

**ORDINANCE NO. 2909-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS OF CHAPTER 19.34 (FRONT, SIDE AND REAR YARDS) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE PERTAINING TO SINGLE-FAMILY HOMES**

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

SECTION 1. SECTION 19.34.030 AMENDED. Section 19.34.030 ("Required yards") of Chapter 19.34 (Front, Side and Rear Yards) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.34.030. Required yards.**

Yards shall be required as set forth in Table 19.34.030, except that all lots located within the DSP district shall conform to provisions set forth in Chapter 19.28.

**TABLE 19.34.030  
Required Yards**

<b>Zoning District</b>	<b>Front Yard Minimum<sup>1,2</sup></b>	<b>Front Yard Average<sup>1,2</sup></b>	<b>Side Yards Total<sup>1,3,4</sup></b>	<b>Side Yards One Side<sup>1,4</sup></b>	<b>Rear Yard<sup>1,6</sup></b>
R-0	15	20	20% of lot width but not less than 10 ft. <sup>8</sup>	4 ft.	20
R-1.5	20	20	12	4	20
R-1.7	15	20	12	4	20
R-2	15	20	20% of lot width but not less than 10 ft. <sup>8</sup>	4	20
R-1	15	20	20% of lot width but not less than 15 ft. <sup>8</sup>	6	20
R-3	15	20	15	6	20
R-4	20	None	20	9	20
R-5	20	None	20	9	20
R-MH	None	None	None	None	None
O	20	None	15	6	20
P-F	Pursuant to Footnote 6	Pursuant to Footnote 6	Pursuant to Footnote 6	Pursuant to Footnote 6	Pursuant to Footnote 6
C-1 <sup>7</sup>	70	None	None	None	None
C-2 <sup>7</sup>	70	None	None	None	None

<b>Zoning District</b>	<b>Front Yard Minimum<sup>1,2</sup></b>	<b>Front Yard Average<sup>1,2</sup></b>	<b>Side Yards Total<sup>1,3,4</sup></b>	<b>Side Yards One Side<sup>1,4</sup></b>	<b>Rear Yard<sup>1,6</sup></b>
C-3 <sup>7</sup>	70	None	None	None	None
C-4 <sup>7</sup>	20	None	None	None	None
M-S <sup>7</sup>	25	None	20	None	None
M-3 <sup>7</sup>	25	None	20	None	None

- <sup>1</sup> Refer to 19.56 for deviations to required setbacks to accommodate installation of solar energy systems.
- <sup>2</sup> For development or additions on single lots in zoning districts where there is an average requirement, the minimum setback must meet the average figure.
- <sup>3</sup> Combined total of the two side yards added together.
- <sup>4</sup> Increased setbacks for multiple stories may also be required by Section 19.34.080.
- <sup>5</sup> Residential zoning districts allow a one-story encroachment into the rear setback as provided in 19.48.050.
- <sup>6</sup> The minimum front yard, side yards and rear yard required in this district shall be equal to those required in the most restrictive abutting zoning district. One-half foot shall be added to each yard for each foot that the building exceeds the maximum height allowed in the most restrictive abutting district.
- <sup>7</sup> Increased setbacks for commercial or industrial zoned properties may also be required by Sections 19.34.070 or 19.34.110.
- <sup>8</sup> When calculating setbacks as a percentage of lot width, the resulting setback shall be rounded to the nearest foot (e.g. 12.4 feet = 12 feet required and 15.7 ft.= 16 ft. required.). Lot width is measured at the front setback per 19.12.130(15).

**SECTION 2. 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 3. CONSTITUTIONALITY; SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, 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 adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

**SECTION 5. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 October 27, 2009, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2009, by the following vote:

AYES:  
 NOES:  
 ABSTAIN:  
 ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

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