

DRAFT ORDINANCE 2020-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE
REGARDING VEHICLE SALES**

WHEREAS, Chapter 29 (Zoning Ordinance) of the Town Code of the Town of Los Gatos regulates vehicle sales in the C-2, LM, and CH zones by requiring the approval of a Conditional Use Permit; and

WHEREAS, Section 29.20.185 of the Town Code allows used vehicle sales only when incidental to new vehicle sales in the C-2, LM, and CH zones with an approved Conditional Use Permit; and

WHEREAS, the Town was approached by a used vehicle sales business seeking to locate in the C-2 zone; and

WHEREAS, given the unique characteristics of the request, the issue was forwarded to the Town Council Policy Committee to seek input and direction on the appropriateness of standalone used vehicle sales; and

WHEREAS, on January 28, 2020, the Town Council Policy Committee considered the matter and recommended that standalone used vehicle sales be allowed with an approved Conditional Use Permit in the C-2, LM, and CH zones; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on May 27, 2020; and

WHEREAS, on May 27, 2020, the Planning Commission reviewed and commented on the proposed amendments regarding vehicle sales in the C-2, LM, and CH zones and forwarded a recommendation to the Town Council for approval of the proposed amendments; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on ____ , ____; and

WHEREAS, on ____ , ____ , the Town Council reviewed and commented on the amendments to Chapter 29 of the Town Code and the Town Council voted to introduce the Ordinance.

EXHIBIT 3

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION I

Chapter 29 of the Los Gatos Town Code is hereby amended as follows:

ARTICLE II. DIVISION 3. APPROVALS

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Sec. 29.20.185. Table of Conditional Uses.

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| <i>TABLE OF CONDITIONAL USES</i> | <i>RC</i> | <i>HR</i> | <i>R1</i> | <i>RD</i> | <i>R-M</i> | <i>RMH</i> | <i>R-1D</i> | <i>O</i> | <i>C-1</i> | <i>C-2</i> | <i>CH</i> | <i>LM</i> | <i>CM</i> |
|--|-----------|-----------|-----------|-----------|------------|------------|-------------|----------|------------|------------|-----------|-----------|-----------|
| (7) Automotive (Vehicle sales, services, and related activities) | | | | | | | | | | | | | |
| a. New Vehicle sales and rental | | | | | | | | | | X | X | X | |
| b. Used vehicle sales only incidental to new vehicle sales and rental. <u>Reserved.</u> | | | | | | | | | | X | X | X | |

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SECTION II

With respect to compliance with the California Environmental Quality Act (CEQA), the Town Council finds as follows:

A. These Town Code amendments are exempt from review under CEQA pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the amendments to the Town Code would have a significant effect on the environment; and

B. The amendments to the Town Code are consistent with the General Plan.

SECTION III

If any provision of this Ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION IV

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

SECTION V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of _____ 2020 , and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of _____ 2020 . This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____