CITY OF MORGAN HILL

Regular Meeting Agenda

Planning Commission

LIAM DOWNEY	-	*CHAIR*
PAUL LAKE	-	*VICE-CHAIR*
MOHAMMAD HABIB	-	*PLANNING COMMISSIONER*
MALISHA KUMAR	-	*PLANNING COMMISSIONER*
JAMES WILSON	-	*PLANNING COMMISSIONER*
JOSEPH MUELLER	-	*PLANNING COMMISSIONER*
WAYNE TANDA	-	*PLANNING COMMISSIONER*

Tuesday, December 10, 2024 7:00 PM

Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037

MEETING PARTICIPATION

Morgan Hill Planning Commission meetings are held in person. The community may attend in person or via Zoom (video/teleconference). The meetings are also live-streamed on the City's website, Facebook page, and Channel 17.

Those wishing to participate in the meetings remotely must register in advance at https://bit.ly/PlanningCommissionMtg. Additionally, Zoom participants must be running the latest version or will be required to update to the latest version before being able to join the meeting remotely.

Remote participation is also available by calling (669) 900-9128 and entering webinar id: 862 0324 6251#. Dial *9 to raise your hand, and be called upon to speak for up to 3 minutes. Dial *6 to unmute.

As a courtesy, and technology permitting, for members who attend online, the City cannot guarantee that the public's access to online technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Ralph M. Brown Act, the meeting will continue despite technical difficulties for participants using the online option.

PUBLIC COMMENT

Public comment may be offered verbally at the meeting or in writing before the meeting.

Those attending remotely may only offer public comment for items on the agenda in any of these three categories:

- Consent Calendar
- Other Business
- Public Hearings

Public comment will be heard from those attending in person first with the submission of a speaker card. Once that is complete, we will move to those on Zoom that have their hand raised. Following public comment from Zoom, we will close the public comment period for that item.

Remote public comment for items not on the agenda will not be accepted.

Written public comment may be submitted to the Planning Office:

- In person at the Planning Commission Meeting;
- Via email to pcpubliccomment@morganhill.ca.gov; or
- Hand delivered or mailed to the Planning Division at 17575 Peak Avenue, Morgan Hill, CA 95037

Please email your comments to the Planning Office no later than 3:00 p.m. on Monday (the day before the Planning Commission meeting) so that your comments can be submitted to the members of the Planning Commission with sufficient time to review them. You may continue to provide written comments up to noon on Tuesday (the day of the meeting), although Planning Commissioners may not have sufficient time to review them before the meeting. Public comments submitted to the Planning Division after noon (12:00 p.m.) the day of the meeting will be provided to the Planning Commission as time allows.

Written comments WILL NOT be read aloud during the Planning Commission Meeting. Please note that written comments are posted on the City's website. It is recommended that you do not include any personal information that you do not want to be posted on the web. Please be advised that communications directed to the Planning Commission are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications will NOT be edited for redactions and will be printed/posted as submitted.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the Planning Office at (408) 310-4709 or by email at planning@morganhill.ca.gov. Requests must be made as early as possible and at least two full business days before the start of the meeting.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION Of POSTING
Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT
Members of the public are entitled to address the Planning Commission concerning any item within the Morgan Hill Planning Commission's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the Commission is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ORDERS OF THE DAY

CONSENT AGENDA

1. **SEPTEMBER 24, 2024 MEETING MINUTES**
   Recommendation:

   1. Accept the September 24, 2024 Meeting Minutes

PUBLIC HEARINGS

2. **MUNICIPAL CODE TEXT AMENDMENT (ZA2024-0002) AMENDING CHAPTER 12.32 (RESTRICTIONS ON REMOVAL OF SIGNIFICANT TREES) WITHIN TITLE 12 (STREET, SIDEWALKS AND PUBLIC PLACES) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL AND VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING REPRODUCTIVE HEALTH COMMUNITY CLINICS BY-RIGHT TO COMPLY WITH ASSEMBLY BILL 2085; UPDATES TO ACCESSORY DWELLING UNIT PROVISIONS TO COMPLY WITH SENATE BILL 477 AND SENATE BILL 1211; UPDATES TO PARKING PROVISIONS TO COMPLY WITH ASSEMBLY BILL 2097; AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES**
   Recommendation:

1. Open/close the public hearing; and
2. Adopt Resolution recommending City Council approval of the Zoning Amendment.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the Planning Commission less than 72 hours prior to an open meeting, will be made available for public inspection at the front counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the Planning Commission concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Planning Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Planning Commission, but it is very helpful. When you are called, proceed to the podium and the Chair will recognize you. If you wish to address the Planning Commission on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the Planning Commission.

Persons interested in proposing an item for the Planning Commission agenda should contact a member of the Commission who may plan an item on the agenda for a future Commission meeting. Should your comments require Planning's action, your request may be placed on the next appropriate agenda. Planning Commission discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that

any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the Commission, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of Commission Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

CITY OF MORGAN HILL

Meeting Minutes

Planning Commission

LIAM DOWNEY - CHAIR
PAUL LAKE - VICE-CHAIR
MOHAMMAD HABIB - PLANNING COMMISSIONER
MALISHA KUMAR - PLANNING COMMISSIONER
JAMES WILSON - PLANNING COMMISSIONER
JOSEPH MUELLER - PLANNING COMMISSIONER
WAYNE TANDA - PLANNING COMMISSIONER

Tuesday, September 24, 2024 7:00 PM

Council Chambers
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

Chair Downey called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Minutes Clerk Luna called the attendance at 7:00 p.m.

PRESENT	Liam Downey, Paul Lake, Mohammad Habib, Malisha Kumar, James Wilson, Joseph Mueller
EXCUSED	Wayne Tanda

DECLARATION Of POSTING

Minutes clerk Luna declared the posting of the Agenda 7:00 p.m.

PLEDGE OF ALLEGIANCE

Planning Commissioner Kumar led the Pledge of Allegiance at 7:02 p.m.

PUBLIC COMMENT

Chair Downey opened the public comment period at 7:02 p.m. Hearing no requests to speak, the public comment period was closed.

ORDERS OF THE DAY

There were no changes made.

PUBLIC HEARINGS

1. **ZA2021-0001/EA2018-0016: New Horizons (Hill-Morgan Hill Devco): Request for a Planned Development and Master Plan for 320 new residential lots of varying sizes on a 69.4-acre site located on the northwest quadrant of Hill Road and Barrett Avenue identified by APN 817-20-031. CEQA: Environmental Impact Report.**

   Recommendation:

   1. Open/close the public hearing;
   2. Adopt a Resolution recommending the City Council certify the Environmental Impact Report (EIR), approve the Mitigation Monitoring and Reporting Program prepared for the project, and adopt Findings of Fact and Statement of Overriding Considerations; and
   3. Adopt a Resolution recommending approval of the Planned Development with Standards for IHO consistency and approve a zoning amendment to create a Planned Development Combining District with Master Plan; or
   4. Adopt a Resolution recommending denial of the proposed zoning amendment for a Planned Development and associated Master Plan.

   Senior Planner, Tiffany Brown presented the Staff Report at 7:03 p.m.

   Planning Commissioner Mueller and Chair Downey noted they had ex parte communications with the Applicant prior to the meeting at 7:28 p.m.

   Assistant City Manager for Community Development, Edith Ramirez, addressed the Planning Commission's questions at 7:29 p.m.

   Chair Downey opened the Public Hearing at 7:48 p.m. The following individuals addressed the Planning Commission:

   - Rocke and Glenda Garcia, Applicants
   - Ross Doyle
   - Darcy Foster
   - Francis "Frank" Columbus
   - Oleksii Tymoshenko
   - Keith Kraten
   - Abbie Serrano

- Liz Panetta Melone
- Marc Trouard-Riolle
- Kelvin Thomas
- Brian C

Hearing no further requests to speak, the public hearing was closed.

The Planning Commission meeting recessed at 8:26 p.m.
The Planning Commission meeting reconvened at 8:35 p.m.

Chair Downey re-opened the Public Hearing to allow the applicant to address comments at 8:36 p.m.

- Glenda and Rocke Garcia

Chair Downey closed the Public Hearing at 8:39 p.m.

Environmental Consultant, Akoni Danielson, with David J. Powers, addressed the Planning Commission's questions at 8:49 p.m.

Deputy Director for Engineering, Scott Creer, addressed the Planning Commission's questions at 8:52 p.m.

Environmental Consultant, Akoni Danielson, with David J. Powers, addressed the Planning Commission's questions at 8:57 p.m.

MOTION:
Adopt a Resolution recommending the City Council certify the Environmental Impact Report (EIR), approve the Mitigation Monitoring and Reporting Program (MMRP), and adopt Findings of Fact and Statement of Overriding Considerations.

RESULT:	Passed
MOVER:	Planning Commissioner Mueller
SECONDER:	Planning Commissioner Lake
AYES:	Chair Downey, Vice Chair Lake, Planning Commissioner Kumar, Planning Commissioner Mueller
NAYS:	Planning Commissioner Habib, Planning Commissioner Wilson
ABSTAIN:	None
ABSENT:	Planning Commissioner Tanda

MOTION:
Adopt a Resolution recommending approval of the Planned Development with Standards for IHO consistency and approve the zoning amendment to create a

Planned Development with a modification to Exhibit A, Section 3, omit the sentence: "In response to the City's Housing Element's recognition of this area as a Racially Concentrated Area of Affluence (RCAA), the project will be required to construct the entirety of the BMR obligation and there will not be a 'fee out' option."

RESULT:	Passed
MOVER:	Planning Commissioner Mueller
SECONDER:	Vice Chair Lake
AYES:	Chair Downey, Vice Chair Lake, Planning Commissioner Habib, Planning Commissioner Kumar, Planning Commissioner Wilson, Planning Commissioner Mueller
NAYS:	None
ABSTAIN:	None
ABSENT:	Planning Commissioner Tanda

The Planning Commission meeting recessed at 9:44 p.m.
The Planning Commission meeting reconvened at 9:50 p.m.

2. SR2024-0003/EA2024-0001: Tennant - Ten South Acquisitions, Request for a Design Permit to allow for the construction of a rental project that consists of 259 multi-family attached residential units on an 11.26-acre site. The property, identified by Assessors Parcel Number 817-08-032, is located on the southeast corner of Butterfield Boulevard and Tennant Avenue at 740 Tennant Avenue.

Recommendation:

1. Open/Close the public hearing; and
2. Adopt a Resolution approving a Design Permit for a new residential project.

Development Services Director, Jennifer Carman presented the Staff Report at 9:51 p.m.

Chair Downey opened the Public Hearing at 10:01 p.m. The following individuals addressed the Planning Commission:

- Scott Canel, Applicant

MOTION:
Extend the meeting to 10:45 p.m.

RESULT:	Passed

MOVER:	Planning Commissioner Mueller
SECONDER:	Planning Commissioner Habib
AYES:	Chair Downey, Vice Chair Lake, Planning Commissioner Habib, Planning Commissioner Kumar, Planning Commissioner Wilson, Planning Commissioner Mueller
NAYS:	None
ABSTAIN:	None
ABSENT:	Planning Commissioner Tanda

The Public Hearing Continued at 10:14 p.m. The following individuals addressed the Planning Commission:

- Ruben Galvan
- Shawn Hobbs
- Scott Canel

Hearing no further requests to speak, Chair Downey closed the Public Hearing.

MOTION:
Adopt a Resolution approving a Design Permit for a new residential project.

RESULT:	Passed
MOVER:	Planning Commissioner Mueller
SECONDER:	Planning Commissioner Willson
AYES:	Chair Downey, Vice Chair Lake, Planning Commissioner Habib, Planning Commissioner Kumar, Planning Commissioner Wilson, Planning Commissioner Mueller
NAYS:	None
ABSTAIN:	None
ABSENT:	Planning Commissioner Tanda

3. MISC2024-0004: CONSIDER AN ORDINANCE TO AMEND THE CITY OF MORGAN HILL SPECIFIC PLAN DELETING THE CONDITIONAL USE PERMIT REQUIREMENT FOR BARS ASSOCIATED WITH A RESTAURANT

Recommendation:

1. Open/close public hearing; and
2. Adopt resolution recommending City Council approval of the amendment

to the Specific Plan.

Assistant City Attorney, Cynthia Hasson, presented the Staff Report at 10:26 p.m.

Chair Downey opened the Public Hearing at 10:28 p.m. Hearing no requests to speak, the Public Hearing was closed.

MOTION:
Adopt a Resolution recommending City Council approval of the amendment to the Specific Plan

RESULT:	Passed
MOVER:	Planning Commissioner Mueller
SECONDER:	Planning Commissioner Wilson
AYES:	Chair Downey, Vice Chair Lake, Planning Commissioner Habib, Planning Commissioner Kumar, Planning Commissioner Wilson, Planning Commissioner Mueller
NAYS:	None
ABSTAIN:	None
ABSENT:	Planning Commissioner Tanda

DIRECTOR'S REPORT/ANNOUNCEMENTS

Development Services Director Jennifer Carman announced at 10:29 p.m. Assistant City Manager to Community Development Edith Ramirez made an announcement at 10:30 p.m.

ADJOURNMENT

There being no further business to discuss, Chair Downey adjourned the meeting at 10:36 p.m.

MINUTES PREPARED BY:
Jenna Luna, Minutes Clerk

CITY OF MORGAN HILL

PLANNING COMMISSION STAFF REPORT
MEETING DATE: December 10, 2024

PREPARED BY:
Adam Paszkowski, Principal Planner
APPROVED BY: Jennifer Carman

MUNICIPAL CODE TEXT AMENDMENT (ZA2024-0002) AMENDING CHAPTER 12.32 (RESTRICTIONS ON REMOVAL OF SIGNIFICANT TREES) WITHIN TITLE 12 (STREET, SIDEWALKS AND PUBLIC PLACES) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL AND VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING REPRODUCTIVE HEALTH COMMUNITY CLINICS BY-RIGHT TO COMPLY WITH ASSEMBLY BILL 2085; UPDATES TO ACCESSORY DWELLING UNIT PROVISIONS TO COMPLY WITH SENATE BILL 477 AND SENATE BILL 1211; UPDATES TO PARKING PROVISIONS TO COMPLY WITH ASSEMBLY BILL 2097; AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES

RECOMMENDATION(S)

1. Open/close the public hearing; and
2. Adopt Resolution recommending City Council approval of the Zoning Amendment.

LOCATION MAP/PROJECT INFORMATION:

N/A

BACKGROUND:

On June 15, 2016, the City Council adopted Ordinance No. 2205 N.S., amending Chapter 12.32 (Restrictions on Removal of Significant Trees) of Title 12 – Streets, Sidewalks and Public Places in its entirety.

On June 6, 2018, the City Council adopted Ordinance No. 2277 N.S., a comprehensive update of Title 18 – Zoning of the City of Morgan Hill Municipal Code. The update included an amendment to the City's official zoning map consistent with the Morgan Hill 2035 General Plan.

On December 18, 2019, the City Council adopted Ordinance No. 2313 N.S. to update Chapter 18.84 (Accessory Dwelling Units) of Title 18 (Zoning) to implement changes to accessory dwelling units (ADUs) pursuant to Assembly Bill 68, Assembly Bill 881, and Senate Bill 13.

PROJECT DESCRIPTION:

Following the implementation of the above-referenced ordinances, staff has found several clerical errors, inconsistencies between sections, and the need to update certain portions of the Municipal Code to implement recent Senate and Assembly Bills to allow reproductive health community clinics by-right to comply with Assembly Bill 2085, updates to Accessory Dwelling Unit provisions to comply with Senate Bill 477 and Senate Bill 1211, and updates to parking provisions pursuant to Assembly Bill 2097 to not impose or enforce any minimum automobile parking requirement on residential, commercial, or other development projects if the project is located within one-half mile of public transit. In addition, staff has proposed various other minor amendments throughout the Code to provide further clarification or to expand on certain topics within the Code. The purpose of the

proposed Ordinance is to correct these issues. Staff regularly brings forward bundles of minor amendments as necessary to enhance, correct and/or refine the Code.

The following major amendments to the Municipal Code are proposed:

- Chapter 12.32 (Restrictions on Removal of Significant Trees) of Title 12 (Streets, Sidewalks and Public Places) is proposed to be renamed as the Protected and Significant Trees Chapter. Text within the Code is proposed to be revised to update language, provide internal consistency, and to be consistent with the Tree Removal Application process.
- Section 18.12.080 (Setbacks) of Chapter 18.12 (Rules of Measurement) is proposed to be amended to clarify definitions for setbacks and revising figures, thereby reducing interpretation by staff.
- Table 18.18-2 (Residential Attached Low Density Development Standards) and Table 18.18-3 (Residential Attached Medium Density and High Density Development Standards) within Section 18.18.030 (Development Standards) of Chapter 18.18 (Residential Attached Zoning Districts), as well as Table 18.40-2 (Medium Density Residential Development Standards) within Section 18.40.050 (Development Standards) of Chapter 18.40 (Alternative Standards for Medium Density Residential Development), are proposed to be modified to clarify that a zero-foot setback is acceptable for Duets along the property line on the shared building wall.
- Table 18.22-2 (Development Standards in Mixed Use Zoning Districts) within Section 18.22.040 (Development Standards) of Chapter 18.22 (Mixed Use Zoning Districts) is proposed to be amended to eliminate the 0.5 Floor Area Ratio (FAR) and the 50% maximum building coverage requirements for the Mixed Use Flex (MU-F) zoning district to comply with the proposed amendments to the General Plan eliminating the FAR and density range for the Mixed Use Flex land use designation that the Commission recommended approval of at their August 27, 2024 meeting.
- Table 18.24-1 (Permitted Land Uses in the Commercial Zoning Districts) within Section 18.24.020 (Land Use Regulations) of Chapter 18.24 (Commercial Zoning Districts) is proposed to be amended to allow Reproductive Health Community Clinics by-right consistent with Government Code Section 65914.900 to comply with Assembly Bill 2085 within the Highway Commercial (CH) and Special Commercial (CS) zoning districts; in addition, a new land use for Cat Café's is proposed by-right within the General Commercial (CG) zoning district.
- Table 18.29-2 (Permitted Land Uses in the Form-Based Zoning Districts) within Section 18.29.070 (Land Use Standards) of Chapter 18.29 (Monterey Corridor Form-Based Code) is also proposed to be amended to allow Cat Café's by-right within the Neighborhood Form-Based (FB-N), Corridor Form-Based (FB-C), and Urban General Form-Based (FB-UG) zoning districts.
- Subsection G is proposed to be added to Section 18.72.030 (Required Parking Spaces) of Chapter 18.72 (Parking and Loading) pursuant to Assembly Bill 2097 to not impose or enforce any minimum automobile parking requirement on residential, commercial, or other development projects if the project is located within one-half mile of public transit.
- Chapter 18.84 (Accessory Dwelling Units) proposes updates to Accessory Dwelling Unit provisions to comply with Senate Bill 477 and Senate Bill 1211 to allow up to eight detached accessory dwelling units on lots with existing multifamily dwellings, among other minor revisions.
- Subsection G of Section 18.88.020 (Definitions) of Chapter 18.88 (Signs) is proposed to be amended to provide definitions for Feather Signs and Political Signs.
- Subsection A of Section 18.88.040 (Signs Allowed Without Permits) of Chapter 18.88 (Signs) is proposed to be amended to allow one A-Frame Sign for each commercial business location per street frontage as long as the sign does not obscure or visually impair vehicular traffic, placed within the right-of-way/publicly owned property, or affect access to a structure. This Subsection also allows up to three feather signs for thirty days after the initial

opening of a business or housing development. The amendments to this subsection also clarify that Political Signs related to a scheduled election are allowed without a permit.

- Subsection C of Section 18.88.120 (Temporary Signs) of Chapter 18.88 (Signs) clarifies that temporary political signs may be erected 90 days prior to the scheduled election and removed within ten days after the election. Table 18.88-3: Temporary Sign Duration Standards establishes the maximum duration that various signs may be erected during a twelve-month period.
- The Medical Offices and Clinics definition listed within Subsection L of Section 18.124.030 (Public and Quasi-public Uses) of Chapter 18.124 (Land Use Definitions) is proposed to be amended to include reproductive health community clinics, consistent with Assembly Bill 2085.
- A definition for Cat Café is proposed within Subsection B (Animal-Related Uses) of Section 18.124.040 (Commercial Uses) of Chapter 18.124 (Land Use Definitions) of which it is proposed to be defined as an establishment whose principal business includes a restaurant/café at which cats may be adopted by patrons during normal business hours and boarded during off-business hours with a maximum of twenty (20) cats permitted at any time on the premises.
- Subsection A of Section 18.152.030 (Definitions) of Chapter 18.152 (Agricultural Mitigation) is proposed to be updated to refer to the current map of the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland instead of the 2010 FMMP map.

Complete details of the proposed amendments are provided in the Draft Ordinance.

PROJECT ANALYSIS AND FINDINGS:

ANALYSIS

The proposed Zoning Amendment has been analyzed with respect to consistency with the: 1) General Plan and 2) Zoning Ordinance.

1. General Plan Land Use Consistency

The proposed amendments are consistent with the General Plan as the amendments allow reproductive health community clinics by-right to comply with Assembly Bill 2085, provide updates to Accessory Dwelling Unit provisions to comply with Senate Bill 477 and Senate Bill 1211, provide updates to parking provisions pursuant to Assembly Bill 2097, provide further clarification or expand on certain topics within the Municipal Code and implement minor amendments due to clerical errors and inconsistencies.

2. Zoning Ordinance Consistency

The purpose of the Zoning Code is to implement the General Plan and to protect the public health, safety, and welfare. The City may approve a Zoning Amendment only if the following findings are made:

a. The proposed amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.

Consistent

The proposed text amendments are consistent with the General Plan in that it allows reproductive health community clinics by-right to comply with Assembly Bill 2085, provides updates to Accessory Dwelling Unit provisions to comply with Senate Bill 477 and Senate Bill 1211, and provides updates to parking provisions pursuant to Assembly Bill 2097 to not impose or enforce any minimum automobile parking requirement on residential, commercial, or other development projects if the

project is located within one-half mile of public transit. In addition, the proposed text amendments provide further clarification or expand on certain topics within the Municipal Code and implement minor amendments due to clerical errors and inconsistencies.

b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

Consistent
The proposed text amendments consist of allowing reproductive health community clinics by-right to comply with Assembly Bill 2085, providing updates to Accessory Dwelling Unit provisions to comply with Senate Bill 477 and Senate Bill 1211, providing updates to parking provisions pursuant to Assembly Bill 2097, providing further clarification or expand on certain topics within the Municipal Code, and implementing minor amendments due to clerical errors and inconsistencies, and, therefore, will not be detrimental to the City.

c. The proposed amendment is internally consistent with other applicable provisions of the zoning code.

Consistent
The proposed revisions will allow reproductive health community clinics by-right to comply with Assembly Bill 2085, provide updates to Accessory Dwelling Unit provisions to comply with Senate Bill 477 and Senate Bill 1211, provide updates to parking provisions pursuant to Assembly Bill 2097, provide further clarification or expand on certain topics within the Municipal Code and implement minor amendments due to clerical errors and inconsistencies, and, therefore, are internally consistent with the overall zoning code.

CONCLUSION:
Staff recommends the Planning Commission adopt the Resolution recommending City Council approval of the Zoning Amendment.

CEQA (California Environmental Quality Act):
This Ordinance is categorically exempt from environmental review under Section 15061(b)(3) of the State CEQA Guidelines. The proposed text amendments are covered by the common-sense exemption that CEQA applies only to projects which 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.

COMMUNITY ENGAGEMENT:
A 10-day public hearing notice was published in the Friday, November 29, 2024, edition of the Morgan Hill Times pursuant to Government Code Sections 65090-65096.

ATTACHMENTS:
1. Planning Commission Resolution
2. Draft Ordinance
3. Staff Presentation

RESOLUTION NO. 24-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF ZONING AMENDMENT ZA2024-0002: MUNICIPAL CODE AMENDMENT AMENDING CHAPTER 12.32 (RESTRICTIONS ON REMOVAL OF SIGNIFICANT TREES) WITHIN TITLE 12 (STREET, SIDEWALKS AND PUBLIC PLACES) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL AND VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING REPRODUCTIVE HEALTH COMMUNITY CLINICS BY-RIGHT TO COMPLY WITH ASSEMBLY BILL 2085; UPDATES TO ACCESSORY DWELLING UNIT PROVISIONS TO COMPLY WITH SENATE BILL 477 AND SENATE BILL 1211; UPDATES TO PARKING PROVISIONS TO COMPLY WITH ASSEMBLY BILL 2097; AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES

WHEREAS, this proposed Ordinance (Zoning Amendment ZA2024-0002) was considered by the Planning Commission of the City of Morgan Hill at its regular meeting of December 10, 2024;

WHEREAS, the Planning Commission has reviewed recommendations contained in the December 10, 2024, staff report on this item;

WHEREAS, the amendments proposed by this Ordinance are necessary to allow reproductive health community clinics by-right to comply with Assembly Bill 2085, provide updates to Accessory Dwelling Unit provisions to comply with Senate Bill 477 and Senate Bill 1211, provide updates to parking provisions pursuant to Assembly Bill 2097, provide further clarification or expand on certain topics within the Municipal Code and implement minor amendments due to clerical errors and inconsistencies;

WHEREAS, this ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, as the proposed text amendments to the Morgan Hill Zoning Code is not a project with potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis; and

WHEREAS, testimony received at a duly noticed public hearing, along with exhibits and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The proposed amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.

The proposed text amendments are consistent with the General Plan in that it allows reproductive health community clinics by-right to comply with Assembly Bill 2085, provides updates to Accessory Dwelling Unit provisions to comply with Senate Bill 477 and Senate Bill 1211, and provides updates to parking provisions pursuant to Assembly Bill 2097 to not impose or enforce any minimum automobile parking requirement on residential, commercial, or other development projects if the project is located within one-half mile of public transit. In addition, the proposed text amendments provide further clarification or expand on certain topics within the Municipal Code and implement minor amendments due to clerical errors and inconsistencies.

SECTION 2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed text amendments consist of allowing reproductive health community clinics by-right to comply with Assembly Bill 2085, providing updates to Accessory Dwelling Unit provisions to comply with Senate Bill 477 and Senate Bill 1211, providing updates to parking provisions pursuant to Assembly Bill 2097, providing further clarification or expand on certain topics within the Municipal Code, and implementing minor amendments due to clerical errors and inconsistencies, and, therefore, will not be detrimental to the City.

SECTION 3. The proposed amendment is internally consistent with other applicable provisions of the zoning code.

The proposed revisions will allow reproductive health community clinics by-right to comply with Assembly Bill 2085, provide updates to Accessory Dwelling Unit provisions to comply with Senate Bill 477 and Senate Bill 1211, provide updates to parking provisions pursuant to Assembly Bill 2097, provide further clarification or expand on certain topics within the Municipal Code and implement minor amendments due to clerical errors and inconsistencies, and, therefore, are internally consistent with the overall zoning code.

SECTION 4. The Planning Commission hereby recommends approval of changes to the text of the Morgan Hill Municipal Code amending various Code provisions within the Municipal Code which are shown by strike-out text for deletions and underline text for additions. All text amendments recommended to be made as shown in the attached draft ordinance.

PASSED AND ADOPTED THIS 10th DAY OF DECEMBER 2024, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: **COMMISSIONERS:**

NOES: **COMMISSIONERS:**

ABSTAIN: **COMMISSIONERS:**

ABSENT: **COMMISSIONERS:**

ATTEST: **APPROVED:**

_____ _____

JENNA LUNA, Deputy City Clerk **LIAM DOWNEY, Chair**

ORDINANCE NO. , NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING CHAPTER 12.32 (RESTRICTIONS ON REMOVAL OF SIGNIFICANT TREES) WITHIN TITLE 12 (STREET, SIDEWALKS AND PUBLIC PLACES) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL AND VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING REPRODUCTIVE HEALTH COMMUNITY CLINICS BY-RIGHT TO COMPLY WITH ASSEMBLY BILL 2085; UPDATES TO ACCESSORY DWELLING UNIT PROVISIONS TO COMPLY WITH SENATE BILL 477 AND SENATE BILL 1211; UPDATES TO PARKING PROVISIONS TO COMPLY WITH ASSEMBLY BILL 2097; AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES

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

Section 1. Chapter 12.32 (Restrictions on Removal of Significant Trees) of Title 12 (Streets, Sidewalks and Public Places) is hereby amended to read as follows:

Chapter 12.32 ~~RESTRICTIONS ON REMOVAL OF~~PROTECTED AND SIGNIFICANT TREES

12.32.010 Council determinations.

The city council finds and declares:

A. The intent of promoting the preservation and establishment of a diverse, abundant tree canopy in the city is vital to the health and character of the community. The existing and future trees and tree communities located in the city are a valuable and distinctive natural resource. The trees and tree communities of the city ~~augment~~ enhance the economic base through agricultural production, encouragement of tourism and ~~enhancement~~ enrichment of the living environment. ~~These resources are a major component of both the highly localized and area-wide environment.~~

B. The following environmental consequences are among those which could result from the indiscriminate removal or destruction of trees and tree communities in the city:

1. Modification of microclimates;

2. Change or elimination of animal habitat, possibly including habitats of endangered species;

3. Change in soil conditions, resulting in modified biological activity and erosion of soils;

4. Creation of increased susceptibility of flood hazards;

5. Increased risk of landslides;

6. Increased cost of construction and maintenance of drainage systems through increased flow and diversion of surface waters;

7. Degradation of the human habitat;

8. Loss of environmental benefits of trees in neighborhoods, such as noise reduction, oxygen replacement, carbon dioxide reduction, interception of particulates and aesthetic qualities; and/or

9. Potential for irreparable wind damage to adjacent trees.

C. The preservation and replacement of significant tree communities on private and public property is necessary to protect the ~~natural beauty~~ecology of the area~~, protect property values,~~ and prevent undesirable changes ~~in~~ to the natural and built environment.

D. It is necessary to enact the ordinance codified in this chapter for the reasons stated in this section and to promote the public health, safety, general welfare and prosperity of the city, while respecting and recognizing individual rights to develop, maintain and enjoy private property to the fullest possible extent, consistent with the public interest, convenience and necessity.

12.32.020 Definitions.

For the purposes of this chapter, the following words shall have the meaning ascribed to them in this section:

A. "Arborist" means any person certified in the professional care, examination, and maintenance of trees.

B. "City" means the city of Morgan Hill, California, acting by and through its authorized representatives.

~~B. "Community development director" means the community development director of the city, including his or her authorized or appointed representatives.~~

C. "Community of trees" means a group of trees of any size which are ecologically or aesthetically related to each other, with a combined canopy cover of more than ten percent, and that loss of such community ~~such that loss of several of them~~ would cause a significant

ecological, aesthetic, or environmental impact in the immediate area.

D. "Development services director" means the development services director of the city, including their authorized or appointed representatives.

E. "Diameter at breast height (DBH)" means the standard measurement for a tree trunk diameter, measured 4.5 feet above the average ground level.

F. "Native tree" means any tree which is native to the Morgan Hill region. Such trees include, but are not limited to, oaks (all types), California Bays, Madrones, Sycamore, and Alder.

G. "Nonnative tree" means any tree that is not native to the Morgan Hill region.

~~D~~H. "Person" means an individual, public agency, including the city and its departments, firms, associations, and corporations, and their employees, agents, or representatives.

~~E~~I. "Private property" means all property not owned by the city or any other public agency.

J. "Prohibited tree" means any trees that become liabilities due to structural weaknesses, disease or insect susceptibility, short life, destructive root systems, or requiring excessive watering or maintenance as defined in Chapter 12.28.050.

K. "Protected tree" means any native tree, significant tree, any tree designated for protecting during review and approval of a development project, public or street trees, and otherwise designated as significant status.

L. "Prune" means the selective removal or modification of twenty-five percent or more of the tree branches, roots, buds, or limbs in such a manner that impacts the structure of the tree.

M. "Public tree" means any tree located in any street, park, or public place or planted or maintained by the city.

~~F~~N. "Public property" means all property owned by the city, and any other city, county, city and county, special district, or other public agency in the incorporated area of the city.

~~G~~O. "~~Ordinance Sized~~Significant Tree" means any live woody plant rising above the ground with a single stem or trunk ~~of~~ a ~~circumference~~ diameter at breast height (DBH) of ~~forty~~ thirteen inches or more for ~~nonindigenous~~ nonnative tree species and ~~eighteen~~ a diameter at breast height (DBH) of six inches or more for ~~indigenous~~ native tree species ~~measured at four and one-half feet vertically above the ground or immediately below the lowest branch, whichever is lower, and having the inherent capacity of naturally producing one main axis continuing to grow more vigorously than the lateral axes~~. All commercial tree farms~~,~~ ~~nonindigenous tree species in residential zones~~ and orchards (including individual fruit trees) are exempted from the definition of tree for the purpose of this chapter.

~~H~~P. "Street Tree" is a tree, of any size, situated within the public street right-of-way or publicly accessible private street (e.g., trees within a landscape park strip), or within five feet of a

publicly accessible sidewalk adjacent to a public or private street in the case of a street without a landscape park strip.

~~I~~Q. "Trimming" means the removal of less than twenty-five percent of the canopy, including overgrown or obstructing branches from a tree to maintain the shape and health of the tree, and to protect nearby structures or utilities.

~~"Indigenous tree" means any tree which is native to the Morgan Hill region. Such trees include, oaks (all types), California Bays, Madrones, Sycamore, and Alder.~~

12.32.030 Permit—Required.

It is unlawful for any person to cut down, prune, remove, poison, or otherwise kill or destroy, or cause to be removed, any ~~ordinance sized~~protected tree, significant tree, street tree, public tree, or a community of trees on any ~~city~~ public or private property without first securing a permit as provided in this chapter; provided, however, that a permit shall not be required for commercial tree farms.~~the following:~~

~~A. Developments which have been reviewed and approved by the planning commission or community development director and the tree removal conforms with the landscape plans of those developments.~~

~~B. Commercial tree farms.~~

~~C. Non-indigenous trees within a single-family residential zoning district that do not qualify as street trees.~~

~~A permit shall otherwise be required for the removal of or pruning of which would reduce the canopy area by more than twenty-five percent of any trees as defined in subsection G. of Section 12.32.020 of this chapter.~~

12.32.040 Permit—Application.

Any person desiring to cut down, prune, remove, destroy, or cause to be removed any tree regulated in this chapter shall apply to the ~~community~~ development services department for a tree ~~cutting~~ removal permit ~~on forms~~application provided by the department. The application shall be accompanied by such drawings including a site plan, written material such as a statement of request, photographs, arborist report, and other ~~information as are necessary to provide~~ necessary ~~data~~ information concerning trees within the affected area and which shall include:

A. The diameter and height of the tree;

B. The ~~type~~ species of each tree~~s (e.g. coniferous, evergreen hardwood and deciduous hardwood)~~;

C. A ~~map~~ site plan or accurate sketch of location and trees proposed to be cut down, pruned, removed, or destroyed (showing other significant trees, shrubs, buildings or proposed

buildings; photographs may be used to show the area);

D. Method for marking the tree proposed to be cut down, pruned, removed, or destroyed;

E. Description of ~~method~~methods to be used in cutting down, pruning, removing, or destroying the tree;

F. Description of tree planting or replacement program;

G. Reasons for proposing to cut down, prune, ~~removal~~remove, or destroy ~~of~~ the tree;

H. Address where tree is located;

I. Percentage of tree canopy to be removed or pruned;

J. ~~General health~~Arborist report indicating general health of tree to be cut down, pruned, ~~or~~ removed, or destroyed; and

~~J~~K. Other ~~pertinent~~ information or materials which the ~~community~~ development services director may require.

L. Payment of fees shall be due upon submittal of a tree removal application as designated on the current fee schedule. The date of submittal shall be designated by receipt of payment.

12.32.050 Permit—Public notice procedures.

Within five days after submission of a completed application, the applicant shall ~~cause a notice of application on a form~~post a public notice of the tree removal or pruning application request, provided by the ~~community~~ development services department, ~~to be posted~~ in at least two conspicuous locations clearly visible to the public on or close to the property affected, indicating the date of the application, a brief description thereof, identification of the subject property, the address to which comments may be directed and from which further information may be obtained, and the final date for receipt of comments. No action shall be taken upon any application until the applicant has filed an affidavit that such posting has been ~~done~~completed and posted for ten days.

12.32.060 Permit—Review and action.

The ~~community~~ development services director or ~~his or her~~their designee shall review the application and, if necessary, inspect the site, and shall determine on the basis of the information provided, the site inspection, and the criteria contained in this chapter whether to grant, grant with conditions, or deny the permit. Such action shall be taken within ~~twenty~~ thirty days after receipt of the affidavit referred to in the preceding section and after the expiration of the ten-day public noticing period. Upon taking action, the ~~community~~ development services director or ~~his or her~~their designee shall provide the applicant with a written statement indicating the action taken, any conditions of approval imposed, and the findings made in support thereof.

12.32.070 Permit—Approval—Criteria.

The ~~community~~ development services director or any other person or body charged with determining whether to grant, conditionally grant, or deny a tree ~~cutting~~ removal permit may approve a permit only if one or more of the following findings are made:

A. Removal of the tree is warranted because the tree meets one of the following conditions:

1. Is diseased as demonstrated in a report provided by a qualified arborist or tree surgeon documenting the extent and nature of the disease and how the diseased conditions warrants the trees removal,

2. Could adversely affect the general public health and safety,

3. Could cause substantial damage,

4. Is a public nuisance (e.g., obstructing the public right-of-way),

5. Is in danger of falling,

6. Is too closely located to existing structures,

7. All practical design alternatives for site layout have been exhausted without being able to design around the tree(s), etc.

8. Interferes with utility service,

9. Acts as a host for a plant which is parasitic to another species of tree which is in danger of being infested or exterminated by the parasite,

10. Is a substantial fire hazard,

11. Is necessary for the continuing agricultural use of the property, or

12. Is a street tree that is not identified on a list of suitable street trees maintained by the ~~community~~ development services director.

B. The required action is necessary:

1. To utilize the property in a manner which is of greater public value than any environmental degradation caused by the action, or

2. To allow reasonable economic or other enjoyment of the property.

C. The tree will be replaced by plantings approved by the ~~community~~ development services director, unless special conditions indicate otherwise.

12.32.080 Permit—Approval—Conditions.

In granting any permit as provided in this chapter, the ~~community~~ development services director,

planning commission, or city council may attach reasonable conditions to ~~insure~~ ensure compliance with the intent and purpose of this chapter including, but not limited to~~,~~:

A. All protected or significant trees proposed for removal shall be replaced at a 1:1 ratio with a similar native tree species of at least minimum 15-gallon in size. In the case of nonnative trees to be removed, the replacement tree shall be a native species and at least minimum 15-gallon in size. The development services director may require additional replacement trees as necessary to mitigate the impact from the loss of tree canopy.~~Replacement of trees removed with plantings of trees acceptable to the community development director. In all cases, native trees shall be planted to replace native trees removed unless practical reasons preclude this option;~~

B. Use of measures to ~~effect~~ affect erosion control, soil and water retention and diversion or control of increased flow of surface waters;

C. Use of measures to ~~insure~~ ensure that the contemplated action will not have adverse environmental effects relating to shade, noise buffers, protection from wind, air pollution and historic features; and/or

D. Posting of a bond to ensure maintenance of substitute landscaping pursuant to the requirements of Chapter 18.64 (Landscaping) of this code.

12.32.090 Application constitutes permission to enter property.

Filing of an application for a tree ~~cutting~~ removal permit shall constitute a grant of permission for city personnel concerned with administering this part to enter the subject permit area during normal working hours from the date of application to the completion of any approved action for the purpose of inspecting the area for compliance with the provisions of this chapter and applicable law.

12.32.100 Inspection—Notification of violations.

The ~~community~~ development services department may cause sufficient inspections to be made of the permit area to assure compliance with the provisions of this chapter and the requirements of any applicable law. Upon completion of any inspection, the permittee shall be given a written notice of any violations observed at the time of inspection for correction thereof.

12.32.110 Commencement of work—Time limitations.

If work authorized by an approved permit is not commenced within a period of one (1) year from the date of approval, the permit shall be considered void.

12.32.120 Emergencies.

In case of emergency caused by the hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, such necessary action may be taken to remove the tree or otherwise reduce or eliminate the hazard without complying with the other provisions

of this chapter, except that the person responsible for the cutting or removal of the tree shall report such action to the ~~community~~ development services director within five working days thereafter and provide retroactive payment of the tree removal permit fee.

12.32.130Appeal procedures.

The applicant or any other person who is aggrieved by the issuance or ~~nonissuance~~ denial of the permit or any conditions thereof may appeal in the manner set forth in ~~this section~~Chapter 18.112 (Appeals). ~~A statement by the appellant shall be required indicating how the appellant is aggrieved or adversely affected by the decision. At the time the appeal is heard, the planning commission shall rule upon the appellant's standing as an aggrieved party. If the planning commission rules that the appellant is not aggrieved, all further proceedings shall be stayed except that the appellant may appeal the planning commission decision on standing to the city council as provided in this chapter.~~

~~A. Permits considered and acted upon by the community development director may be appealed to the planning commission by filing a written notice of appeal with the secretary of the planning commission within ten days of the issuance or denial of the permit. The planning commission shall hear such appeal within thirty days of the date of filing of the written protest or at a date selected by mutual consent of the appellant and the planning commission. The planning commission shall render a decision on the appeal within fifteen days of the public hearing. The community development director shall notify the affected parties of the action.~~

~~B. Permits considered and acted upon by the planning commission may be appealed to the city council by filing a written notice of appeal with the secretary of the planning commission within ten days from the decision of the planning commission. The city council shall hear such appeal within sixty days or at a date selected by mutual consent of the appellant and the city council and render a decision within fifteen days following such hearing. The decision of the city council shall be final. The action taken by the city council shall be reported to the affected parties.~~

12.32.140 Removal or trimming without a permit unlawful.

It is unlawful for any property owner, lessee, ~~his or her~~their agent, or representative to engage in ~~tree cutting or~~ removal or ~~to conspire with another to engage~~pruning or any other action that would result in tree ~~cutting or~~ removal or pruning without a valid tree ~~cutting~~ removal permit. In addition to any other remedies that may exist by law, such party shall be liable to the city for an ~~civil~~ administrative penalty to be determined by the development services director as follows: ~~in~~

1. A fine equal to three times the valuation of the removed tree, as determined by a certified arborist; or

2. The~~the~~ amount of the cost of replacing ~~the~~ a removed public tree with a new tree as comparable to the removed tree as is reasonably feasible; or ~~plus all attorney's fees.~~

3. A fine equal to three times the amount of the current tree removal application permit fee.

Section 2. Subsection b of Subsection 7 of Subsection B of Section 17.20.040 (Form and Contents) of Chapter 17.20 (Map Requirements-Five or More Parcels) of Title 17 (Subdivisions) is hereby amended to read as follows:

b. Type, ~~circumference~~ diameter at breast height, and ~~dripline~~ canopy of ~~existing~~ any protected trees, significant trees, street trees, public trees, or a community of trees as defined by Chapter 12.32 (Protected and Significant Trees) ~~of this code on removal of significant trees~~ on public and private property. Any trees proposed to be removed shall be so indicated and shall obtain a permit as required by Chapter 12.32 (Protected and Significant Trees),

Section 3. Subsection b of Subsection 7 of Subsection A of Section 17.24.030 (Form and Content) of Chapter 17.24 (Map Requirements-Four or Less Parcels) of Title 17 (Subdivisions) is hereby amended to read as follows:

b. Type, ~~circumference~~ diameter at breast height, and ~~dripline~~ canopy of ~~existing~~ any protected trees, significant trees, street trees, public trees, or a community of trees as defined by Chapter 12.32 (Protected and Significant Trees) ~~of this code on removal of significant trees~~ on public and private property. Any trees proposed to be removed shall be so indicated and shall obtain a permit as required by Chapter 12.32 (Protected and Significant Trees);

Section 4. Section 18.12.080 (Setbacks) of Chapter 18.12 (Rules of Measurement) of Title 18 (Zoning) is hereby amended to read as follows:

A. Required Setback Area. Required setback areas shall be kept free of buildings and structures. Except as otherwise permitted, required setback areas shall be used only for landscaping, pedestrian walkways, driveways, uncovered off-street parking, recreational activities, or similar accessory activities.

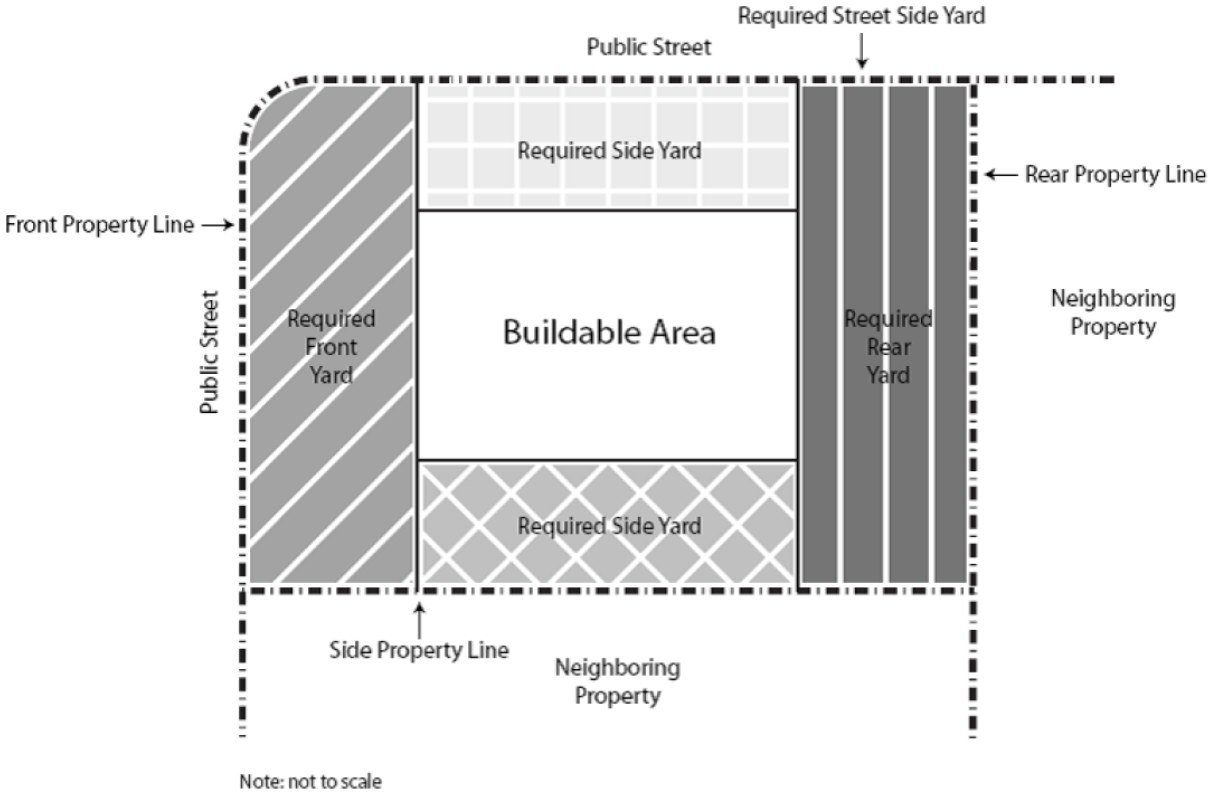
B ~~Measure at Right Angles~~Setback Measurements. ~~The~~ Setback distance~~s/depth of a setback area (i.e., front, side, or rear)~~ shall be measured at right angles from the designated~~nearest~~ property line (e.g., front, interior side, street-side, rear) establishing a setback area line parallel to ~~that lot~~the designated property line at the required setback distance. See Figure 18.12-4. Designated property lines are determined as follows:

1. Front Property Line. The front property line shall be the narrowest property line which abuts a public or private street easement or drive-aisle. For corner lots, the front property line shall be the shortest street frontage, regardless of where the front door is located. For flag lots, the front property line shall be the property line that abuts the access corridor.

2. Rear Property Line. The rear property shall be the property line which is opposite and most distant from the front property line and most parallel to the front property line.

3. Side Property Line. The side property line shall be those property lines that are not the front or rear property lines.

4. Street Side Property Line. The street side property line shall be those side property lines that abuts a public or private street.


Required Street Side Yard
Public Street
Required Side Yard
Rear Property Line
Front Property Line
Public Street
Required Front Yard
Buildable Area
Required Rear Yard
Neighboring Property
Required Side Yard
Side Property Line
Neighboring Property
Note: not to scale

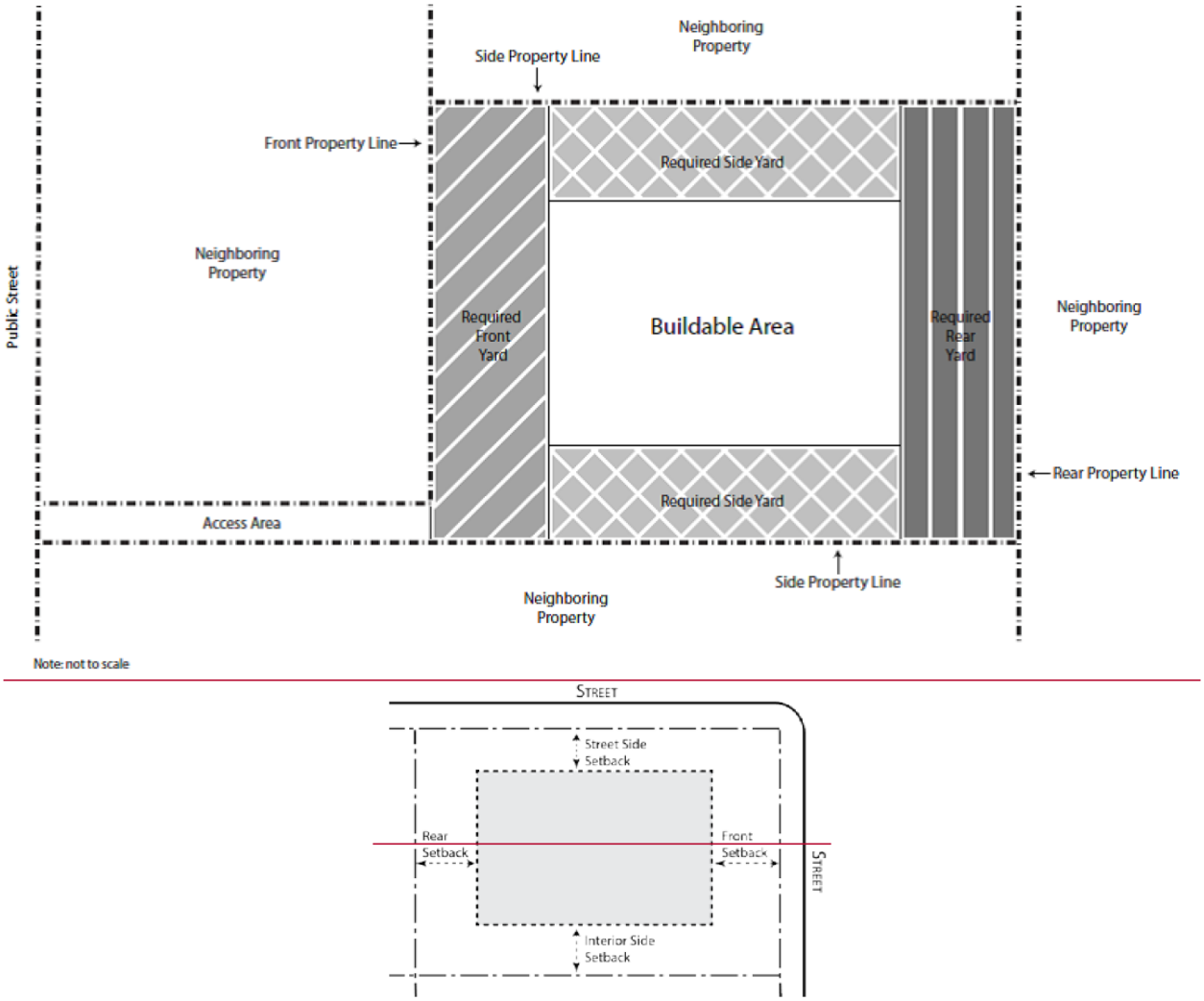


Figure 18.12-4: Setbacks

~~B~~C. Planned Street Widening. Where a lot abuts a street designated for a future widening, required minimum setbacks shall be measured from the edge of the planned future right-of-way.

~~C~~D. Future Street Right-of-Way. Where a future street right-of-way is planned or established, required minimum setbacks shall be measured from property lines that define the edge of the future right-of-way.

~~D~~E. Alleys.

1. If side lot line abuts an alley, the lot line shall be treated as interior side lot line for the purpose of establishing minimum required setbacks.
2. The width of an adjoining alley is not included in the measurement of a required setback.

~~E~~F. ~~Rear Lot Lines.~~

~~1.~~ Irregularly Shaped Lots. Where the side lot lines converge to a point at the rear of the lot and make an angle ninety degrees or less, a line ten feet long within the lot, parallel to and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear setback area. Where the angle created by the convergence of two side lot lines at the rear of the lot is greater than ninety degrees, a line ten feet long measured from the point of convergence and perpendicular to the front lot line shall establish the location of the required rear setback line. See Figure 18.12-4.

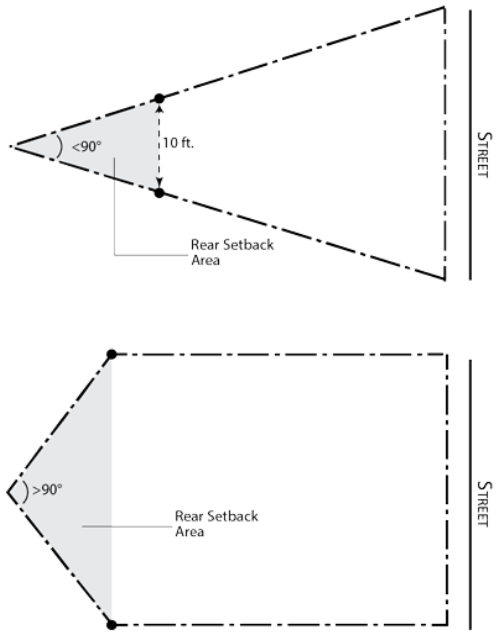


Figure 18.12-4: Rear Lot Lines for Irregularly Shaped Lots

G.~~2.~~ Double-Frontage Lots. The location of the front and rear yard setbacks on double-frontage lots shall be determined by the ~~community~~ development services director based on the placement of existing buildings on adjacent lots.

~~F~~H. Measuring Structure Distance from Lot Lines. The distance of a structure from a lot line shall be measured as the distance between the lot line and the closest point on the exterior of a building or structure along a line at right angles to the lot line. See Figure 18.12-5.

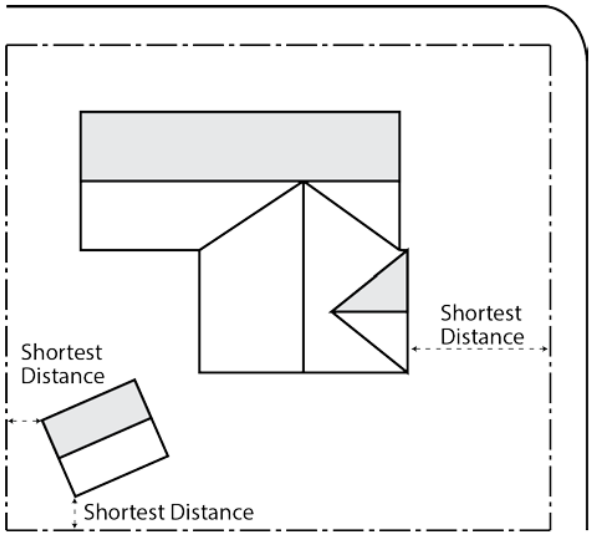


Figure 18.12-5: Measuring Structure Distance from Lot Lines

Section 5. Table 18.18-2 (Residential Attached Low Density Development Standards) within Section 18.18.030 (Development Standards) of Chapter 18.18 (Residential Attached Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.18-2: Residential Attached Low Density Development Standards

	Residential Attached Low Density Subzones		
	RAL-3,500	RAL-3,000	Additional Standards
Site Requirements			
Lot Area, Minimum			
Duplex lots	7,000 sq. ft.	6,000 sq. ft.	
Duplex corner lots	7,500 sq. ft.	6,500 sq. ft.	
Duet lots	3,500 sq. ft.	3,000 sq. ft.	
Duet corner lots	3,750 sq. ft.	3,250 sq. ft.	
Multifamily and other uses	3,500 sq. ft.	3,000 sq. ft.	
Lot Width, Minimum			18.18.030.D
Duplex lots	70 ft.	70 ft.	
Duplex corner lots	80 ft.	80 ft.	
Duet and single-family attached lots	30 ft.	30 ft.	
Duet and single-family attached corner lots	40 ft.	40 ft.	
Other uses allowed in Table 18.18-1	50 ft. or as determined through the Conditional Use Permit		

Lot Depth, Minimum	85 ft.	85 ft.	
Building Coverage, Maximum	50%	50%	
Site Area per Dwelling Unit, minimum	3,500 sq. ft.	3,000 sq. ft.	
Structure Requirements			
Setbacks, Minimum			18.56.030
Front	20 ft.	20 ft.	18.18.030.E
Rear	15 ft.; or 20 ft. for two-story, located adjacent to a single-family district	15 ft.; or 20 ft. for two-story, located adjacent to a single-family district	
Interior Side	5 ft. [1]	5 ft. [1]	
Street Side	15 ft.	15 ft.	
Height, Maximum	30 ft.	30 ft.	18.56.020

Notes:

[1] A zero-foot setback is acceptable for Duets along the property line on the shared building wall.

Section 6. Table 18.18-3 (Residential Attached Medium Density and High Density Development Standards) within Section 18.18.030 (Development Standards) of Chapter 18.18 (Residential Attached Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.18-3: Residential Attached Medium Density and High Density Development Standards

	RAM	RAH	Additional Standards
Site Requirements			
Lot Area, Minimum	6,000 sq. ft.; 4,500 sq. ft. for corner lots	6,000 sq. ft.; 6,500 sq. ft. for corner lots	
Lot Width, Minimum	60 ft.	40 ft.	18.18.030.D
Lot Depth, Minimum	85 ft.	75 ft.	
Building Coverage, Maximum	60%	60%	

Site Area per Dwelling Unit, Minimum	2,000 sq. ft.	1,100 sq. ft.	
Structure Requirements			
Setbacks, Minimum			18.56.030
Front	15	15	18.18.030.E
Rear	20	15	
Interior Side	5 [1]	5 [1]	
Street Side	15	15	
Height, Maximum	3 stories or 40 ft., whichever is less; min. 10 ft. for roof element on 3 story structure	3 stories or 40 ft., whichever is less; min. 10 ft. for roof element on 3 story structure	18.56.020

Notes:

[1] A zero-foot setback is acceptable for Duets along the property line on the shared building wall.

Section 7. Table 18.22-2 (Development Standards in Mixed Use Zoning Districts) within Section 18.22.040 (Development Standards) of Chapter 18.22 (Mixed Use Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.22-2: Development Standards in Mixed Use Zoning Districts

	MU-D	MU-N	MU-F	Additional Standards
Site Requirements				
Lot Area, Minimum	3,500 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	
Lot Width, Minimum	40 ft.	60 ft.	60 ft.	
Lot Depth, Minimum	80 ft.	100 ft.	100 ft.	

Floor Area Ratio, Maximum	2.0 [1]	1.0	~~0.5~~None	
Residential Density				
Minimum	None	8 du/acre	7 du/acre	
Maximum	None	20 du/acre	24 du/acre	
Building Coverage, Maximum	None	75%	~~50%~~None	
Structure Requirements				
Setbacks	See Table 18.22-3			18.56.030
Height, Maximum	3 stories and 45 ft. [2]	35 ft. [3,4]	35 ft. [3]	18.56.020

Notes:

[1] 2.25 FAR permitted on sites 22,000 sq. ft. or more.

[2] Four stories and 55 ft. permitted on sites 22,000 sq. ft. or more.

[3] 45 ft. permitted with a minimum of 10 ft. devoted to a roof element.

[4] 40 ft. allowed for vertical mixed use, regardless of roof form.

Section 8. Table 18.24-1 (Permitted Land Uses in the Commercial Zoning Districts) within Section 18.24.020 (Land Use Regulations) of Chapter 18.24 (Commercial Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.24-1 Permitted Land Uses in the Commercial Zoning Districts

Key P Permitted Use A Administrative Use Permit required C Conditional Use Permit required — Use not allowed	Zoning District					Additional Regulations
	CO	CN	CG	CH	CS	
Residential Uses						
Caretaker Quarters	—	—	C	—	C	

Nursing Homes and Long-Term Care	C	C	C	—	—	
Residential Care Facilities	—	C	—	—	—	
Public and Quasi-Public Uses						
Colleges and Trade Schools	—	C	C	—	—	
Community Assembly	C	C	C	—	—	
Cultural Institutions	C	C	C	—	C	
Day Care Centers	—	C	A	—	C	
Government Offices	—	P	P	—	C	
Instructional Services	P	A	A	A	A	
Medical Offices and Clinics	P	P	P	A [4]	C [4]	
Schools, Public and Private	C	C	C	—	—	
Social Services	C	C	C	—	C	
Commercial Uses						
Animal-Related Uses	—					
Animal Boarding	—	C	C	—	C	
Cat Café	—	—	P	—	—	Title 6
Veterinarian Clinics and Hospitals	P	A	A	A	P	
Banks and Financial Institutions	P	P	P	P	P	
Business Support Services	—	P	P	P	P	
Cinemas and Theatres	—	A	A	A	A	
Commercial Recreation, Indoor						
≤ 15,000 sq. ft.	C	P	P	P	P	
> 15,000 sq. ft.	—	C	C	C	C	
Drive-Through and Drive-In Facilities	C	C	C	C	C	18.92.040
Eating and Drinking Uses						
Bars and Nightclubs	—	C	C	—	—	
Restaurants, Fast Food	—	C	P	P	C	

Restaurants, Sit-Down	—	C	P	P	C	
Tasting Rooms	—	C	A	P	C	
Funeral Parlors and Mortuaries	—	—	C	—	C	
Lodging Facilities						
Hotels and Motels	—	C	A	P	A	
Mini-Storage	—	—	C	—	C	
Personal Services	P	P	P	—	C	
Plant Nurseries	—	—	C	—	P	
Professional Offices	P	P	P	P	P	
Retail Uses						
Convenience Markets	—	C	C	C	C	
Convenience Market with Fuel and Service Station	—	C	C	C	C	
General Retail	—	P	P	P	C	
Home Improvement Centers	—	—	P	—	P	
Liquor Store	—	C	C	C	C	
Large Commodity Retail	—	—	C	—	C	
Vehicle-Related Uses						
Convenience Market with Fuel and Service Station	—	C	C	C	C	
Fuel and Service Stations	—	C	C	C	C	
Towing and Impound	—	—	—	—	C	
Vehicle Rentals	—	C [2]	C [2]	P	P	
Vehicle Repair and Maintenance, Minor	—	—	C	—	P	
Vehicle Sales and Leasing	—	C [1]	C [1]	P	P	
Vehicle Washing	—	C	C	C	C	
Wholesaling	—	—	C	—	P	
Industrial Uses						
Construction and Material Yards	—	—	—	—	C	
Food and Beverage Production						

< 5,000 sq. ft. [3]	—	A	A	A	A	
5,000 sq. ft. to 10,000 sq. ft. [3]	—	A	A	C	A	
> 10,000 sq. ft.	—	—	—	—	C	
Research and Development	—	—	—	—	C	
Warehousing and Distribution, Large and Small	—	—	—	—	C	
Transportation, Communication, and Utility Uses						
Freight Terminals and Transfer	—	—	—	C	—	
Light Fleet-Based Services	—	C	C	—	C	
Parking Lots and Structures	—	—	C	—	C	
Recycling Facilities						
Reverse Vending Machine	—	C	C	C	C	
Recycling Collection Facility	—	—	—	—	C	
Transportation Terminals		—	—	—	C	
Utilities, Major	—	—	C	—	C	
Wireless Communications Facilities	See Chapter 18.96					
Other Uses						
Accessory Uses	See Chapter 18.44					
Temporary Uses	See Section 18.92.150					

Notes:

[1] Allowed only when conducted entirely within an enclosed building without outdoor storage and display of vehicles.

[2] Vehicles stored outdoors must be fully screened from public view.

[3] On-site wholesale or retail sales required.

[4] Reproductive health community clinics consistent with Government Code Section 65914.900 are permitted by right.

Section 9. Table 18.29-2 (Permitted Land Uses in the Form-Based Zoning Districts) within Section 18.29.070 (Land Use Standards) of Chapter 18.29 (Monterey Corridor Form-Based Code) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.29-2 Permitted Land Uses in the Form-Based Zoning Districts

P = Permitted Use

A = Administrative Use Permit required (See Section 18.108.020 (Administrative Use Permits))

C = Conditional Use Permit required (See Section 18.108.030 (Conditional Use Permits))

T = Temporary Use Permit required (See Chapter 18.108.090 (Temporary Use Permits))

- = Use not permitted

Land Use	Permit Required by Zone			Additional Regulations
	FB-N	FB-C	FB-UG	
Residential Uses				
Accessory Dwelling Unit (ADU)	P	P	P	See Chapter 18.84
Duplex/Duet	P	P	P	See Subsection 18.29.100.D
Group Housing	P	P	P	
Live/Work Unit	P	P	P	
Mixed-Use Residential	P	P	P	
Multi-Family Dwellings	P	P	P	See Subsection 18.29.070.C.3
Nursing Homes and Long-Term Care	C	C	C	
Residential Care Facilities	P	P	P	
Residential Care Facilities, Small	P	P	P	
Senior Housing, Independent Living	P	P	P	

Single-Family Attached Dwelling	P	P	P	
Single-Family Detached Dwelling	P	-	-	
Public and Quasi-Public Uses				
College and Trade Schools	C	P	P	
Community Assembly	C	C	C	
Cultural Institutions	A	A	A	
Day Care Centers	C	C	C	
Emergency Shelters	C	C	C	See Section 18.92.050
Government Offices	A	A	A	
Home Day Care, Large	P	P	P	
Home Day Care, Small	P	P	P	
Hospitals	-	C	C	
Instructional Services	A	P	P	
Medical Offices and Clinics	A	P	P	
Park and Recreational Facilities	P	P	P	
Public Safety Facilities	C	C	C	
Schools, Public and Private	C	C	C	
Social Services	C	C	C	
Commercial Uses				
Cat Café	P	P	P	See Title 6
Veterinarian Clinics and	C	C	C	

Hospitals				
Banks and Financial Institutions	P	P	P	
Business Support Services	P	P	P	
Cinemas and Theaters	A	A	P	
Commercial Recreation, Indoor				
≤ 15,000 sq. ft.	A	P	P	
> 15,000 sq. ft.	A	A	A	
Drive-Through Facilities	-	C	C	See Subsection 18.29.070.C.2
Eating and Drinking Uses				
Bars and Nightclubs	-	C	C	
Restaurant, Fast Food	C	P	P	
Restaurant, Sit Down	P	P	P	
Tasting Rooms	A	P	P	
Farmers Markets	A	A	A	
Lodging Facilities				
Bed and Breakfast	P	P	P	
Hotels and Motels	C	C	C	
Personal Services	A	P	P	
Professional Offices	A	P	P	
Retail				
Convenience Market	A	P	P	See Section

				18.92.030
General Retail	A	P	P	
Vehicle-Related Uses				
Fuel and Service Station	-	-	C	
Vehicle Rentals	-	-	C	
Vehicle Washing	-	-	C	
Industrial Uses				
Food and Beverage Production				
< 5,000 sq. ft.[1]	-	P	P	
5,000 sq. ft. to 10,000 sq. ft.[1]	-	C	C	
Transportation, Communication, and Utility Uses				
Parking Lots or Structures[2]	C	C	C	
Recycling Facilities				
Reverse Vending Machines	-	C	C	
Transportation Terminals	-	-	-	
Wireless Communication Facilities	See Chapter 18.96			
Other Uses				
Accessory Use(s)	See Chapter 18.44			
Home Occupations	See Section 18.92.060			
Temporary Use(s)	See Section 18.92.150			
Urban Agriculture				

Community Garden	A	A	A	
Home Gardens	P	P	P	
Urban Farm	C	C	C	

Notes:
1. On-site wholesale or retail sales required.
2. When proposed as a primary use.

Section 10. Table 18.40-2 (Medium Density Residential Development Standards) within Section 18.40.050 (Development Standards) of Chapter 18.40 (Alternative Standards for Medium Density Residential Development) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.40-2: Medium Density Residential Development Standards

	Housing Type					
	Duet	Courtyard	SFD	TH	Duplex	Multi
Lot Area (min sq. ft.) [1] [2]	3,000	1,920—2,999	4,500—5,500	1,440—3,999	6,000	6,000
Lot Width (min)	30 ft.	24 ft.	40 ft.	24 ft.	60 ft.	60 ft.
Lot Depth (min)	85 ft.	60 ft.	80 ft.	60 ft.	85 ft.	85 ft.
Lot Coverage (max) [3]	50%	45%	N/A	55%	1 story: 40% 2+ story: 50%	60%
Floor Area Ratio (max)	N/A	N/A	52%	N/A	N/A	N/A
Height	See base zoning district					
Setbacks						
Front [4]	10 ft.	N/A	15 feet	N/A	20 ft.	15
Interior Side	3 ft. [5]	5 ft. [7]	4 ft. [6]	N/A	5 ft. [7]	5 ft.

Street Side	6 ft.	5 ft.	8 ft.	5 ft.	10 ft.	15 ft.
Rear	10 ft.	N/A	15 ft.	N/A	15 ft.	20 ft.

Notes:

[1] Subject to the density requirements specified in the General Plan.

[2] Standards are for individual lots and not for the subdivision as a whole.

[3] Lot coverage limits apply to individual, subdivided parcels and to accessory structures as well as the primary residential structure on the site. Development in the RAL and RAM zoning districts is also subject to an aggregate lot coverage limit for the entire subdivision. See Section 18.18.060.A.

[4] Additional requirements apply for street-facing garages. See Section 18.40.070.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.~~ A zero-foot setback is acceptable for Duets along the property line on the shared building wall

[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.

Section 11. Subsection A of Section 18.44.030 (Accessory Structures in Residential Zoning Districts) of Chapter 18.44 (Accessory Structures and Uses) of Title 18 (Zoning) is hereby amended to read as follows:

A. Applicability. This section applies to the following types of accessory structures in residential zoning districts.

1. Roofed structures, including, but not limited to, detached garages, carports, sheds, shade structures, play structures, covered dog enclosures, and gazebos, over seven feet in height and/or one hundred twenty square feet in size.
2. ~~Attached and d~~Detached open, unroofed, and roofed structures such as decks.
3. Trellises and other similar structures over seven feet in height.
4. Mechanical equipment and mechanical equipment enclosures such as solar panels and water storage tanks, heating, and air conditioning equipment, and other similar mechanical equipment detached from the main building on the site.
5. Pools, spas and hot tubs.
6. Ponds eighteen inches or more in depth.
7. Fireplaces, barbeque structures, statuary, fountains, and other similar ornamental features.

Section 12. Subsection B of Section 18.44.030 (Accessory Structures in Residential Zoning Districts) of Chapter 18.44 (Accessory Structures and Uses) of Title 18 (Zoning) is hereby

amended to read as follows:

B. Limitation on Use.

1. Accessory structures may not be used as living space which is heated and/or cooled.

2. ~~A pool house under one hundred twenty square feet may contain a full bathroom. All other a~~Accessory structures, including pool houses, may be equipped with a half bath only (toilet and sink).

3. An accessory structure that does not comply with these use limitations shall be considered an accessory dwelling unit subject to the requirements of Chapter 18.84 (Accessory Dwelling Units).

Section 13. Subsection A of Section 18.64.070 (Landscaping Maintenance and Enforcement) of Chapter 18.64 (Landscaping) of Title 18 (Zoning) is hereby amended to read as follows:

A. Maintenance Required.

1. Approved Plans. Landscaping shall be maintained consistent with the plans approved as part of the design permit. Any significant alteration to the landscaping requires ~~community~~ development services ~~director~~director's approval.

2. Dead and Dying Plants. All landscaping shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight or disease. Dead or dying plants shall be removed and replaced with landscaping of similar size and maturity.

3. Weed Removal. Landscaping shall be kept free from weeds and undesirable grasses.

4. Tree Pruning. Trees shall be allowed to grow their natural size and shape. Periodic pruning shall be as appropriate for the health of the tree species and may not exceed twenty-five percent of the tree height or volume at any given time unless the development services director approves a tree removal permit in accordance with Municipal Code Chapter 12.32 (Protected and Significant Trees).

5. Tree Topping/Heading Cuts. Topping/heading cuts that reduce a tree's size and height by shortening of limbs or branches back to a predetermined crown limit is prohibited unless the ~~community~~ development services director approves a tree removal~~/cutting~~ permit in accordance with Municipal Code Chapter 12.32 (Protected and~~Restrictions on Removal of~~ Significant Trees).

Section 14. Subsection G is hereby added to Section 18.72.030 (Required Parking Spaces) of Chapter 18.72 (Parking and Loading) of Title 18 (Zoning) to read as follows:

G. Parking Not Required within One-Half Mile of a Major Transit Stop.

1. Minimum parking requirements identified within this Section shall not be required within one-half mile of a major transit stop as defined in Public Resources Code Section 21155.

2. The city may impose minimum parking requirements within one-half mile of a major transit stop if written findings are made that not imposing or enforcing minimum

parking requirements on the development would have a substantially negative impact on any of the following:

a. The city's ability to meet its share of the regional housing need for low- and very low-income households.

b. The city's ability to meet any special housing needs for the elderly or persons with disabilities.

c. Existing residential or commercial parking within one-half mile of the housing development project.

3. For a housing development project, Subdivision 18.72.030.G.2 shall not apply if the housing development project satisfies any of the following:

a. The development dedicates a minimum of twenty percent of the total number of housing units to very low-, low-, or moderate-income households, students, the elderly, or persons with disabilities.

b. The development contains fewer than twenty housing units.

c. The development is subject to parking reductions based on the provisions of any other applicable law.

4. Notwithstanding the above, an event center shall provide parking for employees and other workers.

5. This subsection shall not apply to hotels, motels, bed and breakfasts, or other transient lodging.

6. This subsection shall not reduce, eliminate, or preclude new multi-family residential or non-residential development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities.

Section 15. Section 18.84.010 (Purpose) of Chapter 18.84 (Accessory Dwelling Units) of Title 18 (Zoning) is hereby amended to read as follows:

This chapter establishes standards for the location and construction of accessory dwelling units and junior accessory dwelling units (jointly referred to "accessory units" in this chapter) in conformance with Government Code Sections ~~65852.2~~66314 through 66332 and ~~65852.22~~66333 through 66339, respectively. These standards are intended to allow for accessory units as an important form of affordable housing while preserving the character and integrity of residential neighborhoods in Morgan Hill, and to comply with State law.

Section 16. Section 18.84.050 (Site and Design Standards) of Chapter 18.84 (Accessory Dwelling Units) of Title 18 (Zoning) is hereby amended to read as follows:

A. General.

1. Accessory units are subject to the same requirements that apply to primary dwellings on the same lot in the applicable zoning district except as specified in this section.

2. An accessory dwelling unit shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density, building coverage, or floor area ratio for the lot upon which it is located, and shall be deemed

to be a residential use that is consistent with the existing general plan and zoning designations for the lot.

B. Number of Accessory Units.

1. Single-Family Dwelling. No more than one detached accessory dwelling unit, no more than one attached accessory dwelling unit, and no more than one junior accessory dwelling unit is permitted on a single lot with an existing or proposed single-family dwelling.

2. Proposed Multifamily Dwellings. Proposed multifamily dwelling structures may have no more than two detached accessory dwelling units on a lot.

3. Existing Multifamily Dwellings.

a. Existing multifamily dwelling structures may have no more than ~~two~~ eight detached accessory dwelling units on a lot. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.

b. ~~In addition, e~~Existing multifamily dwelling structures may also have no more than one accessory dwelling unit or up to twenty-five percent of the existing multifamily dwelling units, whichever is larger, within portions of an existing multifamily dwelling structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

C. Relationship to Primary Dwelling.

1. An accessory dwelling unit may be within, attached to, or detached from the primary dwelling. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof. No passageway (as defined in Government Code Section ~~65852.2~~66313(i)) is required in conjunction with the construction of an accessory dwelling unit.

2. An accessory dwelling unit shall have its own kitchen, bathroom facilities, and ~~entrance~~ exterior access separate from the primary dwelling.

3. The city shall allow junior accessory dwelling units as defined in Government Code Section ~~65852.22~~66313(d) to be constructed within the walls of the proposed or existing single-family residence with a separate entrance from the main entrance to the primary dwelling, an efficiency kitchen (consisting of a cooking facility with appliances, a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit) and shared or independent bathroom facilities. If a junior accessory dwelling unit does not include a separate bathroom from the single-family residence, the junior accessory dwelling unit shall include an interior entry to the main living area of the single-family residence.

4. The accessory unit shall be clearly subordinate to the primary dwelling by size, appearance, and location on the parcel and shall comply with all applicable building and safety codes.

5. A detached accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a proposed or existing single-family dwelling may be combined with a junior accessory dwelling unit.

D. Maximum Unit Size.

1. Except as specified in this subsection, Table 18.84-1 identifies the maximum floor area for detached and attached accessory dwelling units.

Table 18.84-1: Maximum Accessory Dwelling Unit Floor Area

Zoning District	Maximum Floor Area
RE 10	1,200 sq. ft.~~[1]~~
RE 2.5	1,000 sq. ft.~~[1]~~
RE 1	900 sq. ft. (1 bedroom) 1,000 sq. ft. (2 or more bedrooms)~~[1]~~
All other zoning districts	850 sq. ft. (1 bedroom) 1,000 sq. ft. (2 or more bedrooms)~~[1]~~

~~[1] An attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.~~

~~[2] The conversion of an existing accessory structure or a portion of the existing primary residence to an accessory dwelling unit is not subject to unit size requirements.~~

~~[3] An attached accessory dwelling unit permitted within the front yard setback pursuant to Subsection E of this Section shall be limited to 800 square feet.~~

2. The maximum floor area of junior accessory dwelling units shall be five hundred square feet.

3. The conversion of an existing accessory structure to an accessory dwelling unit, within the same location and to the same dimensions as the existing accessory structure, is not subject to unit size requirements.

4. An accessory dwelling unit or junior accessory dwelling unit created within an existing accessory structure or a portion of the existing or proposed single-family dwelling may be expanded up to one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure~~. An expansion beyond the physical dimensions of the existing accessory structure shall be limited~~ to ~~accommodating~~ accommodate ingress and egress only.

5. An attached accessory dwelling unit permitted within the front yard setback, pursuant to Subsection E of this Section, shall be limited to 800 square feet.

E. Property Line Setbacks.

1. No setback is required for an existing accessory structure or living area as defined by Government Code Section ~~65852.2~~66313 that is converted to an accessory dwelling unit.

2. No setback is required for an accessory dwelling unit constructed in the same location and the same footprint as an existing accessory structure.

3. A minimum setback of four feet from the side and rear property lines is required for

an accessory dwelling unit.

4. An attached or detached accessory dwelling unit shall comply with the front setback requirements of the applicable zoning district. If an attached or detached accessory dwelling unit of at least eight hundred square feet in size is not permitted due to front, side, and rear setback requirements, then an attached accessory dwelling unit may be permitted within the front setback that complies with Section 18.92.080 (Intersection Sight Distance).

F. Height.

1. An attached accessory dwelling unit shall be limited to twenty-five feet in height or the height limitation of the applicable zoning district, whichever is less.

2. A detached accessory dwelling unit that does not comply with the side and rear setbacks of the applicable zoning district shall be limited to sixteen feet in height, unless any of the following applies:

   a. On a lot within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code, a detached accessory dwelling unit up to eighteen feet in height, and an additional two feet in height to accommodate a roof pitch, is permitted.

   b. On a lot with an existing or proposed multifamily, multi-story dwelling, a detached accessory dwelling unit up to eighteen feet in height is permitted.

G. Parking.

1. Except as specified in this subsection, required minimum on-site parking for accessory dwelling units shall be one parking space per accessory dwelling unit. On-site parking spaces for accessory dwelling units may be covered or uncovered and may be located within the front, side or rear setback areas (may be tandem).~~On-site parking spaces is not required for junior accessory dwelling units.~~

~~2. Except as specified in this subsection, on-site parking for accessory dwelling units shall comply with all parking requirements in Chapter 18.72 (parking and loading).~~

~~3. On-site parking spaces for accessory dwelling units may be covered or uncovered and may be located within the front, side or rear setback areas (may be tandem).~~

42. No off-street parking is required for an accessory dwelling unit in the following cases:

   a. The accessory dwelling unit is located within one-half mile walking distance of public transit.

   b. The accessory dwelling unit is located within ~~a National Register Historic District or other historic district officially designated by the city council~~an architecturally and historically significant historic district.

   c. When an accessory dwelling unit is constructed within the primary residence or an accessory structure.

   d. When on-street parking permits are required but not offered to the occupant of the

accessory dwelling unit.

e. When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.

~~5~~3. When an existing garage, carport, ~~or~~ covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, the on-site parking spaces are not required to be replaced.

4. On-site parking spaces are not required for junior accessory dwelling units.

H. Design. The design of accessory units shall be compatible with the design and scale of the primary dwelling (using substantially the same landscaping, color, materials and design on the exterior) and the general character of the neighboring residential properties.

I. Doors and Windows. Openings (e.g., doors and windows) on exterior walls that are closest to and face adjacent residentially-zoned properties shall be designed to minimize privacy impacts and maintain access to light and ventilation on adjacent properties.

J. Utility Connections.

1. General. An accessory unit shall not be considered a new residential use for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service unless constructed in conjunction with a new single-family residence.

2. Accessory Units in Existing Space. For accessory units within an existing primary dwelling, garage, or other accessory structure, the city shall not require an applicant to install a new or separate utility connection directly between the accessory unit and the utility or impose a related connection fee or capacity charge.

3. Attached and Detached Accessory Dwelling Units. Consistent with Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

4. Fire Sprinklers. The installation of fire sprinklers shall not be required in an accessory unit if sprinklers are not required for the primary residence.

K. Septic Tank Disposal System.

1. In areas where septic tank disposal systems are allowed due to lack of sanitary sewer lines, detached accessory dwelling units shall be served by separate and independent septic tank sewage disposal systems. All leach lines shall be designed and installed in accordance with current septic system requirements of the Santa Clara County Environmental Health Services.

2. In other areas of the city, accessory dwelling units shall be connected to the sanitary sewer system through the existing lateral line serving the primary dwelling unit.

Section 17. Subsection G of Section 18.88.020 (Definitions) of Chapter 18.88 (Signs) of Title

18 (Zoning) is hereby amended to read as follows:

G. Types of Signs.

1. A-Frame Sign. A portable sign with two opposing flat faces designed to be self-supporting on the ground.

2. Awning Sign. A sign incorporated into, attached, or painted on the face or valance of an awning.

3. Banner Sign. A sign composed of lightweight, flexible, non-rigid material either enclosed or not enclosed in a rigid frame.

4. Beacon Sign. A beam of light designed to draw attention to a particular location.

5. Changeable Copy Sign. A sign with copy that that can be changed or rearranged electronically or manually without altering the face or surface of the sign.

6. Directional Signs. A sign that provides directions to a place, structure or use, excluding signs installed by a public agency.

7. Directory Sign. A sign which lists and identifies the location of the occupants of a multi-tenant building or site.

8. Hospital Sign. A sign for a medical facility providing patient services primarily on an in-patient basis.

9. Inflatable Balloon Sign. A sign consisting of a flexible envelope of nonporous materials that gains its shape from inserted air or other gas.

10. Feather Sign. A sign composed of durable lightweight fabric with a sturdy frame enclosing only a portion of the material's edge so that it can remain upright and still be flexible in the breeze, generally shaped to be tall and narrow when affixed into the ground or other bottom support, affixed to a pole. Includes Teardrop Signs.

11. Flags. Fabric, textile, or material with colors and/or patterns which display a symbol of a nation, state, company, or idea.

~~11~~12. Freeway-Oriented Sign. A sign intended to be viewed primarily by motorists traveling on Highway 101.

~~12~~13. Freestanding Sign. A sign attached to an independent, freestanding structure that is not attached to a building.

~~13~~14. Marque Sign. A sign made a part of or in any manner attached to a marquee.

~~14~~15. Monument Signs. A freestanding sign that is supported by a solid-appearing base constructed of permanent material.

~~15~~16. Pole Sign. A freestanding sign that is supported by one or more poles which do not have a solid-appearing base constructed of permanent material.

~~16~~17. Political Sign. A temporary sign that encourages a particular vote in a scheduled election.

18. Post Sign. A temporary sign suspended from a horizontal swingpost that is attached to a vertical post mounted in the ground.

~~17~~19. Projecting Sign. A sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall.

~~18~~20. Property Identification Sign. A sign identifying the name of a residential property or subdivision with ten or more units.

~~19~~21. Roof Signs. A sign erected upon, against, or directly above a roof above the parapet of a building.

~~20~~22. Site Sign. A temporary sign allowed on sites with uses under construction or not yet occupied.

~~21~~23. Suspended Sign. A sign attached to or suspended from the underside of an arcade, canopy, or marquee and oriented to pedestrian traffic.

~~22~~24. Wall Sign. A sign attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

~~23~~25. Window Sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view.

Section 18. Subsection A of Section 18.88.040 (Signs Allowed Without Permits) of Chapter 18.88 (Signs) of Title 18 (Zoning) is hereby amended to read as follows:

A. Types of Signs. The following signs are exempt from the permit requirements of this chapter and shall not be counted towards the allowable sign area or number of signs on a parcel:

1. A-Frame Signs. Each commercial business location shall be permitted one A-frame sign per street frontage. The sign shall not exceed four feet in height or a width of three feet, shall be unlighted, and shall be stored indoors during non-business hours. A multiple-occupancy building shall constitute one business location for the purpose of determining the number of signs permitted. A-frame signs shall not obscure or visually impair vehicular traffic and shall not be placed within a public right-of-way or on publicly owned property or affect access to a structure.

2. Alley and Service Area Signs. Signs fronting an alley or service area mounted flat against a wall and not exceeding twenty-five square feet in aggregate area.

~~2~~3. Commemorative Plaques. One commemorative plaque identifying a building name, date of construction, or similar information that is cut into, carved, or made of stone, concrete, metal, or other similar permanent material.

~~3~~4. Decorations. Holiday and cultural observance decorations on private property which do not include any commercial advertising.

~~4~~5. Directional Signs. On-site directional signs located entirely on the property to which they pertain, identifying direction to parking, restrooms, and similar public facilities, each not exceeding five feet in height and five square feet in area for non-residential uses and two square feet for residential uses.

~~5~~6. Directory Signs. One directory sign per street frontage as follows:

a. Maximum area: One square foot per tenant up to twenty-four square feet.

b. Maximum height: Six feet if freestanding.

c. Internal illumination prohibited.

~~6~~7. Feather Signs. Up to three feather signs may be allowed for thirty days after the initial opening (i.e. grand opening) of a business or housing development. The sign shall not exceed nine feet in height or a width of three feet and shall be unlighted. The signs shall not obscure or visually impair vehicular traffic and shall not be placed within a public right-of-way or on publicly owned property or affect access to a structure.

8. Flags. Flags bearing noncommercial messages or graphic symbols as follows:

a. No more than three flags are permitted per parcel.

b. For flags flown on a flagpole longer than six feet, the longest dimension of the flag shall not exceed one-third the height of the flagpole; otherwise the longest flag dimension shall not exceed six feet.

~~7~~9. Government Signs. Signs installed by a governmental agency, including signs advertising community activities and local nonprofit, civic, or fraternal organizations.

~~8~~10. House Number and Nameplates. House numbers and nameplates up to four square feet for each residential dwelling.

~~9~~11. Informational Signs. Signs with information for the safety and convenience of the public such as address, hours and days of operation, whether a business is open or closed, no smoking notices, up to three square feet per sign and ten square feet in total.

~~10~~11. Internal Signs. Signs within a building, or on the premises of a building, that are not visible from the public right-of-way and are intended for interior viewing only.

~~11~~12. No Trespassing Signs. "No trespassing" signs, each not more than one square foot in size, placed at each corner and each entrance to property, and at intervals of not less than one hundred feet, or in compliance with the requirements of state or federal law.

~~12~~13. Non-Commercial Bulletin Boards. One bulletin board on a parcel occupied by a non-commercial place of public assembly, with a maximum area of twelve square feet.

~~13~~14. Political Signs. Temporary political signs consistent with Section 18.88.120 (Temporary Signs) that are placed not sooner than 90 days prior to the scheduled election and are removed within 10 days after that election and has a statement of responsibility filed with the city certifying a person who will be responsible for removing the temporary political sign and who will be responsible for any incurred violations of this Chapter.

15. Real Estate Listings. Real estate listings posted in the window of a real estate office, with a maximum area of twenty-five percent of the total window area.

~~14~~16. Restaurant Menu Signs. Restaurant menu signs attached to a building, with a maximum area of three square feet.

~~15~~17. Temporary Signs. Temporary signs consistent with Section 18.88.120 (Temporary Signs).

~~16~~18. Traffic-Control Devices. Official traffic-control devices in accordance with Municipal Code Chapter 10.16 (Traffic-Control Devices)

Section 19. Subsection A of Section 18.88.120 (Temporary Signs) of Chapter 18.88 (Signs) of Title 18 (Zoning) is hereby amended to read as follows:

A. Residential Zoning Districts. Temporary signs in residential zoning districts shall comply with the standards in Table 18.88-1.

Table 18.88-1: Temporary Residential Sign Standards

	Type of Temporary Sign	
	Window, Wall, Freestanding, and Post Signs	Site Signs
Number of Signs	No max.	1 per property frontage; 2 max.
Area Per Sign	6 sq. ft. max.	32 sq. ft. max.
Area for All Signs Combined	24 sq. ft. max. per parcel	64 sq. ft. max. per site
Sign Height	6 ft. max.	8 ft. max. sign face, 12 ft. max. total
Setback from Property Line	No min. setback	5 ft. min.
Illumination	Not permitted	
Duration	See 18.88.~~130~~120.C	

Other Requirements	—	Allowed only on sites with residential uses under construction or not yet occupied.

Section 20. Subsection C of Section 18.88.120 (Temporary Signs) of Chapter 18.88 (Signs) of Title 18 (Zoning) is hereby amended to read as follows:

C. Duration. Temporary signs in all zoning districts shall be removed the earliest of when:

1. A commercial message is obsolete and has become misleading (e.g., a "for lease" or "for sale" sign in front of a building that is leased or sold);
2. The sign falls into disrepair; or
3. The sign has been displayed for the maximum number of days shown in Table 18.88-3, except for temporary political signs which may be erected not sooner than 90 days prior to the scheduled election and are removed within 10 days after that election.

Table 18.88-3: Temporary Sign Duration Standards

Sign Type and Material	Maximum Duration within a twelve (12) month period
Wall, Freestanding, Banner, and Window Signs	
Paper or cardboard sign face	3 days
Laminated paper; plastic lined polyethylene bags and comparable materials	30 days
Wood, corrugated plastic, metal, or vinyl sign face	3 months
Post Signs	
Wood, corrugated plastic, or metal sign face and finished wood or metal structure	~~9~~ 6 months
Site Signs	
Vinyl sign face	1 month
Corrugated plastic sign face	6 months
Wood or metal sign face	~~1 year~~6 months

Section 21. Subsection C of Section 18.88.140 (Violations and Enforcement) of Chapter 18.88 (Signs) of Title 18 (Zoning) is hereby amended to read as follows:

C. Removal of Hazardous and Illegal Signs.

1. The city may immediately remove or cause the removal of any sign that places the public in immediate peril or that is located within the public right-of-way.

2. For illegal signs that do not place the public in immediate peril and are located on private property, the city shall serve the business owner, property owner, or person responsible for the sign a written certified notice that:

   a. Describes the physical characteristics of the subject sign.

   b. Explains the nature of the violation.

   c. States that the sign shall be removed or brought into compliance with this article within ~~thirty~~ ten days after the notice is received.

   d. States that the city may remove the sign if the business owner, property owner, or person responsible for sign does not correct the violation within ~~thirty~~ ten days after the notice is received.

   e. States that the city may destroy the illegal sign if it is not retrieved within ~~thirty~~ ten days after removal by the city.

   f. States that the business owner, property owner, or person responsible for sign shall be responsible for all costs associated with the removal, storage, and destruction of the sign.

3. If an illegal sign is not removed or brought into compliance within ~~thirty~~ ten days after a notice is received, the city may issue a citation to the business owner, property owner, or person responsible for the sign as provided in Chapter 18.120 (Enforcement) and Municipal Code Title 1 (General Provisions) and may remove or cause the removal of the sign.

4. Any accessory structures, foundations, or mounting materials which are unsightly or a danger to the public health, safety, and welfare shall be removed at the time of the sign removal.

Section 22. Subsection L of Section 18.124.030 (Public and Quasi-public Uses) of Chapter 18.124 (Land Use Definitions) of Title 18 (Zoning) is hereby amended to read as follows:

L. Medical Offices and Clinics. Facilities where medical, mental, dental, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, and optometrists, diagnostic centers, blood banks and plaza centers, and emergency medical clinics offered exclusively on an out-patient basis. May include educational aspects such as medical instruction and/or training as well as house a

laboratory, radiology/imaging, pharmacy, rehabilitation and other similar services as accessory uses. Excludes "hospitals." Includes reproductive health community clinics consistent with Government Code Section 6514.900 that provide medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy

Section 23. Subsection B of Section 18.124.040 (Commercial Uses) of Chapter 18.124 (Land Use Definitions) of Title 18 (Zoning) is hereby amended to read as follows:

B. Animal-Related Uses.

1. Animal Boarding. A facility for keeping, boarding, training, breeding or maintaining four or more dogs, cats, or other household pets not owned by the facility owner or operator. Includes kennels, pet day care, and animal shelters. Excludes "veterinarian clinics and hospitals" and pet shops that provide grooming service.

2. Cat Café. An establishment whose principal business includes a restaurant/café at which cats may be adopted by patrons during normal business hours and boarded during off-business hours with a maximum of twenty (20) cats permitted at any time on the premises. All cats made available for adoption at the cat café shall be obtained from an animal rescue organization, shall be spayed or neutered, and shall have received all required vaccinations prior to being permitted at the cat café premises. The cat café shall comply with Title 6 (Animals) and the Santa Clara County Department of Environmental Health.

2. Equestrian Centers. A commercial or private facility created and maintained for accommodating, training or competing horses. May includes barn or stables, riding halls, and riding academies.

3. Veterinarian Clinics and Hospitals. Office and medical treatment facilities used by veterinarians where animals receive medical and surgical treatment, including large and small animal veterinary clinics and animal hospitals. Grooming and temporary boarding of animals for thirty days is included if incidental to the hospital use. Excludes "animal boarding" and pet stores ("retail sales").

Section 24. Subsection 1 of Subsection S of Section 18.128.020 (Definitions) of Chapter 18.128 (General Terms) of Title 18 (Zoning) is hereby amended to read as follows:

1. Setback. The minimum distance between by which any building ora structure must be separated from aand any lot line, public or private street easements, or drive-aisles.

Section 25. Subsection A of Section 18.152.030 (Definitions) of Chapter 18.152 (Agricultural Mitigation) of Title 18 (Zoning) is hereby amended to read as follows:

A. Agricultural Land. For "agricultural land" that requires off-setting preservation/mitigation under this agricultural lands preservation program, agricultural land is defined as land that is depicted on the 2010 current map of the Farmland Mapping and Monitoring Program

(FMMP) of the California Department of Conservation as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland~~, and Farmland of Local Importance~~ and that was not subsequently developed for non-agricultural use prior to August 1, 2014 or subsequently developed per the provisions of this ordinance. Lands identified as grazing land are not subject to the offsetting preservation/mitigation requirements set forth in this policy.

Section 26. **Severability.** Should any provision of this ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such provision shall be severed from the ordinance, and such severance shall not affect the remainder of the ordinance.

Section 27. **Effective Date; Posting**. This Ordinance shall take effect on the 31st day following adoption. The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE ___ DAY OF _____, 2024, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE ___ DAY OF _____, 2024, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

APPROVED: **ATTEST:**

_____ _____
MARK TURNER, Mayor **MICHELLE BIGELOW, City Clerk**

CERTIFICATE OF THE CITY CLERK

I, MICHELLE BIGELOW, 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 their regular meeting held on the ___ day of _____, 2024.

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

DATE: _____

_____
MICHELLE BIGELOW, City Clerk

CITY OF MORGAN HILL

ZA2024-0002
Miscellaneous Code Amendments

December 10, 2024

Miscellaneous Code Amendments

CITY OF MORGAN HILL

Project:

Zoning Amendment Amending

- Chapter 12.32 (Restrictions on Removal of Significant Trees)
- Various sections of Title 18 (Zoning)
  - **Implements Assembly Bill 2085 (reproductive health community clinics)**
  - **Implements Senate Bill 477 and Senate Bill 1211 (Accessory Dwelling Units)**
  - **Implements Assembly Bill 2097 (parking provisions)**
  - **Implements minor amendments, provide further clarification, or expand on certain topics**

Request:

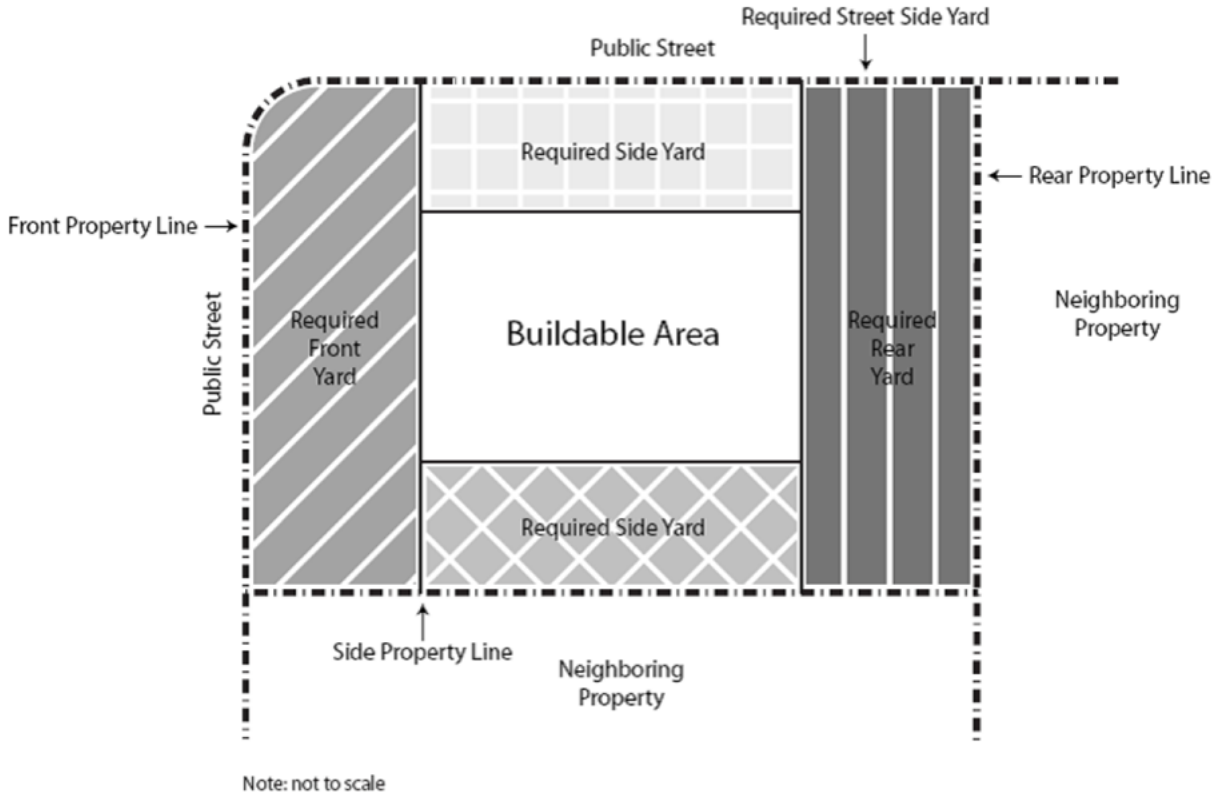
Adopt Resolution recommending City Council approval of the Zoning Amendment

Chapter 12.32 (Restrictions on Removal of Significant Trees)

- Rename Chapter 12.32 to Protected and Significant Trees
- Consistency with Tree Removal Application
  - Update language
  - Provide internal consistency
  - Define Prune (>25% of canopy) and Trimming (<25% of canopy)
  - Require Tree removal permits for all trees
    - Nonnative tree DBH of 13 inches or more
    - Native tree DBH of 6 inches or more
  - Replacement at a 1:1 ratio
  - Penalties equal to valuation of the removed tree, cost of replacing tree, or 3 times the amount of the current Tree Removal Permit fee

Chapter 18.12 (Rules of Measurement)

- Section 18.12.080 (Setbacks)
  - Clarify definitions for setbacks and revised figures



Chapter 18.18 & Chapter 18.40

CITY OF MORGAN HILL

Medium Density Residential Development Standards

- Table 18.18-2 (Residential Attached Low Density Development Standards)
- Table 18.18- 3 (Residential Attached Medium Density and High Density Development Standards)

Alternative Standards for Medium Density Residential Development

- Table 18.40-2 (Medium Density Residential Development Standards)

- Clarify a zero-foot setback is acceptable for Duets

Chapter 18.22 (Mixed Use Zoning Districts)

CITY OF MORGAN HILL

Table 18.22-2: Development Standards in Mixed Use Zoning Districts

	MU-D	MU-N	MU-F	Additional Standards
Site Requirements				
Lot Area, Minimum	3,500 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	
Lot Width, Minimum	40 ft.	60 ft.	60 ft.	
Lot Depth, Minimum	80 ft.	100 ft.	100 ft.	
Floor Area Ratio, Maximum	2.0 [1]	1.0	~~0.5~~None	
Residential Density				
Minimum	None	8 du/acre	7 du/acre	
Maximum	None	20 du/acre	24 du/acre	
Building Coverage, Maximum	None	75%	~~50%~~None	
Structure Requirements				
Setbacks	See Table 18.22-3			18.56.030
Height, Maximum	3 stories and 45 ft. [2]	35 ft. [3,4]	35 ft. [3]	18.56.020

Chapter 18.24 (Commercial Zoning Districts)

Table 18.24-1 (Permitted Land Uses in the Commercial Zoning Districts)

Key P Permitted Use A Administrative Use Permit required C Conditional Use Permit required — Use not allowed	Zoning District				
	CO	CN	CG	CH	CS
Medical Offices and Clinics	P	P	P	A [4]	C [4]
Cat Café	-	-	P	-	-

[4] Reproductive health community clinics consistent with Government Code Section 65914.900 are permitted by right.

Implements:

*Assembly Bill 2085 (*allow Reproductive Health Community Clinics by-right consistent with Government Code Section 65914.900)

Chapter 18.29 (Monterey Corridor Form-Based Code)

Table 18.29-2 (Permitted Land Uses in the Form-Based Zoning Districts)

Key P Permitted Use A Administrative Use Permit required C Conditional Use Permit required — Use not allowed	Zoning District		
	FB-N	FB-C	FB-UG
Cat Café	P	P	P

Cat Café: an establishment whose principal business includes a restaurant/café at which cats may be adopted by patrons during normal business hours and boarded during off-business hours with a maximum of twenty (20) cats permitted at any time on the premises.

Chapter 18.72 (Parking and Loading)

Section 18.72.030 (Required Parking Spaces)

- Parking Not Required within One-Half Mile of a Major Transit Stop
  - Caltrain Station and VTA Bus Route 68
  - Does not apply if written findings are made that the development would have a substantially negative impact on any of the following:
    - The city's ability to meet its share of the regional housing need for low- and very low-income households.
    - The city's ability to meet any special housing needs for the elderly or persons with disabilities.
    - Existing residential or commercial parking within one-half mile of the housing development project.

Implements:

Assembly Bill 2097

Chapter 18.84 (Accessory Dwelling Units)

- ADU's do not count towards density, building coverage, FAR
- Existing Multifamily Dwellings are allowed up to 8 detached ADU's
- Clarification that JADU's kitchen is of reasonable size; JADU's shall include an interior entry to the SFD if bathroom is not provided; and JADU's may be expanded by 150 sq ft for ingress/egress
- Require 1 parking space per ADU, unless exempt

<u>Implements:</u>

Senate Bill 477 and Senate Bill 1211

Chapter 18.88 (Signs)

CITY OF MORGAN HILL

Section 18.88.020 (Definitions)

1. Feather Sign. A sign composed of durable lightweight fabric with a sturdy frame enclosing only a portion of the material's edge so that it can remain upright and still be flexible in the breeze. Includes Teardrop Signs.
2. Political Sign. A temporary sign that encourages a particular vote in a scheduled election.

Section 18.88.040 (Signs Allowed Without Permits)

1. A-Frame Signs. Each commercial business location shall be permitted one A-frame sign per street frontage. The sign shall not exceed four feet in height or a width of three feet.
2. Feather Signs. Up to three feather signs may be allowed for thirty days after the initial opening (i.e. grand opening) of a business or housing development. The sign shall not exceed nine feet in height or a width of three feet and shall be unlighted.
3. Political Signs. Temporary political signs that are placed not sooner than 90 days prior to the scheduled election and are removed within 10 days after that election and has a statement of responsibility filed with the city certifying a person who will be responsible for removing the temporary political sign and who will be responsible for any incurred violations.

Chapter 18.88 (Signs)

CITY OF MORGAN HILL

Table 18.88-3: Temporary Sign Duration Standards

Sign Type and Material	Maximum Duration within a twelve (12) month period
Wall, Freestanding, Banner, and Window Signs	
Paper or cardboard sign face	3 days
Laminated paper; plastic lined polyethylene bags and comparable materials	30 days
Wood, corrugated plastic, metal, or vinyl sign face	3 months
Post Signs	
Wood, corrugated plastic, or metal sign face and finished wood or metal structure	~~9~~ 6 months
Site Signs	
Vinyl sign face	1 month
Corrugated plastic sign face	6 months
Wood or metal sign face	~~1 year~~6 months

Chapter 18.152 (Agricultural Mitigation)

CITY OF MORGAN HILL

Section 18.152.030 (Definitions)

- Agricultural Land. For "agricultural land" that requires off-setting preservation/mitigation under this agricultural lands preservation program, agricultural land is defined as land that is depicted on the ~~**2010**~~ **current** map of the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation as Prime Farmland, Farmland of Statewide Importance, **and** Unique Farmland~~**, and Farmland of Local Importance**~~ and that was not subsequently developed for non-agricultural use prior to August 1, 2014 or subsequently developed per the provisions of this ordinance. Lands identified as grazing land are not subject to the offsetting preservation/mitigation requirements set forth in this policy.

Miscellaneous Code Amendments

CITY OF MORGAN HILL

Recommendation

1. Open/close public hearing
2. Adopt Resolution recommending City Council approval of the Zoning Amendment

Questions?

CITY OF MORGAN HILL