

## **ORDINANCE NO. 2153, NEW SERIES**

### **AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING THE MORGAN HILL ZONING CODE ZA-14- 09 (MUNICIPAL CODE TITLE 18) BY ADDING CHAPTER 18.27 SPORTS RECREATION AND LEISURE DISTRICT ZONING DISTRICT**

**WHEREAS**, such request was considered by the Planning Commission at their regular meetings of May 27, 2014, June 10, 2014, June 24, 2014, July 22, 2014, August 12, 2014, August 26, 2014, September 9, 2014 and September 23, 2014, at which time the Planning Commission recommended the City Council approve ZA-14-09: City of Morgan Hill – SEQ Zoning Text; and

**WHEREAS**, such requests were considered by the City Council at their regular meetings of November 5, 2014 and July 15, 2015; and

**WHEREAS**, at which time the City Council found on the basis of the whole record before it, including the Environmental Impact Report and any comments received, that the project includes adequate mitigations for potential impacts or a Statement of Overriding Considerations has been adopted by the City for the project; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process; and

### **NOW, THEREFORE, THE CITY COUNCIL OF MORGAN HILL DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The Zoning Amendment is consistent with the provisions of the General Plan, including the following General Plan Policies and Actions:

*Agriculture Policy 3a: Support programs and techniques, including conservation easements and purchase of development rights to encourage the retention of agricultural activities and to minimize conflicts in the transition from agriculture to urban uses.*

*Agriculture Policy 3g: Continue to support the long-term maintenance of agricultural land uses and agriculture as an economic enterprise in South County, since it contributes to the local economy, helps to delineate urban boundaries, and is a productive use for land which is not immediately planned for urban development.*

*Agriculture Action 3.1: Use a variety of techniques to protect agricultural land, including land use regulation, urban development policy, conservation easements (with matching grant funds from appropriate agencies, where possible), and transfer or purchase of development rights.*

The Amendment is consistent with Agriculture Policy 3a and 3c and Agriculture Action 3.1 because the Amendment would implement the Citywide Agricultural Lands Preservation Program and thereby implement the above stated Policies and Action.

*Economic Development Policy 3c. Encourage location of tourist and recreation oriented commercial development along the freeway.*

The Amendment is consistent with Economic Development Policy 3c because the Amendments would establish a Sports / Recreation / Leisure zoning district for use within the City as an implementation tool of the above stated Policy.

**SECTION 2.** An Environmental Impact Report (EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the adoption of a Citywide Agriculture Preservation Program and Southeast Quadrant Land Use Plan (State Clearinghouse No. 2010102010). This document is prepared in conformance with CEQA (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.), and City of Morgan Hill rules and regulations.

**SECTION 3.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

**SECTION 4.** The City Council hereby adopts Chapter 18.27, Sports Recreation and Leisure SRL, as shown in the attached Exhibit A, into the Morgan Hill Municipal Code to establish and further define the allowable uses and site development standards which implement the Sports Recreation and Leisure, SRL land use designation;

**SECTION 5.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 6.** Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

**THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 15<sup>th</sup> DAY OF JULY 2015, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 5<sup>th</sup> DAY OF AUGUST 2015, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>	<b>Larry Carr, Marilyn Librers, Gordon Siebert, Steve Tate</b>
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>	<b>Rich Constantine</b>
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>	<b>None</b>

**APPROVED:**

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**STEVE TATE, Mayor**

**ATTEST:**

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**IRMA TORREZ, City Clerk**

**DATE:** \_\_\_\_\_

Effective September 5, 2015

**❧ CERTIFICATION ❧**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2153, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 5<sup>th</sup> day of August 2015.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

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**IRMA TORREZ, City Clerk**

## **Exhibit A**

Chapter 18.27 of the Morgan Hill Municipal Code is established to include the following sections:

### **Chapter 18.27 SRL Sports Recreation and Leisure District**

#### **Sections:**

<b>18.27.010</b>	<b>Purpose of District</b>
<b>18.27.020</b>	<b>Permitted Uses in the SRL-A District</b>
<b>18.27.030</b>	<b>Conditional Uses in the SRL-A District</b>
<b>18.27.040</b>	<b>Conditional Uses in the SRL-B District</b>
<b>18.27.050</b>	<b>Prohibited Uses</b>
<b>18.27.060</b>	<b>Site Development Standards</b>
<b>18.27.070</b>	<b>Additional Required Conditions</b>

#### **18.27.010 Purpose**

The purpose of the SRL zoning designation is to allow a variety of private commercial, retail, and public or quasi-public land sports, recreation, and leisure uses. The SRL district includes two sub-districts:

- A. SRL-A District is intended to support lower intensity sports, recreation and leisure uses that would be compatible with adjacent or nearby agricultural and open space activities.
- B. SRL-B District is intended to support lower and medium intensity sports, recreation and leisure uses.

#### **18.27.020 Permitted Uses in the SRL District**

The following uses shall be permitted in the SRL-A and SRL-B Districts:

- A. Single family residential dwelling on a legal lot of record legally established in the County prior to August 1, 2014;
- B. Agricultural and open space uses, including vineyards, wineries, orchards, row crops, and sale of agricultural products grown on site;
- C. Sports Fields
- D. Adventure Sports/Facilities;
- E. Arts and Crafts Studios;
- F. Batting Cages;

- G. Equestrian Centers;
- H. Farmer's Markets;
- I. Indoor/Outdoor Sports Centers;

**18.27.030 Conditional Uses in the SRL-A District**

The following uses may be conditionally allowed in the SRL-A zoning district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Any other use which the planning commission finds to be of a similar nature to the permitted uses specified in this chapter for the SRL-A zoning district.

**18.27.040 Conditional Uses in the SRL-B District**

The following uses may be conditionally allowed in the SRL-B zoning district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Service Stations;
- B. Restaurants;
- C. Motels, hotels, and similar lodging facilities;
- D. Stadiums;
- E. Retail Commercial Uses which are Sports-Themed and/or Sports/Recreation-serving
- F. Any other use which the planning commission finds to be of a similar nature to the permitted or conditional uses specified in this chapter for the SRL-B zoning district.

**18.27.050 Prohibited Uses**

The following uses are prohibited from locating in all SRL Districts:

- A. New residential land uses;
- B. Bowling alleys;
- C. Pool and billiards halls;
- D. Campgrounds;
- E. Card Clubs, casinos, and gambling facilities;
- F. Cinemas and movie theaters;
- G. Day Spas, barbershops, and hair salons, unless ancillary to hotel/motel/lodging;
- H. Golf courses in excess of three holes;
- I. Health and fitness clubs and indoor recreation centers oriented to local residents; however, fitness and exercise facilities that are ancillary to a primary destination-oriented sports/recreation/leisure use may be conditionally allowed;
- J. Indoor and outdoor swimming pools, unless associated with existing private residence or hotel/motel/lodging use;

- K. Outdoor race tracks for cars, go-karts, or similar use;
- L. Recreational vehicle parks

**18.27.060 Site Development Standards**

The following site development standards shall apply in the SRL-A district:

- A. Minimum lot area, one acre
- B. Minimum lot width, one hundred feet
- C. Minimum lot depth, one hundred fifty feet
- C. Maximum building coverage, 30 percent
  - D. Minimum setbacks:
    - 1. Front, 30 feet
    - 2. Rear, 50 feet
    - 3. Side, 20 feet
- E. Maximum height, 35 feet
- F. Side Street Side Yard, 30 feet

The following site development standards shall apply in the SRL-B district:

- A. Minimum lot area, one acre
- B. Minimum lot width, one hundred feet
- C. Minimum lot depth, one hundred fifty feet
- C. Maximum building coverage, 50 percent
- D. Minimum setbacks:
  - 1. Front, 20 feet
  - 2. Rear, 15 feet
  - 3. Side, 15 feet
- E. Maximum height, 35 feet
- F. Side Street Side Yard, 20 feet

**18.27.070 Additional Required Conditions**

- A. Only two drive-thru uses (fast-food restaurants or gas stations) shall be conditionally permitted within the SRL-B zoning district.
- B. All uses, whether permitted or conditional, shall be conducted in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic.
- C. A north to south view corridor shall be maintained through any SRL zoned property south of Tennant Avenue so that the view from Tennant Avenue is not obstructed for more than 50% of the width of the lot.