

MORGAN HILL DEVELOPMENT CODE UPDATE OUTLINE

MUNICIPAL CODE TITLE 18 (DEVELOPMENT CODE)

DIVISION 1: ZONING CODE

Part 1 – Introductory Provisions

Part 1 establishes basic parameters of the Zoning Code, sets rules for interpretation and measurement, and identifies the zoning districts and overlay zones.

Chapter 18.04 Purpose and Effect of Zoning Code

Identifies the Zoning Code purpose, relationship to the General Plan, general responsibility for administration, and applicability.

Chapter 18.08 Interpretation of the Zoning Code

Establishes rules and procedures for the interpretation of the Zoning Code. Rules of interpretation will clarify the meaning of terminology, rounding of numbers, uncertainty with Zoning Map boundaries, and unlisted uses. Procedures for interpretation will address public requests of Zoning Code interpretations, time limit for response from the City, and official records of interpretation.

Chapter 18.12 Rules of Measurement

Establishes rules for the measurement of height, setbacks, floor area, building coverage, lot width and depth, and lot slope.

Chapter 18.16 Zoning Districts and Zoning Map

Identifies the zoning districts and overlay zones that apply within the City of Morgan Hill to implement the General Plan.

Part 2 – Zoning District Standards

Part 2 establishes permitted land uses and development standards for zoning districts and overlay zones. All land use regulations and development standards will be presented in tables.

Chapter 18.20 Residential Zoning Districts

Establishes land use regulations and development standards for the following residential zoning districts:

Table 1: Residential Zoning Districts

Zoning Districts		General Plan Designation
RE 1	Residential Estate (1 du/acre)	Residential Estate (up to 1 du/acre)
RE 2.3	Residential Estate (1 du/100,000 sq. ft.)	
RE 10	Residential Estate (1 du/10 acres)	
R-1 20,000	Single-Family Low Density Residential (2 du/acre)	Residential Detached Low (up to 4 du/acre)

Zoning Districts		General Plan Designation
R-1 12,000	Single-Family Low Density Residential (3 du/acre)	
R-1 9,000	Single-Family Medium Density Residential District (4 du/acre)	Residential Detached Medium (up to 7 du/acre)
R-1 7,000	Single-Family Medium Density Residential District (6 du/acre)	
R-1 4,500	Single-Family High Density Residential District (9 du/acre)	Residential Attached Low (6 to 16 du/acre)
R-2 3,500	Medium Density Residential District (12 du/acre)	Residential Attached Low (6-16 du/acre)
R-2 3,000	Medium Density Residential District (14 du/acre)	
R-3	Medium Density Residential District (21 du/acre)	Residential Attached Medium (16-24 du/acre)
R-4	High Density Residential District (40 du/acre)	Residential Downtown (24-46 du/acre)

- All housing will be required to comply with new residential design standards in Chapter 18.80.
- All development standards will be reviewed to determine if adjustments would reduce need for Planned Development (PD) zoning.

Chapter 18.24 Mixed Use Zoning Districts

Establishes land use regulations and development standards for the following mixed use zoning districts:

Table 2: Mixed Use Zoning Districts

Zoning Districts		General Plan Designation
MU-D	Downtown Mixed Use	Downtown Mixed Use
MU-N	Neighborhood Mixed Use	
MU-F	Mixed Use Flex	Mixed Use Flex (7-24 du/acre)

- The existing CC-R and CBD zoning districts are given new names to better reflect their purpose. The MU-F zoning district replaces the CL-R zoning district to facilitate high-quality mixed use development along the Monterey Road corridor. The MU-F zoning district will contain basic land use and development standards consistent with the General Plan vision for the corridor. Additional form and character standards for the MU-F zoning district will be developed through a future planning study for the corridor. These additional standards will be added to the MU-F zoning district after the completion of the study.

Chapter 18.28 Commercial Zoning Districts

Establishes land use regulations and development standards for the following commercial districts:

Table 3: Commercial and Industrial Zoning Districts

Zoning Districts		General Plan Designation
CN	Neighborhood Commercial District	Commercial
CG	General Commercial District	
CH	Highway Commercial District	
CS	Service Commercial District	

- *The existing Theme Unit Development (TUD) and Administrative Office (CO) districts are eliminated.*

Chapter 18.32 Industrial Zoning Districts

Establishes land use regulations and development standards for the following industrial zoning districts:

Table 4: Industrial Zoning Districts

Zoning Districts		General Plan Designation
IL	Light Industrial District	Industrial and Commercial/Industrial
IG	General Industrial District	
IC	Campus Industrial District	
IO	Office Industrial District	

Chapter 18.36 Public, Open Space, and Recreation Zoning Districts

Establishes land use regulations and development standards for the following Public and Open Space Zoning Districts:

Table 5: Public, Open Space, and Recreation Zoning Districts

Zoning Districts		General Plan Designation
OS	Open Space District	Open Space
PF	Public Facilities District	Public Facilities
SRL	Sports Recreation Leisure (A & B)	Sports Recreation Leisure

Chapter 18.40 Overlay Zones

Establishes development standards and use regulations for the following overlay zones:

Table 6: Overlay Zones

Overlay Zone Symbol	Name of Overlay Zone
-S	Seismic Overlay Zone
-HS	Hillside Overlay Zone
-G	Geologic Overlay Zone

-PD	Planned Development Overlay Zone
-DTSP	Downtown Specific Plan Overlay Zone
-DGF	Downtown Ground Floor Overlay Zone

- ▶ *PD overlay allowed only for sites that are 2 acres in size for residential projects and 5 acres or more for other uses. Establish limitations on use of PD, including new findings that the deviation from zoning district standards is necessary to provide a community benefit*
- ▶ *New Downtown Specific Plan overlay identifies where additional requirements in the Downtown Specific Plan apply.*
- ▶ *Conditional Zoning (C) overlay is eliminated.*
- ▶ *The Commercial Use Overlay Zone is eliminated as the entirety of the Morgan Hill Plaza shopping center will be rezoned to allow for commercial uses.*

Part 3 – General Regulations

Part 3 contains standards that apply to development and uses in all zoning districts.

Chapter 18.44 Accessory Structures

Identifies size, location, and use requirements for accessory structures.

- ▶ *Existing Chapter 18.56 will be edited for clarity with accessory structure standards presented in tables and through diagrams where possible.*
- ▶ *Standards for fences and walls in existing Chapter 18.56 will be moved to Chapter 18.48.*

Chapter 18.48 Affordable Housing

Establishes procedures for the City to grant density bonuses and other incentives for the construction of affordable housing consistent with state density bonus law.

- ▶ *No substantive changes to existing Chapter 18.47 are anticipated.*

Chapter 18.48 Fences and Walls

Identifies the rules on the measurement of fence or wall height and establishes fence height and design standards for different zoning districts.

- ▶ *Existing Section 18.56.070 will be edited for clarity with fence and wall standards presented in tables and through diagrams.*

Chapter 18.52 Height and Setback Exceptions

Identifies permitted exceptions to maximum permitted structure height and allowed projections into required setback areas.

Chapter 18.56 Historic Resources

Establishes regulations and procedures for the designation of historic features and modifications to historic features.

- ▶ *Existing Chapter 18.75 (Historical Resources) will be edited for clarity. No major substantive changes are anticipated.*

Chapter 18.60 Landscaping

Establishes landscaping standards to address aesthetics, water conservation, air quality, and natural resource protection. This chapter will consolidate landscaping requirement into one chapter that are found in numerous chapters in the existing Zoning Code.

Chapter 18.64 Nonconforming Uses and Structures

Establishes rules for modifications to legal nonconforming land uses and structures.

- ▶ *Existing Chapter 18.58 (Nonconforming uses and structures) will be edited for clarity.*
- ▶ *Nonconforming adult business paragraph will be moved with other adult business regulations in Chapter 18.90.*

Chapter 18.68 Parking and Loading

Identifies the maximum number of required off-street parking spaces, parking area design standards, and other regulations relating to parking and loading on private property.

- ▶ *Required on-site parking standards in Chapter 18.50 will be modernized to reflect current parking demand for uses. Uses listed will be updated to reflect permitted uses in zoning districts.*
- ▶ *Parking lot landscaping standards will be added and detailed parking area surfacing standards will be removed.*
- ▶ *Expand allowed reductions to required on-site parking spaces if an applicant demonstrates spaces are not needed.*
- ▶ *Add bicycle parking standards.*
- ▶ *Address parking of commercial vehicles in residential zoning districts, parking for home occupations, and shared parking for multi-tenant centers.*

Chapter 18.72 Performance Standards

Establishes performance standards for air pollution, fire and explosive hazards, hazardous waste, noise, radioactive or electrical disturbances, smoke, and vibration.

- ▶ *Standards for specific uses in existing Chapter 18.48 that are not true performance standards (e.g., adult businesses, convenience markets) will be moved to Chapter 18.90.*

Chapter 18.76 Recreational Vehicle Parks.

Establishes standards for recreational vehicle parks.

- ▶ *Existing Chapter 18.49 will be revised so that the City does not impose regulations on mobile home parks which are preempted by the Mobile Home Parks Act. Examples of regulations preempted by the Mobile Home Parks Act include frequency of Title 25 inspections, correction of Title 25 deficiencies, paving of driveways and roadways, lot size, interior park setbacks, interior park walls and fences, landscaping, and utilities. Cities can regulate location of mobile home parks, permitted land uses, number of parking spaces, signage, and perimeter walls and fences.*

Chapter 18.80 Residential Design Standards

Identifies mandatory design standards for all residential development. Standards will address subdivision design, neighborhood form, lot layout and configuration, site design, and building design.

- ▶ *This chapter will establish basic minimum requirements for quality residential design. Design that exceeds minimum requirements will be encouraged through the RDCS competition.*
- ▶ *Residential design standards will reflect the Morgan Hill Architectural Review Handbook and existing RDCS competition criteria.*
- ▶ *This chapter will address the design issues in policies following General Plan Goal CNF-11.*

Chapter 18.84 Secondary Dwelling Units

Establishes standards for secondary dwelling units on lots with a single-family dwelling.

- ▶ *As required by Housing Element Action 1k-6, existing Chapter 18.88 (Secondary Dwelling Units) may be revised to reduce impacts from second units on adjacent properties and remove barriers to providing additional secondary dwelling units as affordable housing in Morgan Hill.*

Chapter 18.88 Signs

Identifies standards for the size, location, general design of signs, and permit requirements to install business identification signage.

- ▶ *Existing Chapter 18.76 (Signs) will be made more focused and concise with extraneous details removed.*
- ▶ *The revised sign ordinance will focus on the most critical issues and eliminate unnecessary requirements and procedures.*
- ▶ *The sign ordinance will comply with the recent Reed v. Town of Gilbert U.S. Supreme Court decision where the Court found that an Arizona town had violated the First Amendment by placing limits on the size of signs announcing church services.*

Chapter 18.90 Special Land Use Regulations

Establishes supplemental regulations for specific land uses. Land uses addressed in this section include adult businesses, convenience markets, home occupations, cottage food operations, mini-storage facilities, drive-through facilities, emergency shelters, interim uses in the Mixed Use Flex zoning district, and other uses.

Chapter 18.94 Wireless Communication Facilities

Establishes rules for the approval and operation of wireless communication facilities.

- *This is a new chapter to codify existing practices for the approval of wireless communication facilities consistent with federal regulation.*

PART 4 – Zoning Code Administration, Permits, and Approvals

Part 4 establishes requirements and procedures for issuing permits and administering the Zoning Code.

Chapter 18.98 Administrative Responsibility

Describes the authority and responsibilities of the City Council, Planning Commission, and Community Development Director in the administration of the Zoning Code.

Table 7: Administrative Responsibility

Type of Action	Role of Authority [1]		
	Community Development Director	Planning Commission	City Council
Legislative Actions			
Development Agreements	Recommend	Recommend	Decision
Zoning Code Amendments	Recommend	Recommend	Decision
Permits			
Administrative Use Permits	Decision	Appeal	Appeal
Design Permits	Recommend	Decision	Appeal
Administrative Design Permit	Decision	Appeal	Appeal
Historic Alteration Permit	Decision	Appeal	Appeal
Historic Demolition or Relocation Permit	Recommend	Decision	Appeal
Conditional Use Permits	Recommend	Decision	Appeal
Sign Permits	Decision	Appeal	Appeal
Temporary Use Permit	Decision	Appeal	Appeal
Zoning Permits	Decision	Appeal	Appeal
Other Approvals			
Minor Exceptions	Approve	Appeal	Appeal
Planned Development Master Plan	Recommend	Approve	Appeal

Type of Action	Role of Authority [1]		
	Community Development Director	Planning Commission	City Council
Reasonable Accommodations	Decision	Appeal	Appeal
Variances	Recommend	Approve	Appeal

Notes:

[1] "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority shall consider and decide upon appeals to the decision of an earlier decision-making body

- ▶ *The Commercial Administrative Use Permit is no longer needed as the entirety of the Morgan Hill Plaza shopping center will be rezoned to allow commercial uses*
- ▶ *Non-retail uses in the Ground Floor Overlay District, currently allowed with a Downtown Administrative Use Permit, will be approved with a multi-purpose Administrative Use Permit. Chapter 18.90 (Special Use Regulations) will contain special findings for approval of non-retail uses in the ground floor overlay district.*
- ▶ *The Interim Use Permit is no longer used and will be eliminated.*

Chapter 18.102 Common Permit Requirements

Establishes requirements that apply to all permits and approvals, including authority to file applications, submittal requirements, fees, application review, determination of completeness, simultaneous processing of applications, staff reports and recommendation, public notice, public hearings, effective dates for approvals and decisions, changes to approved projects, resubmittals, permit revocation or modifications, and permit expiration.

Chapter 18.106 Specific Permit Requirements

Establishes findings and other requirements specific to permits and approvals in Table 7 above.

Chapter 18.112 Appeals and Calls for Review

This chapter provides procedures for the appeal and calls for review of decisions made by the Planning Director and Planning Commission.

Chapter 18.116 Development Agreements

Establishes procedures and requirements for establishing development agreements between an applicant and the City.

- ▶ *Existing Chapter 18.80 will be revised to remove references to Redevelopment Agency and will be reviewed to ensure compliance with state law governing development agreements.*

Chapter 18.120 Enforcement

Establishes responsibility for enforcement of Zoning Code and procedures for responding to violations.

- ▶ *Existing Chapter 18.68 will be revised to establish a stronger connection to enforcement provisions in Municipal Code Title 1 (General Provisions).*

Zoning Code Part 5 – Definitions

Part 5 defines specialized terms in the Zoning Code.

Chapter 18.124 Glossary

This chapter defines terms used in the Zoning Code that are technical or specialized, or which may not reflect common usage. Definitions in the existing Zoning Code will be modernized to reflect current development and land use practices. All land use categories listed in Part 2 will be defined.

DIVISION 2: DEVELOPMENT AND CONSERVATION CODE

Division 2 contains land use requirements that are administered differently from the requirements in Division 1 (Zoning Code).

Chapter 18.128: Flood Damage Prevention

Establishes standards to minimize exposure to flood hazards consistent with federal flood insurance requirements.

- *Existing Chapter 18.42 will be updated to reflect current FEMA flood hazard planning requirements.*

Chapter 18.132 - Habitat Plan

Implements the Santa Clara Valley Habitat Plan and the associated implementing agreement and Take permits.

- *Existing Chapter 18.69 will be edited for clarity and style. No major substantive changes to existing Chapter 18.69 are anticipated.*

Chapter 18.136 – CEQA Guidelines

Establishes procedures and requirements for the administration of the California Environmental Quality Act (CEQA).

- *Existing Chapter 18.70 will be edited for clarity and style. No major substantive changes to existing Chapter 18.70 are anticipated.*

Chapter 18.140 - Post Construction Stormwater Pollution Prevention

Establishes minimum stormwater management requirements and controls in compliance with applicable provisions of the Federal Clean Water Act and any National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits issued to the City of Morgan Hill.

- *Existing Chapter 18.71 will be edited for clarity and style. No major substantive changes to existing Chapter 18.71 are anticipated.*

Chapter 18.144 - School Impaction

Establishes a process and requirements for the City to mitigate impacts from new development when the Morgan Hill Unified School District finds that overcrowding exists within the district which impairs the normal functioning of educational programs.

- ▶ *Existing Chapter 18.72 will be edited for clarity and style. No major substantive changes to existing Chapter 18.72 are anticipated.*

Chapter 18.148 - Water Conservation in Landscaping

Establishes requirements to reduce water waste in landscaping by promoting the use of region-appropriate plants that require minimal supplemental irrigation, and by establishing standards for irrigation efficiency consistent the California Water Conservation in Landscaping Act.

- ▶ *Existing Chapter 18.73 will be amended to reflect recent changes to the California Water Conservation in Landscaping Act in response to current drought conditions.*

DIVISION 3: RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDSCS)

The updated RDSCS is currently under review by the Planning Commission and City Council. A public review draft of the updated RDSCS will be released in January 2016.