area. The numbers in this column would require half of the total floor area to be located in a basement.			

d. Other Provisions.

i. Required Parking. On each site, a minimum of 200 square feet of base floor area and 2,200 cubic feet of exterior volume shall be reserved for each required parking space whether provided by means of a garage, carport or parking pad. ~~Inability to provide on-site parking shall not authorize more floor area or exterior volume for other purposes in lieu of parking.~~

ii. Unbuildable Areas. Those portions of a property that are not counted as part of the building site or that are unbuildable, as defined in CMC Section 17.06.020.D, (i.e., ~~exclusive easements, private roads, the "pole" of a flag lot, etc.~~) shall first be deducted from the site lot area when calculating base floor area.

iii. Interior Stairways and Elevators. The footprint of interior stairways and elevators connecting a first story with a second story shall be counted on the second floor and ~~as floor area on only one of the two floors the stair connects~~. This floor area shall be considered two-story for purposes of determining volume. Stairs and elevators providing access to the basement shall not be counted on either floor the stair connects.

iv. ~~Bonus Floor Area—Basement Incentive~~. Each site shall be allowed 100 square feet of ~~floor area, located in a basement that is exempt from the floor area limit established in this~~

~~section. This basement floor area shall be in addition to the allowed base floor area total.~~

(This provision has been relocated to Bonus Floor Area Section)

3. Exterior Volume.

a. General Provisions. The maximum allowable exterior volume is the total allowed base floor area for the site multiplied by the volume factors in Table 17.10-E. (See also CMC [17.06.020](#) (G), Exterior Volume).

Table 17.10-E: Exterior Volume Factors for R-1 District		
	Maximum Exterior Volume (Cubic Feet) Per Square Foot of Floor Area	
	One-Story Elements of the Building	Two-Story Elements of the Building
Located under a pitched or sloping roof greater than 3:12 pitch	12	11
Located under a flat roofed area of the building 3:12 or less pitch	11	10

b. Volume Option for Additions. It is recognized that existing homes built prior to 2003 may not have been designed to comply with volume standards. For these homes the Planning Commission may waive the volume requirements subject to the following standards:

i. That the proposed modifications and additions are below the maximum allowed plate and ridge heights;

ii. The modifications are in substantial compliance with the principles of the Residential Design Guidelines; and

iii. Requiring compliance with the volume standards would unreasonably penalize a project that proposed to preserve and maintain an existing structure.

~~the following option is available: additions of floor area, whether attached or detached, may be approved through design review without determining compliance with the exterior volume standard for the entire site. Instead, the addition(s) shall comply with the applicable volume factor (from the table above), only for the specific floor area contained in the addition(s). This option applies only to the specific location of the addition. No alteration affecting other parts of the building shall be approved through this option. Projects for which applicants have not chosen this option shall be reviewed using volume limits for the entire site.~~

~~c. Changes in Design with Limited Affect on Volume. The Director may waive the requirement for a determination of total exterior volume for any changes in design if the volume being added by all of the proposed changes would not exceed two percent of the total allowed volume for the site. The cumulative total volume of changes constructed after February 6, 2003, using such waivers shall not exceed this two percent limit.~~

c. Unenclosed structures, such as an arbor, trellis or covered deck or porch, with a maximum area of 150 square feet or less are exempt from volume standards.

d. Construction of a new home must meet volume standards with no exceptions granted.

4. Bonus Floor Area. The City provides an incentive to use some of the base floor area and exterior volume in a basement. The result of this incentive is to reduce above-ground floor area and reduce exterior volume for sites awarded bonus floor area in basements. Under this incentive program, the area required for a minimal stairway from the first floor to the basement shall not be counted as floor area on either floor the stair connects.

a. In addition to the 100 square foot bonus identified in subsection (a), for each one square foot of floor area not built above grade, one additional square foot of bonus floor area may be constructed in a basement (See bonus basement floor area as shown in Table 17.10-F).

b. On some sites, or areas within a site, excavation may be inappropriate due to tree roots or other constraints and the maximum bonus floor will not be achievable. Basement excavation must maintain a sufficient setback from trees roots as determined by the City Forestry Department.

~~a. One Story. For each one square foot of the base floor area constructed in a basement and 12 cubic feet of allowed exterior volume not built above average grade, one additional square foot of bonus floor area may be constructed in a basement.~~

b. ~~Two-Story. For each one square foot of the base floor area constructed in a basement and 11 cubic feet of allowed exterior volume not built above average grade, one additional square foot of bonus floor area may be constructed in a basement. (See bonus basement floor area as shown in Table 17.10-F).~~

~~c.e.~~ The limits on the amount of volume that may be built in a basement are the defined interior ceiling height for basements and the requirement that all basement space shall be located within the perimeter established by the exterior, above-ground walls of the primary dwelling on the site. A basement shall not extend into any open space or yard area outside the building footprint without it counting as above-ground floor area.

d. The maximum bonus floor area that can be achieved is 33% of the allowed base floor area.

e. Each site shall be allowed 100 square feet of floor area, located in a basement that is exempt from the floor area limit established in this section. This basement floor area shall be in addition to the allowed base floor area total.

~~d. On some sites, or areas within a site, excavation may be inappropriate due to tree roots or other constraints and the bonus floor area will not be achievable. Bonus floor area is not available to sites nonconforming with respect to any floor area or parking regulation.~~

Table 17.10-F: Example of Bonus Floor Area Calculations*					
Floor Area Above Ground	Base Floor Area in Basement	Bonus Basement Floor Area	Maximum Exterior Volume**		Total Floor Area**
			One-Story	Two-Story	
1,800	0	0	21,600	19,800	1,800
1,600	200	200	19,200	17,600	2,000
1,500	300	300	18,000	16,500	2,100
1,400	400	400	16,800	15,400	2,200
1,300	500	500	15,600	14,300	2,300
1,200	600	600	14,400	13,200	2,400

* For 4,000 square foot site where base floor area equals 1,800 square feet.

** An additional 100 square feet of bonus space can be obtained as authorized in CMC Section 17.10.030.D.d.iv.

~~** Exterior volumes for the two-story column assume both floors are of equal size. The allowed exterior volume of a building that is partially one story and partially two stories will have a value that is between the one and two story columns and will be unique for each design based on how much is one story and how much is two story (See Bonus Basement Floor Area Worksheet).~~

E. Fences and Walls.

1. Height. Fences and walls meeting the standards in Table 17.10-G may be approved through track one design review. Approval of ~~taller~~ fences and walls along the rear and side property lines that exceed 6 feet in height ~~require approval~~ may be referred to from the Planning Commission at the discretion of the director when there is mutual consent between adjoining property owners.

Table 17.10-G: Maximum Track One Fence and Wall Heights				
	Setback Location			
Design Element	Front Setback	Side Setback	Side Setback Facing Street	Rear Setback
Fence	4 feet*	6 feet***	4 feet*	6 feet***
Garden Wall	3 feet*	6 feet	3 feet*	6 feet
Retaining Wall	3 feet**	6 feet	3 feet**	6 feet
Pillars and Gates	6 feet	N/A	6 feet	N/A
Arbor/Trellis	7 feet	7 feet	7 feet	7 feet
<u>Entry Arbor</u>	<u>7.5 feet</u>	<u>7.5 feet</u>	<u>7.5 feet</u>	<u>7.5 feet****</u>

* These limits shall not be altered through Design Review by the Planning Commission.

** Up to six feet may be allowed for retaining walls that are not visible from the street. See CMC [17.10.030\(E\)\(4\)](#) and for driveways providing access to a subgrade garage.

*** A 1-foot tall lattice is permitted on top of side yard and rear yard fences.

**** Fences taller than 7 feet require a building permit.

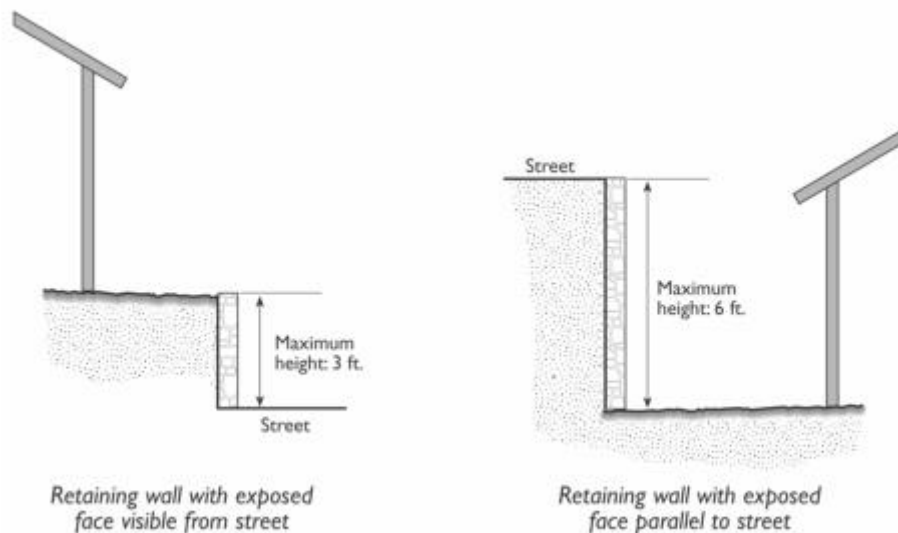
2. Reconstruction of Nonconforming Fences and Walls. Existing fences and walls may be rebuilt if damaged or deteriorated without conforming to current height limits upon submittal of plans and photographs documenting existing heights and materials prior to demolition. The director may approve the rebuilding as long as heights are not increased and may require that the height of the fence be reduced to bring it closer to compliance with the allowed height standards in table 17.10-G.

~~3. New Fences and Walls. New fences and walls on corner lots shall be reviewed by the Building Official in consultation with the Police Department to ensure a safe line of sight for intersecting lanes of traffic.~~

4. 3. Retaining Walls. Retaining walls in front setbacks or side setbacks facing a street are permitted as follows:

- a. Retaining walls with the exposed face visible from the street shall have a maximum height of three feet. An exception may be provided for driveway retaining walls that facilitate access to a subgrade garage.
- b. Retaining walls with the exposed face parallel to the street and facing the interior of the property site shall have a maximum height of six feet.
- c. Exceptions to these height limits shall require Planning Commission approval.

Figure II-5: Retaining Walls



F. On-Site Parking Requirements. Required parking spaces shall be provided by a garage, carport or parking pad that is a minimum of 200 square feet in size and dimensioned to accommodate an average sized vehicle and measuring at least 10 feet by 20 feet having practical ingress and egress for a vehicle. Tandem parking is allowed in this district. All required parking shall be provided on-site and shall be counted as floor area and exterior volume.

1. Required Parking Spaces.

- a. Dwellings. One parking space per primary dwelling on sites of 8,000 square feet or less in area. Two parking spaces per primary dwelling on sites larger than 8,000 square feet in area.
- b. Guesthouses. ~~One space per guesthouse~~ No parking is required.
- c. Accessory Dwelling Units. Parking shall comply with standards established in CMC Section 17.08.050. ~~Sites with Class II accessory dwelling units shall provide a minimum of one parking space on-site at the time of approval. Upon enlargement or improvement of a Class II unit there shall be one parking space each for the primary dwelling on the site and for the accessory dwelling unit. Improvements to accessory dwelling units are allowed even if one or both parking spaces encroaches into a setback. Sites with Class III or IV accessory dwelling units shall provide one parking space behind all setbacks for the accessory dwelling unit and shall comply with all parking requirements established in Chapter 17.38 CMC, Off-Street Parking Requirements, for other development on the site.~~

2. Additional Requirements.

- a. Parking required for conditional uses shall be established when the use permit is issued, but shall be no less than for equivalent uses in the commercial district;
- b. Each required parking space shall conform to setback standards unless an exception or variance applies. Driveways may encroach into setbacks;
- c. On sites of less than 6,000 square feet, only a single-car width garage door shall face the street. Wider garage doors on such lots may be authorized if the garage design and placement is subordinate to the main dwelling ~~door is integrated into the house and adjacent wall surfaces (i.e., same materials and color)~~ or set back at least ~~50~~ 30 percent into the depth of the lot;

d. Developed building sites not meeting parking standards shall be considered nonconforming. No building permits authorizing ~~any demolition,~~ a floor area addition exceeding 10% or more of the existing floor area or increase in exterior volume exceeding two percent of allowed volume shall be issued unless ~~one or more of the following applies:~~ compliance with parking standards is achieved.

i. ~~The proposed plans for construction will achieve compliance with all parking standards; or~~

ii. ~~The building permit is for repairs only, or is for alterations involving no expansion of floor area and the valuation of the work would not exceed 25 percent of current construction costs for replacement of the building.~~

G. ~~Outdoor Antennas. Except as provided in Chapter 17.46 CMC, Telecommunications and Wireless Facilities, all outdoor antennas, including satellite dishes, shall conform to the following:~~

1. ~~Maximum Number. One antenna per building site.~~

2. ~~Maximum Height. No part of any antenna shall exceed the height limits in the underlying land use district or overlay zone. Roof-mounted antennas serving a single property are allowed if they are mounted below the ridgeline and are not visible from any street.~~

3. ~~Minimum Setbacks. Ground-mounted antennas and support structures shall be at least three feet from any property line. No antennas or support structure shall be located in any setback facing a street.~~

4. ~~Screening. All ground- or wall-mounted antennas shall be screened or camouflaged by walls, color, fences or landscaping. (Ord. 2017-10 § 2, 2017; amended during 8/09 update; Ord. 2009-07 Att. A, 2009; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).~~

17.10.040 Lot Mergers.

A. Mergers Initiated by the City. As provided for in the Subdivision Map Act of the State of California, the City may merge two or more contiguous parcels or units of land that are under the same ownership if any one of the parcels or units does not conform to the building site standards contained in this chapter and all of the following requirements are met:

1. At least one of the parcels is undeveloped by any structure, or is developed only with one or more accessory structures, or is developed with a single structure other than an accessory structure that is also partially sited on a contiguous parcel or unit.

2. With respect to any affected parcel or unit, one or more of the following conditions exist. The parcel or unit:

- a. Is comprised of less than 5,000 square feet in area at the time of the determination of merger; or
- b. Was not created in compliance with the applicable laws and ordinances in effect at the time of its creation; or
- c. Does not meet standards for water supply (See Chapter [17.50](#) CMC, Water Management Program); or
- d. Has a slope in excess of 30 percent; or
- e. Has no legal access adequate for vehicular and safety equipment access and maneuverability; or
- f. If developed would create health or safety hazards; or
- g. Is inconsistent with the General Plan Coastal Land Use Plan, or any applicable specific plan, other than minimum lot size or density standards.

3. Regulatory Merger Procedure. The procedures for mergers shall follow the requirements established in the Subdivision Map Act of the State of California at the time of the merger.

B. Mergers Requested by Property Owners.

1. Merger of Substandard Lots and/or Lot Fragments. A property owner may request a merger to consolidate lots and/or lot fragments as defined by this code to create a single parcel that meets the requirements for a legal building site in the district where the property is located. Such request shall be in writing and shall be accompanied by such information as required by the Director and a fee established by the City Council. The Director may approve a request for merger without public notice or a hearing. Approvals shall be subject to conditions necessary to achieve compliance with the General Plan and other applicable regulations. The Director's decision may be appealed to the Planning Commission as provided for in Chapter [17.54](#) CMC, Appeals, and the Subdivision Map Act. Upon approval, the City shall cause to be filed a determination of merger with the County Recorder.

2. Other Owner-Initiated Mergers. The City encourages the merger of small lots into larger lots to promote diversity in design and housing size and to preserve open space. Two or more contiguous lots of record, each of which would individually meet the standards for development as a building site, may be merged through the filing of a voluntary merger request by the owner(s). Upon approval of such a merger by the Department of Community Planning and Building, and recording of merger documents or maps with the County Recorder, the following incentives become available to the property:

- a. Allowed base floor area ~~and site coverage~~ may be increased by ~~three~~ two percent of site area, beyond the standard specified in CMC 17.10.030(D), Floor Area Ratio and Exterior Volume. A commensurate amount of additional exterior volume also shall be allowed.
- b. Guesthouses or accessory dwelling units may be built with 100 square feet more floor area than is specified in CMC 17.08.050(C), Guesthouses and 17.08.050(G), Accessory Dwelling Units.
- c. ~~Up to 2.5 percent of additional site coverage is allowed if the site complies with the City's tree density standards.~~
- d. ~~One additional accessory structure is allowed for a total of three accessory structures on the site.~~

C. Voluntary Waiver of Subdivision Rights. Any owner of a lot of record that is two or more times the minimum lot size for the underlying land use district may grant a permanent easement to the City, voluntarily waiving all future rights to apply for, and receive approval for, any subdivision of land to create additional building sites. Upon approval by the Department of Community Planning and Building and proper recording of easement documents with the County Recorder, the incentives established in this section for merged lots become available to the property. (Ord. 2017-10 § 2, 2017; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.10.050 Floodplain Development.

A. Parcels shown on Panel 316, NFIP Flood Insure Rate Map ~~Plate 2 of Floodplain Information~~, Carmel River, Monterey County, California (NFIP/FEMA June 2017 ~~U.S. Army Corps of Engineers, San Francisco District, May 1967~~), are considered to be in a floodplain.

B. Any new building or addition to an existing building located in a floodplain shall establish the first floor level at least one foot higher than the elevation of the standard project flood, or in the case of nonresidential structures, the elevation to which the building has been flood protected. Documentation verifying compliance shall be certified by a civil engineer registered in the State and shall accompany the building permit for the

proposed construction. All elevations shown on the plans shall be referenced to mean sea level. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.10.060 Residential Design Guidelines.

The City Council shall maintain design guidelines to implement the design objectives outlined in CMC [17.10.010](#), Purpose and Design Objectives. The Planning Commission and the Department of Community Planning and Building shall use these Guidelines to review proposed construction. Designs that conflict with municipal code standards or which fail to achieve reasonable compliance with the adopted R-1 design objectives shall not be approved. (Amended during 8/09 update; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.10.070 Review of Plans.

All proposed site development, exterior alterations, rebuilding, rehabilitation and new construction shall require design review. The dimensional standards established in this chapter (e.g., height, setbacks, coverage, floor area) represent maximum or minimum limits and will not be achievable on every site. Design review involves discretion and judgment regarding the appropriateness of each design within the context of site constraints and neighborhood character. See Chapter [17.58](#) CMC, Design Review. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.10.080 Additional Use Regulations.

Development, as defined in Chapter [17.70](#) CMC, shall not interfere with the public's right of access to the sea by eliminating free public beach parking along San Antonio Avenue between 2nd Avenue and Santa Lucia or along any street rights-of-way west of San Antonio. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.10.090 Home Improvement Exception

A. Purpose. A home improvement exception enables improvements or minor additions to an existing single-family home with the purpose of promoting retention of existing houses within the city.

B. Applicability. A home improvement exception may be granted as part of a proposed improvement or addition to an existing single-family home in the R-1 district, as limited in subsection (C). A home improvement exception may be granted as described in subsections (1) through (4) of subsection (C), but may not exceed the limits set forth in those subsections. In order to qualify for a home improvement exception, the project must retain at least 75% of the existing exterior walls and must either retain existing exterior siding or replace with new wood siding in accordance with the design guidelines.

C. Limits of the Home Improvement Exception. A home improvement exception may be granted for one or more of the following (not to exceed the specified limits):

1. To allow an additional 100 square feet of floor area (total allowed 200 square feet), located in a basement, consistent with the provisions of CMC Section 17.10.030.D.4.a.
2. To waive the composite-side yard setback requirements under circumstances in which it is not practical to meet the setback standard when adding on to an existing home.
3. To provide an exception to the plate height requirements on new additions when necessary to match the floor level of a new addition with the floor level of the existing home. A commensurate amount of volume will be granted.
4. To allow similar minor exceptions, when determined by the director to be similar in magnitude and scope to those listed in subsections (1) through (4) above. Provided, under no circumstances may such exceptions exceed the limits established in subsections (1) through (4) above.

D. Findings. Neither the director, nor the planning commission or city council on appeal, shall grant a home improvement exception unless it is found that:

1. The granting of the application is desirable for the preservation of an existing architectural style and neighborhood character, which would not otherwise be accomplished through the strict application of the regulations; and
2. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience; and
3. The granting of the application will maintain general consistency with the Residential Design Guidelines; and
4. The exception is being granted based on characteristics of the property and improvements on the property, rather than the personal circumstances of the applicant, and is the minimum exception necessary for the project to fulfill the purposes of subsection (A).

E. Conditions. In granting one or more home improvement exceptions, reasonable conditions or restrictions may be imposed when appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to further achieve the purposes of this title (Zoning).