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Reasonable Accommodations for Persons with Disabilities

In accordance with the goals and policies of the General Plan, the City of Morgan Hill is committed to promoting housing within our community that is appropriate for and accessible to the disabled. The City has and continues to take steps to provide reasonable accommodations for persons with disabilities as follows and as further described below: 1) Flexibility and exceptions to zoning standards; 2) Financial assistance for home improvements; and 3) Enforcement of state laws ensuring handicap accessibility.

ZONING CODE

The Zoning Code sets the allowable uses and development standards for various zones throughout the City. Development standards include but are not limited to minimum lot size, maximum building height, and minimum yard setbacks. The Zoning Code also establishes discretionary permits such as a Design Permit required for most new construction.

Design Permit Exemption

In accordance with Section 18.74.040 of the Zoning Code, the Community Development Director may exempt certain projects from a Design Permit if the project involves only 'minor or incidental modifications'. One example of a minor or incidental modification specifically listed in the Zoning Code is "The remodel or addition of ramps, pathways or parking or other reasonable accommodations necessary to accommodate the requirements of Federal, State or local accessibility laws." Therefore, construction of a handicap ramp or other accessibility improvement required by Federal, State or local law would be exempt from the City's Design Permit requirement.

Allowed Projections into Required Setback Areas

Additional provisions have also been incorporated into the Zoning Code to facilitate handicap accessibility. Depending on the specific size and design of an access ramp, a ramp may be: 1) exempt from setback requirements; OR 2) allowed to project into the setback area up to five feet; OR 3) eligible for a Minor Exception which would allow reduced setbacks.

- ***Exempt***

The Zoning Code requires structures to be setback a certain distance from property lines. For handicap ramps, setback requirements typically would not apply given ramps usually consist only of a sloped path of travel with railing. If a handicap ramp were to include a roof element or was part of a larger structure, however, the ramp would be required to be setback a certain distance from all property lines.



- **Allowed Projection into Required Setback Areas**

Section 18.57.030, Exceptions to Required Setbacks, allows projections into required yard areas in order to accommodate architectural elements and other ancillary features, including handicap ramps. More specifically, Section 18.57.030.3 of the Zoning Code reads, “Porches, second story stairways and landings leading to a second story may project a distance not to exceed five feet and in no case be setback less than five feet.” For example, if the underlying zoning for a home requires a side yard setback of 10 feet, a handicap ramp with an overhead element could be constructed within five feet of the side property line without a discretionary permit from the Planning Division.

- **Minor Exception for Reduced Setbacks**

If a handicap ramp or similar accommodation is not exempt from setback requirements and cannot be constructed within the limited allowed projections described above, a Minor Exception for reduced setbacks may be requested. Section 18.57.010 of the Zoning Code allows a setback reduction of up to 25 percent in the front and rear yards and up to 40 percent in the side yards with approval of a Minor Exception. The exceptions are approved by the Community Development Director using a streamlined administrative process involving notification of contiguous property owners.

FINANCIAL ASSISTANCE

Retrofitting an existing home to accommodate handicap accessibility may be very costly for homeowners. To assist Morgan Hill residents with basic home repair and maintenance needs, the Morgan Hill Successor Agency has developed the BMR and Senior Home Rehabilitation Program. This program is available to mobile home owners, senior citizens and the disabled to assist with minor repairs essential to ensuring the residents’ health and safety. Examples of eligible work include but are not limited to the following: plumbing and heating; electrical and lighting; earthquake retro-fit; fire prevention; security and safety items; roofing; handicap accessibility; and termite and dry rot repair. Each eligible applicant may receive a grant of up to \$7,500; grants are not loans and thus repayment is not required. For more information on the Minor Home Repair Grant Program, contact the Business Assistance and Housing Services Department at (408) 778-6480 or visit the City’s website at www.morganhill.ca.gov.

STATE LAW COMPLIANCE

All new construction is required to meet current standards and requirements for handicap accessibility. The Building Division is responsible for ensuring compliance with State law regarding accessibility for building construction in Morgan Hill. It should be noted all building construction, whether new construction or modification of existing structures, is required to comply with accessibility laws. For retrofitting of existing buildings, the Building Code recognizes certain hardship situations and allows alternative solutions for handicap accessibility. While the hardship provisions do not exempt existing buildings from providing handicap accessibility, they do provide property owners some options for compliance. For detailed information regarding State accessibility laws, refer to Chapter 11 of the California Building Code.

