

## **SINGLE-STORY OVERLAY (R1-Xi) DISTRICT**

### **PROCESS AND GUIDELINES**

A Single-Story Overlay District (R1-Xi) is a zoning designation that can be adopted to preserve and maintain single-family neighborhoods in R1 zones that are predominantly, or exclusively, single-story. If you are interested in pursuing a Single-Story Overlay District for your neighborhood, the following steps outline the process:

**STEP 1:** Applicant(s) define the proposed neighborhood boundaries of the Single-Story Overlay District. The proposed boundaries of the District are to correspond to natural or man-made features (including, but not limited to, streets, waterways, zoning boundaries and similar features,) which would result in the establishment of an identifiable neighborhood. Planning staff is available to help advise you on how to best comply with the criteria for establishing the boundaries. In addition, the proposed district boundary must have at least 75% of homes as single-story.

**STEP 2:** The Applicant(s) must circulate the petition provided by the City to the properties within the proposed Single-Story Overlay District. At least 66-2/3% of the properties within the proposed Single-Story Overlay District must sign the petition in favor of the proposed Overlay District in order for the City to accept an application.

**STEP 3:** Applicant(s) must submit the required application materials to the Planning Division for processing. The materials required for submittal include the following:

1. A completed Application Form;
2. Application fee(s) and deposit(s) for mailings, etc. (to be determined by the City Council);
3. Petition circulated, with original signatures by a minimum of sixty-six and two-thirds (66-2/3) percent of property owners within the proposed Single-Story Overlay District in favor of the proposed district;
4. A written statement setting forth the reasons for the application and all facts relied upon by the Applicant(s) in support thereof;
5. Map of the proposed Single-Story Overlay District;
6. Evidence that a minimum of 75% of homes within the proposed District are single-story.

**STEP 4:** Upon application, the materials provided will be reviewed to ensure that the application conforms to the requirements.

**STEP 5:** Upon verification of the qualification of the proposed district, the City will then initiate a mail-in voting process for only those properties within the proposed Single-Story Overlay District. Property owners will have forty-five (45) calendar days to return the ballot. If at least sixty-six and two-thirds ( $66\frac{2}{3}$ ) percent of property owners within the proposed Overlay District support the proposal, then the application will be scheduled for public hearings before the Planning Commission and City Council.

**STEP 6:** City staff will forward the application and proposed boundaries along with the mail-in ballot results to the Planning Commission at a scheduled public hearing. Property owners within the proposed Single-Story Overlay District and those within 300 feet will be mailed a notice of the meeting. The Planning Commission will make a recommendation for the proposed overlay district and a public hearing will be scheduled at which the City Council will make the final decision.

If the proposed Overlay fails to achieve the sixty-six and two-thirds ( $66\frac{2}{3}$ ) percent affirmative vote of the official mail-in ballots, then the application does not qualify for public hearings, and the application will be closed.

### **Removal of a Single-Story Overlay District**

Removal of a Single-Story Overlay District will be required to follow the same process noted above. The only requirement that is not applicable is that 75% of the homes in the proposed district be single-story.

### **Two-Story Homes**

Applications for a new two-story or an addition to a pre-existing second-story in an R1-Xi zone (with a Single-Story Overlay) will be required to apply for a Conditional Use Permit (CUP) in addition to all other permits typically required in regular R1 (Single-Family Residential) zones. The requirements for a CUP are listed in Chapter 19.156 of the Cupertino Municipal Code.

Structural improvement to an existing second-story may be approved without Planning permits, if in compliance with Chapter 19.140.