ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING FROM R-1 (RPD) TO R-1 7,000 (PD) AND ADOPTING A PRECISE DEVELOPMENT PLAN FOR A 14-UNIT RESIDENTIAL DEVELOPMENT ON A 3.65-ACRE SITE LOCATED ON THE SOUTH EAST CORNER OF THE INTERSECTION OF EAST DUNNE AVENUE AND MURPHY AVENUE (APN 817-19-044).

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Establishing an R 1-7,000 PD zoning district on a 3.65 acre site located on the south east quadrant of the intersection o East Dunne Avenue and Murphy Avenue (APN 817-19-044).

SECTION 2. **DESCRIPTION OF LAND IN REZONING.** There hereby is attached hereto as Exhibit "A" and made a part of this ordinance a legal description which gives the boundaries of the described parcel of land.

SECTION 3. **FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment(s) established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.070 of the Morgan Hill Municipal Code.

SECTION 4. **INCORPORATING THE PRECISE DEVELOPMENT PLAN BY REFERENCE**. Reference is made to that certain series of documents dated February 22, 2016, attached hereto as Exhibit "B" and on file at the Community Development Department, entitled "Dunne Murphy" prepared by MH Engineering. These documents show the location and sizes of all lots in this development and the location and dimensions of all proposed buildings, vehicle and pedestrian circulation ways, recreational amenities, parking areas, landscape areas and any other purposeful uses of the project.

SECTION 5. The City Council of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis, and that the Mitigated Negative Declaration was adopted prior to action taken to adopt the Resolution. The custodian of the documents or other material which constitute the record shall be the Community Development Department.

SECTION 6. The City Council finds that the proposed Planned Development (PD) Overlay District is consistent with the criteria specified in Chapter 18.30 of the Morgan Hill Municipal Code

SECTION 7. The City Council hereby approves the precise development plan which allows exceptions to the base development standards of the R-1 7,000 zoning district as

shown on the precise development plan. Any development not shown on the precise development plan shall be consistent with the underlying zoning standards.

SECTION 8. Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of your development project for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, or fees collected (a) under development agreements, (b) pursuant to agreements with the Morgan Hill Redevelopment Agency or (c) as a part of your application for development allocations under the City's Residential Development Control System. The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun. This right to protest does not apply to voluntary Residential Development Control System fees.

SECTION 9. 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 10. 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 2nd DAY OF MARCH 2016, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE ___ DAY OF_____, 2016 AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

ATTEST: **APPROVED:**

_____   _____
IRMA TORREZ, City Clerk   **STEVE TATE, Mayor**

❧ 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._____ New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the day of _____, 2016.

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

DATE:_____   _____

                 IRMA TORREZ, City Clerk

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Exhibit A

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF MORGAN HILL, COUNTY OF SANTA CLARA, STATE OF CLIFORNIA, DESCRIBED AS FOLLOWS:

Parcel A, as shown on that certain Map entitled, "Parcel Map " which Map was filed for record in the Office of the recorder of the County of Santa Clara, State of California on July 9, 1974 in Book 343 of Maps, at page(s) 1.

APN 817-19-044

Exhibit B