

ORDINANCE NO. 2910-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTIONS 19.12.130 ("L") AND 19.12.170 ("P") OF CHAPTER 19.12 (DEFINITIONS) AND TABLE 19.20.030 (PERMITTED, CONDITIONALLY PERMITTED AND PROHIBITED USES IN COMMERCIAL ZONING DISTRICTS) OF CHAPTER 19.20 (COMMERCIAL ZONING DISTRICTS) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE PERTAINING TO ALCOHOL AND ADVERTISING SIGNS

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

SECTION 1. SECTION 19.12.130 AMENDED. Section 19.12.130 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.130. "L"

(1)—(5) [Text unchanged]

(6) "Liquor store" means any retail business selling distilled spirits or hard liquor for off-premises consumption (Off-Sale General) where at least 25% of the gross floor area of the business is devoted to the sale of alcoholic beverages (which includes beer, wine, and spirits) and related products and accessories (such as, but not limited to, bottle openers, barware, equipment for the production and storage of alcoholic beverages).

(6)—(15) [Renumbered (7)—(16), consecutively; text unchanged]

19.12.170. "P"

(1)—(9) [Text unchanged]

(10) "Public school site" means any property owned by a public school district that has been developed for use as a school for any level of kindergarten through grade twelve, whether or not there is public school instruction occurring on the property.

(10)—(14) [Renumbered (11)—(15), consecutively; text unchanged]

SECTION 2. TABLE 19.20.030 AMENDED. Table 19.20.030 of Chapter 19.20 (Commercial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

TABLE 19.20.030

Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zoning Districts

In the table, the letters and symbols are defined as follows:

P = Permitted use
UP = Use permit required
MPP = Miscellaneous plan permit
N = Not permitted, prohibited

COMMERCIAL ZONING DISTRICTS	C-1	C-2	C-3	C-4
1. Retail Commercial				
A. Bakeries	P ¹	P ¹	P ¹	P ¹
B. Drive-through retail sales businesses, except restaurants	UP	UP	UP	N
C. Retail sales businesses	P ¹	P ¹	P ¹	N
D. Outside display of merchandise or products in connection with a retail sales business	MPP	MPP	MPP	N
E. Donation centers for used goods²	MPP	MPP	MPP	MPP
F. Retail liquor stores within 200 feet of public schools	N	P	P	P
G. Retail liquor stores outside 200 feet of public schools	P	P	P	P
[Remainder of table unchanged]				

- ¹ Uses which are greater than 10,000 square feet, propose significant changes to the exterior of an existing building, or include construction of a new building require a Use Permit.
- ² Donation centers in C-1 are only allowed on sites of 4 or more acres. Miscellaneous Plan Permits for donation centers shall be reviewed for compliance with Council Policy on operations, location and appearance. Within 5 days of approving an MPP for a donation center, the director shall post the subject property providing notice of the date of the approval action. In addition, written notice shall be sent to property owners and occupants of adjacent properties.
- ³ Subject to provisions of Chapter 9.41.
- ⁴ Except that daytime and overnight parking of up to five commercial motor vehicles (of a type that are less than 10,000 pounds in gross vehicle weight with not more than two axles) that are owned or operated by the person(s), company or business which conducts the primary use is permitted, provided the vehicles are used for purposes of delivery, pick up or service to patrons of the primary use only, do not utilize on-site required parking and are not utilized for purposes of advertising.
- ⁵ Educational and recreational uses and places of assembly shall not be located in retail centers in a manner that disrupts the flow of pedestrians between retail establishments.
- ⁶ Except caretaker residence ancillary to a permitted use.
- ⁷ Automobile service stations with sale of groceries, beer and wine, or both, require findings as set forth in 19.98.020(i) and/or (j), as applicable.
- ⁸ In the C-4 zoning district, wholesale storage or warehousing is permitted up to 35% FAR, and requires a use permit for >35% FAR.

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 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 4. CEQA EXEMPTION. 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. The Council therefore directs that the Planning Division may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 118-04.

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 _____, 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 Kahn, City Attorney