

## **ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING FROM D R-3 TO D-R-2/PD AND ADOPT A PRECISE DEVELOPMENT PLAN FOR A PROJECT CONSISTING OF EIGHT TOWNHOUSE UNITS, TWO SINGLE FAMILY ATTACHED UNITS, THREE SINGLE FAMILY DETACHED UNITS AND THE RETENTION OF AN EXISTING SINGLE FAMILY HOME ON A 1.41 ACRE SITE. THE PROPERTIES, IDENTIFIED BY ASSESSOR PARCEL NUMBER(S) 767-08-035, 036, 037, 038 ARE LOCATED ON THE NORTH SIDE OF WEST DUNNE AVENUE APPROXIMATELY 115 FEET WEST OF MONTEREY ROAD.**

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

- SECTION 1.** Establishment of a PD zoning overlay on a 1.41 acre site located on the north side of West Dunne Avenue, 115 feet west of the Monterey Road and Dunne Avenue intersection.
- SECTION 2.** 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 Downtown Specific Plan, Zoning Ordinance, and the General Plan 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 3.** With the exception of the variations approved as part of the PD Overlay Zoning and precise development plan, the project shall comply with the site development standards of the underlying D R-2 Zoning District.
- SECTION 4.** Approval of a zoning amendment to establish a PD Overlay Zoning District for the Henken Oaks project is based on the following findings:
- a. The project furthers the concept of a Downtown village through intensifying residential density but also preserves the small scale residential feel.
  - b. The project helps preserve water quality, biological habitat and reduced flooding by providing a 50 buffer along West Little Llagas Creek; and
  - c. The project strengthens Downtown's identity and scale with new design that relates to the existing downtown character; and
  - d. The project is preserving two locally significant historic structures and heritage size oaks.

- e. The project preserves a 20 foot wide public access easement along its entire eastern boundary adjacent to the creek allowing for future pathway development consistent with the goals of the Downtown Specific Plan.

**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 this ordinance. The custodian of the documents or other material which constitute the record shall be the Community Development Department.

**SECTION 6.** The City Council hereby approves amendment to the official zoning map of the City of Morgan Hill as shown in the map attached hereto and made a part of this resolution, a zoning map entitled "Exhibit A – Map Showing Rezoning Lands of "Henken Development LLC". Planned Development (PD) Overlay District is consistent with the criteria specified in Chapter 18.30 of the Morgan Hill Municipal Code and the PD Overlay District provisions contained in the Downtown Specific Plan. The boundary of the PD designation is also shown on the attached Exhibit A.

**SECTION 7.** The City Council hereby approves of a precise development plan as contained in that certain series of revised documents date stamped September 9, 2016, on file at the Community Development Department, entitled "Henken Oak" prepared by D&Z Design Associates. 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. The approved variations permitted as part of the precise development plan approval is shown on the attached Exhibit B. The precise development plan is shown on attached Exhibit C.

**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 provided. 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 19th DAY OF OCTOBER 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**

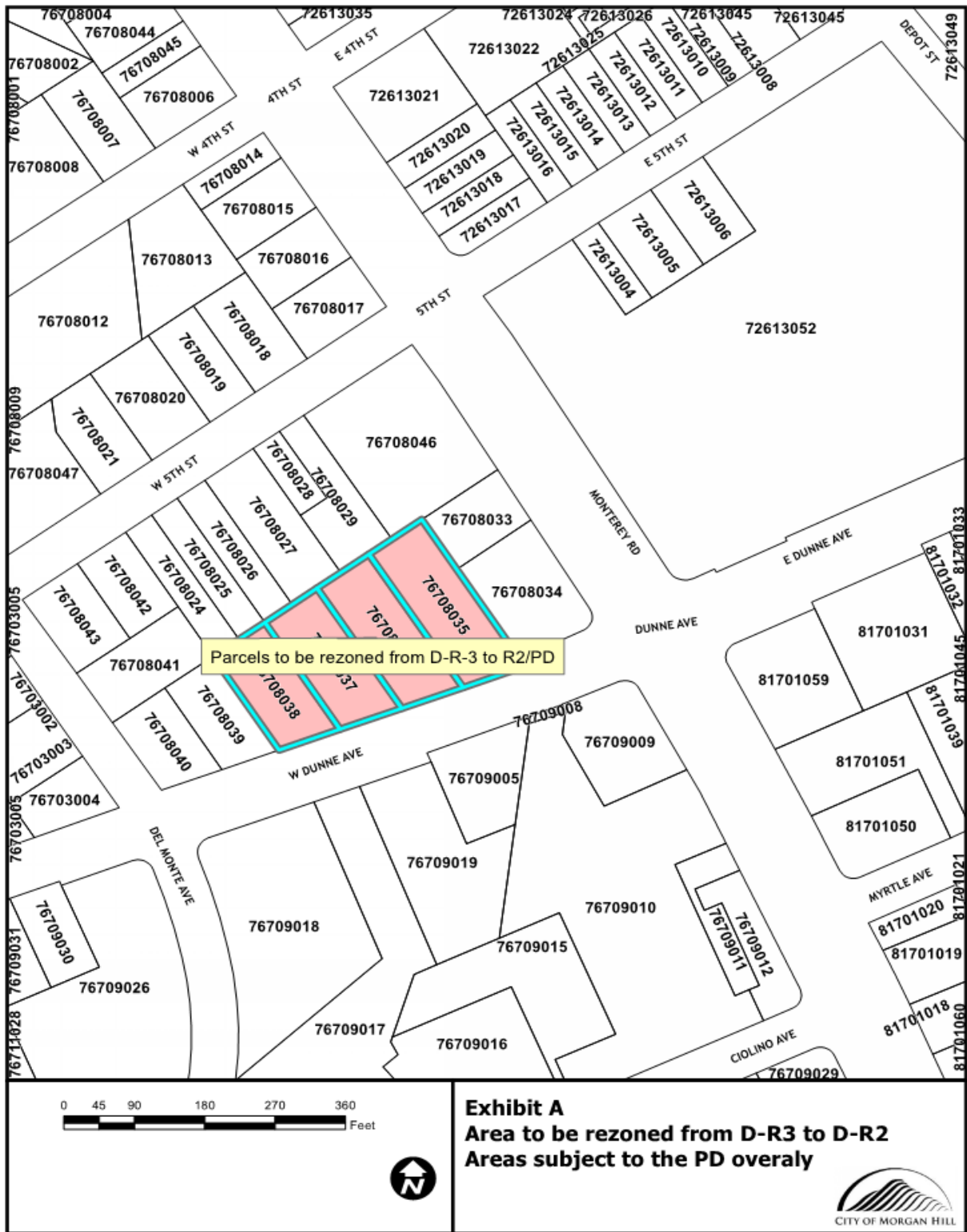
**⌘ CERTIFICATION ⌘**

**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**



# Standards for Medium Density Residential Development MHMC 18.29

## EXHIBIT B

### Townhouse Development Standards 18.29.050 (A)

Lot #	Lot Size Min. required: 1440 sq. ft. (w/ 25% reduction, 1080 sq. ft.)	Lot Width Min. required: 24 ft. (w/ 25% reduction, 18 ft.)	Lot Depth Min. required: 60 ft. (w/ 25% reduction, 45 ft.)	Front setback Min. required: 0	Side setback Min. required: 0	Rear setback Min. required: 0	Max lot coverage <b>55%</b> (w/25% increase, 69%)	FAR
1	2523/1984 (not including "existing hedge" area)	30	62	2	5/0	15	43	NA
2	1681	26	62	5	0/0	12	64	NA
3	1681	25	62	2	0/0	15	64	NA
4	2165	30	62	5	0/5	12	50	NA
5	2165	31	62	5	5/0	12	50	NA
6	1681	26	62	2	0/0	15	64	NA
7	1681	26	62	5	0/0	12	64	NA
8	2081	31	62	2	0/5	15	52	NA

### Single Family Detached 18.29.050 (A)

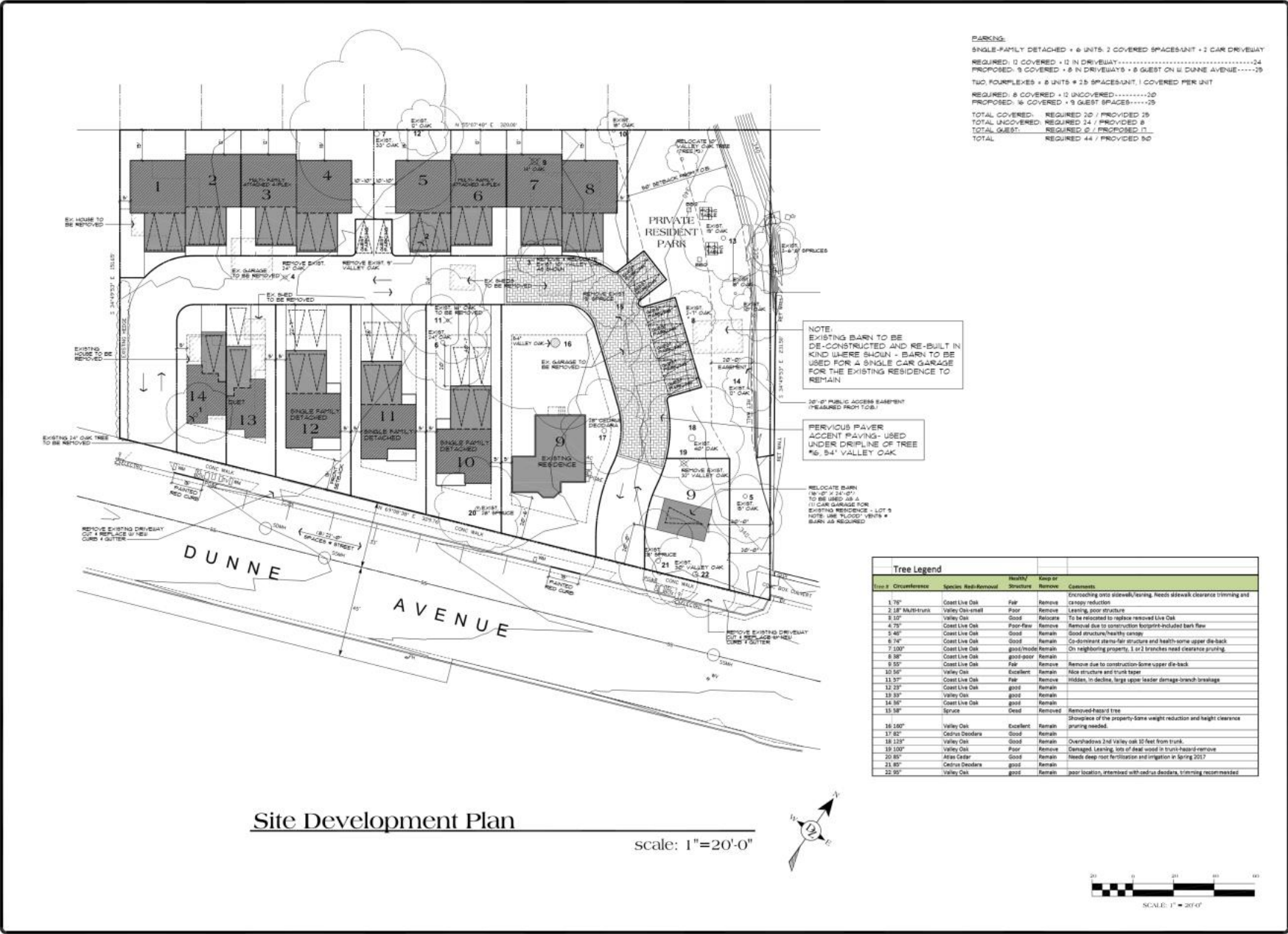
Lot #	Lot Size Min. required: 4500 sq. ft. (w/25% reduction, 3375 sq. ft.)	Lot Width Min. required: 40ft. (w/25% reduction, 30ft.)	Lot Depth Min. required: 80 ft. (w/25% reduction, 60ft.)	Front Setback Min. required: 15ft.	Side Setback Min. required: 4ft.	Rear Setback Min.required: 15ft	Max lot coverage 50%	MAX FAR 45%
9. Existing House	9640	47	112	20	5/15	55	11	
10. SFD	3973	38	109	19	5/5	40	29	
11. SFD	3631	38	103	19	5/5	28	32	
12. SFD	3290	38	89	15	5/5	22	36	

### Duet Development Standards 18.29.050 (A)

Lot #	Lot Size Min. required: 3000sq.ft. (w/25% reduction, 2250 sq. ft.)	Lot Width Min. required:30 ft. (w/ 25% reduction, 22.5 ft.)	Lot Depth Min. required: 85 ft. (w/ 25% reduction, 64 ft.)	Front Setback Min required: 10ft.	Side Setback Min required: 3/0 ft interior 6/0 ft. exterior	Rear Setback Min. required: 10ft.	Max lot coverage 50%	Max FAR 45%
13. Duet	1978	25	84	15	0/5	20	38	
14. Duet	1782	25	78	15	5/0	13	42	

XX = does not meet minimum development standard

XX = does not meet minimum development standard by more than 25%



NO. / DATE / REVISION

DESIGN ASSOCIATES, INC.

17205 HALE AVENUE, SUITE 117  
MORGAN HILL, CALIFORNIA 95037  
TEL: 408-776-7000 FAX: 408-776-7001  
WWW.DA-INC.COM

DRAWING TITLE

Site Development Plan

DRAWING NO.

17205 HALE AVENUE, SUITE 117

DATE

SEPT. 9, 2016

SCALE

1"=20'

PROJECT MANAGER

MI CHAMBERLAIN

DRAWN

GZ

JOB NO.

D2427

SHEET

A1