Town of Sunnyvale

Town Council Workshop
April 23, 2012
6:00 p.m.

Town Council Regular Meeting
April 23, 2012
7:00 p.m.
CALL MEETING TO ORDER
Mayor calls the meeting to order, state the date and time. State Councilmember’s present and declare a quorum present.

1. CONDUCT TRAINING ON IPAD PAPERLESS AGENDA SYSTEM.

ADJOURN

ALL LOCATIONS IDENTIFIED ARE IN THE TOWN OF SUNNYVALE UNLESS OTHERWISE INDICATED. FOR A DETAILED PROPERTY DESCRIPTION, PLEASE CONTACT THE BUILDING OFFICIAL AT TOWN HALL. ALL ITEMS ON THE AGENDA ARE FOR POSSIBLE DISCUSSION AND ACTION. PLEASE TURN OFF ALL TELEPHONES AND HANDHELD COMMUNICATION DEVICES WHILE IN ATTENDANCE AT THIS MEETING.

THE SUNNYVALE TOWN COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), AND 551.086 (ECONOMIC DEVELOPMENT).

THE TOWN OF SUNNYVALE IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA). REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED TO THOSE WHO PROVIDE NOTICE TO THE DIRECTOR OF COMMUNITY SERVICES AT 972-226-7177 AT LEAST 48 HOURS PRIOR TO THE MEETING.

THE FOREGOING NOTICE WAS POSTED IN THE FOLLOWING LOCATIONS:

- SUNNYVALE ISD 417 E. TRIPP ROAD
- SUNNYVALE LIBRARY AT 402 TOWER PLACE

I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON APRIL 20, 2012, IN THE FOLLOWING LOCATION AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING:

TOWN HALL AT 127 N. COLLINS ROAD

________________________________________
LESLIE MALONE, TOWN SECRETARY
INVOCAITION

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER
Mayor calls the Meeting to order, state the date and time. State Councilmember’s present and declare a quorum present.

PUBLIC FORUM
Citizens may speak on any matter other than personnel matters or matters under litigation. No Town Council actions or discussion will be taken until such matter is placed on the agenda and posted in accordance with law.

CONSENT AGENDA ITEM #1 THROUGH #2
All items on the consent agenda are routine items and may be approved with one motion; should any member of the Town Council or any individual wish to discuss any item, said item may be removed from the consent agenda by motion of the Town Council.

CONSIDER APPROVAL OF THE FOLLOWING MINUTES:
1. REGULAR MEETING OF 04/09/2012.
2. SPECIAL MEETING OF 04/12/2012.

END OF CONSENT AGENDA

UPDATE FROM 4A DEVELOPMENT CORPORATION PRESIDENT

- SUNNYVALE CENTER DEVELOPMENT
- RECENT TRAINING

PUBLIC HEARING
Open or continue public hearing, consider testimony and other information provided, close public hearing, and take necessary action with respect to the following:

3. APPLICATION FOR PRELIMINARY PLAT
APPLICANT: RICHARD HOVAS
AT OR ABOUT: STONEY CREEK BLVD
REQUEST: STONEY CREEK PHASE 2-B
4. APPLICATION FOR PRELIMINARY & FINAL PLAT
APPLICANT: YESENIA SIGALA-GARCIA
AT OR ABOUT: 492 POLLY ROAD
REQUEST: POLLY-SIGALA

5. CONSIDER ORDINANCE NO. 12-05: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING ZONING ORDINANCE NO. 324, DULY PASSED BY THE TOWN COUNCIL ON JANUARY 31, 2000; AS AMENDED BY ORDINANCE NOS. 324, 332, 338, AND 339, AND AS AMENDED FROM TIME TO TIME; SO AS TO CHANGE BY ADOPTION OF AMENDMENTS TO THE TEXT OF THE TOWN'S ZONING ORDINANCE PROVISIONS RELATING TO CLASSIFICATION OF INDUSTRIAL USES IN THE GENERAL BUSINESS, HIGHWAY COMMERCIAL AND INDUSTRIAL DISTRICTS; ADDING DEFINITIONS OF SUCH USES; CHANGING THE LAND USE TABLES; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

6. CONSIDER ORDINANCE NO. 12-06: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING ZONING ORDINANCE NO. 324, DULY PASSED BY THE TOWN COUNCIL ON JANUARY 31, 2000; AS AMENDED BY ORDINANCE NOS. 324, 332, 338, AND 339, AND AS AMENDED FROM TIME TO TIME; SO AS TO CHANGE BY ADOPTION OF AMENDMENTS TO THE TEXT OF THE TOWN'S ZONING ORDINANCE PROVISIONS RELATING TO CLASSIFICATION OF A NEW USE, ALTERNATIVE FINANCIAL ESTABLISHMENT; ADDING DEFINITIONS AND SPECIAL REGULATIONS FOR SUCH USES; ADDING A DEFINITION FOR BANK OR FINANCIAL INSTITUTION; AMENDING THE GENERAL BUSINESS AND INDUSTRIAL DISTRICT REGULATIONS TO PROVIDE FOR SUCH USES; CHANGING THE NON-RESIDENTIAL USE SUMMARY CHART FOR SUCH USES; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

DISCUSSION/ACTION ITEMS

7. COUNCIL DISCUSSION AND ACTION REGARDING PREVIOUS MOWING OF COMMON AREAS WITHIN THE STONE CANYON SUBDIVISION.

MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS

EXECUTIVE SESSION
Recess into executive session pursuant to Chapter 551, Subchapter D of the Texas Government Code:
Sec. 551.074. PERSONNEL MATTERS
To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

Municipal Court Judge

END OF EXECUTIVE SESSION
Reconvene into open session and take any action necessary as a result of the Executive Session. Consider any official action on the executive session closed meeting items.

ADJOURN

ALL LOCATIONS IDENTIFIED ARE IN THE TOWN OF SUNNYVALE UNLESS OTHERWISE INDICATED. FOR A DETAILED PROPERTY DESCRIPTION, PLEASE CONTACT THE BUILDING OFFICIAL AT TOWN HALL. ALL ITEMS ON THE AGENDA ARE FOR POSSIBLE DISCUSSION AND ACTION. PLEASE TURN OFF ALL TELEPHONES AND HANDHELD COMMUNICATION DEVICES WHILE IN ATTENDANCE AT THIS MEETING.

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THE TOWN OF SUNNYVALE IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA). REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED TO THOSE WHO PROVIDE NOTICE TO THE DIRECTOR OF COMMUNITY SERVICES AT 972-226-7177 AT LEAST 48 HOURS PRIOR TO THE MEETING.

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SUNNYVALE ISD 417 E. TRIPP ROAD
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TOWN HALL AT 127 N. COLLINS ROAD

________________________
LESLIE MALONE, TOWN SECRETARY
MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, APRIL 9, 2012
7:00 P.M.

MAYOR      JIM PHAUP
MAYOR PRO-TEM   KAREN HILL
COUNCILMEMBER  PAULA YATES
COUNCILMEMBER  SAJI GEORGE
COUNCILMEMBER  RONNIE HENDERSON, JR
COUNCILMEMBER  PAT WILEY

INVOCATION
Mayor Pro-Tem Hill led the invocation.

PLEDGE OF ALLEGIANCE
Mayor Phaup led the Pledge of Allegiance.

CALL MEETING TO ORDER
Mayor Phaup called the Regular Town Council Meeting of Monday, April 9, 2012, to order at 7:04 p.m. and declared a quorum present. All Councilmembers were present.

PUBLIC FORUM
John Oscar, 120 Lakeview Drive, Sunnyvale, read a letter from a Garland resident that was published in the Neighbor's to Go section of the Dallas Morning News. The letter was in favor of maintaining widely spaced lawns and the rural character of the area.

CONSENT AGENDA ITEM #1 THROUGH #6
All items on the consent agenda are routine items and may be approved with one motion; should any member of the Town Council or any individual wish to discuss any item, said item may be removed from the consent agenda by motion of the Town Council.

CONSIDER APPROVAL OF THE FOLLOWING MINUTES:

1. SPECIAL MEETING OF 02/27/2012.
2. REGULAR MEETING OF 02/27/2012.
3. JOINT TOWN COUNCIL & PLANNING AND ZONING COMMISSION MEETING OF 03/05/2012.
4. SPECIAL MEETING OF 03/05/2012.
5. REGULAR MEETING OF 03/26/2012.
6. **SPECIAL MEETING OF 04/02/2012.**

Mayor Pro-Tem Hill moved and seconded by Councilmember George to approve the Consent Agenda Items 1 through 6 including a revised set of minutes for the Regular Meeting held on March 26, 2012. Mayor Phaup called for a vote, with all Councilmembers voting affirmative, the motion passed 5/0.

**END OF CONSENT AGENDA**

**PUBLIC HEARING**

Open or continue public hearing, consider testimony and other information provided, close public hearing, and take necessary action with respect to the following:

7. **APPLICATION FOR SITE PLAN**

   **APPLICANT:** ECI ACADEMY
   **AT OR ABOUT:** 302 TOWN EAST BLVD
   **REQUEST:** CHANGE OF USE

Mayor Phaup informed the Council the City of Mesquite requested a Traffic Study be completed. Councilmember George asked Staff to re-notice the Home Owner's Associations of Glenwick and Creekside. No action was taken.

**DISCUSSION/ACTION ITEMS**

8. **LIBRARY BOARD PRESENTATION OF SURVEY RESULTS.**

Margaret Jacobs, Chairperson of the Library Board, gave an overview of the Library Board Survey Results. The Library Board received feedback regarding ebooks and requests for a larger, or more updated facility.

9. **DISCUSSION/STAFF PRESENTATION AND UPDATE:**

   - **Road Reconstruction & Maintenance Projects**

   Town Engineer Marc Bentley updated the Council on road reconstruction and maintenance projects. The Town did not budget to repair any "B Roads" this fiscal year as the Town was unsure if funding from the County would change. After discussions with Dallas County, it is in the Town's best interest to use crews other than the County. When reviewing the best methods to repair the roads, it would be best to mill down and repair the entire road. The thickness of the roads would present a hazard if only a small section was repaired.

   Mayor Phaup asked Staff to prepare a list of priorities.
• Board & Commission Attendance

Town Manager Scott Campbell asked for Council direction on the upcoming appointment process for Boards & Commissions.

During discussion, the Mayor & Council asked that information on how to apply be placed in the Newsletter and Town Website, along with information about each Board or Commission. Applicants are asked to apply by the end of May.

MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS

Councilmember George asked how the Town could best support the City of Forney after the tornado damage received the previous week.

Town Manager Campbell stated the Town had reached out to Forney. Forney stated they had received offers for help from every City in the area and were currently inundated with volunteers.

Councilmember Yates stated some residents had asked that the Reverse 911 system be activated sooner.

EXECUTIVE SESSION

Recess into executive session pursuant to Chapter 551, Subchapter D of the Texas Government Code:

EXECUTIVE SESSION AGENDA:

SECTIONS 551.072 – DELIBERATION REGARDING REAL PROPERTY

A. PROPERTY AT OR ABOUT THE 600 BLOCK OF E. US HWY 80

Mayor Pro-Tem Hill made a motion to recess into Executive Session at 7:52 p.m., pursuant to Chapter 551, Subchapter D of the Texas Government Code, to deliberate real property located at or about the 600 Block of E. US Hwy 80 in accordance with Section 551.072 of the Texas Local Government Code. Councilmember Yates seconded the motion. Mayor Phaup called for a vote, with all councilmembers voting affirmative, the motion carried 5/0.

END OF EXECUTIVE SESSION

Mayor Phaup reconvened the Town Council Meeting into open session at 8:11 p.m.

10. PROPERTY AT OR ABOUT THE 600 BLOCK OF E. US HWY 80

DISCUSS AND CONSIDER RESOLUTION 12 - 08: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, DETERMINING THE NECESSITY OF ACQUIRING REAL PROPERTY, AND AUTHORIZING THE TOWN TO INITIATE CONDEMNATION PROCEEDINGS TO CONDEMN FOR PUBLIC USE A PERMANENT
SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ACROSS OR THROUGH A PORTION OF A 20.0714 ACRE TRACT DESCRIBED IN VOLUME 93044, PAGE 1583 OF THE DALLAS COUNTY PUBLIC RECORDS (LOCALLY KNOWN AS 529 U. S. HIGHWAY 80).

Mayor Pro-Tem Hill made a motion by stating "I move that the Council adopt Resolution 12-08, authorizing the Town to initiate condemnation proceedings to condemn for public use a permanent sanitary sewer easement, and a temporary construction easement, on a portion of a 20.0714 acre tract, as described in Exhibits A and B to the Resolution, locally known as 529 U. S. Highway 80." Councilmember Wiley seconded the motion. Mayor Phaup called on each Councilmember individually to vote Yea or Nay. Each Councilmember voted as follows:

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<tbody>
<tr>
<td>MAYOR PRO-TEM</td>
<td>KAREN HILL</td>
<td>YEA</td>
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<tr>
<td>COUNCILMEMBER</td>
<td>PAULA YATES</td>
<td>YEA</td>
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<td>COUNCILMEMBER</td>
<td>SAJI GEORGE</td>
<td>YEA</td>
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<td>COUNCILMEMBER</td>
<td>RONNIE HENDERSON, JR</td>
<td>YEA</td>
</tr>
<tr>
<td>COUNCILMEMBER</td>
<td>PAT WILEY</td>
<td>YEA</td>
</tr>
</tbody>
</table>

With all councilmembers voting affirmative, the motion carried 5/0.

**ADJOURN**

Mayor Phaup adjourned the meeting at 8:14 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

__________________________
Mayor Jim Phaup

**ATTEST:**

__________________________
Leslie Malone, Town Secretary
MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SUNNYVALE 4A DEVELOPMENT CORPORATION
SPECIAL CALL IMPORT JOINT MEETING
THURSDAY, APRIL 12, 2012
5:30 P.M.

TOWN COUNCIL MEMBERS:
ABSENT MAYOR JIM PHAUP
ABSENT MAYOR PRO-TEM KAREN HILL
COUNCILMEMBER PAULA YATES
COUNCILMEMBER SAJI GEORGE
COUNCILMEMBER RONNIE HENDERSON, JR
ABSENT COUNCILMEMBER PAT WILEY

4A DEVELOPMENT CORPORATION MEMBERS:
PRESIDENT TERRI SHATTER
VICE PRESIDENT RACHEL DOYLE
ABSENT SECRETARY HARI PILLAI
TREASURER DAVID CARLILE
MEMBER BILL METZGER

CALL MEETING TO ORDER

Mayor Phaup called the Town Council meeting to order at 6:03 p.m.
President Shatter called the 4A Development Corporation meeting to order at 6:03 p.m.

CALL MEETING TO ORDER
In the absence of Mayor Phaup and Mayor Pro-Tem Hill, Councilmember Yates called the Town Council Meeting to order at 5:42 p.m. Mayor Phaup, Mayor Pro-Tem Hill, and Councilmember Wiley were absent.

4A Development Corporation President Terri Shatter called the meeting to order at 5:42 p.m. Secretary Hari Pillai was absent.

EXECUTIVE SESSION
Recess into executive session pursuant to Chapter 551, Subchapter D of the Texas Government Code:

EXECUTIVE SESSION AGENDA:

SECTION 551.074. PERSONNEL MATTERS

(1) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE - ECONOMIC DEVELOPMENT COORDINATOR/PLANNER POSITION
Councilmember Yates made a motion to recess the Town Council into Executive Session pursuant to Chapter 551, Subchapter D of the Texas Government Code. Councilmember George seconded the motion. Councilmember Yates called for a vote with all members voting affirmative, the motion carried 3/0.

4A Development Corporation President Terri Shatter recessed the 4A Development Corporation into Executive Session pursuant to Chapter 551, Subchapter D of the Texas Government Code.

**END OF EXECUTIVE SESSION**

Reconvene into open session and take any action necessary as a result of the Executive Session. Consider any official action on the Executive Session closed meeting items:

4A Development Corporation President Terri Shatter reconvened the 4A Development Corporation into open Session at 7:35 p.m. and stated no action would be taken.

Councilmember Yates reconvened the Town Council meeting into open session at 7:35 p.m. with no action to be taken as a result of the Executive Session.

**ADJOURN**

President Shatter adjourned the 4A Development Corporation meeting at 7:35 p.m.

Councilmember Yates adjourned the Town Council Meeting at 7:35 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

_____________________________
Mayor Jim Phaup

_____________________________
President Terri Shatter

ATTEST:

_____________________________
Leslie Malone, Town Secretary
STAFF REPORT

DATE: April 19, 2012
TO: Town Council
FROM: Community Development Department
SUBJECT: Stoney Creek Phase 2-B
File Number 1310
PAGES: 1

Stoney Creek Properties, LLC has made application for a preliminary plat for Stoney Creek Phase 2-B. This project is located north of the extension of Stoney Creek Blvd. and west of Highpoint Drive in Stoney Creek 2-A. The plat consists of 74 single family residential lots and 2 open space lots. The property is zoned PRO, Ordinance no. 403 and 463.

There were forty three (43) notices mailed and none returned as of April 12, 2012.

Staff has worked with the applicant to arrive at a preliminary plat that conforms to Town regulations and the approved concept plan. We have the following comment regarding the plat:

- Lot tabulation needs to be revised as follows: 64 lots > or = 18,000 SF and 10 lots > or = 24,000 SF.

Based on staff’s review, staff is recommending approval of the preliminary plat subject to the above item being completed and the engineering department’s approval of the construction plans.
DEVELOPMENT APPLICATION

- Preliminary Plat
- Final Plat
- Amended Plat
- Preliminary Site/Concept Plan
- Landscape
- Tree survey
- Site Plan
- Building Elevations

PROPERTY INFORMATION

Addition Name: Stoney Creek Phase 2-B
Address/Location: Stoney Creek Blvd.
Lot(s): Block: Current Zoning: PRO
# of Acres: 59.5864 Ac. # of Lots: 76 # of Units: 74

APPLICANT INFORMATION

Name: Richard Hovas
Company: Tipton Engineering Inc.
Mailing Address: 6330 Broadway Blvd. Suite C
City: Garland
State: TX
Zip: 75043
Phone: 972-226-2967
Fax: 972-226-1946
Email: rhovas@tiptoneng.com

OWNER INFORMATION

Name: Darrel Amen
Company: Stoney Creek Properties
Mailing Address: 14755 Preston Road Suite 710
City: Dallas
State: TX
Zip: 75254
Phone: 972-341-2924
Fax: Email: darrelamen@forestargroup.com

SITE PLAN APPLICATION SUBMITTAL REQUIREMENTS

(See Fee Schedule for all Amounts)

- Preliminary Plat & Checklist 24"x36", 4 copies (folded) Fee: $1260.00
- Final Plat & Checklist 24"x36", 4 copies (folded)
- Amended Plat & Checklist* 24"x36", 4 copies (folded)
- Minor Plat & Checklist* 24"x36", 4 copies (folded)
- Replat & Checklist* 24"x36", 4 copies (folded)
- Preliminary Site/Concept Plan & Checklist 24"x36", 4 copies (folded)
- Site Plan & Checklist 24"x36", 4 copies (folded)
- Landscape Plan & Checklist 24"x36", 4 copies (folded)
- Building Elevations 24"x36", 4 copies (folded)
- Photometric/Lighting 24"x36", 2 copies (folded)
- Tree Survey & Checklist 24"x36", 4 copies (folded)
- Civil Engineering Plans 2 Sets (rolled) Fee: $1000

*Use final plat checklist
OWNER AUTHORIZATION

Check one of the following:

☐ I will represent the application myself; or

☒ I authorize RICHARD HOVAS (name of applicant) to represent this application on my behalf. The named applicant shall be the principal person for responding to all requests and to attend all meetings.

I waive the statutory time limit for plat approval in accordance with Section 212.009 of the Local Government Code.

Owner’s Signature: ___________________ Date: 3-15-12

STATE OF TEXAS

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared  ____________________________
the above signed, who, under oath, stated the following: “I hereby certify that I am the owner or authorized corporate representative for the purposes of this application; that all information submitted herein is true and accurate.”

Subscribed and sworn to before me this ______ day of ________, 2012.

KAREN K NORMANDIN
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXPIRED 02-01-2014

Notary Public in and for the State of Texas

This application is not considered accepted by the Town until the Town Engineer or Chief Building Official has signed below.

_________________________ ___________________________
Town Engineer Chief Building Official
OWNERS CERTIFICATE

NEITHER, Douglas Properties/development, Inc., nor the owner of a tract of land situated in the
John Deen Survey, Abstract No. 38, the C, Haight Survey, Abstract No. 39, and the Wilson
Road Survey, Abstract No. 191, Town of Sunnyvale, Dallas County Texas, has ever been
named as having a property interest in Sunnyvale, Dallas County Texas, with the sole excep-
tion of the property herein described. The said tract of land is described as follows:

BOUNDARY:

The said tract of land is bounded on the north by the Sunnyvale Creek Phase 2-A,
on the east by the Sunnyvale Creek Phase 2-B, on the south by the Sunnyvale
Creek Phase 3, and on the west by the Sunnyvale Creek Phase 4.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That STONEY CREEK PROPERTIES, LLC, having had and through its duly authorized offi-
cers duly and properly executed this deed, do hereby sell, assign, and transfer to
STONEY CREEK PROPERTIES, LLC, the tract of land described herein.

The aforesaid tract of land is described as follows:

1. A strip of land lying along the western boundary of the Sunnyvale Creek Phase 2-B
property, described as follows:

2. A strip of land lying along the southern boundary of the Sunnyvale Creek Phase 3
property, described as follows:

3. A strip of land lying along the eastern boundary of the Sunnyvale Creek Phase 4
property, described as follows:

4. A strip of land lying along the northern boundary of the Sunnyvale Creek Phase 2-A
property, described as follows:

This deed is executed in consideration of the sum of One Dollar and
Zero Cents ($1.00), the receipt of which is hereby acknowledged.

STONEY CREEK PROPERTIES, LLC

By:________________________

THE STATE OF TEXAS
COUNTY OF DALLAS

B E F O R E US, the undersigned authority, on this day personally appeared Gregory A. McGee, whose
name is subscribed to the foregoing instrument and acknowledged to me that the same was
executed by him, and that he executed the same as his free act and deed for the purpose and
consideration therein expressed, and that he is the true and rightful owner and is entitled to
the possession thereof.

W I T N E S S M Y H A N D.

This deed is recorded in the Office of the County Auditor, County of Dallas, Texas, on the day

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SUNNYVALE, TEXAS

On this the day of________________________, 2012,

Chairman, Planning and Zoning Commission

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS

On this the day of________________________, 2012.

Mayor

________________________

TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS

STONEY CREEK PROPERTIES, LLC

14730 Preston Road, Suite 710, Dallas, Texas 75254

STONEY CREEK PROPERTIES, LLC

14730 Preston Road, Suite 710, Dallas, Texas 75254

PRELIMINARY PLAT

STONEY CREEK PHASE 2-B

Based on ORDINANCES No. 402

J ohn Denton Survey, Abstract No. 267 (11.65 Acres)

TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS

STONEY CREEK PROPERTIES, LLC

14730 Preston Road, Suite 710, Dallas, Texas 75254

TYPION ENGINEERING, INC.

By:________________________

This deed is recorded in the Office of the County Auditor, County of Dallas, Texas, on the day

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SUNNYVALE, TEXAS

On this the day of________________________, 2012.

Chairman, Planning and Zoning Commission

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS

On this the day of________________________, 2012.

Mayor

________________________

TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS

STONEY CREEK PROPERTIES, LLC

14730 Preston Road, Suite 710, Dallas, Texas 75254

STONEY CREEK PROPERTIES, LLC

14730 Preston Road, Suite 710, Dallas, Texas 75254
Notice of Application for Preliminary Plat
Town of Sunnyvale

The Town of Sunnyvale has received a request by Stoney Creek Properties, LLC for approval of a Preliminary Plat for Stoney Creek Phase 2-B Addition that consists of 74 residential lots on 59.5864 acres. The property being platted is located at on the west side of phase 2-A and is shown on the attached exhibit.

Plat Description- Stoney Creek phase 2-B zoned PRO (ordinance No. 403) John Denton Survey, Abstract No. 397 (11.95 acres) William Reed Survey Abstract No. 1194 (47.63 acres) Town of Sunnyvale, Dallas County, Texas

The Planning and Zoning Commission will hear this application on April 16, 2012 and the Town Council will consider the application on April 23, 2012 or May 14, 2012. The hearings will be conducted in open session at Town Hall, 127 Collins Road at 7:00 P.M. If you have comments on this application, you may present them in person at these meetings or may submit written comments at any time on or before date of the hearings.

The Preliminary Plat application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact the development department at 972-203-4188.

If you wish to submit a written response, please fill out and return this notice as soon as possible.

☐ I am in favor of the Preliminary Plat
☒ I am opposed to the Preliminary Plat

Explanation:

PLAT DOES NOT REFLECT CURRENT NEGOTIATIONS BETWEEN US AND THE CURRENT DEVELOPMENT OWNERS TO ACQUIRE PROPERTY ADJACENT TO OUR PROPERTY

Signature: 

Printed Name: RICHARD D. & KAREN CROWNover

Address: 350 Jobson Road

Date: 4/10/12
Notice of Application for Preliminary Plat
Town of Sunnyvale

The Town of Sunnyvale has received a request by Stoney Creek Properties, LLC for approval of a Preliminary Plat for Stoney Creek Phase 2-B Addition that consists of 74 residential lots on 59.5864 acres. The property being platted is located at on the west side of phase 2-A and is shown on the attached exhibit.

Plat Description- Stoney Creek phase 2-B zoned PRO (ordinance No. 403) John Denton Survey, Abstract No. 397 (11.95 acres) William Reed Survey Abstract No. 1194 (47.63 acres)
Town of Sunnyvale, Dallas County, Texas

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If you wish to submit a written response, please fill out and return this notice as soon as possible.

☐ I am in favor of the Preliminary Plat
☐ I am opposed to the Preliminary Plat

Explanation: ________________________________________________________________
__________________________________________________
__________________________________________________
__________________________________________________
__________________________________________________
__________________________________________________

Signature: _________________________________________________________________
Printed Name: ______________________________________________________________
Address: __________________________________________________________________
Date: ____________________________________________________________________
Yesenia Sigala-Garcia has made application for preliminary and final plat for the subject property. The property is located at 492 Polly Road and consists of one residential lot on 2.9 acres of land. The property falls within the SF-2 zoning district:

The preliminary and final plats appear to conform to Town's requirements. The following items need to be resolved:

- Required to install a lighted entrance instead of providing a street light. Should the lighted entrance not be installed, then applicant would need to install a street light within the frontage of the lot.
- Submittal of lot grading, driveway culvert and utility connection plans for review.
- Verification that the required Town monuments have been set as indicated on the final plat.
- Certificate of occupancy will not be issued until plat is filed with Dallas County.

There were twenty (20) notices mailed and one returned in favor as of April 12, 2012.

Based on staff's review, we are recommending approval of the preliminary and final plats subject to the above stated items being resolved and final approval from engineering.
TOWN OF SUNNYVALE
127 N Collins Road
Sunnyvale, Texas 75182
(972) 203-4188

PROPERTY INFORMATION

Addition Name: POLLY-SIGALA
Address/Location: 492 POLLY ROAD
Lot(s): 1
Block: 1
Current Zoning: SF-2
# of Acres: 2.972
# of Lots: 1
# of Units: 1

FILE NO: 1311

DEVELOPMENT APPLICATION

☐ Preliminary Plat  ☐ Replat
☐ Final Plat  ☐ Amending Plat
☐ Preliminary Site/Concept Plan  ☐ Site Plan
☐ Landscape  ☐ Tree survey
☐ Tree survey  ☐ Building Elevations

APPLICANT INFORMATION

Name: Yesenia Sigal-Garcia
Company: 
Mailing Address: 300 Windsor Dr.
City: Sunnyvale
State: TX
Zip: 75182
Phone: (214) 499-0863
Fax: Email: 492pollyrd@gmail.com

OWNER INFORMATION

Name: Same as above
Company: 
Mailing Address: 
City: State: Zip: 
Phone: Fax: Email: 

SITE PLAN APPLICATION SUBMITTAL REQUIREMENTS

(See Fee Schedule for all Amounts)

(Check those that apply)

☐ Preliminary Plat & Checklist 24"x36", 4 copies (folded)  Fee: $70.00
☐ Final Plat & Checklist 24"x36", 4 copies (folded)  Fee: $85.00
☐ Amended Plat & Checklist* 24"x36", 4 copies (folded)  Fee: 
☐ Minor Plat & Checklist* 24"x36", 4 copies (folded)  Fee: 
☐ Replat & Checklist* 24"x36", 4 copies (folded)  Fee: 
☐ Preliminary Site/Concept Plan & Checklist 24"x36", 4 copies (folded)  Fee: 
☐ Site Plan & Checklist 24"x36", 4 copies (folded)  Fee: 
☐ Landscape Plan & Checklist 24"x36", 4 copies (folded)  Fee: 
☐ Building Elevations 24"x36", 4 copies (folded)  Fee: 
☐ Photometric/Lighting 24"x36", 2 copies (folded)  Fee: 
☐ Tree Survey & Checklist 24"x36", 4 copies (folded)  Fee: 
☐ Civil Engineering Plans 2 Sets (rolled)  Fee: 
*Use final plat checklist
OWNER AUTHORIZATION

Check one of the following:

☐ I will represent the application myself; or

☐ I authorize ___________________________ (name of applicant) to represent this application on my behalf. The named applicant shall be the principal person for responding to all requests and to attend all meetings.

I waive the statutory time limit for plat approval in accordance with Section 212.009 of the Local Government Code.

Owner's Signature: ___________________________ Date: 03/20/12

STATE OF TEXAS

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared ___________________________ the above signed, who, under oath, stated the following: “I hereby certify that I am the owner or authorized corporate representative for the purposes of this application; that all information submitted herein is true and accurate.”

Subscribed and sworn to before me this ___________________________ day of ___________________________ March, 2012

[Notary Public's Seal]

Notary Public in and for the State of Texas

This application is not considered accepted by the Town until the Town Engineer or Chief Building Official has signed below.

_____________________________  ______________________________
Town Engineer                  Chief Building Official
Notice of Application for Preliminary Plat and Final plat  
Town of Sunnyvale

The Town of Sunnyvale has received a request by Yesenia Sigala-Garcia for approval of a Preliminary Plat for Polly-Sigala Addition. The property being platted is located at 492 Polly Road and is shown on the attached exhibit.

Plat Description  Lot 1, Block 1 Polly-Sigala addition 2.972 acres William Rowe Survey Abstract 1236, Town Of Sunnyvale, Dallas County, Texas

The Planning and Zoning Commission will hear this application on April 16, 2012 and the Town Council will consider the application on April 23, 2012 or May 14, 2012. The hearings will be conducted in open session at Town Hall, 127 Collins Road at 7:00 P.M. If you have comments on this application, you may present them in person at these meetings or may submit written comments at any time on or before date of the hearings.

The Preliminary Plat application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact the development department at 972-203-4188.

If you wish to submit a written response, please fill out and return this notice as soon as possible.

☐ I am in favor of the Preliminary Plat

☐ I am opposed to the Preliminary Plat

Explanation:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Signature: [Signature]
Printed Name: Paula Ramsey
Address: 486 Polly Road
Date: 4-8-13
Notice of Application for Preliminary Plat and Final plat
Town of Sunnyvale

The Town of Sunnyvale has received a request by Yesenia Sigala-Garcia for approval of a Preliminary Plat for Polly-Sigala Addition. The property being platted is located at 492 Polly Road and is shown on the attached exhibit.

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If you wish to submit a written response, please fill out and return this notice as soon as possible.

☑ I am in favor of the Preliminary Plat
☐ I am opposed to the Preliminary Plat

Explaination: It is better to build a house - not a
small home - than to leave the property
vacant.

__________________________
Signature:  Nannie Metcalf

Printed Name: Nannie Metcalf

Address: 493 Polly Road Sunnyvale, TX 75182 9420

Date: 4-10-2012
Notice of Application for Preliminary Plat and Final plat
Town of Sunnyvale

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If you wish to submit a written response, please fill out and return this notice as soon as possible.

☐ I am in favor of the Preliminary Plat
☐ I am opposed to the Preliminary Plat

Explanation: ____________________________________________
_____________________________________________________
_____________________________________________________
_____________________________________________________
_____________________________________________________
_____________________________________________________

Signature: ____________________________________________
Printed Name: _______________________________________
Address: ___________________________________________ 
Date: _______________________________________________
MEMORANDUM

To: Scott Campbell, Town Manager – Town of Sunnyvale, Texas
From: Sherry Sefko, Planning Consultant
Subject: Heavy Industrial Uses Study – Report to the Town Council
Date: April 13, 2012

At the Town’s request, and pursuant to the Town Council’s directive as set forth in Ordinance No. 538, we have concluded our study pertaining to classification of heavy industrial uses within the Town, and most particularly within the Town’s General Business (GB), Highway Commercial (HC) and Industrial (I) zoning districts. During the course of this study, these uses were analyzed, defined and in some cases redefined or reclassified with respect to their appropriateness in the GB, HC and I zoning districts, and with respect to their appropriateness where one of these districts is located adjacent to a residential district or to a less intense non-residential district. As a result of this analysis, it became apparent that some other uses within these districts were also affected, were made redundant, or became conflicting with the uses cited in the original study (Ordinance No. 538). Therefore, it became necessary to also analyze (and to draft new definitions for) those additional uses in order to correct such redundancies and conflicts.

Based upon this research, and based upon our understanding of the Town’s objectives to amend its Zoning Ordinance to better define various heavy industrial land uses and to protect the public health, safety and welfare by ensuring greater compatibility among land uses in the Town’s zoning pattern, we submit herewith our recommended amendments to the Town’s Zoning Ordinance (Exhibits 1-8). These proposed amendments are, we believe, in comportment with the original study directives given by the Town Council in Ordinance No. 538 with respect to heavy industrial uses within the Town of Sunnyvale.
TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05

AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING
ZONING ORDINANCE NO. 324, DULY PASSED BY THE TOWN COUNCIL
ON JANUARY 31, 2000; AS AMENDED BY ORDINANCE NOS. 324, 332,
338, AND 339, AND AS AMENDED FROM TIME TO TIME; SO AS TO
CHANGE BY ADOPTION OF AMENDMENTS TO THE TEXT OF THE
TOWN’S ZONING ORDINANCE PROVISIONS RELATING TO
CLASSIFICATION OF INDUSTRIAL USES IN THE GENERAL BUSINESS,
HIGHWAY COMMERCIAL AND INDUSTRIAL DISTRICTS; ADDING
DEFINITIONS OF SUCH USES; CHANGING THE LAND USE TABLES;
PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE;
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Sunnyvale ("Sunnyvale") has adopted comprehensive
zoning regulations by Ord. No. 339, as amended (the “Zoning Ordinance”); and

WHEREAS, the Zoning Ordinance text establishes a General Business (“GB”) District, a Highway Commercial (“HC”) District, and an Industrial (“I”) District among other zoning districts and identifies permitted and conditionally permitted uses in such Districts;

and

WHEREAS, multiple tracts of land in the Town are classified as GB, HC or I Districts on the Town’s official Zoning Map; and

WHEREAS, many such tracts are located adjacent or in proximity to existing or planned residential or commercial uses; and

WHEREAS, few of the allowed uses in the GB, HC or I District previously have been defined in the Zoning Ordinance; and

WHEREAS, many of the terms describing allowed uses in the GB, HC and I Districts are antiquated and do not reflect current zoning practices by Texas municipalities; and

ORD. NO. 12-06 - Page 1
Heavy Industrial Text Amendment
WHEREAS, many of the uses allowed in the GB, HC and I Districts have been traditionally classified as heavy industrial uses that may be inappropriate for location in the Town or at the locations presently zoned for such uses; and

WHEREAS, heavy industrial uses pose potentially harmful impacts on nearby residences and businesses, including other less intense industrial uses; and

WHEREAS, other uses permitted of right in the GB, HC and I District are not sufficiently defined so as to enable the Town to determine whether the use once established constitutes a heavy industrial use and hence poses harmful or negative impacts associated with such uses; and

WHEREAS, the Zoning Ordinance must be consistent with the Town’s adopted Comprehensive Plan; and

WHEREAS, the Comprehensive Plan’s Land Use Element contains policies prescribing compatibility between residential and non-residential uses; and

WHEREAS, heavy industrial uses permitted of right in the GB, HC or I Districts can be established upon approval of a site plan and building permit without the imposition of conditions that could otherwise mitigate the potential harmful effects of such uses on neighboring land uses; and

WHEREAS, on July 25, 2011, the Town Council by Ord. No. 538 established a moratorium on the acceptance, processing and approval of applications for permits for heavy industrial uses in order to properly evaluate, define and classify such uses, and to determine whether such uses should be prohibited within the Town, allowed only conditionally in the GB, HC or I Districts, or permitted of right in such Districts; and
WHEREAS, on October 24, 2011, by Ord. No. 547, the Town Council extended the moratorium adopted by Ord. No. 538 until February 21, 2012; and

WHEREAS, the Town Planner delivered her report and recommendations to the Town concerning the classification of heavy industrial uses subject to the moratorium on December 22, 2011; and

WHEREAS, the Town Council and the Town Planning and Zoning Commission jointly convened a workshop to consider the report and recommendations of the Town Planner on January 30, 2012, and again on March 5, 2012; and

WHEREAS, on February 13, 2012 the Town Council by Ord. No. 12-02 extended the moratorium on heavy industrial use applications until April 30, 2012; and

WHEREAS, the Town Council and the Town Planning and Zoning Commission jointly convened a workshop to consider the report and recommendations of the Town Planner on March 5, 2012; and

WHEREAS, the Town Planning and Zoning Commission took public testimony on and considered amendments to the text of the GB, HC and I zoning districts concerning the classifications and definitions of industrial uses on April 16, 2012, and forwarded its report and recommendations concerning such amendments to the Town Council on such date; and

WHEREAS, the Town Council took public testimony on and considered amendments to the text of the GB, HC and I zoning districts concerning the classifications and definitions of industrial uses on April 23, 2012, taking into consideration the report and recommendations of the Commission; and
WHEREAS, notice of the public hearings was published and posted according to 
state law and Town Ordinance; and

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN 
OF SUNNYVALE, TEXAS THAT:

SECTION 1: Findings Incorporated. The recitations contained in the whereas 
clauses prefacing this Ordinance hereby are incorporated by reference into the body of this 
Ordinance as findings of fact as if fully set forth herein.

SECTION 2: Definitions. The text of the Zoning Ordinance, Ordinance No. 339, of 
the Town of Sunnyvale, Texas, as amended (the “Zoning Ordinance Text”), is hereby 
further amended by adding the definitions, as set forth in Exhibit 1, which is attached to this 
Ordinance, and which is incorporated by reference herein as if fully set forth, to Chapter 2 
of the Zoning Ordinance Text. The proposed zoning amendments, as set forth in Exhibit 1 
attached hereto, are hereby adopted and the Zoning Ordinance Text is revised accordingly.

SECTION 3: GB District Permitted Uses Amendments. Section 12.2.B of the 
Zoning Ordinance Text, Uses Permitted, hereby is amended in its entirety by substituting 
the provisions contained in Exhibit 2, which is attached to this Ordinance, and which is 
incorporated by reference herein as if fully set forth.

SECTION 4: GB District Conditional Uses Amendments. Section 12.3.A of the 
Zoning Ordinance Text, Uses Permitted as Conditional Uses, hereby is amended in its 
entirety by substituting the provisions contained in Exhibit 3, which is attached to this 
Ordinance, and which is incorporated by reference herein as if fully set forth.
SECTION 5:  HC District Permitted Uses Amendments.  Section 14.2.B of the Zoning Ordinance Text, Uses Permitted, hereby is amended in its entirety by substituting the provisions contained in Exhibit 4, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth.

SECTION 6.  HC District Conditional Uses Amendments.  Section 14.3.A of the Zoning Ordinance Text, Uses Permitted as Conditional Uses, hereby is amended in its entirety by substituting the provisions contained in Exhibit 5, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth.

SECTION 7.  I District Permitted Uses Amendments.  Section 15.2.B of the Zoning Ordinance Text, Uses Permitted, hereby is amended in its entirety by substituting the provisions contained in Exhibit 6, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth.

SECTION 8.  I District Conditional Uses Amendments.  Section 15.3.A of the Zoning Ordinance Text, Uses Permitted as Conditional Uses, hereby is amended in its entirety by substituting the provisions contained in Exhibit 7, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth.

SECTION 9.  Changes to Non-Residential Uses Chart.  Section 3.9, Chart 3.4, Non-Residential Use Summary Chart, hereby is amended in its entirety by substituting the chart contained in Exhibit 8, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth.
SECTION 10. Conflicts. All Ordinances or provisions of Ordinances in conflict with this Ordinance are superseded to the extent of the conflict. Any remaining provisions of conflicting Ordinances shall remain in full force and effect.

SECTION 11: Severability. It is hereby declared to be the intention of the Town Council that if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or invalid by judgment or decree of a Court of competent jurisdiction, then such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance; and the Town Council hereby declares it would have passed the remaining portions even though it had known the affected parts would be held unconstitutional or invalid.

SECTION 12: Effective Date. This ordinance shall take effect immediately upon its passage.

DULY PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS on first reading this 23rd day of April, 2012.

Jim Phaup, Mayor

ATTEST:

Leslie Malone, Town Secretary
The following new definitions are hereby added to Chapter 2 of the Zoning Ordinance Text:

5a. **Airport or Heliport.** An area reserved or improved for the landing or take-off of aircraft, including rotary wing aircraft, which may include hangars, fueling, rental, repair and servicing facilities for such craft as well as facilities for passengers.

6a. **Animal Feed Processing and Storage.** A large-scale manufacturing operation that prepares or produces foods for animal consumption such as livestock feeds, foods and snacks for domestic animals, and other similar animal-consumables primarily for commercial or wholesale customers for off-site distribution and consumption. Includes dry and cold storage of animal food products, unless such is incidental to another primary use such as a pet store, stable or agricultural operation. Can include incidental retail sales of animal food products produced on the premises. Does not include the preparation or manufacture of products for consumption by humans (see definition for Food Processing and Storage), or the slaughtering of any type of animal.

7c. **Bakery, Commercial.** A large-scale food manufacturing operation that produces baked goods for human consumption such as bread, buns, biscuits, tortillas, ice cream cones, cakes, pies and other baked products of which flour or meal is the principle ingredient primarily for commercial or wholesale customers for off-site distribution and consumption. Can include incidental retail sales of baked goods produced on the premises. Does not include the baking or preparation of products for consumption by animals (see definition for Animal Feed Processing and Storage).

14a. **Brewery or Distillery.** A commercial- or industrial-scale establishment that annually brews more than 5,000 barrels of ales, beers, meads or other alcoholic beverages (other than wine – see the definition for Winery), and that has all applicable local, state and federal permits and licenses for such alcoholic beverage production.
16a. **Building or Garden Materials Sales and Storage.** The indoor and outdoor sale of building materials that are primarily oriented toward the wholesale building construction industry (e.g., lumber, drywall, bricks, landscaping and building exterior stones, roofing, paint, electrical supplies, plumbing fixtures, concrete and mortars, doors, windows, siding, landscaping materials, tools, hardware, etc.) rather than toward retail home improvement supplies. Materials offered for sale shall be palleted, bagged, crated, packaged or similarly contained, and shall be loadable either by hand or by using a forklift or other warehouse lifting device – does not include the sale or storage of uncontained materials (see definition for Bulk Materials Sales and Storage). At least fifty percent (50%) of the operation shall occur fully enclosed within a building(s), and the operation may include the outdoor display and storage of new and unused materials for sale of up to fifty percent (50%) of the total enclosed building square footage provided such is screened in accordance with Section 20.5 of the Zoning Ordinance; outdoor display or storage exceeding this amount may be approved by CUP if such is allowed in the applicable zoning district. (Also see definitions for Outside Display and Outside Storage.)

18a. **Bulk Materials Sales and Storage.** The indoor or outdoor storage and sale of uncontained inanimate matter such as rock (including a granite “slab yard”), stone, sand, aggregates, powders, composts, wood chips, soils and other building- and road-construction related materials. Can include retail and wholesale sales of materials.

21a. **Car Wash, Automated.** Washing, waxing or cleaning of automobiles or light duty trucks (i.e., no heavy load vehicles) involving an automated self-service (drive-through or rollover) wash bay(s) and apparatus. May be attended or non-attended.

21b. **Car Wash, Full-Service.** Washing, waxing or cleaning of automobiles or light duty trucks (i.e., no heavy load vehicles) where employees of the establishment wash, dry, wax and/or detail vehicles for a fee.

21c. **Car Wash, Self-Service.** Washing, waxing or cleaning of automobiles or light duty trucks (i.e., no heavy load vehicles) involving self-service wand-type wash bays (usually open-air). May be attended or non-attended.

30a. **Contractor’s Shop.** An indoor office and warehouse storage facility for materials, equipment, tools, products and vehicles used in the conduct of a construction-related business such as those specializing in welding, plumbing, electrical, heating and air conditioning, roofing, paving, pest control, janitorial, major appliance repair and service, masonry, carpet installation and cleaning, windows and glass (including automotive glass), landscaping installation and maintenance, swimming pools, fencing and other similar contractors. Includes no outdoor display or storage other than the parking of motorized vehicles and fully enclosed trailers that are directly associated with the business that operates on the premises (open/flatbed trailers are also allowed only if empty, or if loaded with equipment or materials for time periods not exceeding forty-eight hours per occurrence on only a periodic and not continuous basis provided that any such loaded trailers are parked within an area that is screened in accordance with Section 20.5 of the Zoning Ordinance).
30b. **Contractor’s Storage Yard.** An office and storage facility for materials, equipment, tools, products and vehicles used in the conduct of a construction-related business such as those specializing in welding, plumbing, electrical, heating and air conditioning, roofing, paving, pest control, janitorial, major appliance repair and service, masonry, carpet installation and cleaning, windows and glass (including automotive glass), landscaping installation and maintenance, swimming pools, fencing and other similar contractors. May include the outdoor display and storage of usable materials normally associated with the business (i.e., not unrelated scrap, junk, trash, etc.) of up to fifty percent (50%) of the total enclosed building square footage provided such is screened in accordance with Section 20.5 of the Zoning Ordinance; outdoor display or storage exceeding this amount may be approved by CUP if such is allowed in the applicable zoning district. (Also see definitions for *Outside Display* and *Outside Storage.*) May also include the parking of motorized vehicles and any type of trailer that are directly associated with the business that operates on the premises (open/flatbed trailers are allowed only if parked within an area that is screened in accordance with Section 20.5 of the Zoning Ordinance).

43a. **Distribution Center, Large.** A large-scale (i.e., over ten (10) shipping truck bays) warehousing and distribution operation having a building(s) used primarily for the storage and distribution of non-consumable and non-compostable goods, merchandise, supplies or equipment including wholesalers that display, sell and distribute merchandise to business representatives. Includes large-scale long-distance moving companies, and often includes the loading and unloading of cargo on a regular basis from trucks or rail cars. With the exception of parking areas, loading docks and outside scales (if provided), all portions of the operation shall take place entirely within an enclosed building. Includes no outside display, outside storage or private track facilities, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see definitions for *Outside Display*, *Outside Storage* and *Private Track.*)

43b. **Distribution Center, Small.** A small-scale (i.e., ten (10) or fewer shipping truck bays) warehousing and distribution operation having a building(s) used primarily for the storage and distribution of non-consumable and non-compostable goods, merchandise, supplies or equipment including wholesalers that display, sell and distribute merchandise to business representatives. Includes small-scale moving companies, and often includes the loading and unloading of cargo on a regular basis from trucks or rail cars. With the exception of parking areas, loading docks and outside scales (if provided), all portions of the operation shall take place entirely within an enclosed building. Includes no outside display, outside storage or private track facilities, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see definitions for *Outside Display*, *Outside Storage* and *Private Track.*)
56a. **Food Processing and Storage.** A large-scale manufacturing operation that prepares or produces foods and nonalcoholic beverages for human consumption such as grain milling, fruit and vegetable packing, fats and oils rendering, and the manufacture of cereals, sugars, syrups, candies and other confections, packaged and frozen foods, dairy products, seafoods, snack foods, nuts, coffees and teas, seasonings, condiments, packaged meats, soft drinks, bottled water and other nonalcoholic beverages, ice, and other similar human-consumables primarily for commercial and wholesale customers for off-site distribution and consumption. Includes dry and cold storage of food products, unless such is incidental to another primary use such as a grocery store or a restaurant. Can include incidental retail sales of food products produced on the premises. Does not include the preparation or manufacture of products for consumption by animals (see definition for *Animal Feed Processing and Storage*), or the slaughtering of any type of animal other than sea life.

57a. **Furniture and Appliance Cleaning and Repair.** An indoor establishment that cleans, repairs and refurbishes common household appliances, furnishings and electronics either on-site or at the customer’s location. Includes furniture reupholstering and the cleaning and repair of carpets, rugs and draperies, but does not include automotive reupholstering or repairs or refurbishing of any type of appliance or equipment which has an internal combustion engine (such as cars, trucks, motorcycles, lawnmowers, etc.). Includes no outdoor display or storage, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see definitions for *Outside Display and Outside Storage*.)

62a. **Heavy Machinery Sales, Rental, Storage and Repair.** An establishment for the indoor or outdoor display, sales, rental, storage and repair and servicing of heavy machinery including tractors and other farm machinery, bulldozers, street graders, paving machines and similar construction-related heavy equipment. Does not include the temporary parking or positioning of equipment that is being, or soon will be, used in conjunction with a properly permitted construction site, provided that such equipment is promptly removed when active construction on the site is completed.

63a. **Helistop.** An area of land or water, or a structural surface, which is used or intended for use for the landing and taking off of helicopters. Does not include refueling, maintenance, repairs or overnight storage of helicopters.

64a. **Home Improvement Center.** The indoor retail sale of building materials that are primarily oriented toward home improvements (e.g., lumber, drywall, paint, electrical supplies, plumbing fixtures, prepackaged concrete and mortars, doors, windows, siding, landscaping materials, tools, hardware, etc.) rather than toward the wholesale building construction industry. Materials offered for sale shall be palleted, bagged, crated, packaged or similarly contained, and shall be loadable either by hand or by using a forklift or other warehouse lifting device – does not include the sale or storage of uncontained materials (see definition for *Bulk Materials Sales and Storage*). Includes no outdoor display or storage, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see the definitions for *Outside Display and Outside Storage*.)
68a. **Industrial or Manufacturing, Heavy.** Heavy industrial manufacturing, processing, assembling, researching and developing, packaging, shipping, storing, servicing or other such processes which are not prohibited by law, which typically involve the processing or manufacture of products from raw materials, which typically involve the use of significant amounts of chemicals, solvents, petroleum products or acids or which involve the use of high-heat processes, which do not meet standards set forth in the definition of *Light Industrial or Manufacturing* uses, and which have all portions of the operation except loading and unloading conducted within a fully enclosed building.

68b. **Industrial or Manufacturing, Light.** An indoor establishment engaged in light assembly or manufacturing of finished non-consumable products or parts, predominately from previously prepared materials including the fabrication, manufacture, assembly, storing and packaging of such products or parts. All portions of the operation except loading and unloading are conducted within a fully enclosed building. Does not include industrial processing from raw materials, and does not include any type of use that involves processing or storage of consumable products (see *Food Processing and Storage* and *Animal Feed Processing and Storage*).

71a. **Laboratory.** An indoor facility for testing and analyzing scientific problems including soil testing, concrete compression testing, medical testing, prototype design and development and other types of product research and testing.

71b. **Landscape Nursery or Tree Farm (wholesale).** An establishment for the cultivation and propagation, display, storage and sale (mostly wholesale, but can include a limited amount of retail sales) of large plants, shrubs, trees and other living vegetative materials used in indoor or outdoor landscape plantings. Can also include the contracting for installation and maintenance of landscaping as an accessory use.

72a. **Laundry and Rug Cleaning Plant, Commercial.** A commercial-scale establishment that is six thousand (6,000) square feet or larger in size, and that launders or dry cleans garments, linens, rugs, carpets and other textiles on a bulk, commercial or wholesale basis (i.e., not retail). Includes a uniform supply service. Rug and garment alterations, repair and dyeing may be offered in relation to this use.

72b. **Leather and Allied Products Manufacturing.** An indoor establishment engaged in transforming animal hides into leather by tanning or curing, and fabricating the leather into finished non-consumable products or into materials that will be further assembled by others into finished products. Includes the manufacture of similar products such as rubber footwear, textile luggage and plastic purses and wallets from other materials such as rubber, plastics and textiles that are thought of as “leather substitutes”. Also includes the processes of tanning, currying, dressing, dyeing and finishing of leather, hides and furs. Does not include the slaughtering of any type of animal, and does not include any type of use that involves processing or storage of consumable products (see *Food Processing and Storage* and *Animal Feed Processing and Storage*).
87a. **Motor Freight Terminal.** A premises where cargo is stored and where trucks, including tractor trailer units, load and unload cargo on a regular basis. Includes facilities for the temporary indoor storage of loads and cargo prior to shipment, or that are transferring from one mode of transportation to another (such as onto trucks and rail cars), and may include the parking and storage of trucks and cargo trailers on a regular basis, and may also include on-site fuel tank(s) for use by the operation only (i.e., no retail or external fuel sales) if such are approved by the Fire Department and Building Official.

103a. **Printing or Publishing House.** An establishment whose primary service is long-run printing including, but not limited to, book, magazine and newspaper publishing.

108a. **Public Utility Service Yard.** A premises that is used by a public utility provider to park service vehicles and to store utility repair and maintenance materials. Outside storage of materials, other than vehicles and trailers, is allowed provided that it is screened in accordance with Section 20.5 of the Zoning Ordinance. (Also see the definitions for **Outside Display** and **Outside Storage**.)

110a. **Recycling or Reclamation Collection Center.** A completely indoors facility (i.e., no outside storage) which provides for the collection, sorting, storage, bundling and shipping of recoverable and recyclable non-automotive, non-consumable and non-compostable materials such as aluminum cans, glass, papers including magazines and newspapers, cardboard, wood pallets, metals, plastics, tires, computers and electronics, oil, paints, solvents, textiles, etc. Processing of materials shall be limited to weighing, sorting, flattening, crushing, shredding, bundling and palletizing materials for shipment essentially by hand or by machine, and shall not include smelting, melting, refining or other conversion back to a “raw material” state.

110b. **Recycling or Reclamation Plant and Salvage Yard.** A facility which provides for the collection, sorting, storage, bundling and shipping of recoverable and recyclable non-automotive, non-consumable and non-compostable materials such as aluminum cans, glass, papers including magazines and newspapers, cardboard, wood pallets, metals, plastics, tires, computers and electronics, oil, paints, solvents, textiles, etc. Processing of materials may include weighing, sorting, flattening, crushing, shredding, bundling and palletizing materials for shipment by hand or by machine, and may also include smelting, melting, refining or other conversion back to a “raw material” state. Includes the outside storage of materials provided that such areas are fully screened in accordance with Section 20.5 of the Zoning Ordinance.

135d. **Warehouse, Office with Showroom.** An indoors only establishment with at least forty percent (40%) of its total floor area devoted to office and showroom space (i.e., a maximum of 60% of its total floor area may be devoted to storage and warehousing that is not generally accessible to the public). Includes sales offices, retail and wholesale sales areas, and display areas (showrooms) for products sold and distributed from the warehousing area.
136a. **Winery.** A business establishment that produces 10,000 or more cases of wine per year. No maximum site or building area, and building(s) may include space allocated to bottling and grape crushing, lab and office space, tasting room(s), storage, indoor events room(s), and outdoor event or picnic area(s). A winery shall provide at least two of the following four activities on-site: grape crushing, fermentation, bulk aging and storage, and bottling.
TOWN OF SUNNYVALE, TEXAS  
ORDINANCE NO. 12-05  
EXHIBIT 2

Section 12.2.B of the Zoning Ordinance Text shall read as follows:

CHAPTER 12 – GENERAL BUSINESS DISTRICT

12.2 USES PERMITTED

A. ....

B. In the General Business District, land, buildings and structures may be used for the following purposes:

1. Animal Hospitals and Veterinary Clinics - no outside pens
2. Auto Parts Store - Storage and sale of reconditioned auto parts and accessories when located inside building and in which no automobiles or parts of automobiles for sale are stored or displayed in the open.
3. Ceramic Products - retail
4. Contractor’s Shop*
5. Home Improvement Center*
6. Motion Picture Studios - Commercial Films
7. Offices* - Bank, Savings and Loan
8. Schools - all types, including business, trade, and commercial
9. Stone Monument Works - retail

C. ....

D. ....

E. ....

F. ....
TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05

EXHIBIT 3

Section 12.3.A of the Zoning Ordinance Text shall read as follows:

CHAPTER 12 – GENERAL BUSINESS DISTRICT

12.3 USES PERMITTED AS CONDITIONAL USES

A. The following conditional uses may be permitted in this district in accordance with the procedures contained in Chapter 24:

1. Any use permitted as a conditional use in a Local Retail (LR) district
2. Accessory buildings in excess of 400 square feet
3. Auto dealership, new with outside display of vehicles. Used car sales permitted only for automobiles that are traded as a part of new car sales
4. Auto Repair, Minor*
5. Distribution Center, Small*
6. Establishment or expansion of a permitted use with outside storage exceeding 20 percent of lot area
7. Establishment or expansion of a permitted use with proposed outside display exceeding the dimensions allowed in Section 12.2.D
8. Furniture and Appliance Cleaning and Repair*
9. Mortuary, Funeral Home or Cemeteries, and Crematories
10. Tool Rental
11. Trailer Sales and Leasing - trailers less than 28 feet in length
12. Truck Sales and Leasing - excluding semi-trucks and heavy load vehicles
13. Veterinarian or Dog Kennel with outside pens
TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05

EXHIBIT 4

Section 14.2.B of the Zoning Ordinance Text shall read as follows:

CHAPTER 14 – HIGHWAY COMMERCIAL

14.2 USES PERMITTED

A. ….

B. In the Highway Commercial District, land, buildings and structures may be used for the following purposes:

1. Ambulance Service
2. Aquarium - wholesale
3. Auto Parts Store - Storage and Sale of Used Auto Parts and Accessories - when located inside building and in which no automobile or parts of automobiles for sale are stored or displayed in the open
4. Bed and Breakfast
5. Boat sales
6. Ceramic Products - retail
7. Church or rectory*
8. Colleges, Commercial, public, state or other institution of higher learning.
9. Convenience store with gasoline sales
10. Feed Store – wholesale
11. Florist - wholesale
12. Gas and electrical public utility regulating stations
13. Golf course*, but not including miniature golf course, driving range, or any forms of commercial amusement
14. Grocery or Food Store - wholesale and storage
15. Hospitals*, community homes*, and group homes* pursuant to Section 19.3
16. Motion Picture Studios - Commercial films
17. Motorcycle Repairing
18. Office* - professional & administrative
19. Paint Shop - retail
20. Printing Equipment, Supplies, Repairs
21. Printing or Publishing House*
22. Public parks, playgrounds, neighborhood recreation centers, or private swimming pools
23. Public Utility Installation, either privately or publicly owned, fire station, public museums, public libraries, water supply reservoir, water pumping plant, water tower, artesian wells or sewage lift station
24. Schools - all
25. Seed Company - wholesale
26. Shoe Store - wholesale sales and storage
27. Single-family detached dwelling*, existing on the date of adoption of this ordinance, together with accessory uses and home occupations permitted in a single-family district, provided that such use may not be converted to any other use without compliance with all standards set for in this chapter
28. Stone Monument Works - retail
29. Tire Dealer
30. Warehouse, Office with Showroom*
31. Welding Supply - retail or wholesale

C. ....

D. ....

E. ....

F. ....
TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05

EXHIBIT 5

Section 14.3 of the Zoning Ordinance Text shall read as follows:

CHAPTER 14 – HIGHWAY COMMERCIAL

14.3 USES PERMITTED AS CONDITIONAL USES

A. The following conditional uses may be permitted in this district in accordance with the procedures contained in Chapter 24:

1. Any use permitted as a conditional use in the General Business (GB) district
2. Any use authorized in Section 14.2 that requires service by private track
3. Auto Repair* – Major or Minor
4. Boat Storage
5. Building or Garden Materials Sales and Storage*
6. Bus, recreational vehicle, truck or trailer storage
7. Car Wash* – Self-Serve, Automated or Full-Service
8. Commercial Amusement* - All types, both indoor and outdoor, commercial recreation or amusement, including but not limited to baseball fields, skating rinks, commercial swimming pools, driving ranges, miniature golf, carnivals and other similar open air activities
9. Commercial amusements*, including all types, both indoor and outdoor commercial recreation or amusement, including but not limited to driving range, skating rink, playing fields, commercial swimming pools, miniature golf, carnivals, go-cart tracks, video arcades and other similar activities
10. Distribution Center, Large*
11. Establishment or expansion of a permitted use with proposed outside storage exceeding 20 percent of lot area
12. Establishment or expansion of a permitted use with proposed outside display exceeding the dimensions allowed in Section 14.2.D
13. Furniture and Appliance Cleaning and Repair*
14. Hotel and/or motel*
15. Manufactured home sales
16. Motor Freight Terminal*
17. Motor Vehicles - All types of motor vehicle operations, including but not limited to, new and used car sales and service, motorcycle sales and service, motor home sales and service and farming equipment
18. Radio broadcasting towers and station
19. Self Storage/Mini-warehouse* pursuant to Section 19.10
20. Taxicab storage/repair
21. Taxidermist
22. Television towers and transmitting station
23. Trailer Sales or Leasing - trailers, all lengths
24. Truck Sales or Leasing - including semi-trucks and heavy load trucks
25. Truck Stop
26. Veterinarian or Dog Kennel with outside pens
27. Water distillation or wholesale water bottling
Section 15.2.B of the Zoning Ordinance Text shall read as follows:

CHAPTER 15 – INDUSTRIAL DISTRICT

15.2 USES PERMITTED

A. ....

B. In an Industrial District, land, buildings and structures may also be used for the following purposes:

1. Any installation of a public utility either privately or publicly owned, fire station, public museums, public libraries, water supply reservoir, water pumping plant, water tower, artesian wells or sewage lift station

2. Auto Repair, Minor*

3. Bakery, Commercial*

4. Bottling plants

5. Building or Garden Materials Sales and Storage*

6. Church or rectory*

7. Contractors Shop*

8. Distribution Center, Large*

9. Distribution Center, Small*

10. Dwelling - Single-family detached*, existing on the date of adoption of this ordinance, together with accessory uses and home occupations permitted in a single-family district, provided that such use may not be converted to any other use without compliance with all standards set forth in this chapter

11. Electrical Substation

12. Furniture and Appliance Cleaning and Repair*

13. Gas and electrical public utility regulating stations

14. Industrial or Manufacturing, Light*

15. Laboratory*

16. Laundry and Rug Cleaning Plant, Commercial*

17. Manufactured home sales
18. Pawn shop
19. Public Utility Service Yard*

C. ....

D. ....

E. ....

F. ....
TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05

EXHIBIT 7

Section 15.3 of the Zoning Ordinance Text shall read as follows:

CHAPTER 15 – INDUSTRIAL DISTRICT

15.3 USES PERMITTED AS CONDITIONAL USES

A. The following conditional uses may be permitted in this district in accordance with the procedures contained in Chapter 24:

1. Accessory buildings in excess of 400 square feet
2. Airport or Heliport*
3. Animal Feed Processing and Storage*
4. Any use authorized in Section 15.2 or in this section that requires service by private track.
5. Auto Repair, Major*
6. Body piercing salons
7. Brewery or Distillery*
8. Bulk Materials Sales and Storage*
9. Car Wash – Self-Serve, Automated or Full-Service*
10. Contractor’s Storage Yard*
11. Establishment or expansion of a permitted use with proposed outside display exceeding the dimensions allowed in Section 15.2.D
12. Establishment or expansion of a permitted use with proposed outside storage exceeding 20 percent of lot area
13. Food Processing and Storage*
14. Heavy Machinery Sales, Rental, Storage and Repair*
15. Helistop*
16. Industrial or Manufacturing, Heavy*
17. Landscape Nursery or Tree Farm*
18. Leather and Allied Products Manufacturing*
19. Motor Freight Terminal*
20. Recycling or Reclamation Collection Center*
21. Recycling or Reclamation Plant and Salvage Yard*
22. Rock quarries, sand, gravel and earth excavations
23. Sexually oriented businesses*
24. Skin art salons
25. Trailer Sales or Leasing – trailers, all lengths
26. Truck Sales or Leasing – excluding semi-trucks and heavy load vehicles
27. Truck Sales or Leasing – including semi-trucks and heavy load vehicles
28. Winery*
TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05

EXHIBIT 8

Section 3.9, Chart 3.4 of the Zoning Ordinance Text shall read as follows:

Chart 3.4
Non-Residential Use Summary Chart

<table>
<thead>
<tr>
<th>Use</th>
<th>LR</th>
<th>GB</th>
<th>LC</th>
<th>HC</th>
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<td>Accessory Buildings - 400 Sq. Ft. and less</td>
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<td>Artist And/or Craftsman Store</td>
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<td>Auto Parts Store - Used Auto Parts</td>
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<td>Church or Rectory</td>
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<td>Cleaning &amp; Laundry - Retail - less than 6,000 Sq. Ft. - Including Self Service</td>
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<td>Clubs, Service - Lodges, Fraternities, Sororities</td>
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<td>Dog Kennel with Outside Pens.</td>
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TOWN OF SUNNYVALE

ZONING ORDINANCE

O:\ADMIN\Town Council\Agendas\2012-04-23-2012/05.09 heavy industrial text amendment - exhibit8 (042312c).doc

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<td>Marina</td>
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Subject:

CONSIDER ORDINANCE NO. 12-06: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING ZONING ORDINANCE NO. 324, DULY PASSED BY THE TOWN COUNCIL ON JANUARY 31, 2000; AS AMENDED BY ORDINANCE NOS. 324, 332, 338, AND 339, AND AS AMENDED FROM TIME TO TIME; SO AS TO CHANGE BY ADOPTION OF AMENDMENTS TO THE TEXT OF THE TOWN’S ZONING ORDINANCE PROVISIONS RELATING TO CLASSIFICATION OF A NEW USE, ALTERNATIVE FINANCIAL ESTABLISHMENTS; ADDING DEFINITIONS AND SPECIAL REGULATIONS FOR SUCH USES; CHANGING THE LAND USE TABLES; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Background:

Attached please find a proposed amendment to our Zoning Ordinance. At the direction of the Town Council, staff has prepared this amendment to address those types of specialized financial establishments as identified in the ‘definitions’ section of this document. These types of establishments are becoming increasingly common for all municipalities, and the Town Council expressed concern to this effect at a previous strategic planning session with staff. Staff has not recommended a complete prohibition of these types of businesses; rather language regulating proximity and distance locations off of the major development corridors, and requiring a Conditional Use Permit.

The Planning & Zoning Commission unanimously recommended approval on these proposed changes

Recommendation:

Attachments:

Ord. 12-06
TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-06

AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING
ZONING ORDINANCE NO. 324, DULY PASSED BY THE TOWN COUNCIL
ON JANUARY 31, 2000; AS AMENDED BY ORDINANCE NOS. 324, 332,
338, AND 339, AND AS AMENDED FROM TIME TO TIME; SO AS TO
CHANGE BY ADOPTION OF AMENDMENTS TO THE TEXT OF THE
TOWN’S ZONING ORDINANCE PROVISIONS RELATING TO
CLASSIFICATION OF A NEW USE, ALTERNATIVE FINANCIAL
ESTABLISHMENT; ADDING DEFINITIONS AND SPECIAL REGULATIONS
FOR SUCH USES; ADDING A DEFINITION FOR BANK OR FINANCIAL
INSTITUTION; AMENDING THE GENERAL BUSINESS AND
INDUSTRIAL DISTRICT REGULATIONS TO PROVIDE FOR SUCH USES;
CHANGING THE NON-RESIDENTIAL USE SUMMARY CHART FOR SUCH
USES; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Sunnyvale has adopted a revised Comprehensive Plan and
Land Use Diagram; and

WHEREAS, the Comprehensive Plan policies provide for implementation, in part,
through adoption of comprehensive amendments to the Town’s zoning ordinance text and
zoning map; and

WHEREAS, the Town set a public hearing which was convened by the Town
Planning and Zoning Commission on April 16, 2012, at Town Hall, 127 Collins Road,
Sunnyvale, Texas, to consider testimony for amendments to the text of the Zoning
Ordinance, which hearing was convened on said date; and

WHEREAS, the Town set a public hearing which was convened by the Town Council
on April 23, 2012, at Town Hall, 127 Collins Road, Sunnyvale, Texas, to consider
testimony for amendments to the text of the Zoning Ordinance, which hearing was
convened on said date; and
WHEREAS, notice of the public hearings was published and posted according to state law; and

WHEREAS, the Town Council has received and considered the recommendations of the Planning and Zoning Commission; and

WHEREAS, the Town Council hereby finds that it is in the best interest of the Town of Sunnyvale, taking into consideration the public health, safety, and welfare, to adopt amendments to the text of the Zoning Ordinance as set forth herein;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS THAT:

SECTION 1. The foregoing recitals are found to be true and correct in all respects.

SECTION 2. The text of the Zoning Ordinance, Ordinance No. 339, of the Town of Sunnyvale, Texas, as amended (the “Zoning Ordinance Text”) is hereby further amended by adding the definitions, as set forth in Exhibit 1, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth to Chapter 2 of the Zoning Ordinance Text. The proposed zoning amendments, are hereby adopted and the Zoning Ordinance Text is revised accordingly.

SECTION 3. The Zoning Ordinance Text is hereby amended by adding a new Section 19.23, “Alternative Financial Establishments”, as set forth in Exhibit 2, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth to Chapter 19 of the Zoning Ordinance Text. The proposed zoning amendments are hereby adopted and the Zoning Ordinance Text is revised accordingly.
SECTION 4. The Zoning Ordinance Text is hereby amended by amending Section 3.9, Chart 3.4 thereof to add a new use category, “Alternative Financial Establishment”, and by revising the use category of “Bank” to now read as “Bank or Financial Institution”, in Chart 3.4, Non-Residential Use Summary Chart, as set forth in Exhibit 3, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth to Chapter 3 of the Zoning Ordinance Text. The proposed zoning amendments are hereby adopted and the Zoning Ordinance Text is revised accordingly.

SECTION 5. Section 12.3.A of the Zoning Ordinance Text is hereby amended by adding “Alternative Financial Establishment” to the list of uses conditionally permitted in the General Business (GB) District. The proposed zoning amendment is hereby adopted and Zoning Ordinance Text is revised accordingly.

SECTION 6. Section 15.3.A of the Zoning Ordinance Text is hereby amended by adding “Alternative Financial Establishment” to the list of uses conditionally permitted in the Industrial (I) District. The proposed zoning amendment is hereby adopted and Zoning Ordinance Text is revised accordingly.

SECTION 7. The Zoning Ordinance Text is hereby amended by changing the use “Bank” to the use “Bank or Financial Institution” wherever such term appears in the Zoning Ordinance. The proposed zoning amendment is hereby adopted and Zoning Ordinance Text is revised accordingly.
SECTION 8. All Ordinances or provisions of Ordinances in conflict with this Ordinance are superseded to the extent of the conflict. Any remaining provisions of conflicting Ordinances shall remain in full force and effect.

SECTION 9. It is hereby declared to be the intention of the Town Council that any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or invalid by judgment or decree of a Court of competent jurisdiction, then such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance; and the Town Council hereby declares it would have passed the remaining portions even though it had known the affected parts would be held unconstitutional or invalid.

SECTION 10. This ordinance shall take effect immediately upon its passage.

DULY PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS this 23rd day of April, 2012.

Jim Phaup, Mayor

ATTEST:

Leslie Malone, Town Secretary
The following new definitions are hereby added to Chapter 2 of the Zoning Ordinance Text:

6b. **Alternative Financial Establishment.** A check cashing business, payday advance or loan business, or a car title loan business. Does not include a bank or financial institution. With respect to a check cashing business, does not include a grocery store, a convenience store, or a similar retail business that cashes checks or money orders, or that issues money orders or money transfers for a minimum flat fee as a service incidental to its main purpose of business, provided that the check cashing service does not constitute 50% or more of the trade of that business (as measured by gross receipts on an annual basis).

1) **Car Title Loan Business.** An alternative financial establishment that makes small, short-term consumer loans that leverage the equity value of a customer’s motor vehicle as collateral by taking physical possession of title to the vehicle, by executing a sale-leaseback agreement with the customer, or by executing a power of attorney with the customer, by means of which the borrower’s failure to repay the loan or make interest payments to extend the loan allows the car title loan business to take possession of the vehicle from the customer.

2) **Check Cashing Business.** An alternative financial establishment that, for a fee or other payment taken out of the proceeds of the transaction, provides payment to the customer – regardless of an existing checking or other relationship between the establishment and the customer – of an amount of money equal to the face of a check, draft, warrant, written authorization for an electronic transfer of money, or similar representation of payment owed by a third-party to the customer. With respect to a check cashing business, the term does not include: a grocery store, a convenience store, or a similar retail business that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service incidental to its main purpose of business, provided the check cashing service does not constitute 50% or more of the trade of that business (as measured by gross receipts on an annual basis).

3) **Payday Advance or Loan Business.** An alternative financial establishment that makes small consumer loans, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, in which the check or debit is held for an agreed-upon term or until the customer’s next payday, and then cashed or debited unless the customer repays the loan within the agreed time frame.

7d. **Bank or Financial Institution.** An establishment such as a bank, savings and loan association, or credit union that is regulated by federal or state law; that accepts and maintains deposits from individuals, businesses or other institutions; that makes both short- and long-term loans including loans secured by collateral other than personal property; and that provides related financial services to its customers.
Chapter 19 of the Zoning Ordinance Text shall be amended to add a new Section 19.23, as follows:

CHAPTER 19 – SPECIAL REGULATIONS APPLICABLE TO PARTICULAR USES

19.23 ALTERNATIVE FINANCIAL ESTABLISHMENTS

A. No new alternative financial establishment may be located within one thousand feet (1,000’) of another alternative financial establishment, as measured in a direct line from property line to property line, unless otherwise approved in the ordinance establishing a Conditional Use Permit (CUP) for such use.

B. No new alternative financial establishment may be located in a building that is closer than five hundred feet (500’) from the rights-of-way of State Highway 190/President George Bush Turnpike, US Highway 80, Belt Line Road, TC Lupton/Clay Road, Collins Road or State Highway 352, unless otherwise approved in the ordinance establishing a Conditional Use Permit (CUP) for such use.

C. A Conditional Use Permit (CUP) shall be required for any existing business that adds services constituting a check cashing business, payday advance or loan business, or a car title loan business.
Chapter 3, Section 3.9, Chart 3.4 of the Zoning Ordinance Text shall be amended to add a new use category, “Alternative Financial Establishment”, and to amend the use category of “Bank” to reflect the new terminology and definition of a “Bank or Financial Institution”, as follows:

### Chart 3.4
Non-Residential Use Summary Chart

| LEGEND | | |
|---|---|---|---|---|---|---|
| Y = Allowed as a permitted use | | |
| C = May be allowed under a Conditional Use Permit | | |
| P = May be allowed in a Planned Residential Overlay District Only | | |
| - = Not allowed | | |

| Use | Zoning District |
|---|---|---|---|---|---|---|
| | LR | GB | LC | HC | I | FP |
| ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Airport or Heliport | - | - | - | - | C | - |
| Alternative Financial Establishment | - | C | - | - | C | - |
| Ambulance Service | - | - | - | Y | Y | - |
| ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Bakery – Retail | Y | Y | - | Y | - | - |
| Bank or Financial Institution | Y | Y | - | Y | - | - |
| Barber & Beauty Shop – Retail | Y | Y | - | Y | - | - |
| ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... | ..... | ..... |
Subject:

Mayor Phaup has requested this agenda item/discussion.

Background:

In 2008 the Town accepted a dedication of approximately 25 acres of open space from Stone Canyon East, HOA Inc. This area includes a portion of the HOA’s overall trail system. At that time the Town entered into a long-term lease agreement (20 years plus extensions) with the HOA which provided that the HOA would be responsible for maintenance of this property.

Town Management learned several weeks ago that Town crews mowed portions within this area on either side of the walking trail in early April. Staff estimates that this encompassed approximately ¾ of an acre of mowing. In response, Town Management reviewed the terms of the lease agreement with the appropriate staff to ensure future compliance. Management also learned that Town staff had mowed the same area twice last year (May and June of 2011). This was apparently the result of a previous code inspector making verbal contact with the majority representative of the HOA (the developer) to inform them that the area required mowing, at which point the developer reminded the inspector that this area had been dedicated to the Town. Confirming on DCAD that the area was Town property, staff proceeded to mow the area. Clearly, further research by staff would have found that a lease agreement was in place requiring the HOA to maintain the area.

Staff has been made aware that this section is to be maintained by the HOA pursuant to the lease agreement. It has been suggested that the Town submit an invoice to the developer for the mowing to address this situation. Mayor Phaup has asked that this subject be placed on the agenda for discussion and direction from Council.

Pursuant to the Code of Ordinances, the Town charges $80 per hour when required to mow. Staff estimates it required 1.5 hours to mow this area along the trail. Therefore, the charge (per occurrence) would total $120.

Recommendation:

None

Attachments:

1. Maps depicting areas mowed
Highlighted area indicate entire 24 acres.
Dotted line indicates trail and areas mowed.

DISCLAIMER
This data has been compiled for NCTCOG. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.