

**ORDINANCE NO. 2888-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 19.18.050 OF CHAPTER 19.18 (RESIDENTIAL ZONING DISTRICTS) OF TITLE 19 (ZONING) AND SECTION 1.05.060 OF CHAPTER 1.05 (ADMINISTRATIVE CITATIONS) OF TITLE 1 (GENERAL PROVISIONS) OF THE SUNNYVALE MUNICIPAL CODE RELATED TO AUTOMOBILE/VEHICLE SERVICE AND REPAIR IN RESIDENTIAL DISTRICTS**

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 19.18.050 AMENDED. Section 19.18.050 of Chapter 19.18 (Residential Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.18.050. Automobile/vehicle service and repair in residential districts.**

(a) Automobile/vehicle service and repair in residential areas may be allowed only if the following conditions are met:

(1) The automobile/vehicle service and repair is being conducted during daytime hours (seven a.m. to ten p.m.);

(2) All automobiles/vehicles must be registered to a bona fide resident of the property or immediate family members (parents, children or siblings of someone living in the home); and

(3) No more than two vehicles may be serviced or repaired at the same time.

(4) All major service and repair must be conducted within an enclosed structure.

(b) Vehicle painting, except for minor touch-ups, is prohibited at all times.

(c) All performance standards in the Sunnyvale Municipal Code or applicable state laws related to the prevention of nuisances must be observed for any major or minor automobile/vehicle service and repair. Performance standards include, but are not limited to, the regulation of noise, odor, smoke and the disposal of hazardous materials such as oil and gas.

(d) Automobile/vehicle repair as a commercial use is prohibited at all times.

SECTION 2. SECTION 1.05.060 AMENDED. Section 1.05.060 of Chapter 1.05 (Administrative Citations) of Title 1 (General Provisions) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**1.05.060. Automobile/vehicle service and repair in residential districts.**

(a) Any recipient of an administrative citation may contest that there was a violation or that he or she is the responsible party by completing a “Request for Hearing Form” and returning it to the city within fifteen (15) days from the date of the administrative citation.

(b) – (d) [text unchanged]

SECTION 3. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council 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 declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in *The Sun*, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on December 16, 2008, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2008, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation \_\_\_\_\_  
SEAL

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney