

Cupertino, CA Municipal Code

CHAPTER 19.80: PLANNED DEVELOPMENT (P) ZONES

Section

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19.80.010 Purpose.

A. The planned development (P) zoning district is intended to provide a means of guiding land development or redevelopment of the City that is uniquely suited for planned coordination of land uses and to provide for a greater flexibility of land use intensity and design because of accessibility, ownership patterns, topographical considerations, and community design objectives.

B. The planned development zoning district is specifically intended to encourage variety in the development pattern of the community; to promote a more desirable living environment; to encourage creative approaches in land development; to provide a means of reducing the amount of improvements required in development through better design and land planning, to conserve natural features, to facilitate a more aesthetic and efficient use of open spaces, and to encourage the creation of public or private common open space by establishing a process to consider and approve conceptual and definitive plans that provide development standards and regulations to advance these goals.

19.80.020 Applicability of Regulations.

No building, structure or land shall be used and no building or structure shall be erected, enlarged or structurally altered, or demolished, in any planned development zoning district, except in accordance with the provisions set forth in this chapter.

19.80.030 Establishment of Districts–Permitted and Conditional Uses and Development Standards.

A. Planned development zoning districts may be established, modified or removed from the zoning map, and the regulations applicable to any planned development

district may be established, modified or deleted in accord with the procedures described in this chapter.

B. All P districts shall be identified on the zoning map with the letter coding "P" followed by a specific reference to the general type of use allowed in the particular ~~planning-planned~~ development zoning district. For example, a planned development zoning district in which the uses are to be general commercial in nature, would be designated "P(CG)." A planned development zoning district in which the uses are intended to be a mix of general commercial and residential would be designated "P(CG/Res)."

C. Permitted uses in a P zoning district shall consist of all uses which are permitted in the zoning district ~~which constitutes the designation referenced~~ following the letter coding "P." "P," unless a conceptual development plan, specific plan, or other zoning plan, further restricts the uses. For example, the permitted uses in a P(CG) zoning district are the same uses which are permitted in ~~a~~the CG zoning district. For sites with a mixed-use residential designation, Section ~~19.80.030F~~19.80.030E shall apply.

D. Conditional uses in a P zoning district shall consist of all uses which require the issuance of a conditional use permit in the zoning district ~~which constitutes the designation referenced~~ following the letter coding "P." "P," unless a conceptual development plan, specific plan, or other zoning plan, further restricts the uses. For example, the conditional uses in a P(CG) zoning district are the same uses which require a conditional use permit in the CG zoning district. Each conditional use in a P zoning district requires a separate conditional use permit. For sites with a mixed-use residential designation, Section ~~19.80.030F~~19.80.030E shall apply.

~~—E. The general category of uses in a P zone shall be defined at the time of the conceptual plan, and shall be consistent with the adopted General Plan relative to the property in the application. The development standards and regulations of the permitted and conditional uses shall be established in conjunction with the approval of the conceptual and definitive plans, unless specifically identified in Section 19.80.030F below. Developments which are not subject to discretionary approval by the City must comply with the development standards of the underlying zoning district.~~

~~—F~~ E. For sites with a mixed-use residential designation the following shall apply:

1. For sites in the Monta Vista Village Special Area, residential shall be a permitted use.

2. If a site is listed as a Priority Housing Site in the City's adopted Housing Element of the General Plan, then residential development that does not exceed the number of

units designated for the site in the Housing Element shall be a permitted use.

3. Residential development on sites not designated as Priority Housing Sites in the City's adopted Housing Element of the General Plan and residential development on a Priority Housing Site that exceeds the number of units designated for that Priority Housing Site shall be a conditional use, except as provided in subsection 5, below.

4. Priority Housing Sites shall be shown on the City's zoning map.

5. For sites zoned P(R3, CG), no conceptual or definitive plans shall be required to establish permitted and conditional uses. Multifamily residential use is the primary permitted use. Commercial uses may be incorporated into the development on the ground floor but shall not be the primary permitted use.

F. The development standards and regulations for residential only and mixed-use residential projects in a P zoning district shall consist of the following:

1. All development standards and regulations in the General Plan and any adopted specific plan, conceptual development plan, definitive plan, or other zoning plan, and, to the extent not addressed in those plans, all development standards and regulations for the zoning district referenced following the letter "P." The development standards and regulations for a residential development are those established for the R-3 zoning district.

2. In implementing subsection (1) above, mixed-use projects shall comply with the development standards and regulations in the R-3 zone and the referenced zoning district by proposed use. For example, residential portions of the project shall comply with the development standards and regulations in the R-3 zoning, commercial portions of the project shall comply with the development standards and regulations in the CG zoning, industrial portions of the project shall comply with the development standards and regulations in the ML/MP zoning, whichever is referenced, and office portions of the project shall comply with the development standards and regulations in the OA/OP zoning, whichever is referenced. In the event of any conflicts, the most restrictive standard or regulation shall apply.

G. For projects with no residential component proposed in a P zoning district, the development standards and regulations of the permitted and conditional uses shall be established in conjunction with the approval of conceptual and definitive plans, and such projects shall also comply with any adopted specific plan, or other zoning plan.

For sites which require a specific plan prior to development approval, the permitted and conditional uses and all development regulations shall be as shown in the specific plan.

19.80.040 Zoning or Prezoning.

A. Application. The applicant for zoning, prezoning, or rezoning of property to a P zoning district shall, in addition to information required per Chapter 19.12, at the time of the application, submit to the Director of Community Development a conceptual development plan, which shall include:

1. A general description of the proposed uses,
2. The proposed traffic-circulation system,
3. A topographical map of the site and the neighboring properties,
4. A landscaping plan.

B. Process and Review Authority.

1. Applications for the zoning, prezoning or rezoning of property shall be processed in the manner prescribed in Chapter 19.152.

C. Findings. No such ordinance may be adopted unless, in addition to making the findings required by Chapter 19.152, the following findings are made:

1. That the conceptual development plan attached to the application is consistent with both the General Plan and any underlying zoning designation which regulates the site;

2. That the conceptual development plan provides for an organized and unified system of land uses and land use intensities which would be compatible with the surrounding neighborhood;

3. That the conceptual development plan for a residential use ensures that the proposed development provides adequate active and passive oriented open space within the development to satisfy the needs of future residents and, further, that the proposed development provides adequate landscaping that will function in a manner which will enhance the individual development and the community as a whole;

4. That the conceptual development plan ensures that the location of the site with respect to major thoroughfares and uses outside the zone would not create undue and unreasonable traffic congestion in the area;

5. That the conceptual development plan makes provisions for adequate parking, waste disposal and undergrounding of utilities.

D. Modifications. Any modification of the conceptual plan requires the submission of a rezoning application.

19.80.050 Development Permit.

Process and Review Authority - Prior to any development within a planned development zoning district, the applicant must obtain a development permit and a required or requested definitive plan approving the development pursuant to the requirements of Chapter 19.156. A required or requested definitive plan may be reviewed and approved concurrently with the development permit.