

ORDINANCE NO. 835 N.S.

AN ORDINANCE OF THE CITY OF MORGAN HILL, CALIFORNIA AMENDING THE GENERAL PLAN PROVIDING FOR THE ESTABLISHMENT OF A NEW COMMERCIAL SERVICES STANDARD AND AMENDING THE PLANNED UNIT DEVELOPMENT AGREEMENT ESTABLISHED BY ORDINANCE NO. 545, N.S., AND RELATED DEVELOPMENT PLAN FOR THE MORGAN HILL BUSINESS PARK.

SECTION 1

Amendment to General Plan of the City of Morgan Hill Providing for the Establishment of a New Commercial Services Standard.

- A. The General Plan Standards are amended to add the following Commercial Services Standard to the "Commercial Services Standards" set forth on page 13 of the General Plan:

| Type of Service | Leading Occupants | Site Size (acres) | Population Served | Radius of Service (miles) | Location |
|--------------------|------------------------------------|---|-------------------|---------------------------|---|
| GENERAL COMMERCIAL | Department stores; specialty shops | 20 acres and above; with a floor area ratio not to exceed 50% | 25,000 and above | 2 to 5 miles | Along arterial streets, in proximity to major intersections |

- B. The following changes to Land Use Element Policy #40 are adopted:

Add a GENERAL COMMERCIAL commercial use category to the seven categories already listed. Under the "Action" portion of Land Use Element Policy #40, add "PUD-Commercial" as the "Zoning Category" corresponding to this new commercial use category. In the first sentence of Land Use Element Policy #40, change the word "seven" to the word "eight" to reflect the existence of eight commercial use categories instead of seven.

- C. The General Plan land use map is amended to locate GENERAL COMMERCIAL at the northeast corner of the Morgan Hill Business Park comprising Parcels 1 and 2 as shown on the Development Plan for the Morgan Hill Business Park.

- D. The following sentence is added after the third sentence in Land Use Element Policy #43:

The northeast corner of the Morgan Hill Business Park consisting of Parcels 1 and 2 of the Morgan Hill Business Park, as shown on the Development Plan therefore, and located at the southwest corner of Cochrane Road and the South Valley Freeway, shall be designated for GENERAL COMMERCIAL commercial uses.

SECTION II

Amendment to PUD Established by Ordinance No. 545, New Series, and Related Development Plan, as Previously Amended, for the Morgan Hill Business Park.

- A. The PUD established by Ordinance No. 545, New Series, as amended, and the Development Plan referenced in Ordinance No. 545, as amended (the "Development Plan"), are further amended as follows, but only as to the portion of such property designated in said Development Plan as Parcel 1 and Parcel 2:
1. The "Non-Manufacturing Business" designation of Parcel 1 and Parcel 2 as shown on the Development Plan is changed to "PUD-Commercial". Applications for construction of improvements within the "PUD-Commercial" area shall be processed in accordance with those provisions of Section D.10 of that certain Planned Unit Development Agreement for Morgan Hill Business Park entered into on March 4, 1981 (the "Agreement") which are applicable to property within the Morgan Hill Business Park designated for uses other than Non-Manufacturing Business.
 2. The permitted uses and development criteria for the portion of the Morgan Hill Business Park designated by this ordinance as "PUD-Commercial" are as follows:

PUD-COMMERCIAL

Permitted Uses: Retail stores (but excluding grocery supermarkets), wholesale business, restaurants, offices and professional offices, financial services, personal services, services agencies, banks and lending institutions, coffee shops, cocktail lounges, private educational facilities, recreation, amusement and entertainment facilities, wine tasting, parking garages, day care facilities and nursery schools.

Maximum Height: 50' (80' if firefighting capability is available)

Minimum Site Area: 10,000 square feet

Minimum Lot Depth/Width: 100'/80'

Maximum Coverage: 50%

Setbacks: South Valley Freeway
50' Cochrane Road
30', all other-front 20'
side 0', rear 0'

Parking & Loading: As required by Morgan Hill Business Park Architectural Guidelines

Signs: As required by Morgan Hill Business Park Sign Guidelines

3. The Development Plan is hereby further amended by reducing the width of the landscape buffer within the project boundary along Cochrane Road from 40 feet to 30 feet.
- B. Notwithstanding any provision of the Agreement, or any other ordinance or regulation of the City to the contrary, whether in effect as of March 27, 1987 or later enacted, including but without limitation Section 4 of Ordinance No. 545, New Series, no conditional use permit or other discretionary permit shall be required to commence and/or complete construction of improvements intended to be used for any of the permitted uses within the "PUD-Commercial" area, as established by this ordinance.

- C. The City of Morgan Hill's Community Development Department staff is directed to amend the Development Plan to conform to the amendments effected by this Section II.
- D. The people of the City of Morgan Hill find and declare that the amendments effected by this Section II are compatible and consistent with the goals, objectives, policies and land uses designated in the General Plan of the City of Morgan Hill, as amended by Section 1.
- E. The people of the City of Morgan Hill find and declare that for the reasons set forth above, the public necessity, convenience and general public welfare require the amendments effected by this Section II.

Section III

Further Amendment to PUD Established by Ordinance No. 545, New Series, Excluding Use Permit Requirement for Non-Manufacturing Business Areas Within the Morgan Hill Business Park.

- A. The PUD established by Ordinance No. 545, New Series, as amended, is further amended as follows:

Notwithstanding the provisions of Section D.10 of that certain Planned Unit Development Agreement for Morgan Hill Business Park entered into on March 4, 1981, or any other ordinance or regulation of the City to the contrary, whether in effect on March 27, 1987 or later enacted, including but without limitation Section 4 of Ordinance No. 545, New Series, no conditional use permit or other discretionary permit shall be required to commence and/or complete construction of improvements intended to be used for any of the permitted uses within the areas designated for "Non-Manufacturing Business" within the Morgan Hill Business Park.

- B. The people of the City of Morgan Hill find and declare that the amendments effected by this Section III are compatible and consistent with the goals, objectives, policies and land uses designated in the General Plan of the City of Morgan Hill, as amended by Section I.

- C. The people of the City of Morgan Hill find and declare that for the reasons set forth above, the public necessity, convenience and general public welfare require the amendments effected by this Section III.

Section IV

Planned Unit Development Agreement

- A. For purposes of Section D.9 of that certain Planned Unit Development Agreement for Morgan Hill Business Park entered into on March 4, 1981, this ordinance shall constitute an amendment to the Development Plan and PUD.

Section V

Repeal or Amendment of Ordinance

- A. This ordinance may be repealed or amended only by a majority of the voters of the City of Morgan Hill voting in a valid election.

Section VI

Severability

- A. If any provision or application of any provision of this ordinance is held unconstitutional or violative of any state or federal law, the invalidation shall not affect the validity or operative effect of any other provision or any other application of any provision of this ordinance. To this end, the provisions and applications of the provisions of this ordinance are severable and would have been enacted even though other provisions or applications are held unconstitutional or otherwise violative of law.

Section VII

Conflict With Other Provisions

- A. In case any provision of this ordinance conflicts or is inconsistent with other City plans, ordinances, regulations or policies, the provisions of this ordinance shall govern.

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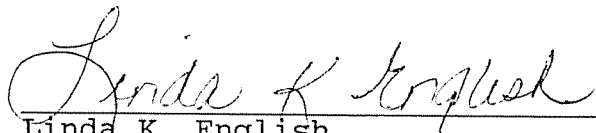
The foregoing ordinance was enacted by the people at a Special Election held on September 22, 1987, by the following vote:

Effective date of this ordinance: October 9, 1987


AYES: 2,785

NOES: 1,848

APPROVED:


Linda K. English
Mayor

ATTEST:


Barbara A. Howard
City Clerk