



# MILPITAS PLANNING COMMISSION AGENDA REPORT

Meeting Date: January 23, 2008

## NEW BUSINESS

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**APPLICATION:** Discussion on Entitlement and Permit Streamlining and Public Hearing Notification Changes

**APPLICATION SUMMARY:** A discussion on potential text Zoning Amendments to streamline the entitlement and permit process and changes to the Public Hearing notification process.

**LOCATION:** Citywide  
**APPLICANT:** City of Milpitas, 455 E. Calaveras Blvd.  
**OWNER:** NA

**RECOMMENDATION:** Staff seeks concurrence and direction.

**PROJECT DATA:**  
General Plan/  
Zoning Designation:  
Overlay District:  
Specific Plan:

Site Area:  
Any other pertinent info:

CEQA Determination:

**PLANNER:** Sheldon S. Ah Sing, Senior Planner

PJ:

**ATTACHMENTS:** A. Table of Current Section 42 Subcommittee Review and Proposed Changes

## BACKGROUND

In 1980 the City Council adopted the Site and Architectural combining district, commonly referred to as the “S” Zone. The purpose of the “S” Zone is to ensure harmonious development with surrounding land uses. On September 15, 1998, the City Council adopted Ordinances 38.716 and 124.20 to streamline review of signs and minor projects. Many of the affected projects were required to go through a review process because of they were located within the “S” Zone. The ordinances created a Planning Commission Subcommittee and process for projects that are minor in scope.

The Planning Commission expressed desire to further streamline the entitlement process in December 2007.

## PROJECT DESCRIPTION

This report is a discussion of potential text amendments to the Zoning Ordinance. The purpose of this discussion is to introduce the potential amendments and flush out any concerns the Planning Commission may have regarding the proposed amendments. In addition, the City Council directed staff last year to amend the Zoning Ordinance with regard to public hearing notification. This report summarizes those proposed changes.

**Attachment A of this report includes a table with the current regulations in Section 42, “S” Combining District and the proposed changes from staff.**

The table below describes other uses or signs warranting streamlining in the process.

Project Type	Review authority			Comments
	Planning Commission	PC Subcommittee	Staff	
Freestanding signs up to six feet in height		Change	Change	Allow staff review of these signs
Signs for single tenant structures		Change	Change	Allow staff review of these signs
Model Homes	Change		Change	Allow staff review of model home projects
Food stores/Supermarkets	Change		Change	Only projects that are within 1,000 feet of a residential property are reviewed by PC.

### *Discussion*

Specifically, Section 42, “S” Combining District (Site and Architectural Review or “S” Zone) is seen as a section that would be modified. The “S” Combining district encompasses all zoning districts except R1-6, R1-8, and R1-10. The section includes the purpose of the district, the types of projects that require an “S” Zone review and a description of the “S” Zone review process. Projects located within the “S” Zone require Planning Commission, Planning Commission Subcommittee or staff review. The most time intensive review is the Planning Commission review, with the least time intensive review being staff review. Ultimately, all projects require some form of staff review.

In addition, some uses that require a Conditional Use Permit would be affected by the proposed amendments. Conditional Use Permits are reviewed by the Planning Commission. Ancillary text amendments would result to make the Zoning Ordinance internally consistent as a result of any of the other changes proposed.

If the Planning Commission is comfortable with the proposed scope of changes, a subsequent public hearing would include the specific text amendments for the Planning Commission's recommendation to the City Council. The City Council is the final authority for Zoning Amendments.

### ***Purpose***

The original Zoning Ordinance was developed in 1955 and has not been comprehensively updated since. There has been some confusion from the public and consultants working as an extension of staff about the "S" Zone application and review process. The code is not very clear and some instances there are inconsistencies. There is an opportunity this year to amend the code to create an easy to understand and internally consistent Zoning Ordinance. In addition, it has been nearly ten years since the first attempt to streamline the development review process and further improvements are warranted.

### ***Section 42 Site and Architectural District and Review***

Staff proposes to modify the "S" Zone Section to change the name of the district from "Site and Architectural Combining District" to "Site and Architectural Overlay District". It is more common in the Planning profession to use the term "Overlay" rather than "Combining". Essentially, they are the same, but using current terminology will reduce confusion amongst developers, architects and other land use professionals. It is the intent that other "Combining" districts, such as the Transit Oriented Development would also change to "Overlay" later this year with subsequent amendment efforts.

The Section currently mingles the discussion of the overlay district with the review process and "S" Zone application. With turnover in staff over the past year and the introduction of consultant services, there has been confusion as to how to interpret this section because the code is not very clearly organized. Staff proposes to create distinctive subsections that outline the purpose and intent of the district, the application and describe in detail, the review process. The intent is to make the code so that someone can read it and understand whether their project requires review by the Planning Commission, the Planning Commission Subcommittee or is a ministerial project reviewed by staff.

### **Entitlement Name Change**

Staff proposes to change the name of the "S" Zone entitlement to Site Development Permit or SDP, which would be more familiar to developers and the public since it is more descriptive. Presently, the code does differentiate between what can be approved by the Planning Commission Subcommittee and staff very clearly. Staff proposes to outline specifically what projects require the SDP. Staff proposes that those items that can be solely approved by staff should be included in "Section 54, General Provisions" of the Zoning Ordinance, which would describe the criteria of planning staff may approve the request. If the criteria are not met, then discretionary review may be required and noted as an exception.

### **New "Minor" Entitlement**

In streamlining the process staff discovered that further confusion resulted from the fact that certain amendments to "S" Zone Reviews required public hearings, while some did not. Staff proposes to

create a new entitlement “Minor Site Development Permit” (MSDP) when such projects only need review by the Planning Commission Subcommittee. The Subcommittee does not hold public hearings. It will be clear for the public and staff that a SAP is ultimately reviewed by the Planning Commission, whereas a MSDP is ultimately reviewed by the Planning Commission Subcommittee, unless the Subcommittee decides that the Planning Commission needs to review the project, or the Planning Director believes the project contains public controversy, in which case the Planning Commission shall review the request.

### ***Signs***

Staff proposes that freestanding signs up to six feet in non-residential zones be reviewed by staff. There is an inconsistency within the Sign Ordinance [30-3.01(d)] and Table 30-7.01 for new building signs for single tenant structures, where one section requires Subcommittee approval, while the other section allows staff review. Staff proposes to allow staff to review new building signs for single tenant structures.

### ***Uses***

Some uses require the Planning Commission to approve a Conditional Use Permit prior to applying for a business license. Staff proposes the following changes:

Food stores and supermarkets that are located within 1,000 feet of residentially zoned property as measured from the exterior walls of the store should require approval of a CUP, if the project is not within 1,000 feet of residentially zoned property, then staff may approve the business license. New performance standards regarding delivery times and noise will be created.

Currently model homes and residential home sales offices require a CUP, staff proposes that these be reviewed by staff. These projects are temporary and are removed upon sale of all of the residential units.

### ***Public Hearing Notification Changes***

The Open Government Subcommittee recommended to the City Council that public hearing notifications should be increased from a 300 foot radius to 1,000 feet for General Plan Amendments, Zoning Amendments, Conditional Use Permits and Environmental Impact Report reviews. The Subcommittee also recommended that public hearing notifications increase from 300 feet to 500 feet for Variances. In addition, the recommendation included requiring staff to conduct at least one community meeting for General Plan Amendments, Zoning Amendments and Environmental Impact Report Reviews and that the City provide a ¼ page advertisement a local newspaper for General Plan Amendments, Zoning Amendments, Conditional Use Permits and Variances.

The City Council concurred with their recommendations and staff will provide the Planning Commission a subsequent meeting the specific language to consider the zoning text amendment.

## **CONCLUSION**

The proposed changes are intended to create a clear and informative code by clarifying, eliminating inconsistencies and when warranted, streamlining the process for shorter review times. Staff seeks concurrence and direction.

**RECOMMENDATION**

STAFF SEEKS concurrence and direction on the proposed changes.

*Attachments:*

- A. Table including current code requirements for Section 42 and summary of proposed changes.

The table below depicts the present code and the proposed changes suggested by staff.

<b>(A) Roof Screens, Roof-Top Equipment</b>		
<b>Planning Staff can approve:</b>	<b>Planning Commission Subcommittee may approve:</b>	<b>Proposed Changes</b>
<p>(1) Roof screen expansions which exceeds the height of existing roof screens, if line-of-sight drawings demonstrate that the equipment will not be visible from surrounding “worst case” view points, including public and private rights-of-way and private properties.</p> <p>(2) New roof screens which complement building materials and/or include tex-cote finish or stylized design using materials and color scheme to tie in with the building (no non-decorative plywood screens). Where possible, screening of roof top equipment shall employ a single large screen rather than numerous small screens. No parapet extensions may be approved.</p> <p>(3) Roof-top equipment which exceeds the height of existing roof screens, if line-of-sight drawings demonstrate that the equipment will not be visible from surrounding “worst case” view points, including public and private rights-of-way and private properties.</p> <p>(4) Roof-top HVAC or other potentially noisy equipment on a building which abuts a Residential or Mobile Home Park combining district or use, if the applicant submits acoustical certification that</p>	<p>(1) Note: Only the Planning Commission may approve roof-top equipment which exceeds the height of existing roof screens, if line-of-sight drawings demonstrate that the equipment will be visible from surrounding “worst case” view points, including public and private rights-of-way and private properties.</p>	<p><b>No Change</b></p>

<p>noise levels will not exceed 60 dB DNL at the shared property line. Such equipment must be visually screened from surrounding view points, including the residential uses.</p>		
<p><b>(B) Building Color Changes</b></p>		
<p>Planning Staff can approve:</p>	<p>Planning Commission Subcommittee may approve:</p>	<p><b>Proposed Changes</b></p>
<p>(1) Color changes for all buildings outside of the Hillside combining district and PUD's, so long as the proposed colors are earth tone, muted and/or compatible with the surrounding area and development. However, no color changes may be approved for designated historical or cultural resource structures.</p> <p>(2) Color changes for buildings within a PUD, including Hillside PUD's, so long as building color complies with any listed development standards or special conditions of that PUD.</p>	<p>(1) Color changes for residences within the Hillside combining district, including homes within a PUD which does not specify color choices, so long as the proposed colors are earth tone, muted and compatible with the surrounding development. Applicant shall submit letter of support from applicable homeowners association.</p> <p>(2) No color changes may be approved for designated historical or cultural resource structures.</p>	<p><b>No Change</b></p>
<p><b>(C) Re-Roofs</b></p>		
<p>Planning Staff can approve:</p>	<p>Planning Commission Subcommittee may approve:</p>	<p><b>Proposed Changes</b></p>
<p>1) Re-roofs for flat roofs, behind parapets, which are not visible from surrounding view points.</p> <p>2) Re-roofs which use the same material as previously approved. Replacement of wood shake roofs may only be approved by the Planning Commission.</p> <p>3) Change in roof material for</p>	<p>1) Change in roof material for buildings in Commercial, Industrial and Mixed Use districts. However, wood shake, non tri-laminate asphalt composition and metal roof material that is reflective, corrugated, or standing seam may only be approved by the Planning Commission.</p>	<p><b>Wood shake, non tri-laminate and metal roof only reviewed by Subcommittee.</b></p> <p><b>Everything else reviewed by staff.</b></p>

<p>buildings within a PUD, including Hillside PUD's, so long as the proposed roof material complies with any listed development standards of that PUD. Other materials, such as metal and tri-laminate asphalt composition, may be used in lieu of listed roof material so long as it mimics the material required.</p> <p>4) Change in roof material for all Residential Valley Floor "S" combining districts and R1-H lots, regardless of lot size, to all types of materials. However, wood shake, non tri-laminate asphalt composition and metal roof material that is reflective, corrugated or standing seam may only be approved by the Planning Commission.</p>		
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**(D) Minor Exterior Building Changes, Including But Not Limited to, Doors, Entryways, Patios and Patio Covers, Walkways, ATM's, Awnings, Loading Areas**

Planning Staff Can Approve:	Planning Commission Subcommittee May Approve:	Proposed Changes
<p>(1) In Commercial, Industrial and Mixed Use districts, and for commercial uses in TOD districts, minor exterior building changes as described below, provided that the project complements the colors, materials and design of the building, with no loss of required parking, no net reduction in the number of on-site trees and no loss of protected trees as defined in Section X-2.00:</p> <p>a. Windows and person doors which match existing or which complement the building facade.</p>	<p>(1) In Commercial, Industrial and Mixed Use districts, and for commercial uses in TOD districts, minor exterior building changes as described below, provided that the project complements the colors, materials and design of the building, with no loss of required parking, no net reduction in the number of on-site trees and no loss of protected trees as defined in Section X-2.00:</p> <p>a. New main</p>	<p><b>Only significant decorative amenities, (such as artwork and fountains) and stand alone ATMs reviewed by Subcommittee.</b></p> <p><b>Everything else reviewed by staff.</b></p>

<p>b. New or expanded patios, patio covers, awnings and canopies at the rear or sides of a building, except on the street side of a corner lot.</p> <p>c. Landscape deletion (i.e., shrubs and groundcovers) to accommodate new walkways which are required for building exiting purposes or handicap accessibility.</p> <p>d. ATM's proposed on an exterior wall of an existing bank in Commercial and Industrial districts.</p> <p>e. Minor changes to architectural elements which do not change the overall design of a building.</p> <p>f. Replacement of windows with roll-up doors (and vice versa) when located toward the interior side or rear of a site.</p> <p>g. Metal canopies over equipment storage yards at the rear of commercial or industrial sites, provided they are not visible from public streets or abutting a Residential or Mobile Home Park combining district or use.</p> <p>h. New loading areas and revisions to existing loading areas, when located toward the rear or side of a site, except for the street side of corner lots, or except if the project area abuts a Residential or Mobile Home Park combining district or use.</p> <p>(2) In all Residential Valley Floor "S" combining</p>	<p>entryways at the building front or street side which feature architectural projections (i.e., porticos, entryway roof covers, trellises, etc.).</p> <p>b. New or expanded patios, canopies/patio covers, trellises and awnings proposed at the front or street side of a building.</p> <p>c. New fountains or other decorative amenities.</p> <p>d. New loading areas and revisions to existing loading areas proposed at the front half of the building or lot, except where the project area abuts a Residential or Mobile Home Park combining district or use.</p> <p>e. ATM's proposed on a non-bank building and other pedestrian-oriented in-wall automated service machines.</p> <p>(2) In the Hillside combining district, minor exterior building changes as described below, provided that the project complements the colors, materials and design of the building.</p> <p>a. Minor changes to architectural elements which do not change the overall design of a building.</p> <p>b. Windows, window awnings and person doors which match</p>	
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<p>districts, minor exterior building changes as described below, provided that the project complements the colors, materials, and design of the building.</p> <p>a. Awnings, patio covers, and gazebos which comply with height, setback, and yard coverage requirements. The applicant shall provide the Planning Division with written, signed consent of adjoining residential property owners and applicable homeowners association.</p> <p>b. Minor changes to architectural elements which do not change the overall design of a building.</p> <p>c. Windows and person doors which match existing or which complement the building facade.</p> <p>(3) Minor exterior building changes for residences within Hillside Combining District PUD's which are specifically conditioned to allow a staff approval process for alterations subsequent to initial construction of the home.</p>	<p>existing or which complement the building facade.</p>	
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**(E) Landscape Changes**

Planning Staff May Approve:	Planning Commission Subcommittee May Approve:	Proposed Changes
<p>(1) Replacement planting of similar landscape materials and addition of landscaping. Landscaping shall comply with Ordinance No. 238 (water efficient landscape regulations). Landscaping within the "H" combining district shall comply with</p>	<p>(1) Deletion of non-required landscaping exceeding 200 square feet in area, to accommodate modifications to existing developed sites. However, in Commercial, Industrial and Mixed Use districts, and for conditional uses within Residential</p>	<p><b>No changes.</b></p>

<p>City Council Resolution No. 6066.</p> <p>(2) Deletion of non-required landscaping up to 200 square feet in area to accommodate modifications to existing developed sites. However, in Commercial, Industrial and Mixed Use districts, and for conditional uses within Residential Valley Floor “S” combining districts, no net reduction in the number of on-site trees and no loss of protected trees, as defined in Section X-2.00 of the Milpitas Municipal Code, may be approved.</p>	<p>Valley Floor “S” combining districts, no net reduction in the number of on-site trees and no loss of protected trees, as defined in Section X-2.00 of the Milpitas Municipal Code, may be approved.</p>	
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**(F) Exterior Lighting**

Planning Staff May Approve:	Planning Commission Subcommittee May Approve:	Proposed Changes
<p>(1) New light standards and wall-mounted light fixtures within Commercial, Industrial and Mixed Use districts on those sites which do not involve or abut Residential or Mobile Home Park combining districts or uses. New light fixtures shall match existing on-site light fixtures in terms of height, style, design and wattage, and shall be spaced appropriately to maximize pedestrian safety.</p>	<p>(1) New light standards and wall-mounted light fixtures in all Valley Floor “S” combining districts. New light fixtures shall match existing on-site light fixtures in terms of height, style, design and wattage, and shall be spaced appropriately to maximize pedestrian safety. Light fixtures shall be located and shielded to prevent glare onto Residential or Mobile Home Park combining districts or uses.</p>	<p><b>Only additional light standards adjacent to residential development reviewed by Subcommittee.</b></p>

**(G) Parking Revisions, Restriping**

Planning Staff May Approve:	Planning Commission Subcommittee May Approve:	Proposed Changes
<p>(1) Parking lot restriping, including deletion of stalls, in all Valley Floor “S” combining districts, provided that minimum parking ordinance</p>	<p>(1) Parking lot restriping, including deletion of stalls, in all districts, including Hillside, provided that parking ordinance requirements are met,</p>	<p><b>Staff review only.</b></p>

<p>requirements are met, except as provided in Section XI-10-54.15-3 of the Milpitas Municipal Code (recycling areas). However, there shall be no reduction in number of parking spaces if the site contains restaurants or banks. The following requirements shall apply:</p> <p>a. In Commercial, Industrial, Mixed Use, R3 and R4 districts, new driveways from public rights-of-way may not be approved.</p> <p>b. No net reduction in the number of on-site trees and no loss of protected trees, as defined in Section X-2.00 of the Milpitas Municipal Code, may be approved to accommodate parking revisions.</p>	<p>except as provided in Section XI-10-54.15-3 of the Milpitas Municipal Code (recycling areas).</p> <p>a. No net reduction in the number of on-site trees and no loss of protected trees, as defined in Section X-2-7.01 of the Milpitas Municipal Code, may be approved to accommodate parking revisions.</p>	
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**(H) Fences, Walls**

Planning Staff May Approve:	Planning Commission Subcommittee May Approve:	Proposed Changes
<p>(1) Fences in Commercial and Industrial districts, which comply with height and openwork construction requirements listed in Section XI-10-54.11 of the Milpitas Municipal Code (Fences), and which comply with the following:</p> <p>a. Chain link or barb wire perimeter fencing may not be approved.</p> <p>b. Fencing/wall material and color shall</p>	<p>(1) Fences in the Mixed Use District which meet the height and openwork construction requirements listed in Section XI-10-54.11 of the Milpitas Municipal Code (Fences). Any fencing/gates in parking lots requires clearance by the City's Fire Department.</p> <p>(2) Chain link perimeter fencing in Commercial and Industrial districts, which comply with the following:</p> <p>a. Fencing shall be at the rear or interior side of the</p>	<p><b>Only chain link fencing reviewed by Subcommittee.</b></p>

<p>be compatible with surrounding development.</p> <p>c. Fencing at the front or street side of a site in the Commercial or Industrial districts must consist of decorative wrought iron, steel picket or masonry construction (no chain link) and shall require Traffic Engineering clearance.</p> <p>d. Parking lot fencing/gates shall be cleared by the City's Fire Department.</p> <p>(2) Fences in Residential "S" combining districts, which comply with height and openwork construction requirements listed in Section XI-10-54.11 of the Milpitas Municipal Code (Fences), and which comply with the following:</p> <p>a. Chain link or barb wire perimeter fencing may not be approved.</p> <p>b. Parking lot fencing/gates shall be cleared by the City's Fire Department.</p>	<p>site.</p> <p>b. The fencing shall consist of vinyl clad chain link with or without vinyl slats. Type of chain link fencing (i.e., deletion of vinyl clad requirement, use of slats) shall be to the discretion of the Planning Commission Subcommittee (i.e., in circumstances where the proposed fencing is to continue a line of existing chain link fencing).</p> <p>c. Fencing material and color shall be compatible with surrounding development.</p> <p>d. Parking lot fencing/gates shall be cleared by the City's Fire Department.</p>	
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**(I) Building Additions**

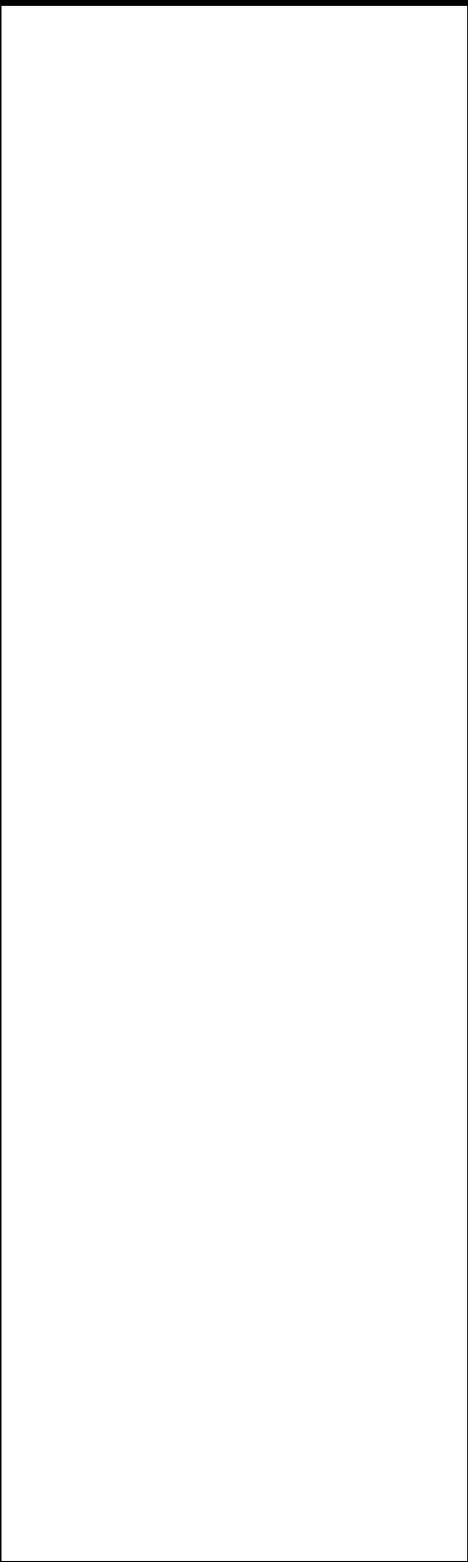
Planning Staff May Approve:	Planning Commission Subcommittee May Approve:	Proposed Changes
<p>(1) Residential building additions for legal, conforming single-family and two-family dwellings in the Valley Floor Residential "S"</p>	<p>(1) Commercial and Industrial building additions for legal, conforming buildings, provided that the site is not adjacent to a Residential or Mobile Home Park</p>	<p><b>All residential building additions in the R1 and R2 districts and multi-family and mixed use building additions up to 200 square feet be reviewed by staff.</b></p>

<p>combining districts, and for legal, non-conforming residences in the R1 and R2 "S" Combining districts, and for legal conforming or non-conforming single-family dwellings in Hillside PUD's which specifically allow for staff approval, provided building height, parking, setback, yard coverage, impervious surface coverage, landscaping, open space and other ordinance requirements are met (refer to Section 56.03 of this Chapter regarding non-conforming buildings). The following shall also apply:</p> <p>a. The building addition shall be on the rear half of the building and shall not exceed 200 square feet in size.</p> <p>b. The applicant shall provide the Planning Division with written, signed consent of adjoining residential property owners and applicable homeowners association.</p> <p>c. Existing front yard paving shall be brought into conformance.</p> <p>d. The addition shall comprise building materials, colors and style which complement the existing structure.</p> <p>(2) Building addition to an existing legal conforming or non-conforming single-family dwelling in the R1, R2, R3, R4, MXD</p>	<p>combining district or use, and that building height, parking, setback, yard coverage, Floor Area Ratio, landscaping, open space and other ordinance requirements are met. Size of building addition shall not exceed 5,000 square feet or ten percent (10%) of the existing building gross floor area, whichever is less. Calculation shall cumulatively count all additions or enlargements completed since June 20, 2003. The following shall also apply:</p> <p>a. Architecture shall match that of existing building in terms of material, colors, style, etc.</p> <p>b. The height of the addition shall not exceed the height of the adjacent portion of the existing building.</p> <p>c. No net reduction in the number of on-site trees and no loss of protected trees, as defined in Section X-2-7.01 of the Milpitas Municipal Code, may be approved to accommodate an addition.</p> <p>(2) Residential building additions exceeding 200 square feet in size for legal, conforming single-family and two-family dwellings in the Valley Floor Residential "S" combining districts, and for legal, non-conforming residences in the R1 and R2 district "S" Combining districts, and for legal conforming or non-conforming single-family dwellings in Hillside PUD's which are specifically conditioned not to require</p>	<p><b>All multi-family and mixed use building additions greater than 200 square feet would be reviewed by the Planning Commission Subcommittee.</b></p>
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<p>and “H” combining districts, in order to accommodate a second family unit, as defined in Subsection 2.69.1 of this Chapter. The development standards listed in Subsection 54.22 of this Chapter shall apply.</p>	<p>Planning Commission or City Council review for building additions, provided building height, parking, setback, yard coverage, impervious surface coverage, landscaping, open space and other ordinance requirements are met (refer to Section 56.03 of this Chapter regarding non-conforming buildings). The following shall also apply:</p> <ul style="list-style-type: none"> <li>a. The applicant shall provide the Planning Commission Subcommittee with written, signed consent of adjoining residential property owners and applicable homeowners association.</li> <li>b. Existing front yard paving shall be brought into conformance.</li> <li>c. The addition shall comprise building materials, colors and style which complement the existing structure.</li> </ul> <p>Note: For a building addition accommodating a second family unit as defined in Subsection 2.69.1 of this Chapter, Planning staff has approval authority, as per Subsection 42.10-2.1.2 of this Chapter.</p>	
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**(J) Accessory Buildings**

Planning Staff May Approve:	Planning Commission Subcommittee May Approve:	Proposed Changes
<p>(1) Accessory buildings in the Residential Valley Floor “S” combining districts, provided building height, parking, setback, yard coverage and other ordinance requirements are met. The following shall also</p>	<p>(1) Accessory buildings up to 2,500 square feet in area in Commercial, Industrial and Mixed Use districts, provided that the proposed structure is not adjacent to a Residential or Mobile Home Park</p>	<p><b>No Change.</b></p>

<p>apply:</p> <p>a. Accessory buildings for conditional uses in Residential R1 and R2 districts and for permitted and conditional uses in R3 and R4 districts shall comprise building materials, colors and style which complement the existing main structure.</p> <p>b. The applicant shall provide the Planning Division with written, signed consent of adjoining residential property owners and applicable homeowners association.</p> <p>(2) Accessory building in the R1, R2, R3, R4, MXD and "H" combining districts in order to accommodate a second family unit, as defined in Subsection 2.69.1 of this Chapter. The development standards listed in Subsection 54.22 of this Chapter shall apply.</p>	<p>combining district or use, and provided that building height, parking, setback, yard coverage, Floor Area Ratio, landscaping, open space and other ordinance requirements are met. The following shall also apply:</p> <p>a. Accessory buildings must be located on the rear half of the lot. On corner lots, the accessory building must be set back from the adjacent street as least as far as the main building.</p> <p>b. Accessory buildings must be of permanent construction (no modular buildings or metal buildings) with the exception of small pre-fabricated structures for chemical storage and the like, so long as such structures are adequately screened from public rights-of-way.</p> <p>c. Architecture shall match that of the existing building in terms of material, colors, style, etc.</p> <p>d. No net reduction in the number of on-site trees and no loss of protected trees, as defined in Section X-2-7.01 of the Milpitas Municipal Code, may be approved to accommodate an accessory building.</p>	
<p><b>(K) Trash/Recycling Enclosures, Transformers, Above Ground Tanks, Exterior Equipment, Equipment Enclosures and Storage Areas</b></p>		

Planning Staff May Approve:	Planning Commission Subcommittee May Approve:	Proposed Changes
<p>(1) Trash/recycling, equipment or storage enclosures up to 200 square feet in size in Commercial, Industrial and Mixed Use districts, proposed at the rear of the building or lot and where least visible from public rights-of-way, and which comply with the following:</p> <p>a. Enclosure may not be approved adjacent to a Residential or Mobile Home Park combining district or use.</p> <p>b. On the street side of corner lots, enclosure must be set back at least as far as the main building.</p> <p>c. Colors and materials of the enclosure shall complement the building and shall consist of masonry wall such as split face block or masonry finished to match the building or other solid screening material utilizing colors and materials which complement the building.</p> <p>d. Gates shall be solid metal painted to match the enclosure.</p> <p>e. The enclosure shall screen the dumpsters, trash compactors or equipment.</p> <p>f. No net reduction in the number of on-site trees and no loss of protected trees, as</p>	<p>(1) Trash/recycling, equipment or storage enclosures exceeding 200 square feet in size in Commercial, Industrial and Mixed Use districts and enclosures for conditional uses in Valley Floor Residential "S" combining districts. The following shall apply:</p> <p>a. Colors and materials of the enclosure shall complement the building and shall consist of masonry wall such as split face block or masonry finished to match the building.</p> <p>b. Gates shall be solid metal painted to match the enclosure.</p> <p>c. The enclosure shall screen the dumpsters or trash compactors.</p> <p>d. No net reduction in the number of on-site trees and no loss of protected trees, as defined in Section X-2-7.01 of the Milpitas Municipal Code, may be approved to accommodate an enclosure.</p> <p>e. When feasible, sides and rear of enclosure in all districts shall be landscaped.</p> <p>f. On-site parking shall meet ordinance requirements, except as provided in Section XI-10-54.15-3 of the Milpitas Municipal Code.</p> <p>g. Trash enclosures shall be located as far away as possible from Residential or Mobile Home Park combining districts or uses.</p>	<p><b>Above ground equipment review by staff in all instances.</b></p>

<p>defined in Section X-2-7.01 of the Milpitas Municipal Code, may be approved to accommodate an enclosure.</p> <p>g. When feasible, sides and rear of the enclosure shall be landscaped.</p> <p>h. On-site parking shall meet ordinance requirements, except as provided in Section XI-10-54.15-3 of the Milpitas Municipal Code.</p> <p>(2) Above ground transformers, tanks and other exterior equipment in Commercial, Industrial and Mixed Use districts, which are located at the rear of the building or lot and which comply with the following:</p> <p>a. Equipment shall not be approved adjacent to a Residential or Mobile Home Park combining district or use.</p> <p>b. Equipment shall be completely screened from view by dense shrubbery, masonry wall such as split face block or masonry finished to match the building, or other solid screening material utilizing colors and materials which complement the building. Chain link fencing with or without slats may not be approved in the Mixed Use district, but may be approved in the</p>	<p>d. No net reduction in the number of on-site trees and no loss of protected trees, as defined in Section X-2-7.01 of the Milpitas Municipal Code, may be approved to accommodate an enclosure.</p> <p>e. When feasible, sides and rear of enclosure in all districts shall be landscaped.</p> <p>f. On-site parking shall meet ordinance requirements, except as provided in Section XI-10-54.15-3 of the Milpitas Municipal Code.</p> <p>g. Trash enclosures shall be located as far away as possible from Residential or Mobile Home Park combining districts or uses.</p> <p>h. Enclosures for noise-generating equipment (i.e. generators) may not be approved near Residential or Mobile Home Park combining districts or uses.</p> <p>(2) Above ground transformers, tanks, and other exterior equipment in Commercial, Industrial and Mixed Use districts and for conditional uses in Valley Floor Residential "S" Combining districts. The following shall apply:</p> <p>a. The equipment shall be set back from adjacent streets as least as far as the main building and shall be screened from view by dense shrubbery, masonry wall such as split face block or masonry finished to match the building, or other screening material utilizing colors and materials which</p>	
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<p>Commercial and Industrial districts if it is an expansion of an existing approved chain link enclosure and it is not visible from public viewing points (see #2 above).</p> <p>c. On the street side of corner lots, the equipment and its screening must be set back at least as far as the main building.</p> <p>d. On-site parking shall meet minimum standards.</p> <p>e. No net reduction in the number of on-site trees and no loss of protected trees, as defined in Section X-2-7.01 of the Milpitas municipal Code, may be approved to accommodate a tank, transformer or equipment.</p> <p>f. In Commercial and Industrial districts, the installed height of the transformer, tank or equipment shall not exceed ten (10) feet. In the Mixed Use district, the installed height shall not exceed six (6) feet.</p> <p>(3) Temporary contractor's office trailers and construction-related storage trailers in undeveloped and developed sections of the City, which comply with the following:</p> <p>a. The location of such trailers shall not obstruct driveways or traffic access aisles; the</p>	<p>d. No net reduction in the number of on-site trees and no loss of protected trees, as defined in Section X-2-7.01 of the Milpitas Municipal Code, may be approved to accommodate an enclosure.</p> <p>e. When feasible, sides and rear of enclosure in all districts shall be landscaped.</p> <p>f. On-site parking shall meet ordinance requirements, except as provided in Section XI-10-54.15-3 of the Milpitas Municipal Code.</p> <p>g. Trash enclosures shall be located as far away as possible from Residential or Mobile Home Park combining districts or uses.</p> <p>h. Enclosures for noise-generating equipment (i.e. generators) may not be approved near Residential or Mobile Home Park combining districts or uses.</p> <p>(2) Above ground transformers, tanks, and other exterior equipment in Commercial, Industrial and Mixed Use districts and for conditional uses in Valley Floor Residential "S" Combining districts. The following shall apply:</p> <p>a. The equipment shall be set back from adjacent streets as least as far as the main building and shall be screened from view by dense shrubbery, masonry wall such as split face block or masonry finished to match the building, or other screening material utilizing colors and materials which</p>	
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<p>applicant shall demonstrate that parking will not be negatively impacted.</p> <p>b. The colors and materials shall complement the main building, if one exists.</p> <p>c. Any exterior noise-generating equipment associated with trailers shall not be within 300 feet of a Residential or Mobile Home Park combining district or use.</p> <p>d. The trailers shall be removed upon cessation of permitted construction activity.</p>	<p>complement the building. In Commercial and Industrial districts, the Subcommittee shall have the discretion to approve vinyl clad chain link fencing with or without matching vinyl slats, depending on the visibility of the location.</p> <p>b. On-site parking shall meet minimum standards.</p> <p>c. No net reduction in the number of on-site trees and no loss of protected trees, as defined in Section X-2-7.01 of the Milpitas Municipal Code, may be approved to accommodate a tank, transformer or other equipment.</p> <p>d. In Commercial and Industrial districts, installed height of the transformer, tank or equipment shall not exceed the building height. Exception: Equipment exceeding building height may be approved if it is proposed at the rear of the building, and the applicant can demonstrate with line-of-sight drawings that the equipment will not be seen from public viewing points. In the Mixed Use district, the installed height shall not exceed six (6) feet.</p> <p>e. If adjacent to a Residential or Mobile Home Park combining district or use, installed height of the equipment shall not exceed six (6) feet.</p> <p>f. Generators may not be approved if located adjacent to a Residential or Mobile Home Park combining district or use.</p> <p>(3) Temporary contractor's</p>	<div style="border: 2px solid black; height: 800px; width: 100%;"></div>
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	<p>office trailers and construction-related storage trailers in undeveloped and developed sections of the City, when any of the following apply:</p> <ul style="list-style-type: none"><li>a. The location of such trailers obstructs or partially obstructs driveways and traffic access aisles.</li><li>b. Parking is negatively impacted.</li><li>c. The colors and materials do not complement the main building if one exists.</li><li>d. Any exterior noise-generating equipment associated with trailers are within 300 feet of a Residential or Mobile Home Park combining district or use.</li></ul>	
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