DRAFT 1/9/2019 RM

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND VARIOUS SECTIONS OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO USEABLE OPEN SPACE

WHEREAS, the City of Sunnyvale desires to amend certain sections of the Sunnyvale Municipal Code Title 19 Zoning relating to useable open space.

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

SECTION 1. Section 19.12.160 AMENDED. Section 19.12.160 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.12.160. "O"

(1) – (4) [Text Unchanged]

(5) Open space, useable" means an outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch, pool area, patio or terrace or recreation building, when designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but excluding parking facilities, driveways, utility, service or storage areas.

(6) – (9) [Text Unchanged]

SECTION 2. Section 19.37.100 AMENDED. Section 19.37.100 of Chapter 19.37 (Landscaping, Irrigation and Useable) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.37.100. Useable open space design requirements.

(a) Function. Useable open space must be designed to be accessible to, and usable for outdoor living, recreation or utility use.

(b) Applicability. The provisions of this section shall apply to all new multi-family residential development in R-3, R-4, and R-5 zoning districts.

(~~c~~b) Location. Useable open space may not be located in any required front yard area for projects with a front yard setback variance or deviation. Otherwise, up to 50% of the required front yard area may be counted toward the useable open space requirement.

~~Usable open space may not be located in any required front yard area.~~

(~~e~~d) Minimum Useable Open Space Dimensions and Area. Each useable open space area shall have at least a twelve foot dimension in any direction and a minimum area of two hundred square feet except for:

(1) - (2) [Text Unchanged]

(~~d~~e) Private Useable Open Space Required. In the R-4 and R-5 zoning districts, a minimum of eighty square feet per unit shall be designed as private useable open space.

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. CONSTITUTIONALITY; 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 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 _____, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor
Date of Attestation: _____

(SEAL)

APPROVED AS TO FORM:

_____
City Attorney