

C I T Y O F C U P E R T I N O  
California

OP, MP

ORDINANCE NO. 002(x)

002(x)

AN ORDINANCE OF THE CITY OF CUPERTINO REGULATING  
PLANNED OFFICE (OP) ZONES AND PLANNED INDUSTRIAL  
PARK (MP) ZONES

Section

THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES ORDAIN  
AS FOLLOWS:

1

REPEALING CLAUSE

Ordinances No. 002(h) and 002(p) are hereby repealed as of the effective date of this ordinance. The content of these repealed ordinances is retained in this Ordinance No. 002(x). Certain requirements for OP Zones are extended to MP Zones, and vice versa. A section requiring a Development Plan is added.

2

INTERIM NATURE OF THIS ORDINANCE

This Ordinance is introduced and enacted in order to make certain needed adjustments in the requirements of Ordinances No. 002(h) and 002(p). It is understood, that this Ordinance No. 002(x) may be changed when later made a part of the entire revised Zoning Ordinance.

3.

PURPOSE: MINIMUM AREA TO BE REZONED

This Ordinance is designed to provide regulations for parcels or combinations of parcels of land of 25 acres or more on which development of professional administrative and light industrial parks is deemed appropriate.

4

USES PERMITTED

4.1

Planned Office Zones:

- a. Professional offices
- b. Executive and administrative offices
- c. Medical and allied laboratories
- d. Research and development (no product for final consumption)

4.2

Planned Industrial Park Zones:

All uses stated in the above sub-paragraph; also light manufacturing, processing, assembling and storage of products and materials.

002(x) REGULATIONS FOR OP AND MP ZONES (continued)

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Section

5 OFFENSIVE USES PROHIBITED

No use shall be allowed which is or will be offensive by reason of the emission of dust, gas, smoke, noise, fumes, odors, bright lights, vibrations, nuclear radiation, radio frequency interference, or otherwise. Every use shall be operated in such manner that the volume of sound inherently and recurrently generated shall not exceed seventy-five (75) decibels at any point on the property line on which the use is located, or sixty (60) decibels at any point on the property line on which the use is located where such property line abuts property that is zoned for residential purposes. Noise and sounds shall be appropriately muffled in such manner so as not to be objectionable as to intermittent bear, frequency, or shrillness. Provided further, that prior to issuance of a building permit, the Building Inspector may require evidence that adequate controls, measures, or devices have been provided to insure and protect the public interest, health, comfort, convenience, safety and general welfare from such nuisances.

6 LOT AREA, DIMENSIONS, AND COVERAGE

Minimum lot size: 1 acre  
Minimum lot dimension in any direction: 150 ft.  
Maximum building coverage: 40 percent

7 YARDS

7.1 Front Yard: 50 ft. in an OP Zone; 30 ft. in an MP Zone  
Rear Yard : 30 ft. in an OP Zone; 25 ft. in an MP Zone  
Side Yard : 20 ft. in an OP Zone; 25 ft. in an MP Zone  
Side Yard (facing street or corner lot):  
50 ft. in an OP Zone; 25 ft. in an MP Zone

7.2 In addition to the requirements in the above subparagraph, no structure other than a fence or wall not more than 6 ft. high shall be located closer to a property line than the distance equal to the height of the structure measured from natural grade, except as required by Section 7.4 of this Ordinance.

7.3 No structure in excess of 35 ft. in height shall be located closer to a residential zone than a distance equal to four times its height.

002(x) REGULATIONS FOR OP AND MP ZONES (continued)

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Section

7 c'd YARDS

7:4 The minimum distance between a building in an OP or a MP Zone and a Residential Zone shall be one hundred (100) ft. A solid masonry wall or fence not less than six (6) ft. high shall be located on the property line adjacent to a Residential Zone, if required by the Planning Commission or the Architectural and Site Control Committee. Otherwise, there shall be a buffer area not less than twenty-five (25) ft. wide adjoining a Residential Zone, landscaped as approved by the Architectural and Site Control Committee.

8 DISTANCE BETWEEN BUILDINGS

In addition to the requirements in Section 6 of this Ordinance No. 002(x), there shall be a minimum distance of 30 ft. between buildings on the same lot; except for building complexes of similar architecture on lots of 10 acres or more.

9 BUILDING HEIGHT

9.1 Building height shall not exceed three (3) stories nor forty (40) ft. to top parapet wall. The height of a radio or TV aerial, elevator penthouse, utility structures and necessary mechanical appurtenances constructed on a roof shall not be counted in determining building height. The approval of the Architectural and Site Control Committee must be secured for any of the foregoing items extending above the roof line of the building.

9.2 The above Section 9.1 notwithstanding, higher number of stories than three (3) and greater height than forty (40) ft. will be permitted for buildings so designated in a Development Plan; subject to the restrictions and procedures in Ordinance 220(g), Section 69.1 and 69.4.

10 FENCES, HEDGES AND WALLS

10.1 No fence, hedge or wall shall be higher than two and one-half (2½) ft. within a front yard. All planting, fencing and walls, including, but not restricted to fences and walls along rear and side property lines, shall be as approved by the Architectural and Site Control Committee.

11 SIGNS

11.1 Signs shall be subject to the provisions of the Sign Ordinance of the City of Cupertino No. 89, 89(b), and 121.

002(x) REGULATIONS FOR OP AND MP ZONES (continued)

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Section

12 OFF-STREET PARKING

12.1 The developer must provide sufficient off-street parking and access lanes to accommodate the permanent working force within the building to be constructed as well as any and all visitors to the buildings. As a minimum, one car space shall be provided for each 1.3 employees working within the area, or:

- a. In an OP Zone: One car space for each 150 sq.ft. of gross floor area in buildings; or
- b. In an MP Zone: One car space for each 250 sq.ft. of building floor area exclusive of halls, rest rooms, vaults, elevator shafts, lunch rooms, and building maintenance area,

whichever number of car spaces is greater.

12.2 A parking space shall be defined as 20 ft. x 10 ft. plus sufficient pavement for ingress and egress. Off-street parking will not be allowed within the required front yard nor in any required side yard facing the street on a corner lot, and shall not occupy space provided in satisfaction of loading area requirements.

13 LOADING SPACE

13.1 In addition to parking space required by Section 12 of this Ordinance No. 002(x), there shall be provided at least one (1) permanently maintained loading space not less than ten (10) ft. in width, thirty (30) ft. in length, and fifteen (15) ft. high for each 20,000 sq.ft. of gross building floor area or fraction thereof. All loading space shall have ingress and egress from alleys or service drives. Loading space may not be located within the required front yard or in any required side yard facing the street on a corner lot.

14 UTILITIES

14.1 All utilities including water, gas, sanitary and storm sewers, underground power systems, electroliers, curbs, gutters, streets and sidewalks and connections to main systems shall be installed subject to the specifications of the subdivision ordinance of the City. All wires, pipes, cables and utility connections shall be placed in underground or subsurface conduits. An underground vault or well screened area must be provided by the developer for the installation of the necessary transformers to convert power to that required by a user.

002(x) REGULATIONS FOR OP AND MP ZONES (continued)

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Section

15 DEVELOPMENT PLAN

15.1 A Development Plan, or successive modifications or additions to the Development Plan shall be submitted to the Planning Commission for approval. Such Plan shall comprise enough area to make possible, in the judgment of the City Planner, an evaluation of the overall effect of the separate buildings and activities in each part of the development on the development and on adjacent areas.

15.2 A Development Plan shall include:

- a. Types of buildings and location of areas which may be covered by buildings now or in the future.
- b. Proposed system of public and private streets including cross-sections for all types of streets.
- c. General type of landscaping.
- d. Other information which may be requested by the Planning Commission or the City Planner.

16 ARCHITECTURAL AND SITE APPROVAL

16.1 OP and MP Zones are subject to Architectural and Site review, as set forth in Ordinance No. 306 of the City of Cupertino, defining the function of the Architectural and Site Control Committee.

17 OCCUPANCY PERMIT

17.1 No building or structure hereafter erected shall be occupied until written notice has been received by the Building Official of the City that it is ready for occupancy, inspection has been made that it is in conformity with the Ordinances of the City and an occupancy permit issued therefore by the Building Official of the City.

17.2 In the event landscaping is not completed at the time of occupancy due to weather conditions, a bond shall be posted with the City Clerk in the amount to be determined by at least two (2) lawful bids.

18. PENALTIES

18.1 Any person, firm, corporation, partnership, or copartnership who willfully violates any of the provisions, or fails to comply with any of the mandatory requirements of this ordinance, is guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine not to exceed \$500 or by imprisonment not to exceed six (6) months, or both fine and imprisonment, except that nothing herein contained shall be deemed to bar any

002(x) REGULATIONS FOR OP AND MP ZONES (continued)

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Section

18 c'd PENALTIES (continued)

18.1 legal, equitable, or summary remedy to which the City of Cupertino or other political subdivision, or any person, firm, corporation, partnership, or copartnership may otherwise be entitled, and the City of Cupertino or any other political subdivision or person, firm, corporation, partnership, or copartnership may file a suit in the Superior Court of the County of Santa Clara, to restrain or enjoin any attempted or proposed subdivision, or acts, in violation of this ordinance.

19 SEVERABILITY

19.1 If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Cupertino hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be held invalid or unconstitutional.

20 PUBLISHING CLAUSE

20.1 The City Clerk is hereby authorized and directed to cause a copy of this Ordinance to be published, verbatim or condensed, at least once within fifteen (15) days after its enactment in the Cupertino Courier, the official newspaper of the City of Cupertino. This ordinance shall take effect and be in force thirty (30) days after its enactment.

INTRODUCED at a regular meeting of the City Council of the City of Cupertino, on the 17th day of May, 1965, and ENACTED at a regular meeting of the City Council of the City of Cupertino this 7th day of June, 1965, by the following vote:

AYES : Councilmen: Finch, Fitzgerald, Noel, Dempster  
NAYS : None  
ABSENT: Councilman: Stokes

APPROVED:

/s/ J. Robert Dempster  
Mayor, City of Cupertino

ATTEST:

/s/ Lawrence K. Martin  
City Clerk