



City of Milpitas Comprehensive Zoning Ordinance Update

Community Workshop #1

August 22, 2023, 6:00pm

[Virtual via Zoom](#)



Introductions

City Staff

- **Jay Lee**, AICP - Interim Planning Director
- **Holly Pearson**, AICP, Zoning Update Project Manager
- **Kristina Phung**, Associate Planner

Lisa Wise Consulting, Inc. (LWC)

- **Jen Murillo**, AICP, Director/Project Manager
- **Monica Szydlik**, AICP, Senior Associate
- **Caroline Chen**, Associate
- **Abby Weizer**, Associate



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Agenda

- **Welcome, Introductions, and Live Polling**
- **Presentation**
- **Q&A**
- **Breakout Discussions and Report Back**
- **Next Steps**



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Zoning Ordinance Update Website

<https://www.milpitaszoningupdate.org/>



- FAQs
- Email sign up
- Public meeting info
- Project documents



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Live Polling

Please participate!



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Project Background



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What and Why?

What is the Zoning Ordinance?

- Establishes regulations and standards governing the use and development of property
- Implements adopted City policy (e.g., General Plan)
- The Zoning Ordinance, or Zoning Code, is part of the City's Municipal Code (Chapter 10 of Title XI)

ZONING BASICS

What is a Zoning Ordinance?

Zoning regulations are a tool to implement the vision and goals for a community. The Zoning Ordinance or Code is a collection of laws that regulates what and where a particular use may be built.

What is included in a Zoning Ordinance?

Zones

- A city will be divided into zones often based on use (residential, commercial, etc.)
- Zones listed and described in the Code and mapped on a Zoning Map

Land Uses

- Specific land uses are allowed or prohibited in each zone
- Specific standards may be included for certain uses (e.g. accessory dwelling units, etc.)

Administration and Procedures

- Procedures for development approvals and permits
- Definitions of terms and uses

Development Standards

Standards for each zone including building height, setbacks, lot coverage, etc.

Citywide Standards

Standards that apply citywide topics such as landscaping, parking, signs, etc.



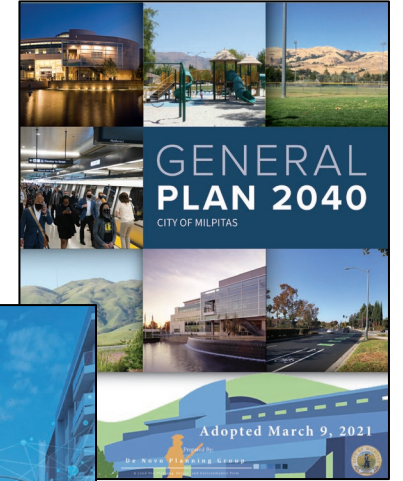
LWC

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What and Why?

Why is the City undertaking this project?

- The updated **General Plan 2040 (2021)** and the **Metro Specific Plan (2023)** mandate an update to the Zoning Ordinance
 - Must ensure development regulations are consistent with the City's vision and broad land use policies
- The current Zoning Ordinance is **old** and **needs improvements**
 - Clarity
 - Organization
 - Reflect current uses and development practices and trends

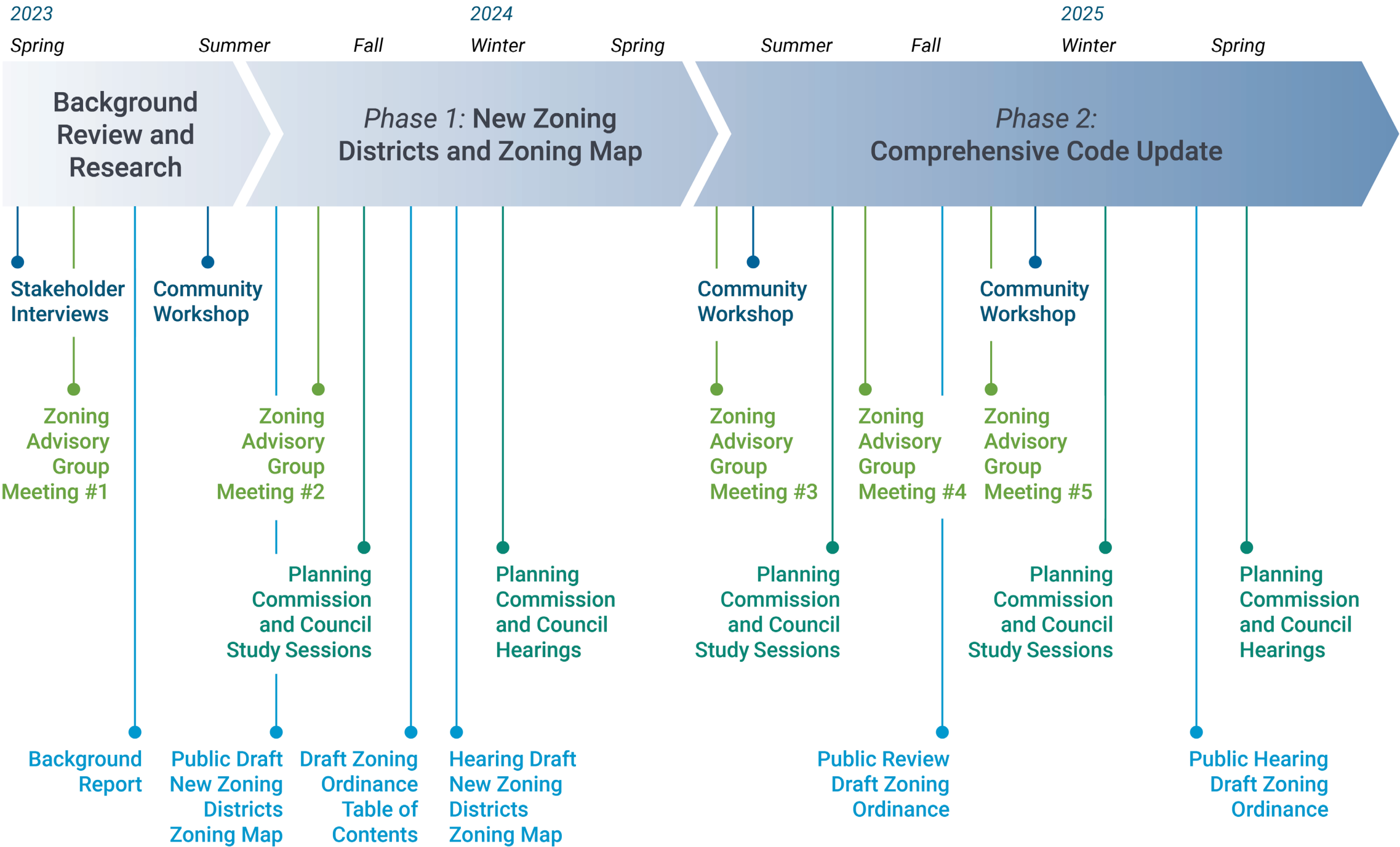


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Zoning Ordinance Update Objectives

1. **Modernize** the Zoning Ordinance.
2. Make the Zoning Ordinance more **user-friendly**.
3. Ensure **consistency** across all applicable City documents.
4. Promote more **compact, mixed-use** and **transit-oriented development** types, where appropriate.





Initial Input and Outreach



Technical Advisory Committee Meetings



Stakeholder Interviews



Zoning Advisory Group Meeting #1



Background Review and Recommendations Report

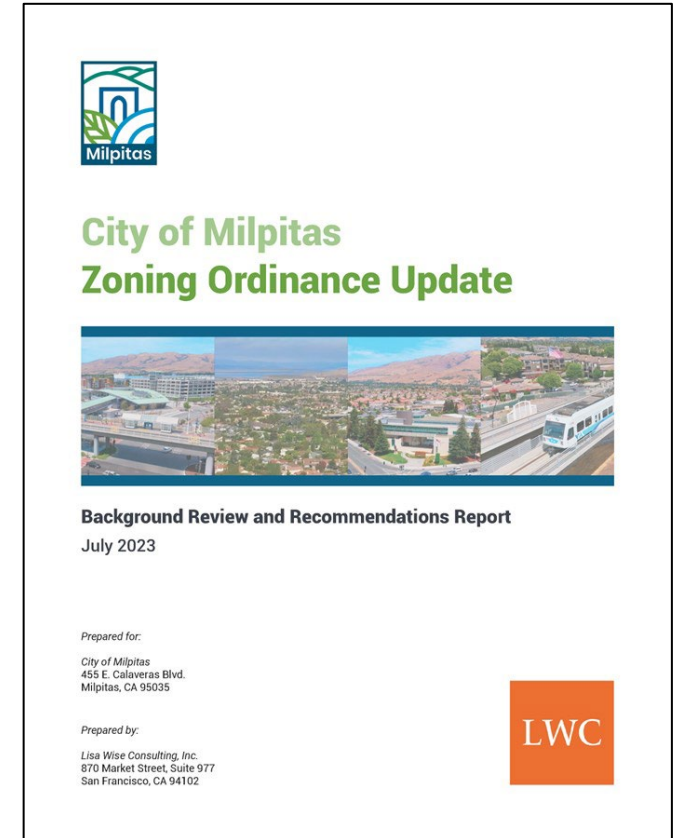


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Background/Recommendations Report

Purpose

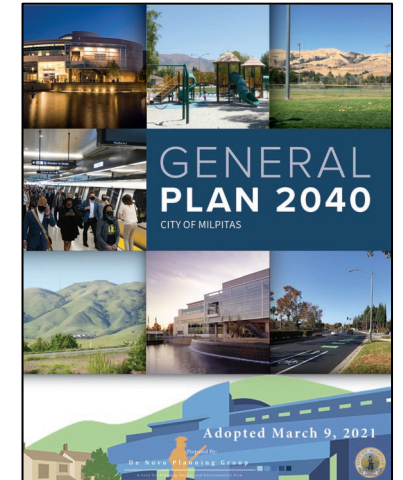
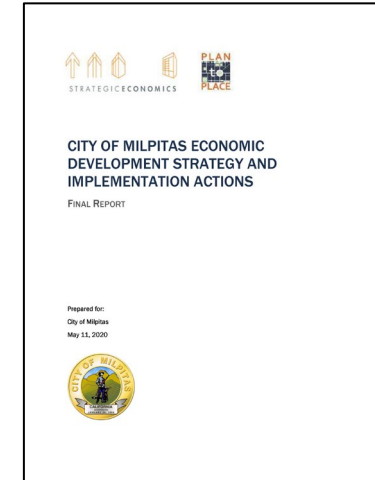
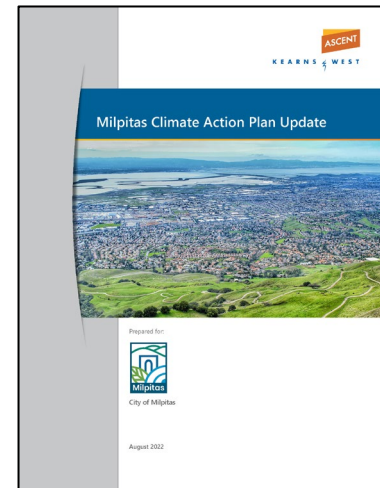
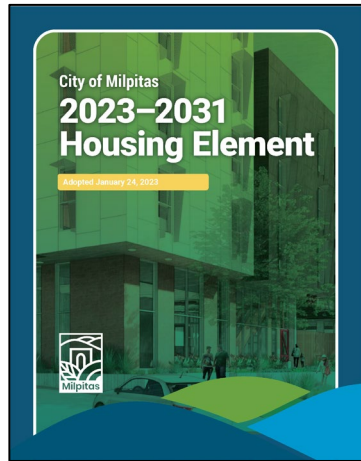
- Evaluate the **effectiveness** of the existing Zoning Ordinance
- **Review inconsistencies** between the existing Zoning Ordinance and City planning, regulatory, and policy documents
- Identify **key issues** to be addressed and **recommendations** to be considered for the Zoning Ordinance Update
- Preliminary recommendations to be **refined and expanded** as work proceeds



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Background/Recommendations Report

Review: Policy Documents



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Background/Recommendations Report

Recommendations Overview

1. Code Organization
2. Zoning Districts
3. Use Regulations
4. Development and Design Standards
5. Sign Standards
6. Administration and Procedures

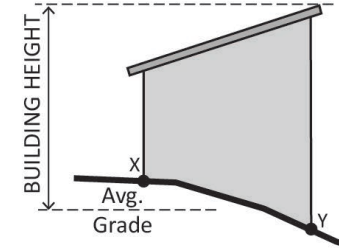
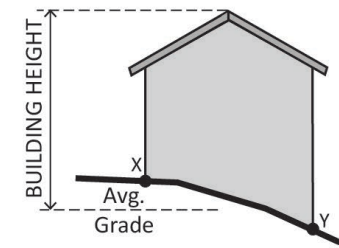
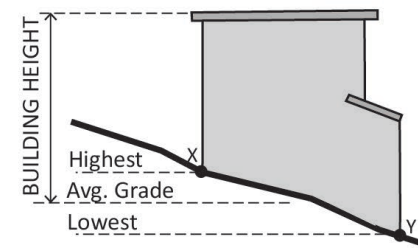
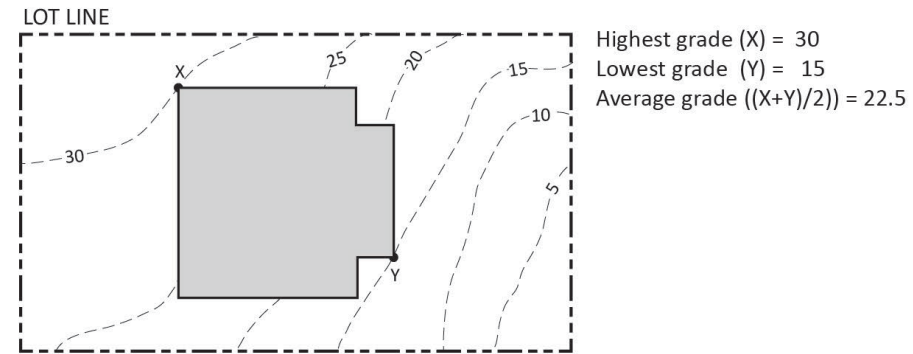


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Background/Recommendations Report

Recommendations: Code Organization

- Logically sequence and group sections
- Utilize hierarchy of importance in organization
- Remove, consolidate, or reorganize sections as needed
- Utilize tables and cross-references
- Definitions
- Clear rules of measurement
- Incorporate graphic illustrations



Background/Recommendations Report

Recommendations: Zoning Districts – Base Zones

- Create new zones
 - NCMU, BPRD
- Remove unnecessary zones
 - Agricultural Residence (AR)
 - High Density Mixed Use District (MXD2)
- Modify existing zones to be consistent with the General Plan (e.g., density, floor area ratio (FAR))

Base Zoning Districts
Table 2.A: Base Zoning Districts - Preliminary Recommendations

Existing Zoning District	General Plan Land Use Designation	Preliminary Recommendation for the Zoning Ordinance Update
None	Neighborhood Commercial Mixed Use (NCMU)	Create a new NCMU zoning district.
None	Business Park/Research and Development (BPRD)	Create a new BPRD zoning district.
Agricultural Residence (AR)	None	Delete this zoning district as it is not an implementing zone for the General Plan and no property is zoned AR.
One and Two-Family District (R2)	Medium Density Residential (MDR)	Increase maximum density from 11 units per gross acre to 15 units per gross acre. Decrease minimum lot area from 8,000 s.f. to 5,800 s.f. to reflect this density increase.
Multiple-Family District (R3)	High Density Residential (HDR)	Increase maximum density from 20 units per gross acre to 30 units per gross acre (1,452 s.f. per unit).
Urban Residential (R5)	Very High Density Mixed Use (VHDMU)	Increase maximum density from 60 units per gross acre to 75 units per gross acre.
Mixed Use District (MXD)	Neighborhood Commercial Mixed Use (NCMU)	Allow multifamily dwelling units in mixed-use projects at a rate of 1 unit per 1,500 s.f. of neighborhood-serving commercial. Allow residential-only projects if 100% affordable to lower income households.
High Density Mixed Use District (MXD2)	None	Delete this zoning district as it is not an implementing zone for the General Plan and no property will be zoned MXD2 with adoption of Metro zoning districts (they will be MXD2-Metro).
Very High Density Mixed Use District (MXD3)	Very High Density Mixed Use (VHDMU)	Increase maximum density from 60 units per gross acre to 75 units per gross acre. Reduce maximum non-residential and mixed-use FAR from 2.0 to 1.5 (retain the existing standard allowing up to 2.5 FAR with a Conditional Use Permit).
Town Center (TC)	Town Center (TWC)	Allow mixed-use projects with a density of up to 40 units per acre provided a minimum 0.35 non-residential FAR is included.
Neighborhood Commercial District (C1)	Neighborhood Commercial Mixed Use (NCMU), General Commercial (GNC), General Commercial (NC)	Increase FAR from 0.35 to 0.75 consistent with NC land use designation. Amend General Plan Table 1 to remove C1 as an implementing zone for the GNC land use designation, which has a maximum FAR of 0.5.
Light Industrial District (M1)	Manufacturing (MFG)	Increase FAR from 0.4 to 1.0.
Heavy Industrial District (M2)	Manufacturing (MFG)	Increase FAR from 0.4 to 1.0.



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Background/Recommendations Report

Recommendations: Zoning Districts – Overlay Zones

- Remove unnecessary overlays
 - High Rise Overlay District (-HR)
 - Recreation & Entertainment Overlay District (-RE)
- Replace certain overlays to better achieve City goals
 - Replace Site and Architectural Overlay District (-S) with citywide design review
 - Replace Mobile Home Park Combining District (-MHP) with a base zone
- Modify the Hillside Combining District (-H) for clarity and improvement (subject to voter approval)

Overlay Districts
 Table 2.B: Overlay Districts - Preliminary Recommendations

Overlay/Combining District	Preliminary Recommendation for the Zoning Ordinance Update
High Rise Overlay District (-HR)	Remove this Overlay as it is outdated and applies to only one property as the result of a project-specific entitlement that was never constructed.
Hillside Combining District (-H)	Implements Hillside Low Density and Hillside Medium Density land use designations (maximum density of 1 to 3 units/gross acre with density decreasing with increase in slope until 10 acres required per unit (average slope of 27% or greater). Amend -H Combining District to reflect this increase from currently allowed density. ¹ Additionally, integrate voter-approved ballot measures that affect hillside development but are not codified into the Zoning Ordinance.
Mobile Home Park Combining District (-MHP)	Currently mobile home parks are zoned Highway Services with the MHP Overlay. Create a MHP base zoning district to remove the need for the overlay and create a single density standard for mobile home parks consistent with the General Plan (7 units per gross acre). Note that General Plan Table 1 will need to be amended to show MHP as a base zone rather than R1-MHP.
Recreation & Entertainment Overlay District (-RE)	The -RE Overlay is intended to allow a broader range of uses where it applies over the C2, HS, MP, and M1 zoning districts. Remove this Overlay as it will be largely superseded with the new BPRD zoning district and comprehensively updated use tables.
Site and Architectural Overlay District (-S)	Remove this Overlay and replace with citywide design review requirements.

¹ As previously noted, voter approval is required for amendments to Section 45 – “H” Hillside Combining District.

Note: General Plan Policy LU 2-5 specifically lists all existing overlay/combining districts; therefore, any removal or addition of overlays/combining districts will require a General Plan amendment for consistency.



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Background/Recommendations Report

Recommendations: Use Regulations

- Update approach to uses to reflect the changing nature of land use
 - Flexibility
 - Contemporary uses and current development practices
 - State and federal law
- Clarity and organizational improvement of uses
 - Consolidate redundant uses under a uniform term
 - Define all listed uses
 - Supplement with specific use regulations where appropriate

Section 2.3 Use Regulations

Use regulations, typically presented in a tabular format, detail the type of uses that are allowed, any required planning approval, and specific limitations applicable to the activity or use. Land use categories are building blocks that establish the basis for regulation, while use regulations identify the specific use categories that are allowed, allowed with a permit, or prohibited in each zoning district. Use regulations may also include special requirements applicable to specific uses.

General Plan land use designations outline what is allowed in terms of uses and intensity of development, with each designation mapped on a land use diagram (see General Plan Figure LU-1). In addition, Citywide policies, particularly those related to economic development, call attention to particular uses that should be promoted. It is important to ensure that the use regulations in the Zoning Ordinance carry out these City policies.

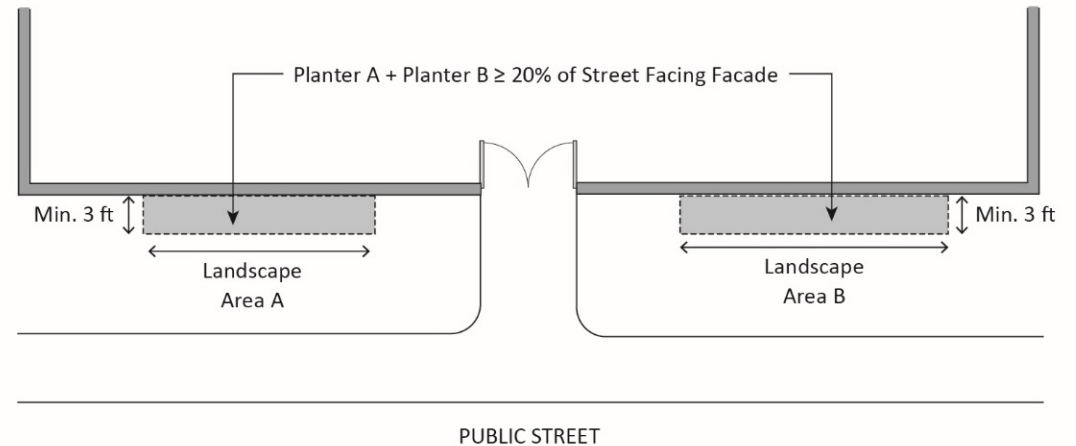


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Background/Recommendations Report

Recommendations: Development and Design Standards

- Develop objective design standards for non-residential uses
- Update parking provisions
 - Reduce minimum parking ratios
 - Expand shared and alternative parking strategies
 - Bicycle parking and storage

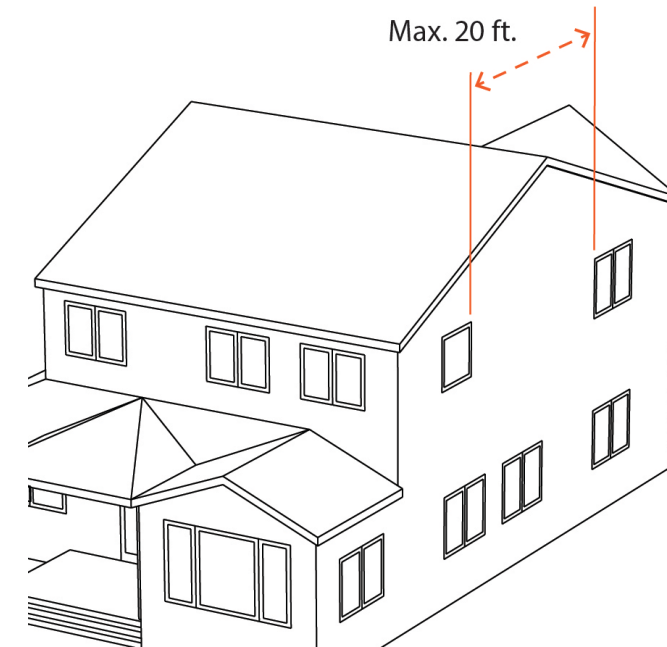


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Background/Recommendations Report

Recommendations: Development and Design Standards

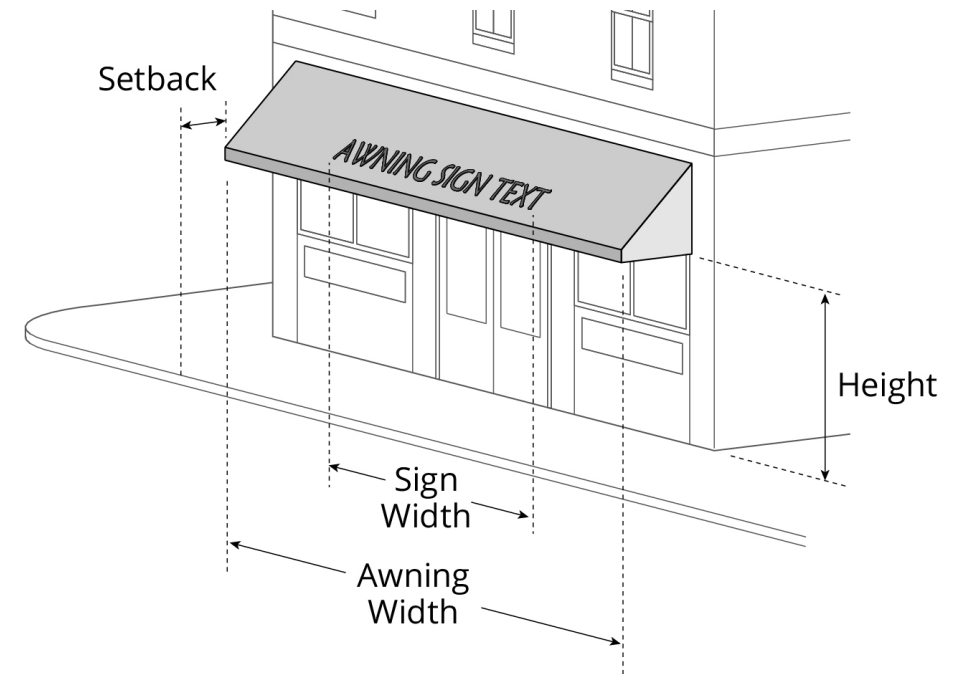
- Landscaping and tree planting standards
 - Perimeter landscaping standards, parking lot shade trees, etc.
- Single-family residential development and design standards
 - Such as window recess, roof form, blank wall standards, etc.
- Other
 - Clarify height for industrial zones and accessory structures; revise fence and wall standards; etc.



Background/Recommendations Report

Recommendations: Sign Standards

- Neutral content
 - Comply with *Reed v. Town of Gilbert* U.S. Supreme Court decision
 - Eliminate standards specific to the message that is conveyed on the sign (content-neutral)
- Time, place, and manner restrictions
- Reorganize standards (table format)
- Update and modernize the sign definitions
- Simple and clear graphics to illustrate sign types



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Background/Recommendations Report

Recommendations: Administration and Procedures

- Citywide design review procedures
- Streamline and reorganize site development permit applicability
- Reduce extensive flexibility of deviations from zoning standards (via conditional use permit); use variances and allow defined minor exceptions
- Consolidate multiple administration and procedures sections into one section



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New Zoning Districts



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New Zones

- **Definitions (Section 2)** → Adds some new definitions and edits some existing definitions
- **Industrial Zones (Section 7)** → Adds BPRD to the Industrial Zones Section
- **Metro Area Zones (NEW Section 9)** → Adds new Section for the 8 new “-Metro” zones
- **Off-Street Parking Requirements (Section 53)** → Adds parking standards for the new “-Metro” zones
- **Housing Element Sites (NEW Subsection 54.18)** → Codifies Housing Element requirements
- **Nonconforming Parcels (NEW Subsection 56.05)** → Clarifies nonconforming parcels are buildable

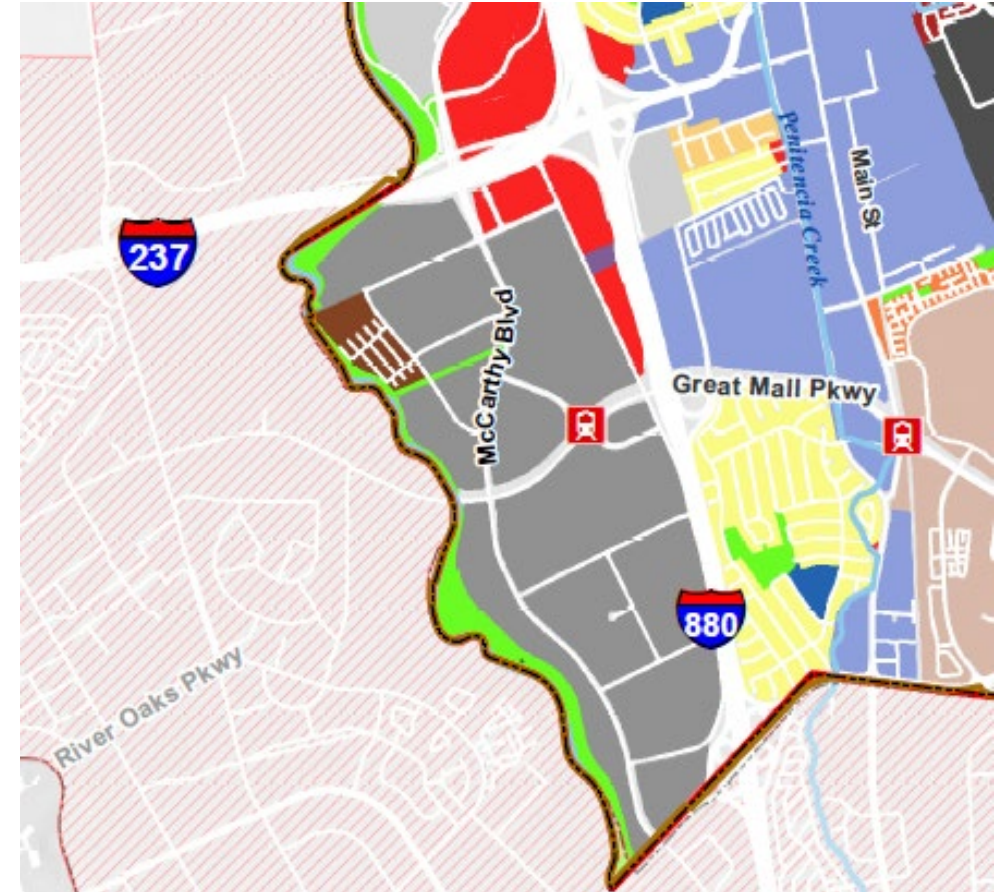


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New Zone – BPRD

Industrial Zones – Section 7

- Added BPRD **Purpose and Intent**
- Added BPRD **Uses**
- Added BPRD **Development Standards**
- Added BPRD **Design Standards**



■ BPRD - Business Park/Research & Development



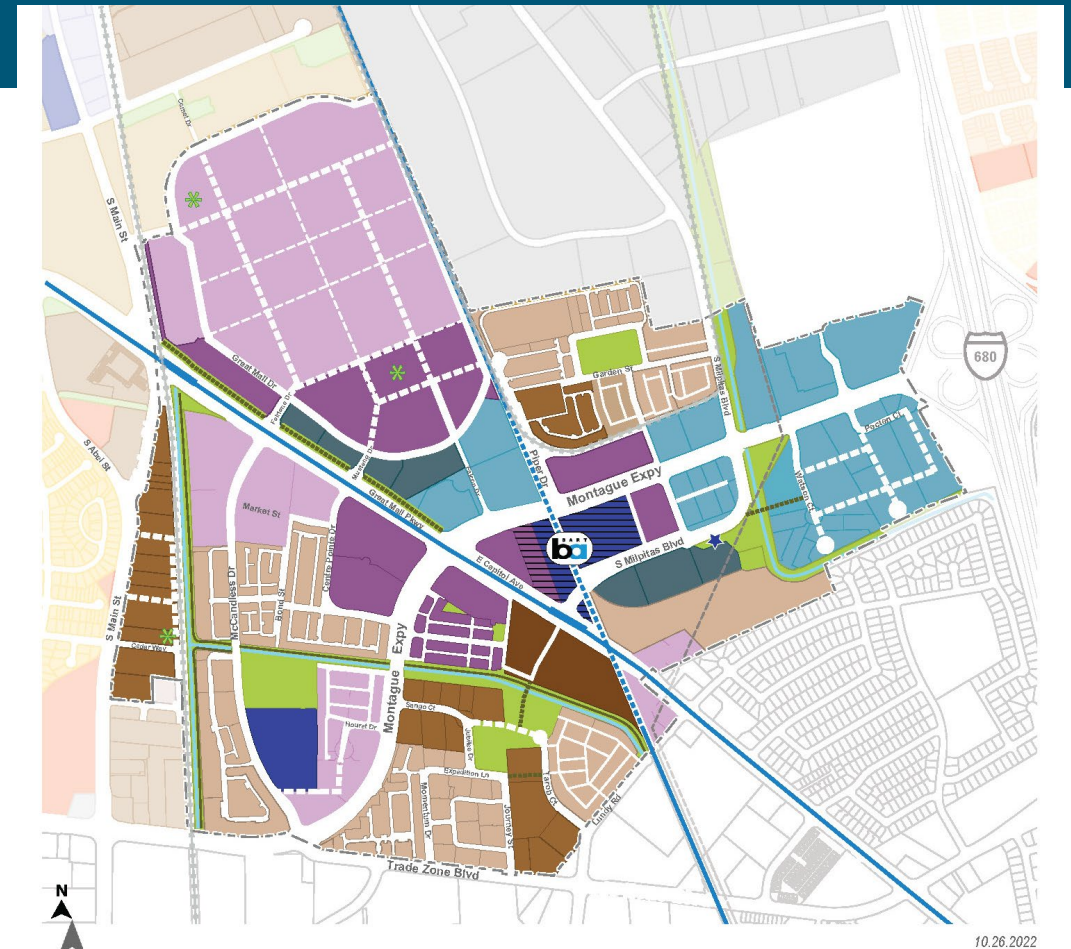
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New Zones – Metro

Metro Zones – NEW Section 9

R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD- Metro
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- Purpose and Intent
- Uses
- Development Standards
- Design Standards



--- Milpitas Metro Plan Boundary	MFH - Multi-Family High Density Residential	BPRD - Business Park Research & Development	— Creeks
— Existing Public Streets	VHD - Multi-Family Very High Density Residential	BPRD-R - Business Park Research & Development, Limited Residential	— Permanent Open Space
□□ Proposed Public Streets	URR - Urban Residential	PF - Public Facilities	* Park*
□□ Proposed Private Streets	RRMU - Residential Retail High Density Mixed Use	VTA Light Rail Stations	★ Police Station*
— Public Trail	BVMU - Boulevard Very High Density Mixed Use	--- Underground BART Tracks	— Railways
--- Proposed Public Trail		— Transit Center	--- PG&E Overhead Line

**Location is approximate and shall be determined through the implementation of the MMSP.*

10.26.2022

Zoning Map Update

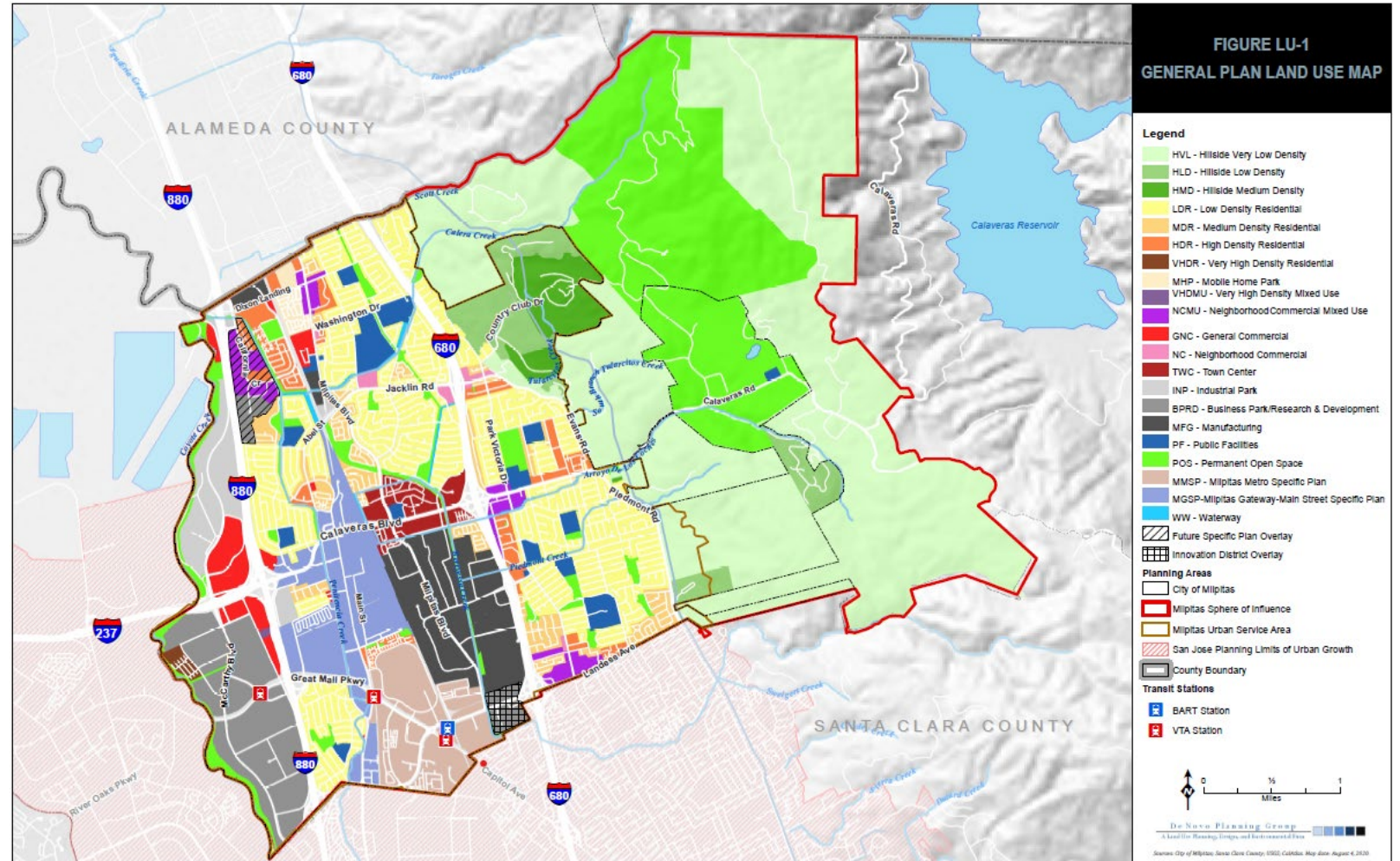


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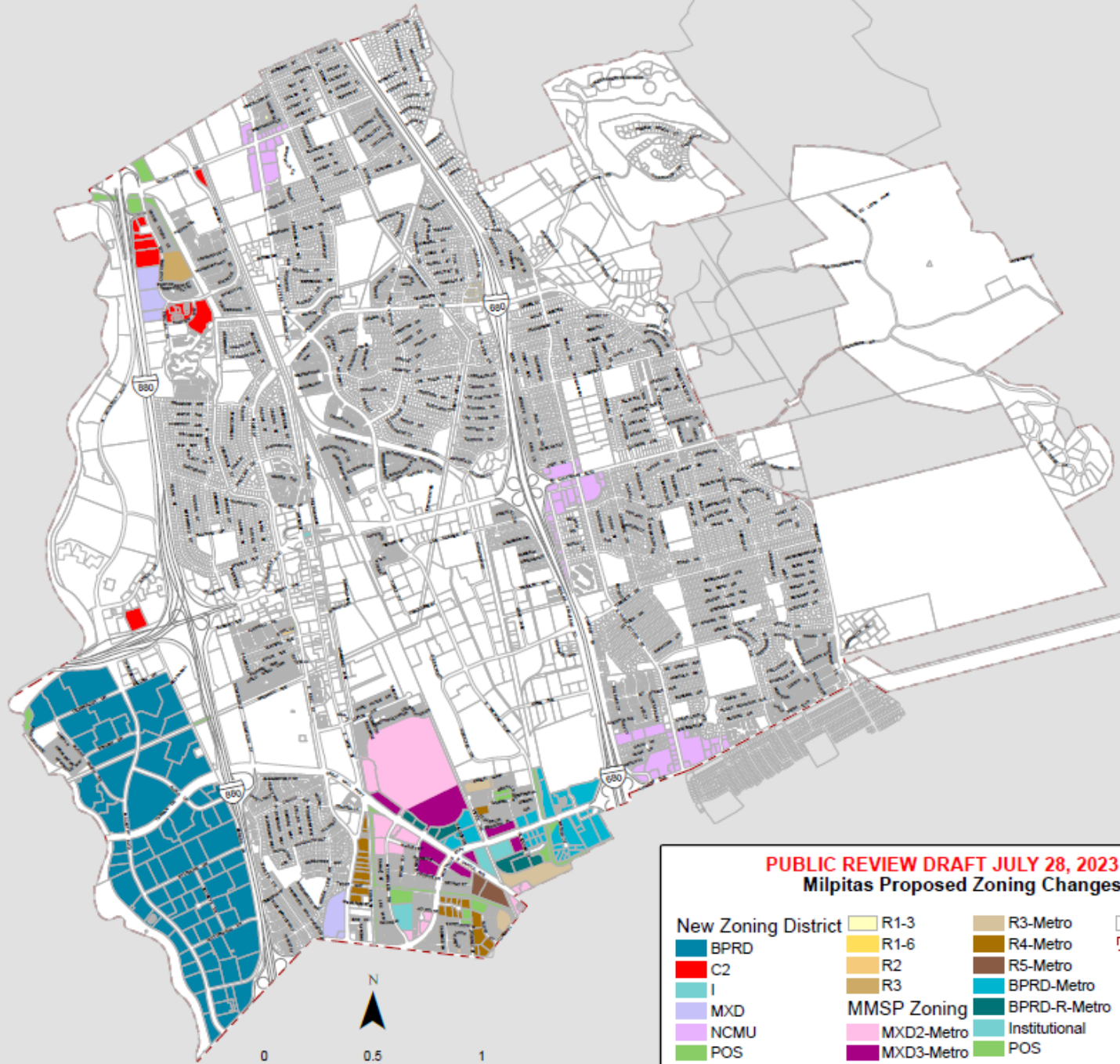
Zoning Map Update

Approach

- Make zoning consistent with General Plan land use designations identified by the General Plan
- Incorporate City-identified clean up edits



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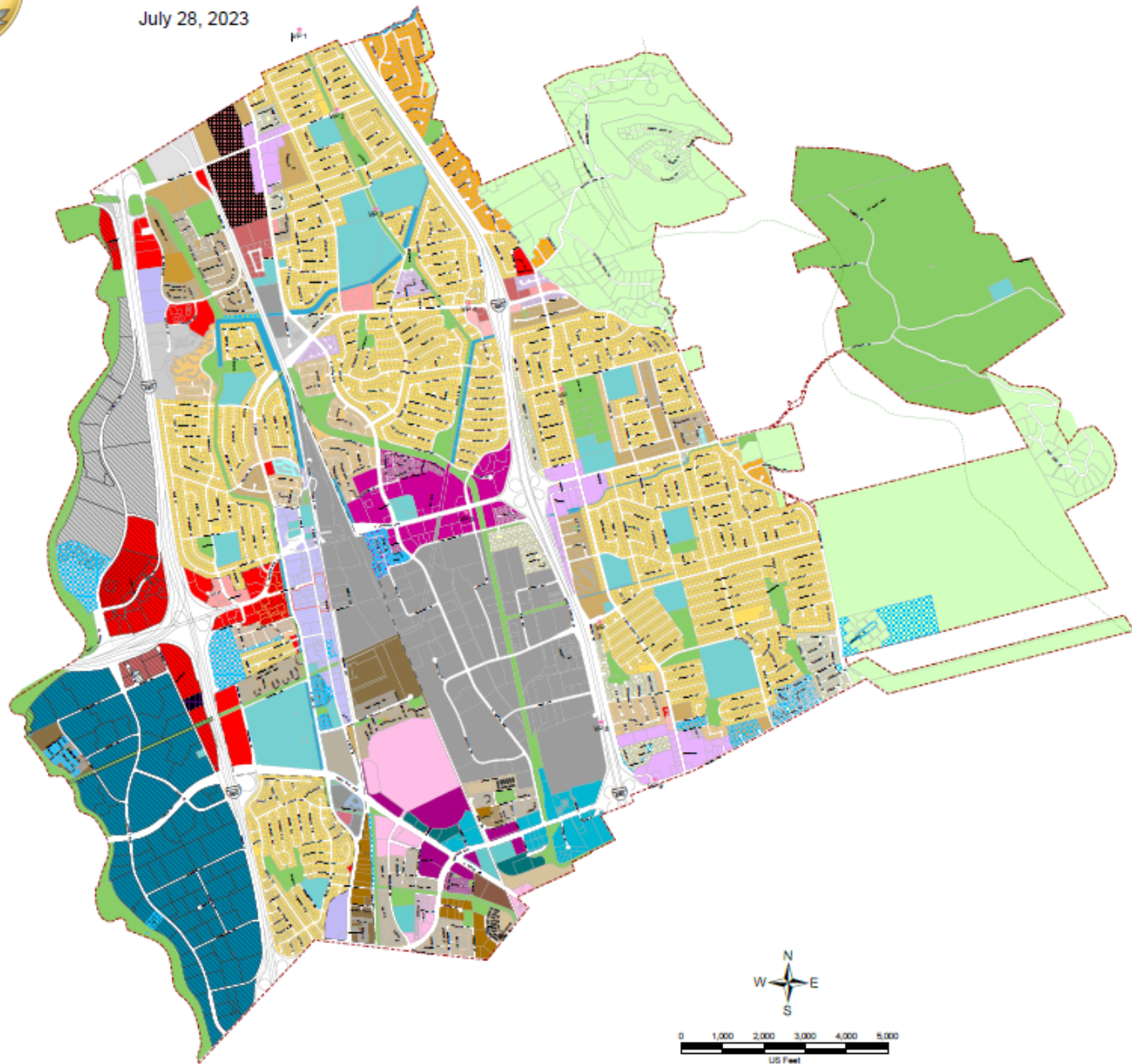
PUBLIC REVIEW DRAFT JULY 28, 2023
Milpitas Proposed Zoning Changes

New Zoning District	R1-3	R3-Metro	Parcels
BPRD	R1-6	R4-Metro	City Boundary
C2	R2	R5-Metro	
I	R3	BPRD-Metro	
MXD	MMSP Zoning	BPRD-R-Metro	
NCMU	MXD2-Metro	Institutional	
POS	MXD3-Metro	POS	



PUBLIC REVIEW DRAFT
CITY OF MILPITAS
ZONING MAP

July 28, 2023



Legend

Zones

- Single Family Residential minimum lot size 2,500 s.f. (R1-2.5)
- Single Family Residential minimum lot size 3,000 s.f. (R1-3)
- Single Family Residential minimum lot size 4,000 s.f. (R1-4)
- Single Family Residential minimum lot size 5,000 s.f. (R1-5)
- Single Family Residential minimum lot size 6,000 s.f. (R1-6)
- Single Family Residential minimum lot size 10,000 s.f. (R1-10)
- Single Family Residential with Hillside Combining District (R1-H)
- One or Two Family (R2)
- Multi-Family Residential, High Density (R3)
- Multi-Family Residential, Very High Density (R4)
- Urban Residential (R5)
- Mixed Use (MXD)
- Mixed Use, High Density (MXD2)
- Mixed Use, Very High Density (MXD3)
- Administrative and Professional Offices (CO)
- Neighborhood Commercial Mixed Use (NCMU)
- Neighborhood Commercial (C1)
- General Commercial (C2)
- Highway Services (HS)
- Town Center (TC)
- Light Industrial (M1)
- Heavy Industrial (M2)
- Industrial Park (MP)
- Business Park Research & Development (BPRD)
- Institutional (I)
- Agricultural (A)
- Parks and Open Space (POS)
- Waterway

Milpitas Metro Specific Plan Zones

- Metro High Density Mixed Use (MXD2-Metro)
- Metro Very High Density Mixed Use (MXD3-Metro)
- Metro Multi-Family High Density Residential (R3-Metro)
- Metro Multi-Family Very High Density Residential (R4-Metro)
- Metro Urban (R5-Metro)
- Business Park Research & Development (BPRD-Metro)
- Business Park Research & Development, Limited Residential (BPRD-R-Metro)

Overlays

- Freeway Corridor Overlay (FC)
- High Rise Overlay (HR)
- Mobile Home Park Overlay (MHP)
- Office Overlay (OO)
- Recreation and Entertainment Overlay (RE)
- Site and Architectural Overlay (S)
- Transit Oriented Development Overlay (TOD)

Other Features

- Precise Plan Area
- Midtown Specific Plan Area
- City Boundary
- Parcels
- Crestline
- View Points

Q&A; Breakout Discussions; Next Steps



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Breakout Room Discussion Questions (1 of 2)

1. Do you agree with the **code organization** recommendations?
(Refer to Section 2.1 of the Background/Recommendations Report)
2. Do you agree with the **zoning districts** recommendations? *(Refer to Section 2.2 of the Background/Recommendations Report)*
3. Do you agree with the **use regulations** recommendations? *(Refer to Section 2.3 of the Background/Recommendations Report)*



Breakout Room Discussion Questions (2 of 2)

4. Do you agree with the **development and design standards** recommendations? *(Refer to Section 2.4 of the Background/Recommendations Report)*
5. Do you agree with the **sign standards** recommendations? *(Refer to Section 2.5 of the Background/Recommendations Report)*
6. Do you agree with the **administration and procedures** recommendations? *(Refer to Section 2.6 of the Background/Recommendations Report)*



Next Steps

Background/Recommendations Report Discussion

- *ZAG Meeting #2* – August 24, 2023 at 6pm



New Zoning Districts and Zoning Map Update

- *Planning Commission Study Session* – August 30, 2023
- *City Council Study Session* – October 3, 2023
- *Adoption Hearings* – December 2023/January 2024



Zoning Update Office Hours (virtual and in-person) – Through mid-October



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Sign up for project emails!

<https://www.milpitaszoningupdate.org/>

Thank you!



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