

## **ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF AN APPROXIMATELY 19.5 ACRE PORTION OF AN APPROXIMATELY 31 ACRE SITE LOCATED ON THE SOUTH SIDE OF JARVIS DRIVE BETWEEN MONTEREY ROAD AND BUTTERFIELD BOULEVARD (ASSESSOR PARCEL NUMBERS 726-25-061; -066, -067, -078, AND -079) FROM INDUSTRIAL PLANNED UNIT DEVELOPMENT TO R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT.**

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

- SECTION 1. ESTABLISHING R-3 ZONING DISTRICT** for an approximately 19.5-acre portion of an approximately 31-acre site located on the south side of Jarvis Drive, between Monterey Road and Butterfield Boulevard for Zoning Amendment application ZA-15-12: Butterfield-MWest (APN 726-25-061; -066, -067, -078, and -079).
- 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 and map 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 established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the amended 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.** The City Council of the City of Morgan Hill hereby finds, on the basis of the whole record before it, that the project site was reviewed as part of an Environmental Impact Report (EIR) prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate potential environmental impacts associated with the project. The EIR is intended to serve as an informational document for the public agency decision makers and the public regarding the project. The EIR, together with an Addendum thereto, and the Mitigation Monitoring and Reporting Program and Statements of Overriding Consideration were adopted under separate Resolution on May 6, 2015.
- 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 2<sup>nd</sup> DAY OF SEPTEMBER 2015, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 16<sup>th</sup> DAY OF SEPTEMBER, 2015 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 \_\_\_\_\_, 2015.

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

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

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**