

ORDINANCE NO. _____, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADDING A NEW CHAPTER 18.29 (STANDARDS FOR MEDIUM DENSITY RESIDENTIAL DEVELOPMENT) TO TITLE 18 (ZONING) OF THE MORGAN HILL MUNICIPAL CODE, AND MAKING RELATED AMENDMENTS TO SECTION 18.12.070 OF CHAPTER 18.12, SECTION 18.14.050 OF CHAPTER 18.14, SECTION 18.16.050 OF CHAPTER 18.16., ALL OF SAID TITLE 18, AND AMENDING SECTION 17.34.060 (PRIVATE STREETS) AND ADDING A NEW SECTION 17.34.070 (ALLEYS) TO CHAPTER 17.34 (STANDARDS FOR RESIDENTIAL AND PRIVATE STREETS) OF TITLE 17 (SUBDIVISIONS) OF THE MUNICIPAL CODE, ALL RELATED TO SETTING FORTH DEVELOPMENT STANDARDS AND REGULATIONS FOR MEDIUM DENSITY RESIDENTIAL DEVELOPMENT AND UPDATING RELATED REGULATIONS PERTAINING TO PRIVATE STREETS AND ALLEYS

WHEREAS, the provisions of this Ordinance are _____ under the provisions of the California Environmental Quality Act of 1970 and regulatory guidelines promulgated thereunder.

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

SECTION 1. CHAPTER 18.29 ADDED. A new Chapter 18.29 (Standards For Medium Density Residential Development) is hereby added to Title 18 (Zoning) of the Morgan Hill Municipal Code, which new Chapter shall be numbered and entitled and shall read in its entirety as follows:

**Chapter 18.29
STANDARDS FOR MEDIUM DENSITY RESIDENTIAL DEVELOPMENT**

Sections:

18.29.010 Purpose.

18.29.020 Applicability.

18.29.030 Design Permit required.

18.29.040 Matrix of Allowed Uses.

18.29.050 Development Standards.

18.29.060 Standards applicable to all small lot single-family detached and attached housing development.

18.29.070 Design criteria for small lot single-family subdivisions.

18.29.080 Design criteria for townhome development.

18.29.090 Special criteria for courtyard home development.

18.29.100 Special criteria for condominium development.

18.29.110 Special criteria for multi-family development.

18.29.010 Purpose.

The purpose of this chapter is to provide development standards for medium density residential development including single-family detached and attached housing units on small lots (less than 7,000 square feet). The intent of these standards is to:

- A. Ensure that small lot development blends with the surrounding community and is compatible with neighborhoods, is sensitive to its context, and incorporates appropriate amenities and high quality design;
- B. Implement residential development standards to enhance the appearance of the surrounding neighborhood and be well integrated with existing homes nearby;
- C. Discourage abrupt transitions in height, mass, and prevailing setback patterns and separations caused by high, solid walls and blank building faces;
- D. Recognize small lot and medium density development as a more efficient form of land use than lower density development, a means of reducing the environmental impacts of housing development, and a way to create more walkable neighborhoods;
- E. Guide new development while accommodating creativity, innovation, and flexibility in housing design; and
- F. Implement Morgan Hill Housing Element policies which encourage greater housing diversity and affordability in Morgan Hill.

18.29.020 Applicability.

- A. The provisions of this Chapter are intended for use in the R2 and R3 zoning districts. They are principally intended for single-family homes, townhomes, patio homes, courtyard homes,

duets, and similar single-family detached and attached housing types. The provisions of this Chapter shall not be applicable in the R-1, R-4, CC-R and CL-R districts.

- B. Modifications to homes in small lot developments already existing on the effective date of the Chapter shall be exempt from these standards.
- C. For Fiscal Year 2015-2016, alternate standards to those contained in this Chapter may be considered by the Director of Community Development if the Director of Community Development determines that such alternative standards would achieve the overall objectives of this Chapter and would demonstrably meet all of the following criteria:
 1. Result in a project that is more compatible with the surrounding neighborhood;
 2. Enable superior architectural design, landscape features, and amenities on the site;
 3. Improve the quality and usability of open space, or enable greater protection of natural features such as trees, hillsides, or creeks;
 4. Lead to a better designed project and improved orientation of structures, given the unique size, shape, and dimensions of the parcel being subdivided; and
 5. Meet the findings required for issuance of a Design Permit, where applicable.

18.29.030 Design Permit required.

Small lot, single-family detached and attached subdivisions shall obtain a Design Permit pursuant to Chapter 18.74 (Design Review) of the Morgan Hill Municipal Code.

18.29.040 Matrix of Allowed Uses

Uses are allowed in the following zones subject to the requirements of this Title as designated in Table 18.29.040(A).

Table 18.29.040(A) Residential Zone Use Matrix		
Use Type	R2:Medium-Density Residential District	R3: Medium-Density Residential District
Single Family Dwelling (SFD)	P ¹	N
Duet	P	N
Townhouse (TH)	P	P
Courtyard Home	P	N
Duplex	P	P
Condominium (Condo)	P	P
Multi-family (Multi)	N	P
P: Allowed use N- Not Permitted		

Note:

- (1) The development of detached single family units shall be no greater than twenty-five percent of the net buildable site area (including lots and streets).

18.29.050 Development Standards.

Minimum lot sizes and dimensions for small lot and medium-density development are shown in Table 18.29.050(A). Lot sizes, dimensions, coverage limits, and setback standards may vary based on the use within the specified zoning district.^{1,2}

Table 18.29.050(A) Medium Density Residential Development Standards							
	R2			R2 and R3			R3
	Duet	Courtyard	SFD	TH	Duplex	Condo	Multi
Lot Area (square feet) ¹	3,000	1,920-2,999	4,500-5,500	1,440-3,999	6,000	6,000	6,000
Lot Width (min)	30	24	40	24	60	60	60
Lot Depth (min)	85	60	80	60	85	85	85
Lot Coverage (max) ³	50 percent	45 percent	N/A	55 percent	40 percent (2+story) 50 percent (1story)	60 percent	60 percent
FAR (max)	N/A	N/A	52 percent	N/A	N/A	N/A	N/A
Height	See base zone district	See base zone district	See base zone district	See base zone district	See base zone district	See base zone district	See base zone district
Setbacks							
Front Setback ⁴	10 feet	N/A	15 feet	N/A	20 feet	N/A	15
Interior/ Side Setback	3 feet / 3 feet ⁵	5 feet / 5 feet ⁷	4 feet / 4 feet ⁶	N/A	5 feet/5 feet ⁷	N/A	5 feet / 5 feet
Street Side Setback	6 feet	5 feet	8 feet	5 feet	10 feet	5 feet	15 feet
Rear Setback	10 feet	N/A	15 feet	N/A	15 feet	N/A	20 feet

Notes:

- (1) Subject to the density requirements specified within the General Plan.
- (2) Standards are for individual lots and not for the subdivision as a whole.
- (3) These lot coverage limits apply to individual, subdivided parcels and apply to accessory structures as well as the primary residential structure on the site. Development in the R2 and R3 zoning districts is also subject to an aggregate lot coverage limit for the entire subdivision. See Section 18.29.060(A).
- (4) Additional requirements apply for street-facing garages. See Section

18.29.070(H)(7).

- (5) A reduced setback (as low as zero feet) is acceptable on one side yard; provided, that the sum of both side yard setbacks is at least six feet and one setback is at least four feet.
 - (6) A reduced setback (as low as zero feet) is acceptable on one side yard; provided, that the sum of both side yard setbacks is at least eight feet.
 - (7) A reduced setback (as low as zero feet) is acceptable on one side yard; provided, that the sum of both side yard setbacks is at least ten feet.
- N/A = No applicable standard.

18.29.060 Standards applicable to all small lot single-family detached and attached housing development.

- A. Aggregate Lot Coverage. For projects in the R2 and R3 zones, the sum total coverage of all proposed buildings and structures shall not exceed forty percent of the gross land area of the subdivision.
- B. Transitional Standards. When a small lot subdivision, courtyard subdivision, townhome development, or similar medium density development is located in an R2 or R3 district, or adjacent to an existing R1, R2, or R3 district, the following transitional standards shall apply:
 - 1. The building setback from the adjacent R1, R2 or R3 district properties shall be five feet for interior side yards;
 - 2. The building setback from the abutting R1, R2 or R3 district properties shall be twenty feet for rear yards for lots 3,000 to 5,999 square feet and fifteen feet for rear yards for lots 1,440 to 2,999 square feet;
 - 3. The building height at the above-mentioned setback lines may not exceed thirty feet. On lots where heights greater than thirty feet are allowed, the height may increase at a rate of one foot of vertical rise for every one foot of linear distance away from the setback line, to the maximum indicated in the corresponding zone district; and
 - 4. A landscaped planter strip of at least five feet in width shall be provided along the abutting property line between a small lot subdivision or townhome development and any adjoining R1, R2, or R3 zoning district boundaries. Trees shall be planted within this area to provide screening between the small lot subdivision and the adjacent lower density uses.
- C. Open space. The following open space provisions apply specifically to small lot, courtyard, and townhome developments, and other new developments with similar housing types. The standards recognize that small lot subdivisions may have greater common open space needs than conventional single-family development due to their smaller yard areas.
 - 1. Private Open Space. Each lot must include a private open space area, such as a private yard, porch, balcony, roof garden, or patio. Private open space must be contiguous to the

unit it serves and accessible and visible from the living area of the unit.

2. Common Open Space. Developments which have either: (a) average lot size of smaller than 4,356 square feet (e.g., density of more than ten units per net acre) or (b) fifteen units or more, are required to provide common open space for the development’s residents. Table 18.29.050 indicates the open space requirements, which vary based on lot size. Such common open space shall be visible from internal or external streets and shall be designed for informal surveillance from private residences to enhance neighborhood security. Common open space shall have a minimum usable width of fifteen feet and a minimum area of five hundred square feet, a slope of no more than 10 percent, accessibility to all units, and be open to the sky. It may contain amenities which enhance usability, such as swimming pools, play equipment, benches and tables, and barbecues. Parking, loading, and service areas may not be counted as open space.

Table 18.29.060(A)				
Minimum Open Space Requirements for Small Lot Subdivisions and Single-Family Attached Housing				
	Average Lot Area (square feet)			
	1,440 – 1,920	1,920 – 2,999	3,000 – 4,356	4,357 – 6,999
Private Open Space Per Lot (square feet)	60 feet	150 feet	300 feet	350 feet
Common Open Space Per Lot (square feet) ¹	140 feet	150 feet	175 feet	200 feet

D. Landscaping, lighting, and other site improvements. Landscaping, lighting and other site improvements in small lot single-family and medium density developments shall be designed to diminish the impact of the denser development and provide a softer appearance as follows:

1. No more than fifty percent of any required front or street-facing side yard shall be covered with a paved or impervious surface.
2. A planter strip at least five feet wide shall be provided on the street-facing side of all walls fronting public or private roads in addition to landscaping provided as part of the streetscape.
3. A sufficient number and type of trees shall be provided to shade the sidewalks. Planting shall be done at the time public improvements are constructed.
4. Street lights shall be designed and scaled at a pedestrian scale with a maximum height of sixteen (16) feet. “Cobra head” type street lights are prohibited.

E. Orientation. All units located along public streets shall have the primary entrance facing the street right-of-way. Exceptions to this requirement may be approved by the City for projects which are located on four-lane streets carrying high traffic volumes and streets that do not

allow on-street parking. In such cases, the project may be oriented around private streets or courtyards.

F. Roof-Mounted Equipment. Any roof-mounted mechanical equipment shall be incorporated into the roof design in such a way that it becomes an integral part of the architecture or is concealed from view.

G. Screening. Mechanical equipment and trash enclosures shall be screened as follows:

1. Air conditioners, heaters, utility equipment, meters, and similar equipment shall be screened from public view. Above-ground utility transformers and other above grade equipment shall not be located within the front yard along a street.
2. Fencing, landscaping, or view-obscuring structures shall be provided to screen trash cans or other refuse containers from view from public rights-of-way while still providing easy access to trash receptacles (see Figure 18.29.060(A)).
3. A gate wide enough to allow for passage of city standard trash and recycling receptacles shall be provided.
4. Trash/recycling container storage areas shall have a smooth solid surface such as concrete or pavers.
5. The location of trash and recycling container storage areas shall be shown on plans submitted for planning and building permits.

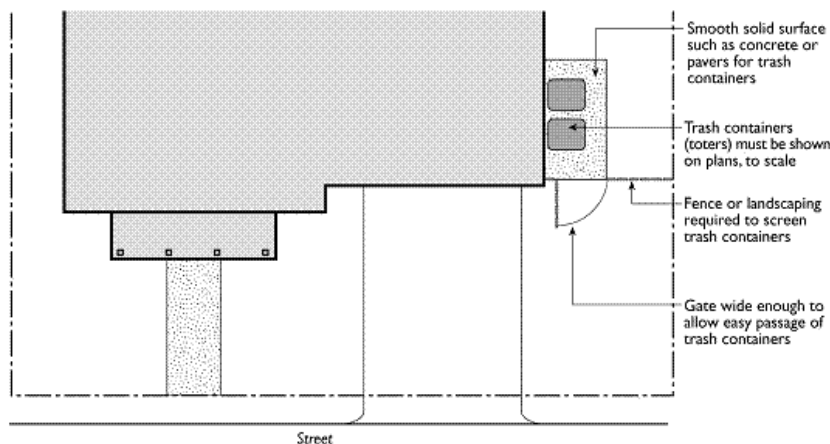


Figure 18.29.060(A)

Standards for Trash Storage and Screening in Small Lot Subdivisions

H. Homeowners' Association. A homeowners' association ("HOA") shall be required to provide ongoing maintenance for private streets and utilities, alleys, private open space and recreational facilities, stormwater drainage facilities, common landscaping, lighting, and other common areas, utilities, and facilities.

- I. Adjacent. For purposes of this Chapter, "adjacent" means directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.
- J. Feasible. For purposes of this Chapter, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

18.29.070 Design criteria for small lot single-family subdivisions.

- A. Applicability. The standards in this section apply to small lot single-family subdivisions. They are not applicable to townhome developments or other development where the predominant unit type is attached housing.
- B. Unit Types. Units in small lot subdivisions may include single-family detached homes and "duets" which share a common wall on one side.
- C. Lot Patterns. Lot patterns shall be varied to avoid monotonous streetscapes and shall include:
 - 1. A variety of lot widths, depths, shapes, and sizes, such that there is a perceptible difference between lot sizes on a block. Lots shall be designed to accommodate a variety of home styles, setbacks, and garage placements;
 - 2. Larger lots on corners;
 - 3. Smaller lots surrounding common open space areas; and
 - 4. Blocks no longer than six hundred linear feet.
- D. Floor Plans and Front Elevations. The excessive repetition of identical floor plans and elevations shall be avoided. In subdivisions with fewer than twenty lots, at least three unique front elevations and floor plans shall be provided. In subdivisions with twenty lots or greater, at least four unique front elevations and floor plans shall be provided. Location of identical models on adjacent lots, including "back to back" lots, shall be avoided.
- E. Four-Sided Design. Facades facing the side and rear yard shall include details which are compatible with those on the front facade, with similar types and treatments of roofs, windows, shutters, planter boxes, and other architectural elements.
- F. Front Setbacks. Front yard setbacks shall be varied (see Figure 18.29.070(A)). Generally, at least fifty percent of the homes shall have front yard setbacks which are greater than the minimum required (excluding porches and non-habitable space). This component may be implemented by recording "build to" lines on the final subdivision map.

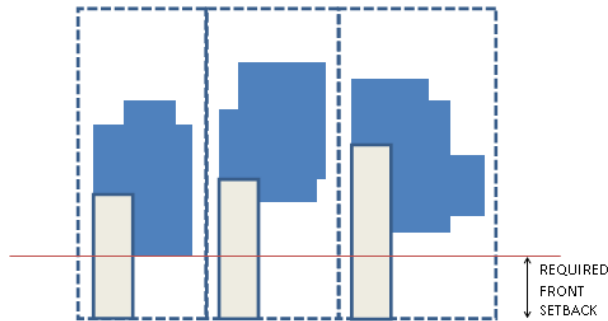


Figure 18.29.070(A)

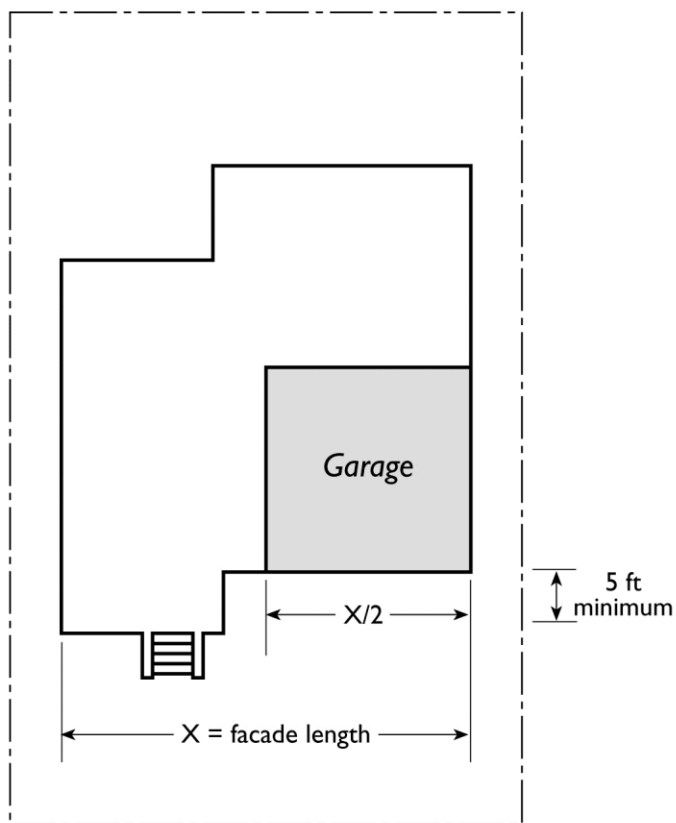
G. Rear Setbacks. A variety of rear setbacks shall be provided in order to avoid the appearance of long, monotonous walls from adjacent properties along the rear lot lines.

H. Building Size and Design. A variety of unit types and sizes, sited to provide compatibility with nearby neighborhoods, shall be provided. Buildings shall incorporate the following design features:

1. A variety of roof forms and pitches. Rooflines along the longer axis of the building shall be broken with varied pitches at the skyline level. Features such as turrets, dormers, and other variations that add architectural interest and distinction are encouraged;
2. A variety of building heights, potentially including single story, two-story, three-story, split level units, and units with partial second floors. Units abutting lower density development on the perimeter of a subdivision shall generally be lower in height, or split level in design to enhance compatibility;
3. Recessed Upper Stories. For at least fifty percent of the units, the second and third stories shall be recessed relative to the first story to reduce the appearance of building mass. The design shall avoid tall sheer walls, and preserve the privacy of adjacent properties;
4. Primary entrances to homes shall be in a prominent and visible location facing the street. Primary entrances shall not face the side yard setback or a deep recess of the building;
5. Usable Porches, Wherever Feasible. Porches shall have a minimum depth of five feet and a minimum width of eight feet, preferably extending a minimum of fifty percent of the width of the front facade, excluding the garage. Porches shall also incorporate different architectural features such as railings, short walls, trellises, and varied roof elements to provide architectural detail, character, and visual interest;
6. Garage Entries. There shall be a minimum of two locations of garage entries, such as front-facing attached garages, detached garages, and garages which are side-facing or accessed via a rear alley; and
7. Recessed Garages. Garage faces shall be recessed a minimum of five feet from the primary facade of the residence (where they face the street and not a rear alley), in order to minimize the impact of the garage on the streetscape. The garage shall not comprise more than fifty percent of the front building facade (see Figure 18.29.070(B)) on a

residential unit. If additional articulation and architectural features are introduced to minimize the impact of the garage on the streetscape, the garage front facade length may be increased to 67 percent. Driveways shall facilitate tandem parking where feasible.

Figure 18.29.070(B):



- No more than 50 percent of facade length may be devoted to garage
- Garage must be at least 5 feet behind primary front facade wall

Standards for Street-Facing Attached Garages in Small Lot Subdivisions

I. Driveways. Driveways shall be designed to reduce the amount of pavement within the subdivision to the greatest extent possible, as follows:

1. Maximum driveway width shall be twenty feet;
 2. Shared driveways, such that there is a single curb cut providing access to two houses, shall be encouraged in order to reduce the number of curb cuts along a street;
 3. Driveways (and related curb cuts) shall be sited to maximize opportunities for on-street parking; and
 4. Side driveways to rear garages shall be designed wherever feasible to create opportunities for off-street tandem parking in the side yard.
- J. Parking. Parking requirements shall conform to the standards set in Chapter 18.50 (Off-Street Parking and Paving Standards), except as otherwise indicated below:
1. Two covered parking spaces shall be required for each housing unit; and
 2. Two additional parking spaces for each unit shall be available for the use of residents and guests. These spaces may include a combination of driveway parking (including tandem parking), alley parking, on-street parking in front of the residence, and designated guest parking areas.

18.29.080 Special criteria for townhome developments.

- A. Applicability. This section applies specifically to townhome developments. For the purposes of this section, a townhome shall be defined as a series of three or more adjacent single-family dwelling units, each on an independent parcel, which are connected by common walls along the side property lines. Townhomes include row houses but do not include duplexes or duets. Interior unit townhomes typically have zero feet side yard setbacks on both sides, while end unit townhomes have a zero feet side yard setback on one side.
- B. Facade Articulation. All building facades shall have at least one horizontal or vertical projection or recess at least four feet in depth, or two projections at least two and one-half feet in depth, for every twenty-five horizontal feet of wall. The articulated elements must be greater than one story in height and may be grouped rather than evenly spaced in twenty-five foot modules. Front porches, stoops, fireplaces, overhangs, trellises, and similar projections into the front yard may count toward this requirement.
- C. Variable Roof Forms. Variable roof forms shall be incorporated into the building design. No more than two side by side units may be covered by one unarticulated roof. Articulations may be accomplished by changing roof height, offsets, and direction of slope and by introducing elements such as dormers, towers, and parapets. Alternative design approaches may be approved by the City, provided the goal of breaking down large building masses into smaller units is achieved.
- D. Garage Location. Garages shall be located to the rear of the townhome and accessed via an alley or shared driveway wherever feasible. Garage faces shall be recessed a minimum of five feet from the primary facade of the residence (where the garage faces the street and not a

rear alley) in order to minimize the impact of the garage on the streetscape. The garage shall not comprise more than fifty percent of the front building facade on a residential unit.

- E. Facade Detailing and Materials. All visible building facades shall incorporate details, such as window trim, window recesses, cornices, changes in materials, or other design elements, in an integrated composition. Each side of a building that is visible from a public right-of-way, courtyard, or common open space shall be designed with a complementary level of detailing and quality of materials.
- F. Projections and Recesses. Facades shall incorporate balconies, bay windows, porches, and similar projections and recesses in a pattern that creates architectural interest across the length of the facade of a row of townhomes. Roofed projections or recesses shall be provided for all building entrances.
- G. End Units. The side-facing facades at the end of a row of townhouses (or rowhouses) shall be consistent in design quality, materials, and massing with the street-facing building facades. End unit facades shall be designed to create a strong relationship with the street, with elements such as wrap around porches and bay windows facing the street or side yard area.
- H. Entry Elevation. The ground floor elevation of a townhome shall be no more than thirty inches above the finished grade immediately adjacent to the entry.
- I. Walkways. Walkways shall be provided to link the townhomes to recreational and other internal facilities as well as the other residential units and nearby public streets. Paseos, or pedestrian walks through common open space areas, are strongly encouraged.

18.29.090 Special criteria for courtyard home development.

- A. Applicability. This section shall specifically apply to courtyard home development. For the purposes of this section, courtyard homes are defined as individual homes on small lots arranged around a common driveway. Courtyard homes are intended to lessen the impact of curb cuts and garages on the streetscape and enable homes to be oriented to a public street or open space rather than a driveway and street-facing garage.
- B. Units Per Courtyard. No more than six units shall be accessed from a single courtyard.
- C. Orientation. Homes adjacent to the street to which the courtyard connects shall face that street (rather than the courtyard) whenever feasible.
- D. Courtyard Design and Pavement. The portion of the courtyard used for vehicle circulation shall be finished with decorative pavement and shall be at least sixteen feet wide, with a minimum width of twenty feet at its entrance to the adjacent street. Courtyards shall not exceed one hundred feet in length.
- E. Vistas. Terminating vistas of the courtyard from nearby streets shall not be dominated by garages.
- F. Garage Aprons. Paved areas in front of garage doors shall have a minimum backout dimension of twenty-four feet. To avoid obstruction of the courtyard, garage aprons shall be either less than six feet deep or more than eighteen feet deep. Aprons shall be limited to the

rear units on a courtyard so that the parking aprons are not visible from the adjacent public or private streets.

- G. Recessing of Garages. Garages shall be recessed behind the main dwelling unit by at least two feet.
- H. Architectural Unity. All units on a court shall share a common architectural theme, although variations in building types and elevations on end units are encouraged.
- I. Windows. Windows shall be sited and designed to maximize privacy and shall be set back from the property line to the maximum extent feasible. Second floor windows overlooking private open space areas of adjacent units shall be avoided wherever feasible.

18.29.100 Special criteria for condominium developments.

A. Applicability. This section applies specifically to condominium developments. For the purposes of this section, a residential condominium development shall be defined as:

- 1. A residential project that consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, water, or fixtures, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to: (1) boundaries described in the recorded final map, parcel map, or condominium plan; (2) physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof; (3) an entire structure containing one or more units; or (4) any combination thereof.
- 2. The portion or portions of the real property held in undivided interest may be all of the real property, except for the separate interests, or may include a particular three-dimensional portion thereof, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within these boundaries may be filled with air, earth, water, or fixtures, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support.
- 3. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property.

B. Condominium Plan. A condominium plan shall contain all of the following:

- 1. A description or survey map of a condominium project, which shall refer to or show monumentation on the ground.
- 2. A three-dimensional description of a condominium project, one or more dimensions of which may extend for an indefinite distance upwards or downwards, in sufficient detail to identify the common area and each separate interest.
- 3. A certificate consenting to the recordation of the condominium plan pursuant to the

provisions of the Civil Code and acknowledged as provided in Section 4290 of the Civil Code.

C. Utility Metering.

1. The consumption of gas and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility.
2. Each dwelling unit shall be served by a separate City water meter. An additional separate City meter shall be provided to serve the common landscape areas in the condominium project.

D. Laundry Facilities. Each unit shall be provided with space and utility hookups within the unit or attached garage to accommodate a standard sized washer and dryer. The minimum dimensions shall be six (6) feet wide and three (3) feet deep.

E. Sound Transmission. Each condominium unit shall comply with the state of California's Noise Insulation Standards (Title 24 of the California [Code of Regulations](#)).

F. Building Code Requirements. Each unit of a condominium project and all commonly owned portions of a condominium building shall comply with all applicable Building Code standards. Nothing herein shall be construed to prevent or prohibit the applicant or the City from providing or requiring building standards greater than those set forth in the Building Code where the greater standards are found to be necessary to carry out the purposes and intent of this Chapter.

G. Facade Articulation. All building facades shall have at least one horizontal or vertical projection or recess at least four feet in depth, or two projections at least two and one-half feet in depth, for every twenty-[five horizontal](#) feet of wall. The articulated elements must be greater than one story in height and may be grouped rather than evenly spaced in twenty- [five foot](#) modules. Front porches, stoops, fireplaces, overhangs, trellises, and similar projections into the front yard may count toward this requirement.

H. Variable Roof Forms. Variable roof forms shall be incorporated into the building design and no more than two side by side units may be covered by one unarticulated roof. Articulations may be accomplished by changing roof height, offsets, and direction of slope and by introducing elements such as dormers, towers, and parapets. Alternative design approaches may be approved by the City, provided the goal of breaking down large building masses into smaller units is achieved.

I. Garage Location. Garages shall be located to the rear of a unit and accessed via an alley or shared driveway wherever feasible. Garage faces shall be recessed a minimum of five feet from the primary facade of the residence (where the garage faces the street and not a rear alley), in order to minimize the impact of the garage on the streetscape. The garage shall not comprise more than fifty percent of the front building facade on the residential unit.

J. Facade Detailing and Materials. All visible building facades shall incorporate details, such as window trim, window recesses, cornices, changes in materials or other design elements, in an integrated composition. Each side of a building that is visible from a public right-of-way, courtyard, or common open space shall be designed with a complementary level of detailing

and quality of materials.

- K. Projections and Recesses. Facades shall incorporate balconies, bay windows, porches, and similar projections and recesses in a pattern that creates architectural interest across the length of the facade. Roofed projections or recesses shall be provided for all building entrances.
- L. End Units. The side-facing facades at the end of a unit shall be consistent in design quality, materials, and massing with the street-facing building facades. End unit facades shall be designed to create a strong relationship with the street, with elements such as wrap around porches and bay windows facing the street or side yard area.
- M. Entry Elevation. The ground floor elevation of a townhome shall be no more than thirty inches above the finished grade immediately adjacent to the entry.
- N. Walkways. Walkways shall be provided to link the units to recreational and other internal facilities as well as the other residential units and nearby public streets. Paseos, or pedestrian walks through common open space areas, are strongly encouraged.

18.29.110 Special criteria for multi-family development.

- A. Applicability. This section shall specifically apply to multi-family developments which shall be defined as a building designed and used as a residence for three or more families living independently of each other and containing three or more dwelling units.
- B. Laundry Facilities. Adequate laundry facilities shall be provided for all multiple-unit projects with at least one washing machine and one dryer per each five dwelling units.
- C. Storage Area. Each unit shall be provided a separate storage area consisting of at least one hundred cubic feet and having a minimum horizontal surface of twenty-five square feet.
- D. Building Frontage and Orientation. Units shall face streets, open spaces and internal private streets whenever possible. Building fronts shall include porches and door facing streets.
- E. Open Space. Common open space shall be centralized and directly accessible to units. Open common space shall be linked to adjacent parks, paseos, and paths.
- F. Variable Roof Forms. Variable roof forms shall be incorporated into the building design. Articulations may be accomplished by changing roof height, offsets, and direction of slope, and by introducing elements such as dormers, towers, and parapets. Alternative design approaches may be approved by the City, provided the goal of breaking down large building masses into smaller units is achieved.
- G. Facade Detailing and Materials. All visible building facades shall incorporate details, such as window trim, window recesses, cornices, changes in materials or other design elements, in an integrated composition. Each side of a building that is visible from a public right-of-way, courtyard, or common open space shall be designed with a complementary level of detailing and quality of materials.
- H. Projections and Recesses. Facades shall incorporate balconies, bay windows, porches, and similar projections and recesses in a pattern that creates architectural interest across the length of the facade. Roofed projections or recesses shall be provided for all building

entrances.

- I. End Units. The side-facing facades at the end of a multi-family building shall be consistent in design quality, materials, and massing with the street-facing building facades. End unit facades shall be designed to create a strong relationship with the street, with elements such as wraparound porches and bay windows facing the street or side yard area.
- J. Walkways. Walkways shall be provided to link the multi-family units to recreational and other internal facilities as well as the other residential units and nearby public streets. Paseos, or pedestrian walks through common open space areas, are strongly encouraged.

SECTION 2. SECTION 18.12.070 AMENDED. Section 18.12.070 of Chapter 18.12 (R-1 Single-Family Medium Density District) to Title 18 (Zoning) of the Morgan Hill Municipal Code is hereby amended to read in its entirety as follows:

18.12.070 - Site development standards—R-1 9,000 district.

R-1 9,000 standards are as follows:

- A. Minimum lot area:
 - 1. Nine thousand square feet,
 - 2. Four thousand two hundred square feet for duet unit on corner lots provided that when added to the adjoining duet lot the two lots in aggregate are at least nine thousand square feet in area;
- B. Minimum lot width, seventy feet for detached dwelling and forty feet for single-family attached or duet units on corner lots;
- C. Minimum lot depth, eighty-five feet;
- D. Maximum building coverage, fifty percent;
- E. Minimum setbacks:
 - 1. Front, twenty-five feet as measured from the face of curb along the project frontage for the first story and thirty feet as measured from the face of curb along the project frontage for the second story,
 - 2. Rear, twenty feet for the first story and twenty-five feet for the second story,
 - 3. Side, the side yard setback of a dwelling which meets both of the following criteria shall be a minimum of five feet:
 - a. The maximum overall height of the dwelling is seventeen feet or less, as measured to the highest point on the roof which is within twelve feet, six inches of the side property line, and
 - b. The height of the top plate of the side wall of the dwelling is twelve feet or less, as measured from the average contact point at ground level.

If both of these criteria are met on one side of a dwelling but not on the other, the setback on the side of the dwelling which meets both the criteria shall be a minimum of five feet.

The side yard setback of a dwelling which does not meet both of the criteria listed above shall be a minimum of twelve and one half feet.

In addition, the combined required minimum side yard setbacks shall be equal to twenty percent of the lot width, but in no case shall either side setback be less than five feet.

4. Side yard, zero feet for the attached side of a duet unit,
5. A fifteen-foot minimum side yard setback shall be required when the side yard of a two-story residence is adjacent to a rear yard on an adjoining lot;
- F. Maximum height, two and one-half stories, or thirty feet, whichever is less;
- G. Parking requirements, as specified in Chapter 18.50 of this title;
- H. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;
- J. All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of thirty feet, or all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb.

SECTION 3. SECTION 18.14.050 AMENDED. Section 18.14.050 of Chapter 18.14 (R-2 Medium Density Residential District) to Title 18 (Zoning) of the Morgan Hill Municipal Code is hereby amended to read in its entirety as follows:

18.14.050 - Site development standards—Generally.

The site development standards set out in Sections 18.14.060, 18.14.070 and Chapter 18.29 shall apply in the R-2 3,500 and R-2 3,000 districts, respectively.

18.14.060 - Site development standards—R-2 3,500 district.

R-2 3,500 standards are as follows:

- A. Minimum site area per dwelling unit, three thousand five hundred square feet;
- B. Minimum lot width, seventy feet for duplexes and detached dwelling units and forty feet for single-family attached or duet units on corner lots;
- C. Minimum lot depth, eighty-five feet;
- D. Maximum building coverage, fifty percent;

- E. Minimum setbacks:
 - 1. Front, twenty feet,
 - 2. Rear, fifteen feet, twenty feet for two-story, located adjacent to a single-family zoning district,
 - 3. Side, five feet;
- F. Maximum height, two and one-half stories, or thirty feet;
- G. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- H. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;
- I. All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of thirty feet, or all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb;
- J. Parking requirements, as specified in Chapter 18.50 of this title.
- K. For development standards for single-family detached and attached housing units on small lots less than 7,000 square feet, see Chapter 18.29 of the Morgan Hill Municipal Code.

SECTION 4. SECTION 18.14.070 AMENDED. Section 18.14.070 of Chapter 18.14 (R-2 Medium Density Residential District) to Title 18 (Zoning) of the Morgan Hill Municipal Code is hereby amended to read in its entirety as follows:

18.14.070 - Site development standards—R-2 3,000 district.

R-2 3,000 standards are as follows:

- A. Minimum site area per dwelling unit, three thousand square feet;
- B. Minimum lot width, seventy feet for duplexes and detached dwelling units and forty feet for single-family attached or duet units on corner lots;
- C. Minimum lot depth, eighty-five feet;
- D. Maximum building coverage, fifty percent;
- E. Minimum setbacks:
 - 1. Front, twenty feet,
 - 2. Rear, fifteen feet, twenty feet for two-story located adjacent to a single-family zoning district,
 - 3. Side, five feet;

- F. Maximum height, two and one-half stories, or thirty feet;
- G. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- H. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;
- I. All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of thirty feet, or all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb;
- J. Parking requirements, as specified in Chapter 18.50 of this title.
- K. For development standards for single-family detached and attached housing units on small lots less than 7,000 square feet, see Chapter 18.29 of the Morgan Hill Municipal Code.

SECTION 5. SECTION 18.16.050 AMENDED. Section 18.16.050 of Chapter 18.16 (R-3 Medium Density Residential District) to Title 18 (Zoning) of the Morgan Hill Municipal Code is hereby amended to read in its entirety as follows:

18.16.050 - Site development standards.

The following site development standards shall apply in the R-3 district:

- A. Minimum lot area;
 - 1. Six thousand square feet,
 - 2. Four thousand five hundred square feet, corner lots;
- B. Minimum site area per dwelling unit, two thousand square feet;
- C. Minimum lot width, sixty feet;
- D. Minimum lot depth, eighty-five feet;
- E. Maximum building coverage, sixty percent;
- F. Minimum setbacks:
 - 1. Front, fifteen feet,

- 2 Rear, twenty feet,
 3. Side, five feet;
- G. Maximum height, three stories, or forty feet;
- H. Side Street Side Yard. A side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater;
- I. Cul-de-sac lot width, minimum of forty feet as measured along the front property line;
- J. All residential development fronting on an arterial street as defined by the General Plan, shall provide a minimum front yard setback of thirty feet, or all residential development with rear or side yard areas adjacent to an arterial street shall provide a minimum fence/wall setback of fifteen feet with an average of twenty feet from the face of the curb.

SECTION 6. SECTION 17.34.060 AMENDED. Section 17.34.060 of Chapter 17.34 (Standards for Residential and Private Streets) to Title 17 (Subdivisions) of the Morgan Hill Municipal Code is hereby amended to read in its entirety as follows:

17.34.060 - Private streets.

Residential units may take primary access from a private street or paseo in the R-4, R-3, R-2, CL-R, CC-R or R-1 4,500 zoning districts. Minimum standards for private streets and paseos shall be as determined by the Community Development Director in consultation with the Fire Marshall.

- A. Private Streets shall incorporate pedestrian-friendly design features that integrate public and private spaces and promote connectivity to nearby neighborhoods, schools, parks, shopping, transit routes, and other destinations. The design of private streets shall conform to all applicable city standards, as established elsewhere in the development code, subdivision regulations, or Morgan Hill Municipal Code.
- B. Private Streets shall provide multiple ingress and egress points within and into subdivisions wherever feasible; cul-de-sac and dead-end streets shall be avoided unless other options are not available.
- C. Private Streets shall be designed to connect to adjacent uses wherever feasible.
- D. Design measures which slow traffic and encourage walking and bicycling shall be

incorporated. Typical features include curb bulbs, street trees, raised crosswalks, and roundabouts. A minimum of one street tree per unit is required.

- E. Decorative or accent paving shall be used at neighborhood entries, crosswalks, and major pedestrian areas within the development.
- F. Rolled curbs are prohibited.
- G. Street lights shall be designed and scaled at a pedestrian scale with a maximum height of sixteen (16) feet. “Cobra head” type street lights are prohibited.
- H. Bike lanes and pedestrian walkways shall be incorporated wherever feasible, connecting to existing bicycle and pedestrian facilities on the perimeter of the development. The design and dimensions of bike lanes and pedestrian walkways shall conform to all applicable provisions of the Morgan Hill Municipal Code.
- I. Sidewalks shall be provided on both sides of any street, driveway, or courtyard which serves six or more units. Sidewalks which are located on one side of the street only are acceptable on streets within developments of fewer than six homes, provided they are at least four feet in width.
- J. Street trees may be provided in either a park strip or within bulb outs. The minimum dimension for a tree planting area shall be five feet in width and five feet in length.

SECTION 7. SECTION 17.34.070 ADDED. A new Section 17.34.070 is hereby added to Chapter 17.34 (Standards for Residential and Private Streets) of Title 17 (Zoning) of the Morgan Hill Municipal Code, which new Section shall be numbered and entitled and shall read in its entirety as follows:

17.34.070. Alleys.

Alleys may be used to provide vehicle access to lots within Small Lot and Medium Density Development within the R-2 and R-3 Zoning Districts.

- A. Rear lot alleys are permitted for service vehicles and access to garages. Where they are used, alleys shall be designed as follows:
 - 1. Alleys shall be configured to provide good visibility, enabling activities in the alley to be easily observed from adjoining properties.

2. Alleys shall incorporate special paving treatment, accenting entries, and walkways.
3. Alleys shall incorporate landscaping, including planters for trees. A minimum of one tree shall be provided for one unit.
4. Building or pedestal lighting shall be provided on each lot as feasible, in order to illuminate the alley.
5. If dead-end alleys are necessary, they shall be no more than one hundred feet in length and shall be at least twenty-four feet wide, or meet other design standards as determined by the Fire Department.

SECTION 8. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 9. CEQA-COMPLIANCE. The City Council hereby determines that this project is exempt under the provisions of the California Environmental Quality Act of 1970, together with regulatory guidelines promulgated thereunder (collectively, “CEQA”) pursuant to Section 15061 (b)(3) of the Guidelines for CEQA. The proposed text amendments to the Morgan Hill Municipal Code are covered by the general rule that CEQA applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Adoption of this amendment does not create changes in the physical environment. [The Director of Community Development may file a Notice of Exemption with the County Clerk pursuant to CEQA guidelines.]

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after the date of its adoption.

SECTION 11. POSTING AND PUBLICATION. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

DRAFT

///

Introduced at a regular meeting of the City Council held on _____, and adopted as an ordinance of the City of Morgan Hill at a regular meeting of the City Council held on _____ by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

IRMA TORREZ, CITY CLERK

STEVE TATE, MAYOR

∞ CERTIFICATE OF THE CITY CLERK ∞

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. xxxx, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 2nd Day of November 2013.

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

DRAFT

DATE: _____

Irma Torrez, City Clerk