



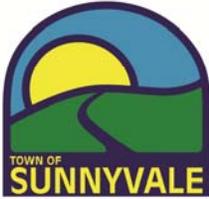
Town of Sunnyvale

Town Council

April 25, 2016

**Town Council
Special Meeting
6:00 P.M.**

**Town Council
Regular Meeting
7:00 P.M.**



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
WORKSHOP
CONFERENCE ROOM - 127 N. COLLINS RD
MONDAY, APRIL 25, 2016
6:00 P.M.**

CALL MEETING TO ORDER

Mayor calls the Workshop to order, state the date and time. State Councilmember's present and declare a quorum present.

DISCUSSION/ACTION ITEMS

DEVELOPMENT SERVICES

- 1. WORKSHOP WITH FREESE AND NICHOLS FOR ORIENTATION ON UNIFIED DEVELOPMENT ORDINANCE (UDO).**

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 551.087 (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.

I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON APRIL 22, 2016, 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 BLACK, TOWN SECRETARY



Town of Sunnyvale

April 25, 2016

Prepared By: Rashad Jackson, AICP

Summary

WORKSHOP WITH FREESE AND NICHOLS FOR ORIENTATION ON UNIFIED DEVELOPMENT ORDINANCE (UDO).

In July, 2015, Council approved the development of a Unified Development Ordinance (UDO), with the purpose of modernizing the Town's land development regulations and address major issues within the ordinances.

A draft Subdivision Ordinance and Zoning Ordinance Diagnostic Report was presented to Council in October 2015. The report contained 66 recommendations and was based on a thorough evaluation of the Town's existing ordinances and interviews conducted with Council, Planning and Zoning members, Developers and other stakeholders.

At the last UDO workshop held on January 18th, 2016, Town Council provided direction to FNI to proceed with the drafting of the subdivision procedures for the UDO. Freese and Nichols has returned to provide an orientation and presentation of the proposed development process to be noted in the UDO.

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04/25/2016



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, APRIL 25, 2016
TOWN HALL - 127 N. COLLINS RD.
7:00 P.M.**

INVOCATION

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER

Mayor calls the Meeting to order, state the date and time. State Councilmembers 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.

PROCLAMATION – ARBOR DAY

RECOGNITION OF ATMOS ENERGY, TEXAS 811, AND TEXAS TREES FOUNDATION FOR THE DONATION OF 43 TREES

RECOGNITION OF NEW EMPLOYEES

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:

1. **APPLICANT:** COLIN HELFFRICH, P.E.
AT OR ABOUT: 334 JOBSON ROAD – 48.77 ACRES EAST OF JOBSON ROAD AND WEST OF WANDERING BROOK DRIVE
REQUEST: TENTATIVE DEVELOPMENT PLAN – STONEY CREEK PHASE 2E
2. **APPLICANT:** COLIN HELFFRICH, P.E.
AT OR ABOUT: 334 JOBSON ROAD – 61.39 ACRES SOUTHWEST OF THE INTERSECTION OF STONEY CREEK BLVD AND WANDERING BROOK LANE
REQUEST: TENTATIVE DEVELOPMENT PLAN – STONEY CREEK PHASE 2F

DISCUSSION/ACTION ITEMS:**DEVELOPMENT SERVICES**

3. **DISCUSS AND CONSIDER FIRST READING OF ORDINANCE 15-12: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS; AMENDING THE SUNNYVALE TOWN CODE BY REPEALING CHAPTER 2, ANIMAL CONTROL OF THE CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 2, ANIMAL CONTROL, PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**
4. **DISCUSS AND CONSIDER FIRST READING OF ORDINANCE 15-13: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS; AMENDING APPENDIX A, FEE SCHEDULE, REPEALING ARTICLE 2.000 ANIMAL RELATED FEES, OF THE TOWN OF SUNNYVALE CODE OF ORDINANCES AND REPLACING IT WITH A NEW ARTICLE 2.000 ANIMAL RELATED FEES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**
5. **DISCUSS AND CONSIDER SECOND READING OF ORDINANCE 16-08: AN ORDINANCE AMENDING ZONING ORDINANCE NO. 324 DULY PASSED BY THE TOWN COUNCIL ON JANUARY 31, 2000; AS AMENDED FROM TIME TO TIME; SO AS TO CHANGE BY ADOPTION OF AMENDMENTS TO THE TEXT OF THE TOWN'S ZONING ORDINANCE INCLUDING WITHOUT LIMITATION, CHANGES TO CHAPTER 19.7 TEMPORARY USES; AND ADDING REGULATIONS FOR MOBILE FOOD VENDORS PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PENALTIES; AND PROVIDING A SEVERABILITY CLAUSE.**

TOWN MANAGER

6. **DISCUSS AND CONSIDER SECOND READING OF ORDINANCE 16-07: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING THE CODE OF ORDINANCE TO CREATE ARTICLE 8.11 IN CHAPTER 8 OF THE CODE OF ORDINANCES; PROHIBITING A PROPERTY OWNER OR OCCUPANT FROM ALLOWING PROPERTY, RESIDENCES, AND STRUCTURES TO BE USED FOR GATHERINGS WHERE MINORS CONSUME ALCOHOL OR CONTROLLED; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 ; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

FINANCE

7. **DISCUSS AND CONSIDER RESOLUTION 16-08: A RESOLUTION DIRECTING ONCOR ELECTRIC DELIVERY COMPANY, LLC TO FILE CERTAIN INFORMATION WITH THE TOWN OF SUNNYVALE; SETTING A PROCEDURAL SCHEDULE FOR THE GATHERING AND REVIEW OF NECESSARY INFORMATION IN CONNECTION THEREWITH; SETTING DATES FOR THE FILING OF THE TOWN'S ANALYSIS OF**

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04/25/2016

THE COMPANY'S FILING AND THE COMPANY'S REBUTTAL TO SUCH ANALYSIS; RATIFYING THE HIRING OF LEGAL COUNSEL AND CONSULTANTS; RESERVING THE RIGHT TO REQUIRE THE REIMBURSEMENT OF THE TOWN OF SUNNYVALE'S RATE CASE EXPENSES; SETTING A PUBLIC HEARING FOR THE PURPOSES OF DETERMINING IF THE EXISTING RATES OF ONCOR ELECTRIC DELIVERY COMPANY ARE UNREASONABLE OR IN ANY WAY IN VIOLATION OF ANY PROVISION OF LAW AND THE DETERMINATION BY THE TOWN OF SUNNYVALE OF JUST AND REASONABLE RATES TO BE CHARGED BY ONCOR ELECTRIC DELIVERY COMPANY, LLC.

MAYOR & COUNCIL

- 8. 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:

EXECUTIVE SESSION AGENDA:

A. SECTION 551.072 REAL PROPERTY

To deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

AT OR ABOUT THE INTERSECTION OF TRIPP & JOBSON

B. SECTION 551.071 – CONSULTATION WITH ATTORNEY

To seek the advice of the Town's attorney about pending or contemplated litigation; or a settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.

END OF EXECUTIVE SESSION

Reconvene into open session and take any action necessary as a result of the Executive Session.

- 9. SECTION 551.072 - REAL PROPERTY LOCATED AT OR ABOUT THE INTERSECTION OF TRIPP & JOBSON**

- 10. SECTION 551.071 – CONSULTATION WITH ATTORNEY**

ADJOURN

RTCM
04/25/2016

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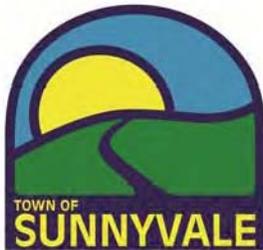
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TOWN HALL AT 127 N. COLLINS ROAD

LESLIE BLACK, TOWN SECRETARY



Town of Sunnyvale

April 25, 2016

**Prepared By: Rashad Jackson, AICP
Director of Development Services**

Summary:

APPLICANT: COLIN HELFFRICH, P.E.
AT OR ABOUT: 334 JOBSON ROAD – 48.77 ACRES EAST OF JOBSON ROAD AND
 WEST OF WANDERING BROOK DRIVE
REQUEST: TENTATIVE DEVELOPMENT PLAN – STONEY CREEK PHASE 2E

Background & Analysis:

This item was initially heard and approved by the Planning & Zoning Commission on March 21, 2016. Newspaper notification for this item was done incorrectly for the meeting, therefore the item has returned for official P&Z approval. No changes have been made to the request since the last P&Z meeting approval.

The applicant is requesting a tentative development plan approval for Stoney Creek Phase 2E. The proposed plan for Phase 2E will consist of 72 lots and 3 open space lots on 48.771 acres. The proposed plan shows a total of 72 single family residential lots ranging in size from 16,000 square feet to 32,000 square feet. Open space lots will serve as a landscape buffer along the east, north and south sides of the development. The overall design of phase 2E is consistent with the approved concept plan for the phase except for the following changes. The developer would like to gain approval for the plan and proposed changes prior to moving forward with a future request for preliminary platting.

Key requested variations from original concept plan and ordinance requirements are noted below. The applicant has also provided a memo detailing all proposed changes as well:

- *Variation to the Stoney Creek Boulevard roadway alignment as seen in Ordinance No. 463 Exhibit C Concept Plan. The reason for this variation is to avoid the Water of United States (WOUS) that was determined to be located on this property. The WOUS is located within the called Lot 1X Block A.*
- *Alley requirement shall be waived for lots less than 20,000 square feet.*
- *The minimum lot width for any sized lot shall be 100 feet minimum. Width measurement shall be as set forth in the Town of Sunnyvale's Zoning Ordinance Chapter 2: Definitions.*
- *The minimum setback requirements shall be as set forth:*
 - *Front Yard Setback: 50 feet*
 - *Rear Yard Setback: 30 feet*
 - *Side Yard Setback: 20 feet (Street Side: 30 feet)*
- *Deviation from the typical planting of a Red Tipped Photinia as called out in Ordinance No. 463 Exhibit D Open Space & Trail Plan. Due to the growing environment the Town has requested we provide Chinese Photinia in lieu thereof.*
- *Ordinance No. 463 calls out for a water feature to be within the Stoney Creek Boulevard median. After discussions with the Town, it is in our opinion the water feature called out in Ord. No. 463 was within the Waters of the US (WOUS) area. Due to the Corp restrictions we are avoiding the WOUS with a slight variation to the Stoney Creek Blvd alignment. In doing this the water feature now is located along side Stoney Creek Blvd in lieu of within the median.*

Town staff has evaluated the proposed development against the Zoning Ordinance, Subdivision Ordinance, and Engineering Design Standards as well as the more specific requirements for a PRO contained within Ordinance No. 463.

Density and Lot Count Requirements

The property is zoned SF-3 PRO, Single Family Residential 3 Planned Residential Overlay. Ordinance No. 463 provides further regulations for how Tract 2 of Stoney Creek is to develop. The total number of dwelling units provided within Tract 2 shall not exceed 472. To date, Tract 2 has a total of 318 lots. The overall maximum density per gross usable acre shall not exceed 1.43 dwelling units per acre. The proposed plan notes the following:

TRACT 2 ZONING REQUIREMENTS						
ZONING REQUIREMENTS			CURRENT DEVELOPMENT			
MAXIMUM NUMBER OF UNITS:	472		CURRENT TOTAL NUMBER OF UNITS:	472		
MAXIMUM ACRES:	-		TOTAL ACRES:	330.388		
MAXIMUM DENSITY:	1.43	UNITS/ACRE	DENSITY:	1.43	UNITS/ACRE	
ZONING LOT SIZE REQUIREMENTS			CURRENT RESIDENTIAL LOT SIZE			
15,000-17,999	182	UNITS	15,000-17,999	148	UNITS	
18,000-23,999	213	UNITS	18,000-23,999	274	UNITS	
>24,000	77	UNITS	>24,000	50	UNITS	
PHASE 2A			PHASE 2E			
15,000-17,999	43	UNITS	15,000-17,999	46	UNITS	
18,000-23,999	32	UNITS	18,000-23,999	24	UNITS	
>24,000	9	UNITS	>24,000	2	UNITS	
PHASE 2B			PHASE 2F			
15,000-17,999	2	UNITS	15,000-17,999	0	UNITS	
18,000-23,999	63	UNITS	18,000-23,999	63	UNITS	
≥24,000	9	UNITS	≥24,000	19	UNITS	
PHASE 2C			PHASE 2G			
15,000-17,999	45	UNITS	15,000-17,999	0	UNITS	
18,000-23,999	33	UNITS	18,000-23,999	43	UNITS	
>24,000	1	UNITS	>24,000	4	UNITS	
PHASE 2D						
15,000-17,999	12	UNITS				
18,000-23,999	16	UNITS				
>24,000	6	UNITS				

Setbacks and Lot Size

As per the zoning requirements and the PRO standards, lots within Tract 2 of the Stoney Creek development are required to be a mix of sizes, which include:

Number of Units	Lot Size
182	Greater than or = to 15,000 – 17,999 square feet
213	Greater than or = to 18,000 – 23,999 square feet
77	Greater than or equal to 24,000 square feet

As shown above, the tentative development plan for Phase 2E proposes the following lot sizes.

Number of Units	Lot Size
46	15,000 – 17,999 square feet
24	18,000 – 23,999 square feet
2	Greater than or equal to 24,000 square feet

Lot width, lot depth, and setbacks are determined based upon the size of the lot provided. Under base zoning district requirements, setbacks and lot width requirements for lots within these size ranges are as follows:

Lot Size	Width	Front Setback	Side Setback	Rear Setback
14,000 to 19,999	100	50	20	30
20,000 to 34,999	120	60	20	40

The proposed plan calls for the following typical lot setbacks. The proposed setbacks are consistent with previous phases of Stoney Creek and the Stoney Creek PRO regulations.

Lot Size	Width	Front Setback	Side Setback	Rear Setback
14,000 to 19,999	100	50	20 (30 if corner lot)	30
20,000 to 34,999	100	50	20 (30 if corner lot)	30

Landscaped Buffer Areas and Open Space

If the tentative development plan is approved, a landscape plan/tree survey will be required with the submittal of the preliminary plat for the phase. The current plan shows a perimeter buffer along the east, north and south side of the phase. The plan would appear to be consistent with the approved open space/landscape plan for Stoney Creek. Final details of the proposed landscaping will be reviewed at the preliminary plat submittal stage.

Perimeter buffering is required for Tract 2 of the Stoney Creek development. The minimum buffer area is twenty-five (25) feet in width. The proposed development meets the twenty-five foot minimum requirement. Tract 2 also requires that 45.64 acres of open space be provided. Once complete, approximately 50 acres of open space will have been provided for within Tract 2 based on the open space plan.

Access and Infrastructure

Direct access will be provided to Phase 2E from Jobson Road and Stoney Creek Blvd. A two lane extension of Stoney Creek Blvd will be constructed as part of this phase. The extension will connect Stoney Creek Blvd to Jobson Road. The original concept plan called for a large median at the Jobson Road connection of Stoney Creek Blvd. The Stoney Creek ordinance notes that a water feature shall be developed within "*the median of the proposed Stoney Creek Blvd extensions, as depicted on the Concept Plan.*" Although this is noted in the ordinance, staff was unable to find any language or landscape drawings portraying the intentions for the water feature or the specific location of the water feature.

As noted above, the original alignment for the proposed Stoney Creek Blvd connection to Jobson Road was designed to allow for a large median. Upon review, the applicant found that the proposed alignment would go through a restricted area designated by the Army Corp. of Engineers as the Waters of the U.S. In order to avoid the restricted area, the applicant will remove the large median and realign the roadway extension to the south.

A subdivision entry monument similar to those constructed at Stoney Creek Blvd and Collins Road is proposed at the Stoney Creek Blvd and Jobson Road connection. Existing roadways from Phase 2B will be extended and continued as part of phase 2E (Ash Brook Lane, Sandy Creek Drive & Marble Creek Court)

Trail Development

Ordinance No. 463 stipulates, “An Americans with Disabilities Act compliant above-grade crossing shall be constructed over Collins Road within a portion of Nance Road (if abandoned by the Town Council) or in such other suitable location as selected by the Town Council in order to connect the pedestrian and bicycle trails and to provide safe access to the Nature Center, continuation of the trail to Tract 4, and the public school. The design of the above-grade crossing shall be in accordance with Exhibit G-1.” The proposed trail crossing will tie Tract 2 to Tract 4. The crossing would tie into the existing trail at the Tract 2 amenity center.

The developer plans to work with Town staff to determine how to move forward with this requirement. A decision on how to proceed will need to be made prior to the construction of the last phase of Tract 2 (Phase 2E & Phase 2F)

Public Notice

Public notice was provided to the Town’s Official Newspaper for publication on March 30th, 2016. Letters were also sent to property owners’ within 400’ on April 7th, 2016. The total number of letters sent was thirty-three (33). As of the release of the staff memo, two (2) responses in favor had been received.

Fiscal Impact

At the final plat stage, ordinance No. 463 requires that the developer contribute \$1,100 per lot for traffic mitigation fees. This would equate to \$79,200. These fees are to be set aside for two (2) designated roadway projects: Collins Rd (from Town East to Tripp Rd) and Tripp Rd/Collins Rd intersection improvements. To date, \$418,800 (not including +\$79,200 for phase 2E) have been contributed to the fund.

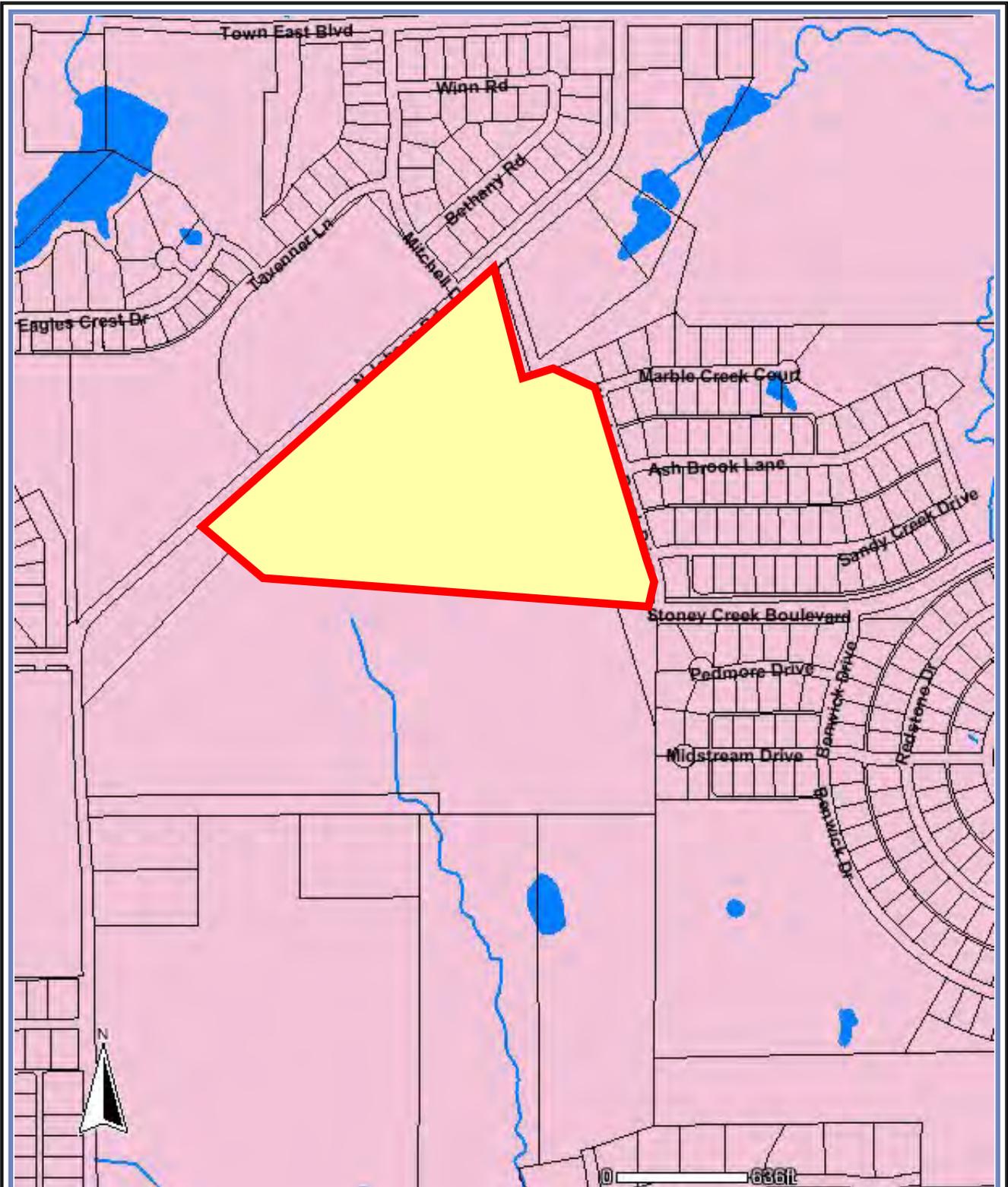
Staff Recommendation

Town staff has the following comments/recommendations for consideration:

1. Staff recommends approval. All department comments must be satisfactorily addressed prior to any development.
2. HOA documents will be required for the proposed development at the final plat approval.
3. The applicant will be subject to the payment of traffic mitigation fees in accordance with Ordinance No. 463 at \$1,100 per lot to be paid at final plat approval.

Attachments

- Location Map
- Variation Memo
- Tentative Development Plan: Stoney Creek Phase 2E
- Tentative Development Plan: Stoney Creek Phase 2E – Open Space
- Approved Concept Plan Stoney Creek – Forestar Developers
- Ordinance No. 463 – Exhibit G-1 – above grade crossing
- 400’ notice response letters



Dallas Central
Appraisal District
www.dallascad.org

DISCLAIMER

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

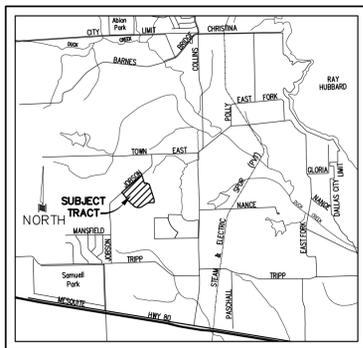
MEMO FOR RECORD
STONEY CREEK PHASE 2E (DAA JOB NO. 12014-2E)
March 14, 2016

TO: Town of Sunnyvale
CC: Forestar Development
FROM: Dowdey, Anderson & Associates, Inc.
RE: Stoney Creek Phase 2E
Sunnyvale, Texas

Below is a list of proposed variations and deviations from the Town of Sunnyvale's Ordinance No. 463 and the Town of Sunnyvale's Zoning/Subdivision Ordinance.

- Variation to the Stoney Creek Boulevard roadway alignment as seen in Ordinance No. 463 Exhibit C Concept Plan. The reason for this variation is to avoid the Water of United States (WOUS) that was determined to be located on this property. The WOUS is located within the called Lot 1X Block A.
- Alley requirement shall be waived for lots less than 20,000 square feet.
- The minimum lot width for any sized lot shall be 100 feet minimum. Width measurement shall be as set forth in the Town of Sunnyvale's Zoning Ordinance Chapter 2: Definitions.
- The minimum setback requirements shall be as set forth:
 - Front Yard Setback: 50 feet
 - Rear Yard Setback: 30 feet
 - Side Yard Setback: 20 feet (Street Side: 30 feet)
- Deviation from the typical planting of a Red Tipped Photinia as called out in Ordinance No. 463 Exhibit D Open Space & Trail Plan. Due to the growing environment the Town has requested we provide Chinese Photinia in lieu thereof.
- Ordinance No. 463 calls out for a water feature to be within the Stoney Creek Boulevard median. After discussions with the Town, it is in our opinion the water feature called out in Ord. No. 463 was the WOUS area. Due to the Corp restrictions we are avoiding the WOUS with a slight variation to the Stoney Creek Blvd alignment. In doing this the water feature now is located along side Stoney Creek Blvd in lieu of within the median.
- No variations are requested of the Open Space and Landscape Buffers. To keep the consistency of previously approved plats, the Open Space and Landscape Buffer terms and calculations will be as shown on the Tract 2 Open Space Exhibit. It shall be noted this exhibit was previously approved at the time of Stoney Creek Phase 2G Preliminary Plat approval.

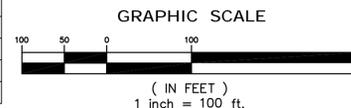
VICINITY MAP



LOCATION MAP NOT TO SCALE

RICHARD D. CROWNOVER
KAREN CROWNOVER
VOLUME 200059, PAGE 3693
D.R.D.C.T.

ROADWAY CURVE TABLE					
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C1	89°32'18"	47.50'	47.12'	74.23'	S04°09'21"W 66.90'
C2	80°19'43"	47.50'	40.09'	66.59'	S08°45'39"W 61.27'
C3	211°7'40"	300.00'	56.40'	111.50'	S20°45'23"E 110.86'
C4	102°28'45"	47.50'	59.16'	84.96'	S61°20'55"E 74.08'
C5	26°21'02"	300.00'	70.23'	137.97'	N54°14'11"E 136.76'
C6	43°59'39"	1183.50'	478.09'	908.74'	N63°02'29"E 886.58'
C7	12°23'53"	300.00'	32.59'	64.92'	N78°50'22"E 64.79'
C8	7°38'22"	796.00'	53.14'	106.13'	S35°13'23"E 106.05'
C9	8°56'00"	250.00'	19.53'	38.98'	N85°08'37"E 38.94'
C10	43°52'09"	806.50'	324.78'	617.50'	N67°40'32"E 602.53'
C11	41°45'17"	250.00'	95.35'	182.19'	N66°37'07"E 178.18'
C12	83°28'47"	47.50'	42.38'	69.21'	N45°45'21"E 63.25'



LOT CURVE TABLE					
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C13	89°32'18"	20.00'	19.84'	31.25'	N4°09'21"E 28.17'
C14	89°32'18"	25.00'	24.80'	39.07'	N4°09'21"E 35.21'
C15	80°19'43"	25.00'	21.10'	35.05'	S8°45'39"W 32.25'
C16	176°37'48"	55.00'	1869.58'	169.55'	S59°01'25"E 109.95'
C17	164°34'54"	55.00'	406.30'	157.99'	S46°54'23"W 109.01'
C18	27°00'00"	55.00'	55.00'	259.18'	S27°39'16"W 77.78'

ROADWAY LINE TABLE		
LINE	BEARING	DISTANCE
T1	S10°06'33"E	41.64'
T2	N72°38'26"E	90.13'
T3	N17°20'44"W	27.50'

LOT LINE TABLE		
LINE	BEARING	LENGTH
T4	N85°50'39"W	14.09'
T5	N4°09'21"E	14.20'
T6	S6°02'22"W	14.65'
T7	S83°48'34"E	13.57'
T8	S8°45'39"W	15.28'
T9	S59°16'34"E	13.08'
T10	S10°00'45"W	15.00'
T11	S78°26'36"E	13.63'

LOT LINE TABLE		
LINE	BEARING	LENGTH
T12	N27°41'07"E	14.15'
T13	S62°21'09"E	14.14'
T14	N32°48'22"E	12.81'
T15	S58°13'00"E	15.12'
T16	N47°04'30"E	14.61'
T17	S41°30'32"E	14.01'
T18	N53°11'50"E	13.07'

- NOTES:
- ALLEY REQUIREMENT SHALL BE WAIVED FOR LOTS LESS THAN 20,000 SQUARE FEET.
 - THE MINIMUM LOT WIDTH FOR ANY SIZED LOT SHALL BE 100 FEET. LOT WIDTH MEASUREMENT SHALL BE AS SET FORTH IN THE TOWN OF SUNNYVALE'S ZONING ORDINANCE CHAPTER 2, DEFINITIONS.
 - MINIMUM SETBACK REQUIREMENTS FOR ALL LOTS SHALL BE AS SET FORTH:
 - FRONT YARD SETBACK: 50 FEET
 - REAR YARD SETBACK: 30 FEET
 - SIDE YARD SETBACK: 20 FEET
 - STREET SIDE: 30 FEET
 - LANDSCAPE BUFFERS SHALL BE DEVELOPED IN ACCORDANCE WITH THE TOWN OF SUNNYVALE'S ZONING ORDINANCE NO. 463: EXHIBIT D.

TRACT 2 ZONING REQUIREMENTS			
ZONING REQUIREMENTS		CURRENT DEVELOPMENT	
MAXIMUM NUMBER OF UNITS:	477	CURRENT TOTAL NUMBER OF UNITS:	477
MAXIMUM ACRES:	-	TOTAL ACRES:	330.388
MAXIMUM DENSITY:	1.43 UNITS/ACRE	DENSITY:	1.43 UNITS/ACRE
ZONING LOT SIZE REQUIREMENTS		CURRENT RESIDENTIAL LOT SIZE	
15,000-17,999	182 UNITS	15,000-17,999	148 UNITS
18,000-23,999	213 UNITS	18,000-23,999	274 UNITS
>24,000	77 UNITS	>24,000	50 UNITS
PHASE 2A		PHASE 2E	
15,000-17,999	43 UNITS	15,000-17,999	46 UNITS
18,000-23,999	32 UNITS	18,000-23,999	24 UNITS
>24,000	9 UNITS	>24,000	2 UNITS
PHASE 2B		PHASE 2F	
15,000-17,999	2 UNITS	15,000-17,999	0 UNITS
18,000-23,999	63 UNITS	18,000-23,999	63 UNITS
>24,000	9 UNITS	>24,000	19 UNITS
PHASE 2C		PHASE 2G	
15,000-17,999	45 UNITS	15,000-17,999	0 UNITS
18,000-23,999	33 UNITS	18,000-23,999	43 UNITS
>24,000	1 UNITS	>24,000	4 UNITS
PHASE 2D			
15,000-17,999	12 UNITS		
18,000-23,999	16 UNITS		
>24,000	6 UNITS		



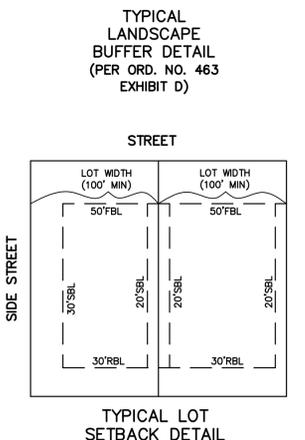
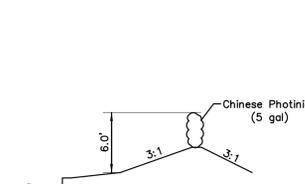
LEGEND

BTP = BY THIS PLAT
 BSE = BY SEPARATE INSTRUMENT
 SWE = SIDEWALK EASEMENT
 DE = DRAINAGE EASEMENT
 SSE = SANITARY SEWER EASEMENT
 UE = UTILITY EASEMENT
 TUE = TRANSFORMER & UTILITY EASEMENT
 HOA = HOME OWNERS ASSOCIATION
 BL = BUILDING LINE
 D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
 M.R.D.C.T. = MAP RECORDS, DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORD, DALLAS COUNTY, TEXAS

RC = RED CAP
 IRF = IRON ROD FOUND
 <CM> = CONTROLLING MONUMENT

◇ DENOTES STREET NAME CHANGE

○ = 1/2" IRON ROD FOUND W/ YELLOW PLASTIC CAP STAMPED "DAA" (UNLESS OTHERWISE NOTED)
 ● = 1/2" IRON ROD SET W/ YELLOW PLASTIC CAP STAMPED "DAA" (UNLESS OTHERWISE NOTED)



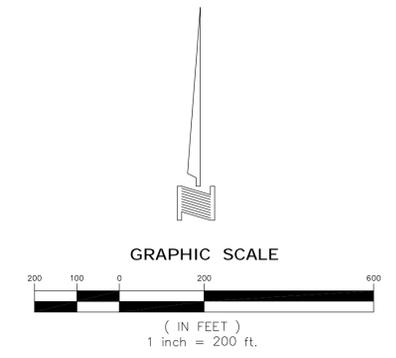
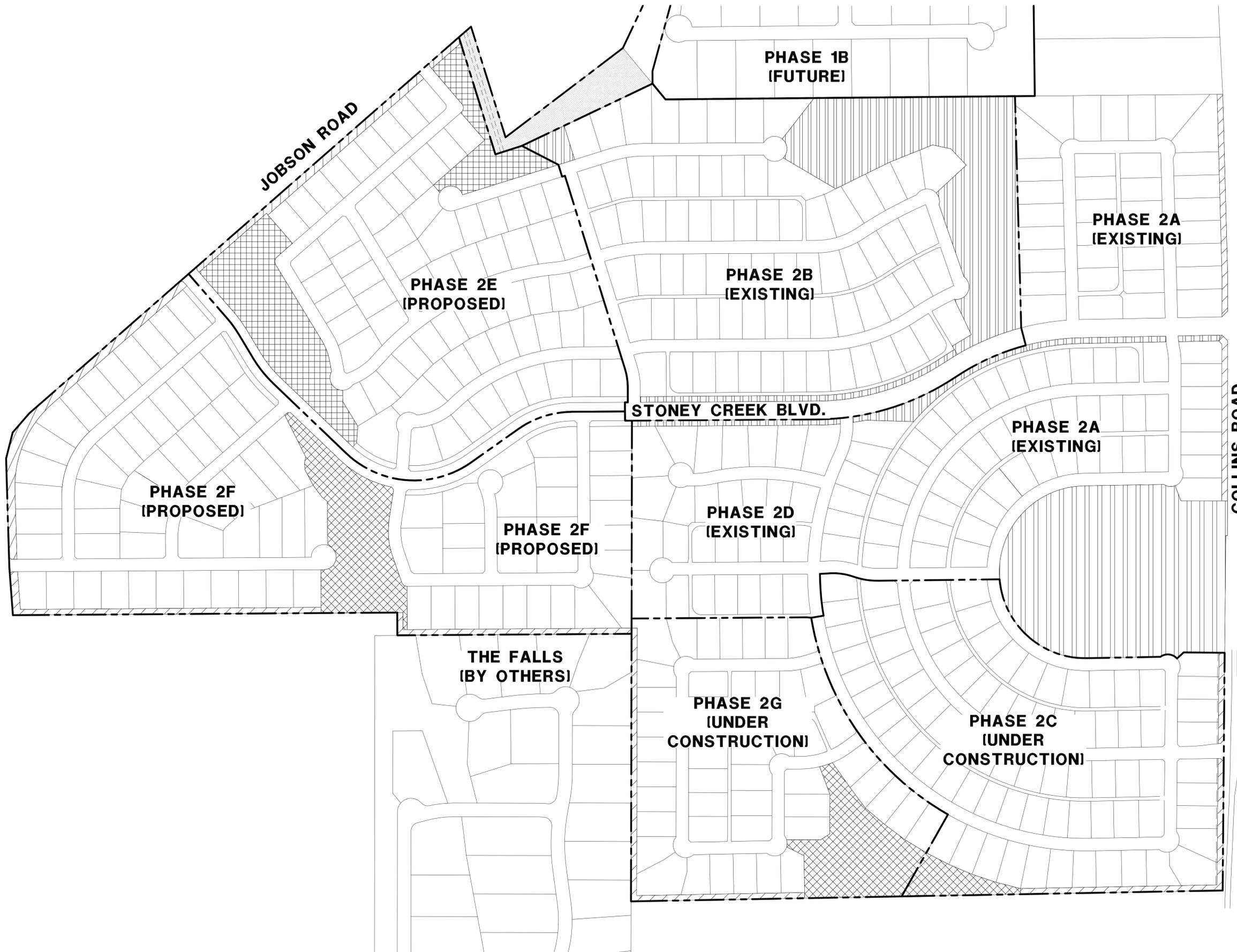
TENTATIVE DEVELOPMENT PLAN
STONEY CREEK PHASE 2E
 LOTS 1-31, BLOCK A, LOTS 1-10, BLOCK B
 LOTS 1-22, BLOCK C, LOTS 1-9, BLOCK D
 ZONED PRO "SF-3"
 72 SINGLE-FAMILY RESIDENCE &
 3 OPEN SPACE LOTS
 48,771 ACRES

NATHAN ATTERBURY SURVEY, ABSTRACT NO. 38
 AND WILLIAM REED SURVEY, ABSTRACT NO. 1194
 TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS

DECEMBER 2015 SCALE: 1" = 100'

OWNER
STONEY CREEK PROPERTIES, L.L.C.
 14755 PRESTON ROAD ~ SUITE 130
 DALLAS, TEXAS 75254
 CONTACT: DARREL AMEN ~ 972-702-8699
 ENGINEER

DOWDEY, ANDERSON & ASSOCIATES, INC.
 5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
 STATE REGISTRATION NUMBER: F-399



TRACT 2

	OPEN SPACE REQUIREMENT	=	45.64 ACRES
	OPEN SPACE PROVIDED	=	50.99 ACRES
	LANDSCAPE BUFFER REQUIREMENT	=	6.35 ACRES
	LANDSCAPE BUFFER PROVIDED	=	7.09 ACRES

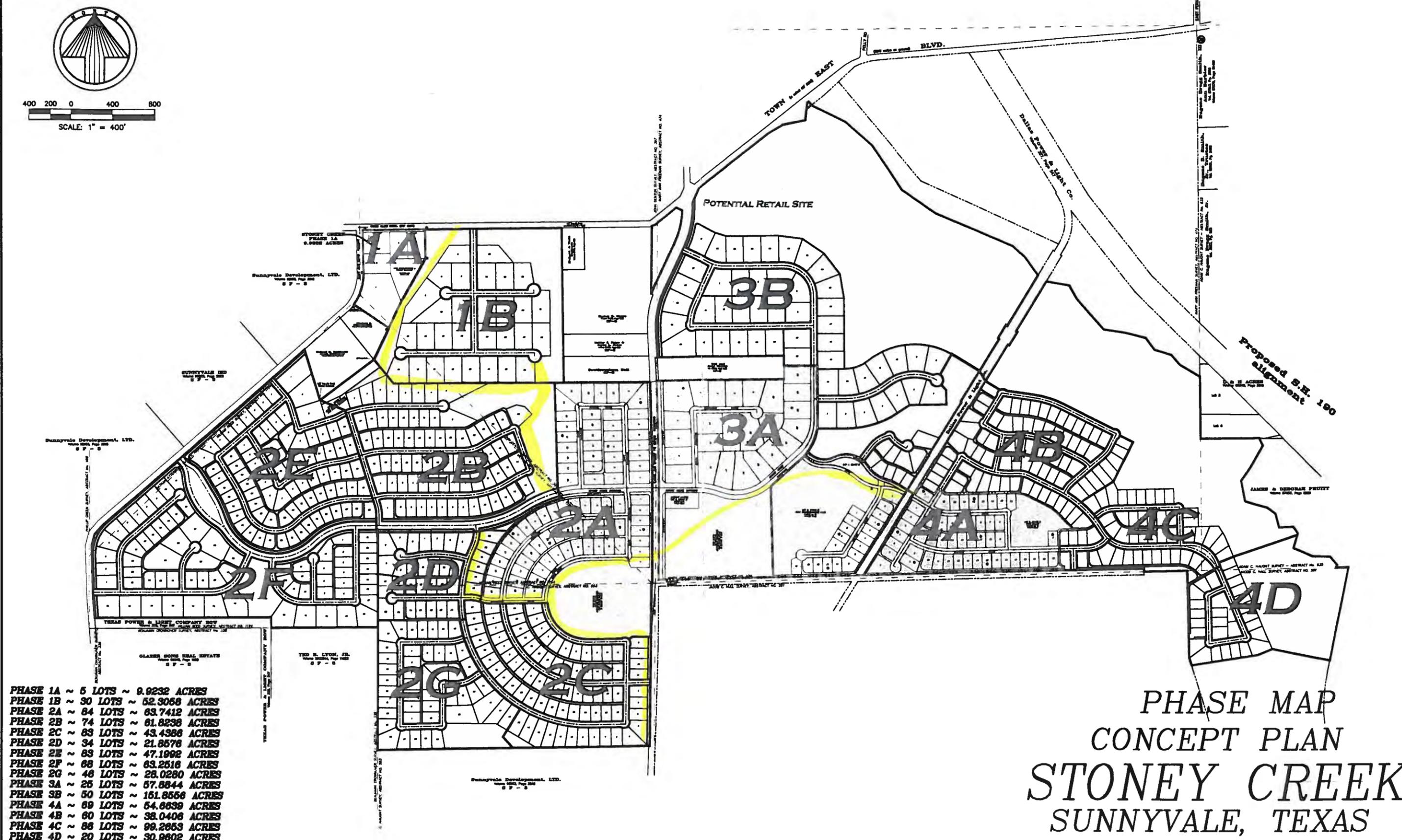
- 1. PREVIOUSLY PLATTED AS OPEN SPACE, LANDSCAPE, DRAINAGE AND UTILITY EASEMENTS.
2. AREAS COUNTED IN OPEN SPACE CALCULATIONS ONLY.
- 1. AREAS TO BE PLATTED AS OPEN SPACE, LANDSCAPE, DRAINAGE AND UTILITY EASEMENTS.
2. AREAS COUNTED IN OPEN SPACE CALCULATIONS ONLY.
- 1. AREAS PREVIOUSLY PLATTED AND TO BE PLATTED AS OPEN SPACE, LANDSCAPE, DRAINAGE AND UTILITY EASEMENTS.
2. AREAS COUNTED IN LANDSCAPE BUFFER CALCULATIONS ONLY.
- 1. AREA PREVIOUSLY PLATTED AS A NON-BUILDABLE LOT SATISFYING STONEY CREEKS OBLIGATIONS FOR OPEN SPACE AND LANDSCAPE BUFFERS ALONG THE COMMON PROPERTY LINES. THIS AREA IS BEING SOLD TO THE CROWNOVER FAMILY.
2. AREA COUNTED IN OPEN SPACE CALCULATIONS AS ORIGINALLY CALLED OUT BY P.D. 463 EXHIBIT D.

TRACT 2 OPEN SPACE					
STONEY CREEK					
TOWN OF SUNNYVALE					
DALLAS COUNTY, TEXAS					
DOWDEY, ANDERSON & ASSOCIATES, INC. 5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694 <small>STATE REGISTRATION NUMBER: F-399 SURVEY FIRM REGISTRATION NUMBER: 10077800</small>					
DESIGN	DRAWN	CHECKED	DATE	SCALE	JOB
-	-	-	03/14/16	1"=200'	12014
					SHEET
					1

NO.	DATE	BY	REVISION



400 200 0 400 800
SCALE: 1" = 400'



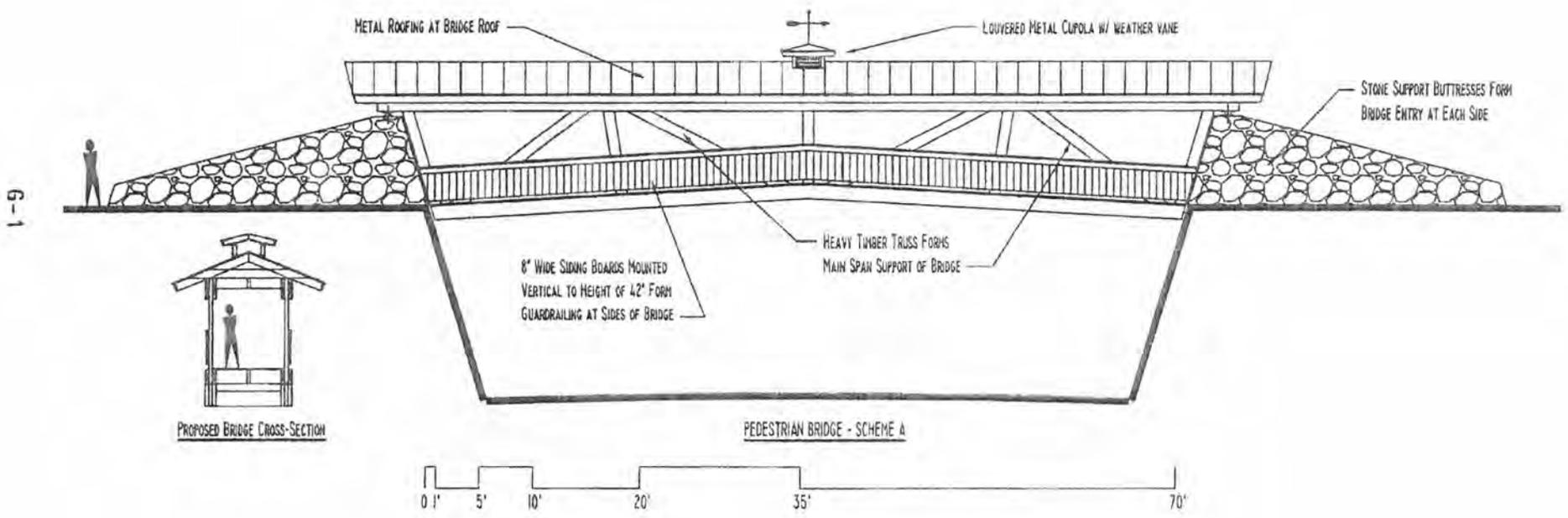
- PHASE 1A ~ 6 LOTS ~ 0.9232 ACRES
- PHASE 1B ~ 30 LOTS ~ 52.3058 ACRES
- PHASE 2A ~ 84 LOTS ~ 63.7412 ACRES
- PHASE 2B ~ 74 LOTS ~ 61.8238 ACRES
- PHASE 2C ~ 83 LOTS ~ 43.4388 ACRES
- PHASE 2D ~ 34 LOTS ~ 21.8578 ACRES
- PHASE 2E ~ 83 LOTS ~ 47.1892 ACRES
- PHASE 2F ~ 68 LOTS ~ 63.2516 ACRES
- PHASE 2G ~ 48 LOTS ~ 28.0280 ACRES
- PHASE 2C ~ 34 LOTS ~ 21.8578 ACRES
- PHASE 3A ~ 25 LOTS ~ 57.8844 ACRES
- PHASE 3B ~ 50 LOTS ~ 151.8558 ACRES
- PHASE 4A ~ 69 LOTS ~ 54.8839 ACRES
- PHASE 4B ~ 60 LOTS ~ 38.0408 ACRES
- PHASE 4C ~ 88 LOTS ~ 99.2653 ACRES
- PHASE 4D ~ 20 LOTS ~ 30.9802 ACRES

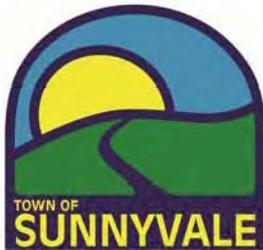
PHASE MAP
CONCEPT PLAN
STONEY CREEK
SUNNYVALE, TEXAS

~ OWNER ~
FORESTAR REAL ESTATE GROUP
14785 Preston Road ~ Suite 850 ~ Dallas, Texas 75254

TIPTON ENGINEERING, INC.
ENGINEERING • SURVEYING • PLANNING
5330 Broadway Blvd. • Suite C • Garland, Texas 75043 • (972) 228-2887

ORDINANCE NO. 463
EXHIBIT G-1





Town of Sunnyvale

April 25, 2016

**Prepared By: Rashad Jackson, AICP
Director of Development Services**

Summary:

APPLICANT: COLIN HELFFRICH, P.E.
AT OR ABOUT: 334 JOBSON ROAD – 61.39 ACRES SOUTH WEST OF THE
 INTERSECTION OF STONEY CREEK BLVD AND WANDERING BROOK
 LANE
REQUEST: TENTATIVE DEVELOPMENT PLAN – STONEY CREEK PHASE 2F

Background & Analysis:

The applicant is requesting a tentative development plan approval for Stoney Creek Phase 2F. The proposed plan for Phase 2F will consist of 82 lots and 4 open space lots on 61.398 acres. The plan shows a total of 82 single family residential lots approximately 20,000 square feet in size. Open space lots will serve as a landscape buffer along the east, north and south sides of the development. The overall design of Phase 2F is consistent with the approved concept plan for the phase except for the following changes. The developer would like to gain approval for the plan and proposed changes prior to moving forward with a future request for platting.

Key requested variations from original concept plan and ordinance requirements are noted below. The applicant has also provided a memo detailing all proposed changes:

- *Variation to the Stoney Creek Boulevard roadway alignment as seen in Ordinance No. 463 Exhibit C Concept Plan. The reason for this variation is to avoid the Water of United States (WOUS) that was determined to be located on this property. The WOUS is located within the called Lot 1X Block A.*
- *The minimum lot width for any sized lot shall be 100 feet minimum. Width measurement shall be as set forth in the Town of Sunnyvale's Zoning Ordinance Chapter 2: Definitions.*
- *Deviation from the typical planting of a Red Tipped Photinia as called out in Ordinance No. 463 Exhibit D Open Space & Trail Plan. Due to the growing environment the Town has requested we provide Chinese Photinia in lieu thereof.*
- *Ordinance No. 463 calls out for a water feature to be within the Stoney Creek Boulevard median. After discussions with the Town, it is in our opinion the water feature called out in Ord. No. 463 was the WOUS area. Due to the Corp restrictions we are avoiding the WOUS with a slight variation to the Stoney Creek Blvd alignment. In doing this the water feature now is located along side Stoney Creek Blvd in lieu of within the median.*

Town staff has evaluated the proposed development against the Zoning Ordinance, Subdivision Ordinance, and Engineering Design Standards as well as the more specific requirements for a PRO contained within Ordinance No. 463.

Density and Lot Count Requirements

The property is zoned SF-3 PRO, Single Family Residential 3 Planned Residential Overlay. Ordinance No. 463 provides further regulations for how Tract 2 of Stoney Creek is to develop. The total number of dwelling units provided within Tract 2 shall not exceed 472. To date, Tract 2 has a total of 318 lots. The overall maximum density per gross usable acre shall not exceed 1.43 dwelling units per acre. The proposed plan notes the following:

TRACT 2 ZONING REQUIREMENTS					
ZONING REQUIREMENTS			CURRENT DEVELOPMENT		
MAXIMUM NUMBER OF UNITS:	472		CURRENT TOTAL NUMBER OF UNITS:	472	
MAXIMUM ACRES:	-		TOTAL ACRES:	330.388	
MAXIMUM DENSITY:	1.43	UNITS/ACRE	DENSITY:	1.43	UNITS/ACRE
ZONING LOT SIZE REQUIREMENTS			CURRENT RESIDENTIAL LOT SIZE		
15,000-17,999	182	UNITS	15,000-17,999	148	UNITS
18,000-23,999	213	UNITS	18,000-23,999	274	UNITS
>24,000	77	UNITS	>24,000	50	UNITS
PHASE 2A			PHASE 2E		
15,000-17,999	43	UNITS	15,000-17,999	46	UNITS
18,000-23,999	32	UNITS	18,000-23,999	24	UNITS
>24,000	9	UNITS	>24,000	2	UNITS
PHASE 2B			PHASE 2F		
15,000-17,999	2	UNITS	15,000-17,999	0	UNITS
18,000-23,999	63	UNITS	18,000-23,999	63	UNITS
>24,000	9	UNITS	>24,000	19	UNITS
PHASE 2C			PHASE 2G		
15,000-17,999	45	UNITS	15,000-17,999	0	UNITS
18,000-23,999	33	UNITS	18,000-23,999	43	UNITS
>24,000	1	UNITS	>24,000	4	UNITS
PHASE 2D					
15,000-17,999	12	UNITS			
18,000-23,999	16	UNITS			
>24,000	6	UNITS			

Setbacks and Lot Size

As per the zoning requirements and the PRO standards, lots within Tract 2 of the Stoney Creek development are required to be a mix of sizes, which include:

Number of Units	Lot Size
182	Greater than or = to 15,000 – 17,999 square feet
213	Greater than or = to 18,000 – 23,999 square feet
77	Greater than or equal to 24,000 square feet

As shown above, the tentative development plan for Phase 2F proposes the following lot sizes.

Number of Units	Lot Size
0	15,000 – 17,999 square feet
63	18,000 – 23,999 square feet
19	Greater than or equal to 24,000 square feet

Lot width, lot depth, and setbacks are determined based upon the size of the lot provided. Under base zoning district requirements, setbacks and lot width requirements for lots within these size ranges are as follows:

Lot Size	Width	Front Setback	Side Setback	Rear Setback
14,000 to 19,999	100	50	20	30
20,000 to 34,999	120	60	20	40

The proposed plan calls for the following typical lot setbacks. The proposed setbacks are consistent with previous phases of Stoney Creek and the Stoney Creek PRO regulations.

Lot Size	Width	Front Setback	Side Setback	Rear Setback
14,000 to 19,999	100	50	20 (30 if corner lot)	30
20,000 to 34,999	100	60	20 (30 if corner lot)	30

Landscaped Buffer Areas and Open Space

If the tentative development plan is approved, a landscape plan/tree survey will be required with the submittal of the preliminary plat for the phase. The current plan shows a perimeter buffer along the east, north and south side of the phase. The plan would appear to be consistent with the approved open space/landscape plan for Stoney Creek. Final details of the proposed landscaping will be reviewed at the preliminary plat submittal stage.

Perimeter buffering is required for Tract 2 of the Stoney Creek development. The minimum buffer area is twenty-five (25) feet in width. The proposed development meets the twenty-five foot minimum requirement. Tract 2 also requires that 45.64 acres of open space be provided. Once complete, approximately 50 acres of open space will have been provided for within Tract 2 based on the open space plan.

Access and Infrastructure

Direct access will be provided to Phase 2F from Jobson Road and Stoney Creek Blvd. A two lane extension of Stoney Creek Blvd will be constructed as part of this phase. The extension will connect Stoney Creek Blvd to Jobson Road. The original concept plan called for a large median at the Jobson Road connection of Stoney Creek Blvd. The Stoney Creek ordinance notes that a water feature shall be developed within “*the median of the proposed Stoney Creek Blvd extensions, as depicted on the Concept Plan.*” Although this is noted in the ordinance, staff was unable to find any language or landscape drawings portraying the intentions for the water feature or the specific location of the water feature.

As noted above, the original alignment for the proposed Stoney Creek Blvd connection to Jobson Road was designed to allow for a large median. Upon review, the applicant found that the proposed alignment would go through a restricted area designated by the Army Corp. of Engineers as the Waters of the U.S. In order to avoid the restricted area, the applicant will remove the large median and realign the roadway extension. A subdivision entry monument similar to those constructed at Stoney Creek Blvd and Collins Road is proposed at the Stoney Creek Blvd and Jobson Road connection.

With the proposed removal of all alleys, each home will be accessed from the front. Garage orientation and access must adhere to Section 20.7 of the zoning ordinance.

Section 20.7

- *Garage orientation shall be side or rear facing; if an alley exists the property shall be accessed from the alley.*

- *A garage may face the front of the lot if setback a minimum of 25 feet from the front building line and is screened by the presence of a porte cochere.*
- *Detached garages may face the front of the lot if setback from the rear line of the dwelling by a minimum 25 feet and no alley exists.*

Trail Development

Ordinance No. 463 stipulates, “an Americans with Disabilities Act compliant above-grade crossing shall be constructed over Collins Road within a portion of Nance Road (if abandoned by the Town Council) or in such other suitable location as selected by the Town Council in order to connect the pedestrian and bicycle trails and to provide safe access to the Nature Center, continuation of the trail to Tract 4, and the public school. The design of the above-grade crossing shall be in accordance with Exhibit G-1.” The proposed trail crossing will tie Tract 2 to Tract 4. The crossing would be developed to tie into the existing trail at the Tract 2 amenity center.

The developer plans to work with Town staff to determine how to move forward with this requirement. A decision on how to proceed will need to be made prior to the construction of the last phase of Tract 2. (Phase 2E & Phase 2F)

Public Notice

Public notice was provided to the Town’s Official Newspaper for publication on March 2nd, 2016. Letters were also sent to property owners’ within 400’ on March 10th, 2016. The total number of letters sent was thirty-three (33). As of the release of the staff memo, one (1) response in favor had been received.

Fiscal Impact

At the final plat stage, ordinance No. 463 requires that the developer contribute \$1,100 per lot for traffic mitigation fees. This would equate to \$90,200. These fees are to be set aside for two (2) designated roadway projects: Collins Rd (from Town East to Tripp Rd) and Tripp Rd/Collins Rd intersection improvements. To date, \$418,800 (not including +\$90,200 for phase 2F) have been contributed to the fund.

Planning & Zoning Commission Recommendation – 3/21/16

Chairman Demko called for a motion. Commissioner Moss made a motion to approve the request as submitted. Commissioner Okafor seconded. Chairman Demko called for a vote, the motion passed unanimously.

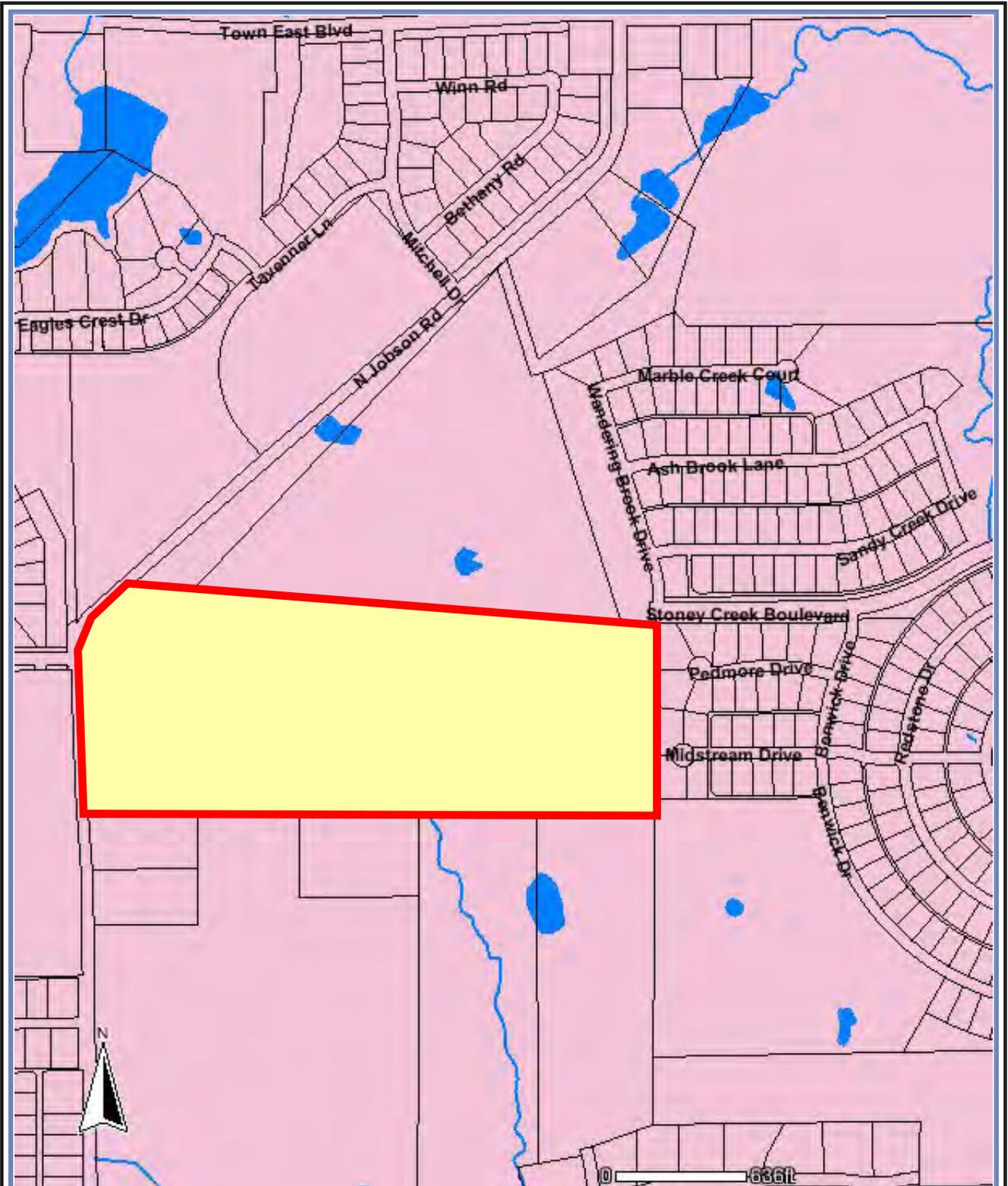
Staff Recommendation

Town staff has the following comments/recommendations for consideration:

1. Staff recommends approval. All department comments must be satisfactorily addressed prior to any development.
2. HOA documents will be required for the proposed development at the final plat approval.
3. The applicant will be subject to the payment of traffic mitigation fees in accordance with Ordinance No. 463 at \$1,100 per lot to be paid at final plat approval.

Attachments

- Location Map
- Variation Memo
- Tentative Development Plan: Stoney Creek Phase 2F
- Tentative Development Plan: Stoney Creek Phase 2F – Open Space
- Approved Concept Plan Stoney Creek – Forestar Developers
- Ordinance No. 463 – Exhibit G-1 – above grade crossing
- 400’ notice response letter



Dallas Central
Appraisal District
www.dallascad.org

DISCLAIMER

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

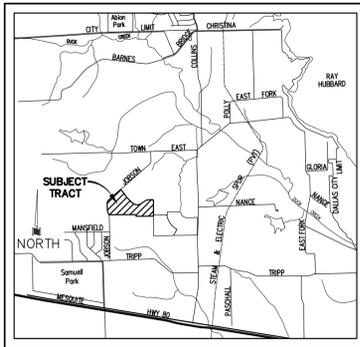
MEMO FOR RECORD
STONEY CREEK PHASE 2F (DAA JOB NO. 12014-2F)
March 14, 2016

TO: Town of Sunnyvale
CC: Forestar Development
FROM: Dowdey, Anderson & Associates, Inc.
RE: Stoney Creek Phase 2F
Sunnyvale, Texas

Below is a list of proposed variations and deviations from the Town of Sunnyvale's Ordinance No. 463 and the Town of Sunnyvale's Zoning/Subdivision Ordinance.

- Variation to the Stoney Creek Boulevard roadway alignment as seen in Ordinance No. 463 Exhibit C Concept Plan. The reason for this variation is to avoid the Water of United States (WOUS) that was determined to be located on this property. The WOUS is located within the called Lot 1X Block A.
- The minimum lot width for any sized lot shall be 100 feet minimum. Width measurement shall be as set forth in the Town of Sunnyvale's Zoning Ordinance Chapter 2: Definitions.
- Deviation from the typical planting of a Red Tipped Photinia as called out in Ordinance No. 463 Exhibit D Open Space & Trail Plan. Due to the growing environment the Town has requested we provide Chinese Photinia in lieu thereof.
- Ordinance No. 463 calls out for a water feature to be within the Stoney Creek Boulevard median. After discussions with the Town, it is in our opinion the water feature called out in Ord. No. 463 was the WOUS area. Due to the Corp restrictions we are avoiding the WOUS with a slight variation to the Stoney Creek Blvd alignment. In doing this the water feature now is located along side Stoney Creek Blvd in lieu of within the median.
- No variations are requested of the Open Space and Landscape Buffers. To keep the consistency of previously approved plats, the Open Space and Landscape Buffer terms and calculations will be as shown on the Tract 2 Open Space Exhibit. It shall be noted this exhibit was previously approved at the time of Stoney Creek Phase 2G Preliminary Plat approval.

VICINITY MAP



LOCATION MAP NOT TO SCALE

LOT CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C6	4°39'06"	443.50'	18.01'	36.01'	N33°33'02"W 36.00'
C7	15°08'00"	573.50'	76.18'	151.48'	S38°47'29"E 151.04'
C8	27°00'00"	55.00'	55.00'	259.18'	N45°23'09"W 77.78'
C9	71°06'57"	25.00'	17.87'	31.03'	S54°49'00"E 29.08'
C10	168°48'04"	55.00'	560.99'	162.04'	N44°37'32"E 109.48'
C11	27°49'00"	55.00'	50.56'	263.81'	N67°00'47"W 74.44'

LOT LINE TABLE

LINE	BEARING	LENGTH
T3	S86°04'30"E	14.14'
T4	S3°55'30"W	14.14'
T5	S48°55'30"W	15.00'
T6	S83°47'57"E	13.57'
T7	N46°21'29"W	69.22'
T8	S1°17'01"W	13.48'
T9	S88°42'59"E	14.78'
T10	N48°55'30"E	15.11'
T11	N46°02'49"W	14.30'
T12	N42°39'54"E	13.65'
T13	N89°36'51"E	25.01'
T14	S44°36'51"W	14.14'
T15	S45°23'09"E	14.14'
T16	S44°36'51"W	14.14'

TRACT 2 ZONING REQUIREMENTS

ZONING REQUIREMENTS	CURRENT DEVELOPMENT
MAXIMUM NUMBER OF UNITS: 472	CURRENT TOTAL NUMBER OF UNITS: 472
MAXIMUM ACRES: 1.43	TOTAL ACRES: 330.388
MAXIMUM DENSITY: 1.43 UNITS/ACRE	DENSITY: 1.43 UNITS/ACRE

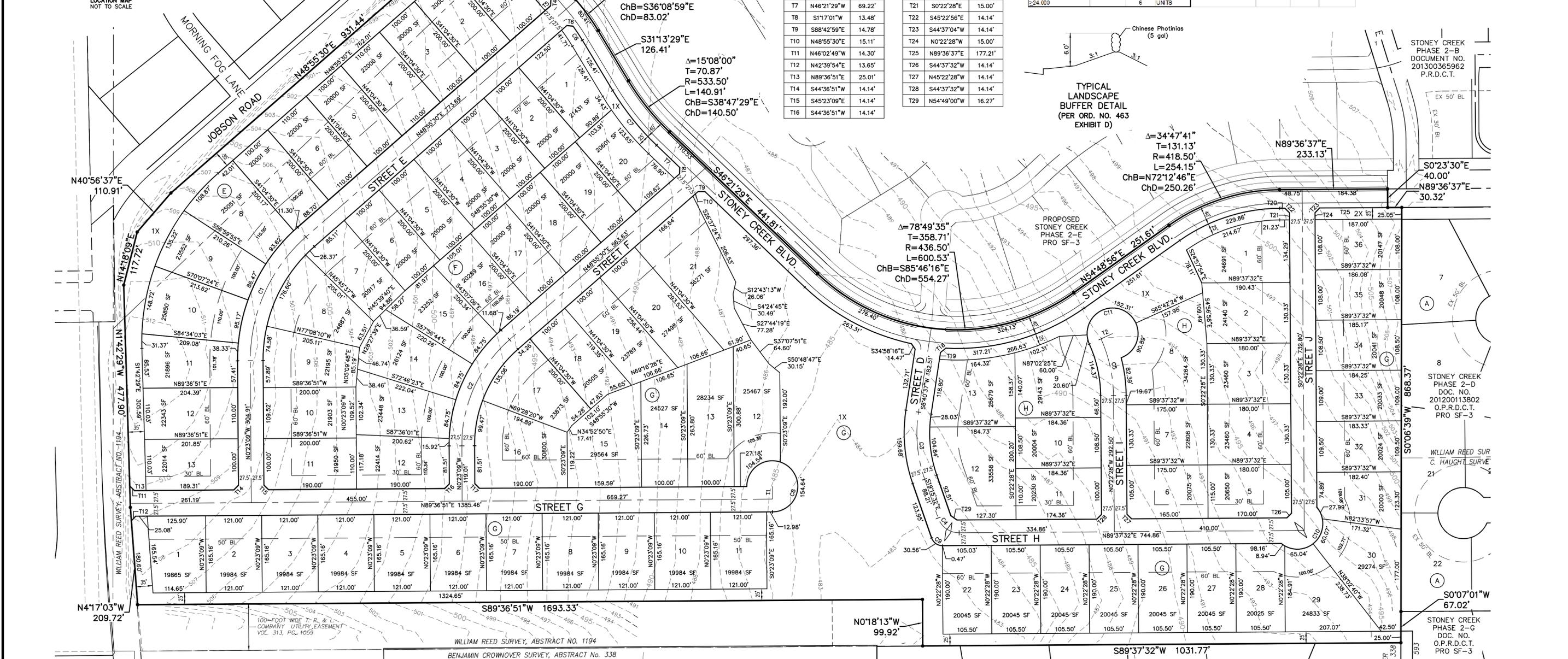
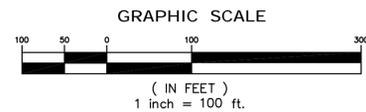
ZONING LOT SIZE REQUIREMENTS	CURRENT RESIDENTIAL LOT SIZE
15,000-17,999	182 UNITS
18,000-23,999	148 UNITS
24,000	274 UNITS
	50 UNITS

PHASE 2A	PHASE 2E
15,000-17,999	43 UNITS
18,000-23,999	32 UNITS
24,000	9 UNITS

PHASE 2B	PHASE 2F
15,000-17,999	2 UNITS
18,000-23,999	83 UNITS
24,000	9 UNITS

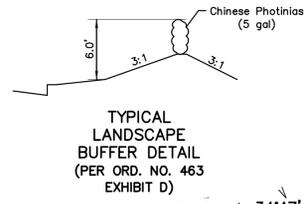
PHASE 2C	PHASE 2G
15,000-17,999	48 UNITS
18,000-23,999	33 UNITS
24,000	1 UNITS

PHASE 2D	
15,000-17,999	12 UNITS
18,000-23,999	16 UNITS
24,000	6 UNITS

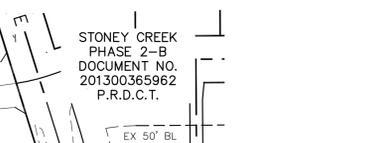


LOT LINE TABLE

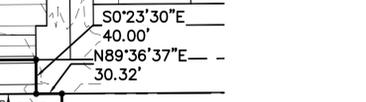
LINE	BEARING	LENGTH
T17	S45°23'09"E	14.14'
T18	N51°07'03"E	14.76'
T19	S8°40'37"W	15.07'
T20	N89°36'37"E	11.24'
T21	S0°22'28"E	15.00'
T22	S45°22'56"E	14.14'
T23	S44°37'04"W	14.14'
T24	N0°22'28"W	15.00'
T25	N89°36'37"E	177.21'
T26	S44°37'32"W	14.14'
T27	N45°22'28"W	14.14'
T28	S44°37'32"W	14.14'
T29	N54°49'00"W	16.27'



TYPICAL LANDSCAPE BUFFER DETAIL (PER ORD. NO. 463 EXHIBIT D)



STONEY CREEK PHASE 2-B DOCUMENT NO. 201300365962 P.R.D.C.T.



STONEY CREEK PHASE 2-D DOC. NO. 201200113802 O.P.R.D.C.T. PRO SF-3



STONEY CREEK PHASE 2-G DOC. NO. O.P.R.D.C.T. PRO SF-3

- NOTES:**
- THE MINIMUM LOT WIDTH FOR ANY SIZED LOT SHALL BE 100 FEET. LOT WIDTH MEASUREMENT SHALL BE AS SET FORTH IN THE TOWN OF SUNNYVALE'S ZONING ORDINANCE CHAPTER 2-DEFINITIONS.
 - MINIMUM SETBACK REQUIREMENTS SHALL BE AS SET FORTH IN THE TOWN OF SUNNYVALE'S ZONING ORDINANCE CHART 3.2: AREA STANDARDS FOR RESIDENTIAL LOTS.
 - LANDSCAPE BUFFERS SHALL BE DEVELOPED IN ACCORDANCE WITH THE TOWN OF SUNNYVALE'S ZONING ORDINANCE NO. 463: EXHIBIT D.

LEGEND

BTP = BY THIS PLAT
 BSE = BY SEPARATE INSTRUMENT
 SWE = SIDEWALK EASEMENT
 DE = DRAINAGE EASEMENT
 SSE = SANITARY SEWER EASEMENT
 UE = UTILITY EASEMENT
 TUE = TRANSFORMER & UTILITY EASEMENT
 HOA = HOME OWNERS ASSOCIATION
 BL = BUILDING LINE
 D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
 M.R.D.C.T. = MAP RECORDS, DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORD, DALLAS COUNTY, TEXAS

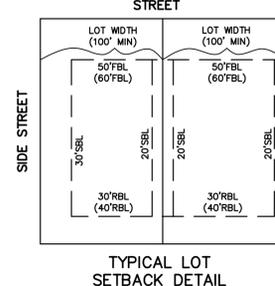
RC = RED CAP
 IRF = IRON ROD FOUND
 <CM> = CONTROLLING MONUMENT
 DENOTES STREET NAME CHANGE
 ○ = 1/2" IRON ROD FOUND W/ YELLOW PLASTIC CAP STAMPED "DAA" (UNLESS OTHERWISE NOTED)
 ● = 1/2" IRON ROD SET W/ YELLOW PLASTIC CAP STAMPED "DAA" (UNLESS OTHERWISE NOTED)

ROADWAY CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C1	49°18'39"	350.00'	160.65'	301.22'	N24°16'11"E 292.01'
C2	49°18'39"	300.00'	137.70'	258.19'	N24°16'11"E 250.30'
C3	27°56'09"	300.00'	74.62'	146.27'	S05°17'27"E 144.83'
C4	71°06'57"	47.50'	33.95'	58.96'	S54°49'00"E 55.24'
C5	24°02'49"	300.00'	63.90'	125.91'	N12°23'53"W 124.99'

ROADWAY LINE TABLE

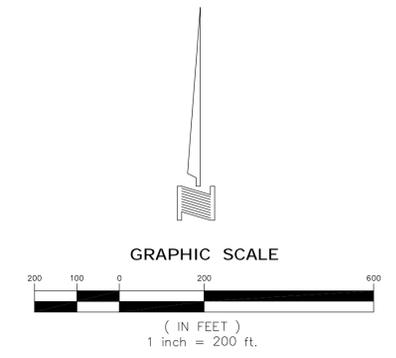
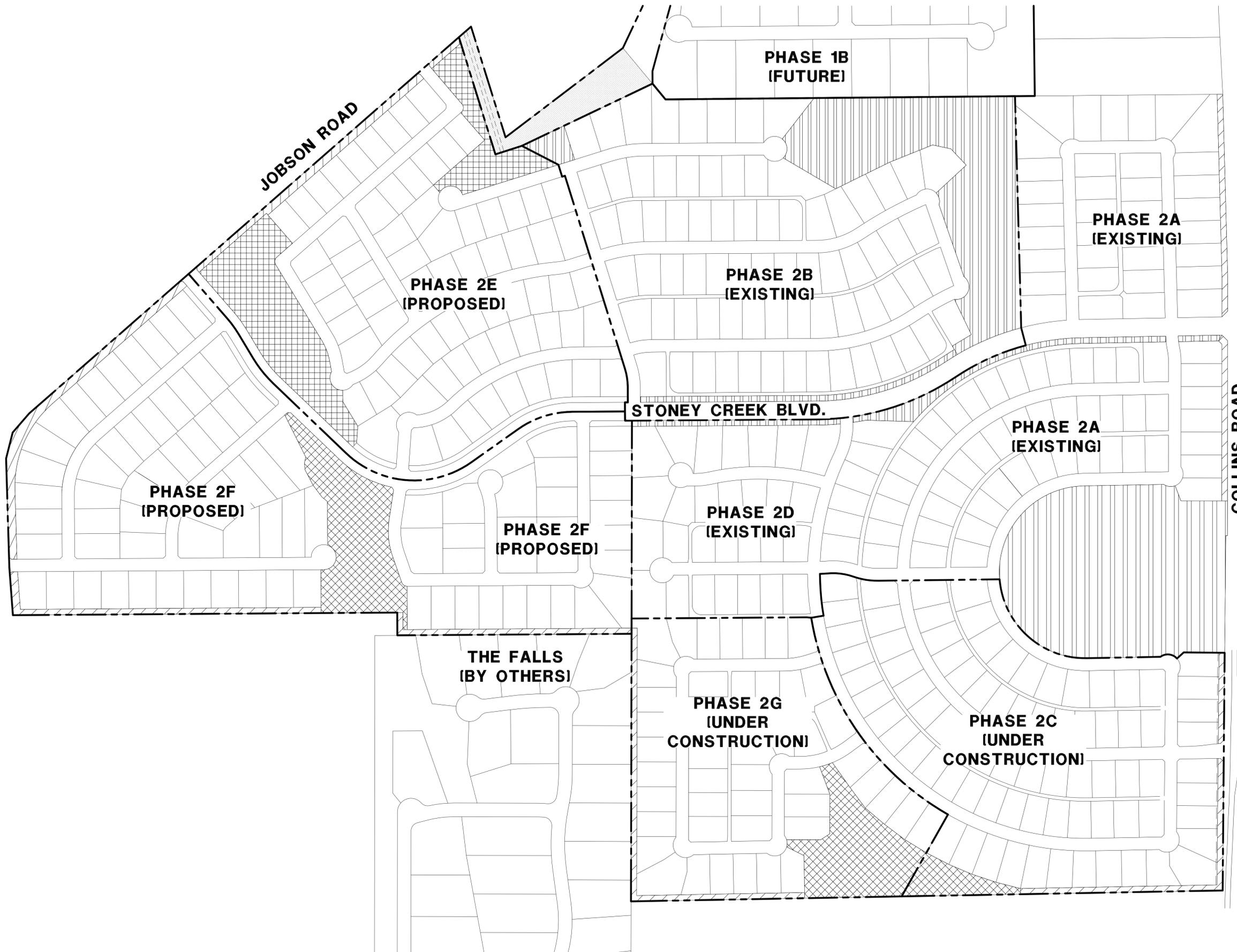
LINE	BEARING	DISTANCE
T1	N00°23'09"W	27.50'
T2	N65°34'43"E	27.50'



TENTATIVE DEVELOPMENT PLAN STONEY CREEK PHASE 2F
 LOTS 1-13, BLOCK E; LOTS 1-20, BLOCK F; LOTS 1-36, BLOCK G; LOTS 1-13, BLOCK H
 ZONED PRO "SF-3"
 82 SINGLE-FAMILY RESIDENCE & 4 OPEN SPACE LOTS
 61.398 ACRES

OWNER
STONEY CREEK PROPERTIES, L.L.C.
 14755 PRESTON ROAD ~ SUITE 130
 DALLAS, TEXAS 75254
 CONTACT: DARREL AMEN ~ 972-702-8699

NATHAN ATTERBURY SURVEY, ABSTRACT NO. 38 AND WILLIAM REED SURVEY, ABSTRACT NO. 1194
 TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS
 DECEMBER 2015
 SCALE: 1" = 100'
 ENGINEER
DOWDEY, ANDERSON & ASSOCIATES, INC.
 5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
 STATE REGISTRATION NUMBER: F-399
 SURVEY FIRM REGISTRATION NUMBER: 10077800



- TRACT 2**
- OPEN SPACE REQUIREMENT = 45.64 ACRES
 - OPEN SPACE PROVIDED = 50.99 ACRES
 - LANDSCAPE BUFFER REQUIREMENT = 6.35 ACRES
 - LANDSCAPE BUFFER PROVIDED = 7.09 ACRES
1. PREVIOUSLY PLATTED AS OPEN SPACE, LANDSCAPE, DRAINAGE AND UTILITY EASEMENTS.
 2. AREAS COUNTED IN OPEN SPACE CALCULATIONS ONLY.
1. AREAS TO BE PLATTED AS OPEN SPACE, LANDSCAPE, DRAINAGE AND UTILITY EASEMENTS.
 2. AREAS COUNTED IN OPEN SPACE CALCULATIONS ONLY.
1. AREAS PREVIOUSLY PLATTED AND TO BE PLATTED AS OPEN SPACE, LANDSCAPE, DRAINAGE AND UTILITY EASEMENTS.
 2. AREAS COUNTED IN LANDSCAPE BUFFER CALCULATIONS ONLY.
1. AREA PREVIOUSLY PLATTED AS A NON-BUILDABLE LOT SATISFYING STONEY CREEKS OBLIGATIONS FOR OPEN SPACE AND LANDSCAPE BUFFERS ALONG THE COMMON PROPERTY LINES. THIS AREA IS BEING SOLD TO THE CROWNOVER FAMILY.
 2. AREA COUNTED IN OPEN SPACE CALCULATIONS AS ORIGINALLY CALLED OUT BY P.D. 463 EXHIBIT D.

TRACT 2 OPEN SPACE
STONEY CREEK

TOWN OF SUNNYVALE
DALLAS COUNTY, TEXAS

DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694

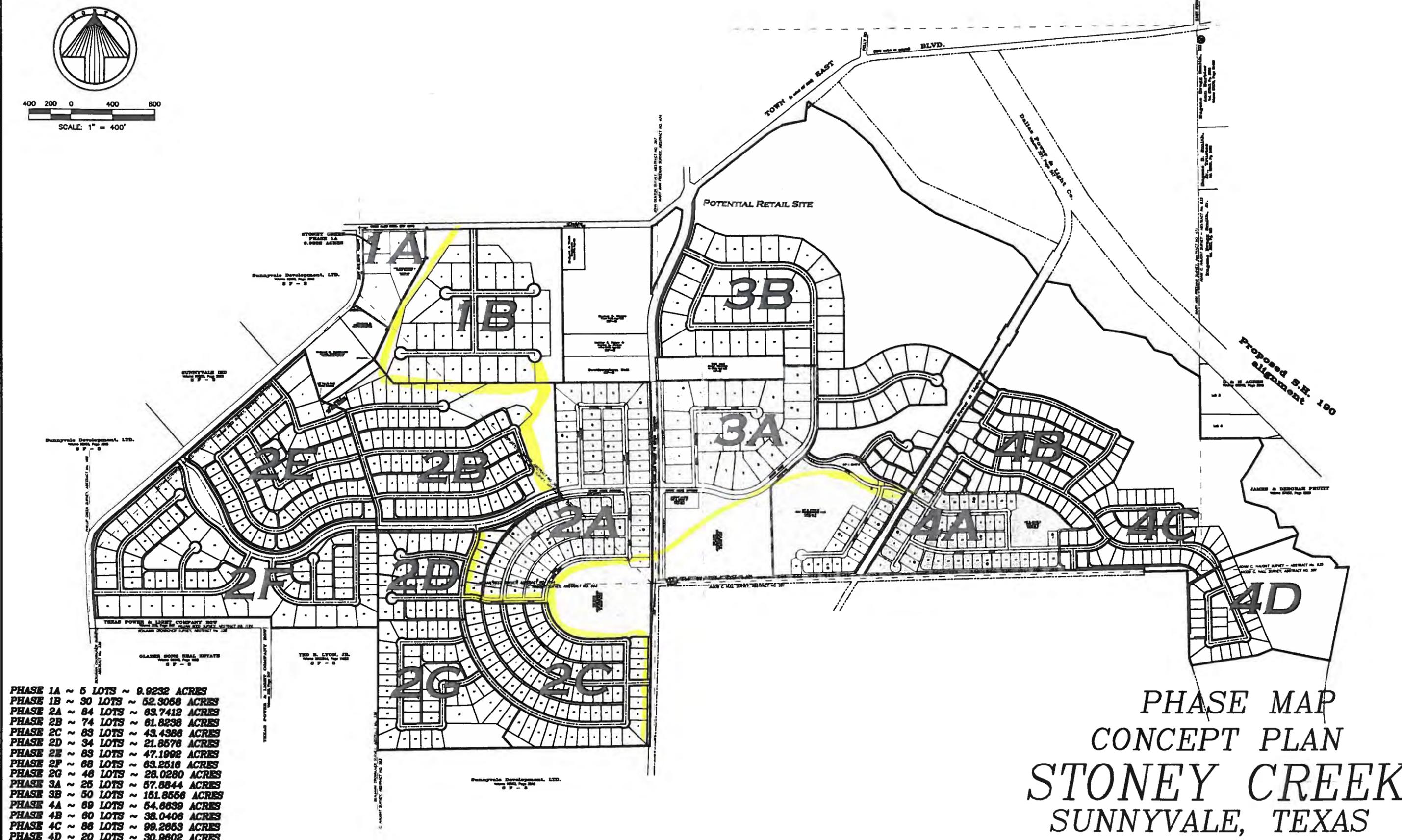
STATE REGISTRATION NUMBER: F-399
SURVEY FIRM REGISTRATION NUMBER: 10077800

DESIGN	DRAWN	CHECKED	DATE	SCALE	JOB	SHEET
-	-	-	03/14/16	1"=200'	12014	1

NO.	DATE	BY	REVISION



400 200 0 400 800
SCALE: 1" = 400'



PHASE 1A	~ 6 LOTS	~ 0.9232 ACRES
PHASE 1B	~ 30 LOTS	~ 52.3058 ACRES
PHASE 2A	~ 84 LOTS	~ 63.7412 ACRES
PHASE 2B	~ 74 LOTS	~ 61.8238 ACRES
PHASE 2C	~ 83 LOTS	~ 43.4388 ACRES
PHASE 2D	~ 34 LOTS	~ 21.8578 ACRES
PHASE 2E	~ 83 LOTS	~ 47.1892 ACRES
PHASE 2F	~ 68 LOTS	~ 63.2516 ACRES
PHASE 2G	~ 48 LOTS	~ 28.0280 ACRES
PHASE 3A	~ 25 LOTS	~ 57.8844 ACRES
PHASE 3B	~ 50 LOTS	~ 151.8558 ACRES
PHASE 4A	~ 69 LOTS	~ 54.8839 ACRES
PHASE 4B	~ 60 LOTS	~ 38.0408 ACRES
PHASE 4C	~ 88 LOTS	~ 99.2653 ACRES
PHASE 4D	~ 20 LOTS	~ 30.9802 ACRES

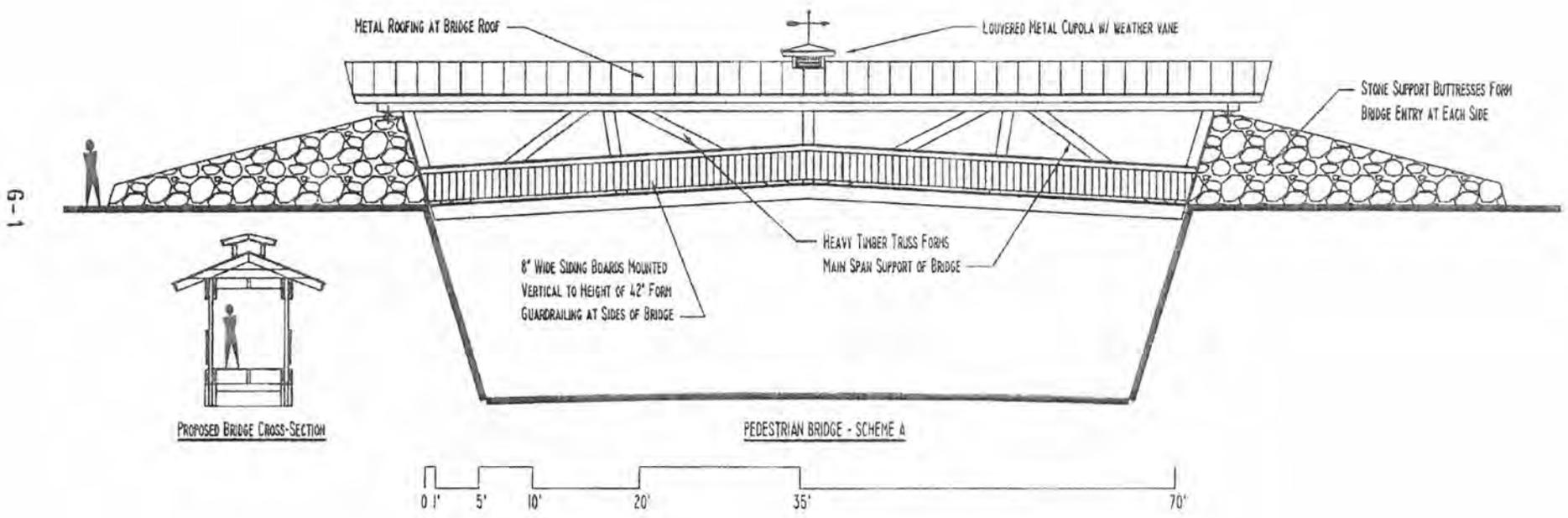
PHASE MAP
CONCEPT PLAN
STONEY CREEK
SUNNYVALE, TEXAS

~ OWNER ~
FORESTAR REAL ESTATE GROUP
14785 Preston Road ~ Suite 850 ~ Dallas, Texas 75254

TIPTON ENGINEERING, INC.
ENGINEERING • SURVEYING • PLANNING
5330 Broadway Blvd. • Suite C • Garland, Texas 75043 • (972) 228-2887

ORDINANCE NO. 463

EXHIBIT G-1





**Notice of Application for
Tentative Development Plan
Town of Sunnyvale
Planning & Zoning Commission**

The Town of Sunnyvale has received a request from Colin Helffrich, P.E. for a tentative development plan approval of Stoney Creek Phase 2F. The request will allow for the review of an additional proposed phase of Stoney Creek subdivision. The location of the property is shown on the attached exhibit.

The Planning and Zoning Commission will review this application on Monday, March 21, 2016 and the Town Council will consider the application on either Monday, March 28, 2016 or Monday, April 11, 2016. 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 tentative development plan application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact Rashad Jackson, Director of Development Services at (972) 203-4103 or rashad.jackson@townofsunnyvale.org .

I am in favor of the tentative development plan

I am opposed to the tentative development plan

Explanation:

Signature:

R.C. Lupton

Printed Name:

Address:

Date:



Town of Sunnyvale

April 25, 2016

**Prepared By: Rashad Jackson, AICP
Director of Development Services**

Summary:

DISCUSS AND CONSIDER FIRST READING OF AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS; AMENDING THE SUNNYVALE TOWN CODE BY REPEALING CHAPTER 2, ANIMAL CONTROL OF THE CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 2, ANIMAL CONTROL, PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Background:

In 2014, Town staff received notification from the Texas Department of State Health Services, Zoonosis Control Program, that the Town had not established an Animal Shelter Advisory Committee and had not identified a Local Rabies Control Authority. In response, the town revised its ordinance and established the required committee and rabies control authority per state standards.

During the review process, Town staff found that the existing Animal Control Ordinance within the Town of Sunnyvale Code of Ordinances appeared to be dated and needed to be revised. Some of the issues that were revised with the drafting of this ordinance are noted below:

- Clarity of definitions
- Consistency with state regulations
- Non-conforming uses, and
- Housing, Stabling or Pasturing of Livestock

A revised ordinance was initially presented at the August 10th Town Council meeting. At the meeting direction was provided to create a committee to finalize some of the issues noted by Town residents and Council with the proposed ordinance. With the committee's assistance, Town staff drafted an ordinance that is more up to date with current animal control practices and more consistent with what Sunnyvale residents want.

A second public hearing was held for review of the proposed ordinance on December 14, 2015. At the hearing, staff was directed to work with the Sunnyvale ISD FFA in order to gain input on any issues the organization may have with the keeping of animals. Town staff has returned with a draft ordinance that addresses the concerns of the Sunnyvale ISD FFA. The ordinance has been approved by the FFA.

Staff Recommendation

Upon review, staff is requesting approval.

Attachments

Current Ordinance

Proposed Ordinance

TOWN OF SUNNYVALE

ORDINANCE NO. 15-12

AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS; AMENDING THE SUNNYVALE TOWN CODE BY REPEALING CHAPTER 2, ANIMAL CONTROL OF THE CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 2, ANIMAL CONTROL, PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, provisions concerning animal control found in the current Code of Ordinances were first developed and adopted in 1987; and

WHEREAS, the Town has become increasingly urbanized and in order to assure that the health, safety and general welfare of the citizens are adequately preserved, it is found that comprehensive changes as set forth herein will be in the interest of the public health, safety and general welfare and will help to obtain the foregoing objectives;

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Sunnyvale, Texas:

Section 1. That the above recitals are found to be true and correct and are incorporated herein for all purposes.

Section 2. That the existing Chapter 2, Animal Control of the Town Code is repealed and replaced with a new Chapter 2 to read as shown in Exhibit "A," which is incorporated by reference as if fully set forth herein. The proposed Chapter 2, Animal Control is adopted and the Town Code is amended accordingly.

Section 3. Penalties. Except as otherwise specifically set forth, whenever an act is prohibited or is made or declared to be an unlawful offense or a misdemeanor, or wherever the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore:

(a) the violation of any such provision shall be punishable by fine not exceeding two thousand dollars (\$2,000.00) except as otherwise set forth in Section 1.109 hereof.

(b) Each day of any violation of the animal control ordinance for each animal in violation shall constitute a separate offense. Any violation of any

provision which constitutes an immediate danger to the health, safety and welfare of the public may be enjoined in a suit brought by the Town for such purposes.

Section 4. Severability. It is hereby declared to be the intention of the Town Council that if any of the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same would have been enacted by the Town Council without the incorporation of this Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

Section 5. This Ordinance shall be effective immediately upon passage, publication in accordance with the law and approval by the Town Council and it is so ordained.

Introduced and read at the Town Council meeting on April 25th, 2016.

PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS THE 9TH DAY OF MAY, 2016.

Mayor Jim Phaup

ATTEST:

Leslie Black, Town Secretary

Exhibit A

CHAPTER 2: ANIMAL CONTROL

ARTICLE 2.100 GENERAL PROVISIONS

Sec. 2.101 Definitions

As used in this chapter, the following words shall have the meanings ascribed to them:

Animal. A living vertebrate, domestic or wild, other than a human.

Animal Control Officer. A person duly appointed to such position or his/her designee, to receive reports of animal bites, investigate bite reports, insure quarantine of possibly rabid animals and otherwise carry out provisions of the Texas law pertaining to control and eradication of rabies, other state animal regulations and local animal ordinances.

Animal Shelter. A place operated by or for the town, whether in town facilities or by contract, for the impoundment of animals as prescribed by law.

At Large (Run at Large). An animal is at large if it is not confined by a building, wall, or fence of sufficient strength to restrain the animal or on a leash under direct supervision of the owner.

Attack. An aggressive or violent action against a person or a domestic animal by an animal.

Business Day. A weekday that is not a state, federal, or town holiday.

Cat. A domesticated member of the Felidae (feline) family, other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other wild animal or hybrid.

Circus. A commercial variety show featuring animal acts for public entertainment.

Dangerous Animal. An animal that has on two previous occasions, without provocation, attacked or bitten a person or another animal.

Dog. A domesticated member of the Canidae (canine) family other than a wolf, jackal, fox, dingo, coyote, or other wild animal or hybrid thereof.

Dog or Cat License. A metal tag for attachment to a dog or cat collar, carrying a serial number corresponding to the number of the dog or cat license for the animal, and showing the year the license was issued.

Domestic Animal. A pet; dogs, cats or other tame animals which serve a purpose for its owner.

Fowl. Any chicken, turkey, duck, goose, pigeon, or other related type birds.

Keep. To maintain, harbor or care for an animal or to provide a premise to which the animal returns for food, shelter or care for more than three (3) consecutive days.

Hybrid. Means the product of mating two different species of animals regardless of the number of generations born since that original mating.

Impound. To take into custody or to place in the town animal shelter. Impoundment begins at the time an animal is in the Animal Control Officers control or placed into a town-owned vehicle, trailer, or cage.

Kennel. Any premises upon which five (5) or more dogs, four (4) months of age or older, are kept; or where the business of buying, selling, breeding, grooming, training or

boarding of dogs or cats is conducted. The term does not include a veterinary hospital or humane society.

Livestock. Any horse, swine, mule, hinny, jack, jennet, sheep, goat, llama or alpaca, camel, any species of cattle, deer, ostrich, emu or other ratite, or bison raised for commercial production or recreational purposes.

Owner. Any person or entity owning or keeping one or more animals. “Own” includes owning, keeping and maintaining.

Pet. Any animal kept for pleasure rather than utility. The term includes dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet. The term does not include; skunks, nonhuman primates, non-indigenous snakes (including but not limited to boas, pythons, anacondas or other constrictors over four (4) feet in length), or any other species of wild, exotic, or carnivorous animal.

Protective Custody. The holding of animal in the town shelter or holding pen due to arrest, eviction, hospitalization, or death of the owner or harbinger of the animal or at the request of a law enforcement agency.

Restrained. Securely caged, or secured by a leash, lead or bridle and under the effective control of a responsible person and obedient to that person’s commands; or within the confines of an animal owner’s home or property which is fully enclosed by a secure fence.

Sanitary. Condition of good order and cleanliness which precludes the likelihood of disease transmission and infection.

Stray Animal. Any animal for which there is no identifiable owner.

Shelter. A structure that provides cover and protection from the weather or danger.

Tether. To tie or chain an animal to a stationary object as a means of restraint.

Vaccinated. Means properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a licensed veterinarian in accordance with Texas Department of State Health Services rules.

Vaccination Certificate. The certificate issued by a licensed veterinarian on a form approved by the Texas Department of State Health Services.

Veterinarian. A veterinarian licensed by the Texas Board of Veterinary Medical Examiners.

Veterinary Hospital. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries to animals.

Wild Animal. An animal which is not naturally tame or gentle, but is of a wild nature or disposition; or which, because of its size, vicious nature, or other characteristics would constitute a danger to human life, other animals, or property if not kept or maintained in a safe manner or in secure quarters. Wild animals include all animals defined as dangerous wild animals in Chapter 822 of the Texas Health and Safety Code.

Wind Break. Barriers used to reduce and redirect wind that usually consist of trees and shrubs, but may also be perennial or annual crops and grasses, fences, or other materials.

Sec. 2.102 Animal Control Officer - Establishment of Office

There is hereby established the office of Animal Control Officer for the Town of Sunnyvale who shall be appointed by the town manager or their designee. The Animal Control Officer shall assume the responsibilities of the Local Rabies Control Authority designated by the Town under state law and Town ordinances to receive reports of animal bites, investigative bite reports, ensure quarantine of possible rabid animals and otherwise carry out the provisions of state law pertaining to animal control and eradication of rabies.

Sec. 2.103 Training

The Animal Control Officer shall meet the standards adopted by the Texas Department of State Health Services for the training of animal control officers and other animal shelter personnel as to animal health and disease control, humane care and treatment of animals, control of animals in an animal shelter, and transportation of animals.

Sec. 2.104 Duties of Animal Control Officer

(a) It shall be the duty of the Animal Control Officer to administer and enforce all state laws and town ordinances which regulate animals, and to issue citations for violations. The Animal Control Officer shall supervise the operation of the town animal shelter.

(b) The Animal Control Officer shall provide to the town manager or their designee a monthly report of all dogs and cats received into the animal shelter, all dogs and cats redeemed, all adoptions, and all animals destroyed.

Sec. 2.105 Interference with Animal Control Officer

It is unlawful for a person to interfere with an Animal Control Officer while the officer is engaged in the performance of duties.

Sec. 2.106 Inspection of Animals and Premises

The Animal Control Officer shall have the right of entry onto private property to apprehend dogs, cats, livestock or wild animals for violations of this article. The Animal Control Officer may apprehend any and all dogs, cats, livestock, or wild animals not confined within a fenced enclosure, house, garage or by leash or in accordance with this chapter.

Sec. 2.107 Tampering With Traps and Equipment

It is unlawful for a person to remove, alter, damage, or otherwise tamper with a trap or other equipment placed or used by the Animal Control Officer.

Sec. 2.108 Authority to Impound or Euthanize Animals

The Animal Control Officer, the officer's designee, or a peace officer is authorized to impound or euthanize animals in accordance with regulations set forth by Chapter 822 of the Texas Health and Safety Code.

The Animal Control Officer may impound an animal under any of the following circumstances:

- (a) An animal not restrained or not kept enclosed on the property of the owner as required by this article.
- (b) An animal that has rabies or symptoms thereof, or that the Animal Control Officer reasonably suspects to have rabies.
- (c) An animal that has attacked an animal or person within the town.
- (d) In order to place the animal in protective custody.

Sec. 2.109 Rabies Control - Vaccination Required

The owner of a dog or cat is required to have the animal vaccinated by a licensed veterinarian against rabies in accordance with state law.

Sec. 2.110 Certificate of Vaccination

- (a) The owner of a dog or cat is responsible for ensuring the animal is vaccinated and wearing a vaccination tag at all times.
- (b) It is unlawful for any person who owns a vaccinated dog or cat to fail or refuse to exhibit a copy of the certificates of vaccination upon demand to any person charged with the enforcement of this article.
- (c) It is unlawful for any person to keep any dog or cat, which has not been vaccinated against rabies, as, provided herein, or which cannot be identified as having a current certificate of vaccination.

Sec. 2.111 Bites to be Reported

Any person having knowledge of an animal bite to a human shall report the incident to the Animal Control Officer as soon as possible, but not later than twenty-four (24) hours from the time of the incident.

Sec. 2.112 Treatment of an Animal That Has Bitten a Person

- (a) A dog or cat that has bitten a human must be placed in quarantine in a facility approved by the Texas Department of State Health Services, for a 10 day observation period. The animal owner may request permission from the Animal Control Officer for home quarantine as long as the secure facility criteria established by the Texas Department of State Health Services are met.
- (b) The Animal Control Officer may humanely euthanize an animal that has bitten a human, but for which an owner cannot be identified.
- (c) Depending on the nature of the bite, the Animal Control Officer may require an animal to be humanely euthanized and tested for rabies by a laboratory certified by the Texas Department of State Health Services.

Sec. 2.113 Disposition of Domestic Animals Exposed to Rabies

- (a) An animal, which has been bitten or directly exposed with a rabid animal, may be:
 - (1) Humanely euthanized by the Animal Control Officer; or
 - (2) If unvaccinated, the exposed animal may be immediately vaccinated against rabies, placed in strict isolation for ninety (90) days, and given booster vaccinations during the third and eighth weeks of isolation in accordance with state law.
 - (3) If vaccinated, the exposed animal shall be given a booster rabies vaccination immediately and placed in strict isolation for forty-five (45) days in accordance with state law.
- (b) This section applies only to domestic animals for which an approved rabies vaccine is available.

Sec. 2.114 Disposal of Body

The body of any animal that dies or is destroyed while in quarantine shall be disposed of as directed by the Animal Control Officer.

Sec. 2.115 Costs of Quarantine and Isolation

The owner of an animal quarantined shall pay to the town the reasonable costs as outlined in the Fee Schedule, for the quarantine and disposition of the animal. Such charges shall include shipment, if required, to the nearest Texas Department of Health laboratory for testing.

ARTICLE 2.200: KEEPING OF ANIMALS

Sec. 2.201 Standards

It is unlawful for a person who owns an animal to allow it to run at large.

Sec. 2.202 Surrender of Animals to Town

A town resident may surrender their animal or an animal they have kept to the town animal shelter. Fees for such services rendered shall be as set forth in the Fee Schedule.

Sec. 2.203 Disposal of Dead Animals by Town

A town resident may request the Animal Control Officer to dispose of their deceased dog or cat within 24 hours of its death. The Animal Control Officer is not responsible for the removal of an animal from under homes, in attics, swimming pools, or other non-readily accessible areas.

Sec. 2.204 Number of Dogs Limited

No more than five (5) dogs over four (4) months of age will be permitted at any one address. No person may keep or maintain more than one litter at any one address. This section does not apply to a kennel.

Sec. 2.205 Tethering of Dogs Prohibited

No person shall tether a dog except while temporary repairs are being made to an enclosure or fence, or for a short period if the owner is with the dog but unable to physically restrain it.

Sec. 2.206 Dangerous Animals and Wild Animals Prohibited Without Permit

- (a) It shall be unlawful for any person to possess or maintain any dangerous or wild animal in the town without obtaining a permit and paying the registration fee as provided in the Fee Schedule.
- (b) Violation of any portion of this chapter is cause for the revocation of any permit and permanent removal of the animal from the town.
- (c) Dangerous and wild animals shall be regulated in accordance with Chapter 822 of the Texas Health and Safety Code.
- (d) Prohibited animal. An animal, other than a common domestic species and regardless of state or duration of captivity, that poses a potential physical or disease threat

to the public or that is protected by international, federal, or state regulations, including but not limited to the following:

(1) Class Reptilia: Family Helodermatidae (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, or pit vipers and true vipers); Family Elapidae (coral snakes, cobras, mambas, and other elapids); the following listed species of Family Colubridae *Dispholidus typus* (Boomslang), *Hyrodynastes gigas* (water cobra, Boiga (mangrove snake), and *Thelotornis* (African twig snakes) only; Order Ophidia, Family Boidae (racers and water snakes); and Order Crocrodilia (crocodiles, alligators, caimans, and gavials);

(2) Class Aves: Order Falconiformes (such as hawks, eagles, and vultures); Subdivision Ratitae (such as rheas and cassowaries) except ostriches and emus; and Order Strigiformes (such as owls);

(3) Class Mammalia: Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), except commonly accepted domesticated cats; Family Canidae (such as wolves, dingos, coyotes, and jackals), except domesticated dogs; Family Mustelidae (such as weasels, skunks, martins, mink, and badgers) except ferrets; Family Procyonidae (raccoon); Family Ursidae (such as bears); Order Marsupialia (such as kangaroos and common opossums); Order Edentata (such as sloths, anteaters, and armadillos); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees, and gorillas); Order Rodentia (such as porcupines); and Order Ungulata (such as camels) except antelope, deer or bison;

(4) Animals not listed: The Animal Control Officer may declare any species of animal not listed in this subsection as “prohibited” if the confinement of the animal within the town can be shown to constitute a threat to public health and safety.

Sec. 2.207 Permit Issued

(a) A permit for the possession of a wild animal may only be issued to:

- (1) A zoo open to the public;
- (2) A research institution or licensed laboratory;
- (3) Educational researchers belonging to a educational or research society approved by the town manager or his designee;
- (4) An individual or a nonprofit animal rehabilitation organization permitted by The Texas Parks and Wildlife Department;
- (5) A public, private primary, secondary school program; or
- (6) A licensed animal exhibition, amusement park, rodeo, or circus of which the animal is an integral part.

(b) The issuance of a dangerous animal or wild animal permit shall be in accordance with Chapter 822 of the Texas Health and Safety Code. A permit does not relieve the permit holder from compliance with the Town's Zoning Ordinance or any other ordinance, regulation or law.

Sec. 2.208 Conditions of Dangerous Animal or Wild Animal Permit

(a) The Animal Control Officer shall issue a dangerous animal or wild animal permit, subject to the following conditions:

- (1) Proof of insurance against damage to property or injury to others from dangerous animals in the amount of at least \$1,000,000 per permit must be filed with the application.
- (2) The application form must include the following statement, to be signed by the applicant: "I accept total and complete responsibility for harm to a person or property which results from an action of the dangerous or wild animal that is the subject of this application.
- (3) If an owner of a registered dangerous or wild animal sells or moves the animal to a new address within the town, he/she, not later than the fourteenth (14th) day after the sale or move, shall notify the animal control officer.
- (4) The permit shall be posted so that it is visible to the public at the registered owner's residence where the animal is being kept.

Sec. 2.209 Kennels Regulated

(a) A person may apply for a kennel permit to own or keep more than five (5) dogs for commercial purposes under the following conditions;

- (1) Each dog on the premises must have an annual health certificate issued by a veterinarian indicating that the animal is currently vaccinated, dewormed, and has received medical care for any illness or injury.
- (2) All puppies and kittens shall be vaccinated no later than six weeks of age and have the above required health certificate by the age of four months.
- (3) There must be sufficient space to allow each animal to make normal postural adjustments without touching the top of the enclosure, including turning freely, standing easily, sitting, stretching, lying in a comfortable position with limbs extended, and moving. Adequate space must be provided for the animal to urinate and defecate without contaminating food or water receptacles.
- (4) The kennel may not be located closer than 50 feet from any property line.
- (5) Property where a kennel is located must be kept pest-free and in a sanitary condition.

(b) A kennel permit does not relieve the permit holder from compliance with all applicable zoning, noise, nuisance, or state regulations.

(c) The Animal Control Officer shall make at least two inspections per year of any kennel or location where animals are kept to insure compliance.

(d) A kennel engaged in the sale of any type of animal must hold a valid and current sales tax permit issued by the State of Texas.

(e) It is unlawful for a person to operate a kennel without a permit issued by the Animal Control Officer.

Sec. 2.210 Leaving Animal Unattended

(a) A person may not leave an animal unattended in a vehicle or restrained for a period of time that may endanger the animal's health or life by high temperature, low temperature, or inadequate ventilation.

- (1) An authorized officer may, after attempting to locate the owner of the animal or vehicle, remove the animal from the vehicle or restraint using any reasonable means, including breaking a window or lock.
- (2) If professional services are required to remove the animal, its owner is responsible for the cost.
- (3) The owner of the vehicle shall be responsible for any medical attention the animal may require.
- (4) An animal removed from a vehicle or restraint may be impounded.

Sec. 2.211 Animal Nuisance - Noise

No person may knowingly keep on his premises or elsewhere an animal that makes or creates an unreasonable disturbance to the neighbors or occupants of adjacent premises; or to suffer or permit the animal to make or create disturbing noises by howling, barking, crowing or otherwise, either continuously or intermittently, for a period of fifteen minutes or more. A person knowingly violates this section if the person fails to correct a disturbance after being notified of the disturbance by a neighbor, the Animal Control Officer or a police officer. Upon a second observation of a disturbance or receipt of a second complaint, the Animal Control Officer may issue a citation to the owner of the animal.

Sec. 2.212 Animal Nuisance - Odors

It is unlawful for a person to maintain an animal in such a manner that adjacent properties are subjected to obnoxious odors.

Sec. 2.213 Animal Nuisance - Feces

It is unlawful for an owner, keeper or walker of an animal to permit the animal to discharge feces upon public or private property (other than property of the owner, keeper or walker) within the town unless the person immediately thereafter removes and cleans

up the animal feces. It is unlawful for a person owning or keeping an animal to allow its feces to accumulate so as to become a health hazard nuisance.

Sec. 2.214 Keeping of Bees Regulated

No person may keep a beehive on a property of less than five acres, or within 100 feet from any adjacent property or within 500 feet from any residence. A water source for bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs and other water sources on adjacent public or private property.

Sec. 2.215 Food, Water and Shelter

A person who owns an animal must provide the animal sufficient good and wholesome food and water, adequate shelter and protection from weather, veterinary care when needed to prevent suffering, and humane care and treatment.

Sec. 2.216 Abandonment Prohibited

It is unlawful for a person to abandon an animal in their custody.

Sec. 2.217 Metal Jaw Traps Prohibited

It is unlawful for a person to use a metal jaw trap.

Sec. 2.218 Poisoning Prohibited

It is unlawful for a person to expose a domestic animal to any known poisonous substance, whether mixed with food or not.

Sec. 2.219 Cruelty to animal penalty

Any person found guilty of cruelty to animals shall be subject to penalties as provided for in the Texas Penal Code.

ARTICLE 2.300: LIVESTOCK AND FOWL

Sec. 2.301 Housing, Stabling or Pasturing of Livestock or Fowl

(a) The keeping, stabling, or pasturing of livestock or fowl is permitted in any allowed zoning district providing the following additional conditions are met:

- (1) If a homeowner association (HOA) regulates the keeping of livestock, fowl or rabbits for the subject property, a letter of approval shall be obtained from the HOA for the keeping, stabling, or pasturing.

- (2) Fowl or rabbits: A maximum of ten may be kept in a coop, hutch or pen on a lot of less than two acres. For each additional acre beyond two acres; five additional animals are permitted. A coop, hutch, or pen may not be located within fifty feet of any property line.
 - (3) Rooster and Guinea Fowl: shall not be allowed on property of less than 2 acres.
 - (4) Only one livestock animal unit weighing less than 300 pounds may be kept on a lot of two acres or less. An additional one-half acre is required for each additional animal (for example, 3 ac = 3 head, 4 ac = 5 head, 5 ac = 7 head etc.).
 - (5) Only one livestock animal unit weighing 300 pounds or more may be kept on a lot of two acres or less. An additional one acre is required for each additional animal.
 - (6) No less than 800 square feet of stable space shall be provided per horse.
 - (7) No less than 144 square feet of stall space shall be provided per horse.
 - (8) Adequate shelter consisting of shade and a wind break shall be provided for all other livestock.
 - (9) Animals and livestock which are part of a FFA program shall be considered exempt from Section 2.301(a) with an approved permit outlined in Section 2.302.
- (b) All livestock shall be kept in a stable, shed, pen, or shelter at a distance no closer than 100 feet from every adjoining lot in a residential district and 150 feet from every residential structure other than the livestock owners residence. Land used for grazing pasture shall be excluded from the 150 foot distance requirement.
- (c) An area for keeping livestock shall be kept clean at all times by raking, plowing, or turning under waste material or by other effective and approved sanitation methods.
- (d) Regardless of the number of animals, outdoor pens or paddocks may not be allowed to be overgrazed or trampled to the extent that the soil is barren.
- (e) Any structure used in maintaining livestock or fowl such as houses, barns, pens, stables or other structures shall be kept in a clean and sanitary manner and in good repair.

Sec. 2.302. Special Permit Exemption for Youth Programs

The Town of Sunnyvale supports and encourages local engagement in programs such as the National FFA organization and 4H organization. The FFA and 4H programs offer youth a chance to develop skills and local connections that will be mutually beneficial to their growth and the overall community.

On the authority of the animal control officer, animals and livestock which are part of a FFA or 4H program may obtain a permit provided certain requirements are met, including:

- (1) Minimum lot size of greater than 1 acre. Goats and sheep may be considered on lots of less than 1 acre.
- (2) The location where the animal will be housed is required to be identified on an exemption request form.
- (3) Premise inspection by the animal control officer will be required to assure adequate space is provided for the housing and care of the animals.

ARTICLE 2.400: COMPLIANCE WITH CHAPTER NOT RELIEF FROM COMPLIANCE WITH OTHER REGULATIONS

Sec. 2.400 Compliance Required

The keeping of any animal in accordance with the provisions of this chapter shall not be construed to authorize the keeping of the animal in violation of the zoning ordinance or any other ordinance of the town.

Sec. 2.401 Nonconforming Use

(a) A person that lawfully owns or keeps wild animals, bees, or livestock as of the date this chapter is adopted may continue to do so as a nonconforming use until the nonconforming use is discontinued. The person may continue the nonconforming use without complying with this chapter, so long as the person complies with Chapter 2 of the Town Code, as it exists on the date this chapter is adopted, and with all other applicable state laws, ordinances, and regulations. The version of Chapter 2 in effect as of the date this chapter is adopted continues in effect as a nonconforming use, notwithstanding its repeal. A nonconforming use must meet the requirements of this section.

(b) The property boundaries of a nonconforming use may not be expanded upon beyond the uses boundaries as of the date this chapter is adopted.

(c) The existing structures of a nonconforming use may not be extensively modified or changed except for routine maintenance and repair or if there is a need to provide for the health and security of the animals and/or the public.

(d) A nonconforming use is not transferrable to another property or owner.

(e) A nonconforming use is discontinued if the use ceases for a period of six months.

ARTICLE 2.500: ANIMAL SHELTER ADVISORY COMMITTEE

Section 2.501 Establishment of committee

There is hereby created, pursuant to the provisions of Texas Health and Safety Code, Section 823.005, the Animal Shelter Advisory Committee.

Section 2.502 Purpose

The purpose of the Animal Shelter Advisory Committee shall be to provide recommendations for compliance with the Texas Health and Safety Code. If requested by the Town Council, the Committee may provide recommendations regarding compliance with the Texas Rabies Control Act and/or recommendations to improve the quality of the Town Animal Control Program.

Section 2.503 Animal Shelter Advisory Committee Membership

The Town Council shall appoint members to the Animal Shelter Advisory Committee. The Committee shall consist of five members, including at least one of the following: a licensed veterinarian, a county or municipal official, a person whose duties include the daily operation of the Town of Sunnyvale Animal Shelter, a representative from an animal welfare organization, and a resident of the town. Members of the Animal Shelter Advisory Committee need not be residents of the town, except for the one seat designated for a resident member.

Section 2.504 Meetings

The Animal Shelter Advisory Committee shall meet a minimum of three times per calendar year.

Section 2.505 Voting

Recommendations by the Committee shall require a majority vote of all members in attendance at a meeting.

ARTICLE 2.600: PENALTY FOR VIOLATIONS

Sec. 2.601 Penalties

An offense under this chapter is punishable by a fine not exceeding two thousand dollars (\$2,000.00) except as otherwise set forth in Section 1.109 hereof.

CHAPTER 2

ANIMAL CONTROL

ARTICLE 2.100 GENERAL*

Sec. 2.101 Definitions

CURRENT ORDINANCE

In this chapter:

Adoption. The purchase of a dog or cat from the town for pet purposes.

(Ordinance 343 adopted 2/11/02)

Animal. Any living creature, including but not limited to dogs, cats, pigs, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.

Animal control. The animal control division of the town.

Animal control officer. Any person or agency designated by the manager of animal control to be an enforcement officer to enforce the provisions of this chapter.

(Ordinance 14-04 adopted 2/10/14)

Currently vaccinated. Vaccinated against rabies and satisfying all of the following criteria:

- (1) The animal must have been at least 4 months of age at the time of the vaccination.

(Ordinance 343 adopted 2/11/02; Ordinance adopting Code)

- (2) At least 30 days must have elapsed since the initial vaccination date.

- (3) Not more than 12 months must have elapsed since the most recent vaccination date.

Dog. A domesticated member of the Family Canidae, but shall not include a wolf, jackal, coyote, fox, or other wild animal of this family.

Harbored. Any person who has care, custody, control, or possession of an animal for 72 hours or more.

Hybrid. The product of the mating of two different species of animals regardless of the number of generations born since that original mating.

(Ordinance 343 adopted 2/11/02)

Law enforcement officer. Any officer, agent, or employee of a state, county, or unit of local government authorized by law to prevent, detect, investigate, prosecute, or incarcerate any person for violation of any law. (Ordinance 14-04 adopted 2/10/14)

Licensed veterinarian. A person licensed to practice veterinary medicine, or his authorized representative under his direct supervision. (Ordinance 343 adopted 2/11/02)

Local rabies control authority. A person or agency designed by the Town to receive reports of animal bites, investigative bite reports, ensure quarantine of possible rabid animals and otherwise carry out the provisions of state law pertaining to animal control and eradication of rabies.

Manager of animal control. A person designated by the town manager or their authorized representative to supervise all aspects of animal control in accordance with this chapter.

(Ordinance 14-04 adopted 2/10/14)

CURRENT ORDINANCE

Owner. Any person owning, keeping, or harboring an animal.

Person. An individual, firm, partnership, association, corporation, or other legal entity.

Prohibited animal.

(1) An animal, other than a common domestic species and regardless of state or duration of captivity, that poses a potential physical or disease threat to the public or that is protected by international, federal, or state regulations, including but not limited to the following:

(A) Class Reptilia: Family Helodermatidae (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, or pit vipers and true vipers); Family Elapidae (coral snakes, cobras, mambas, and other elapids); the following listed species of Family Colubridae - Dispholidus typus (Boomslang), Hydrynastes gigas (water cobra, Boiga (mangrove snake), and Thelotornis (African twig snakes) only; Order Ophidia, Family Boidae (racers and water snakes); and Order Crocodilia (crocodiles, alligators, caimans, and gavials);

(B) Class Aves: Order Falconiformes (such as hawks, eagles, and vultures); Subdivision Ratitae (such as rheas and cassowaries) except ostriches and emus; and Order Strigiformes (such as owls);

(C) Class Mammalia: Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), except commonly accepted domesticated cats; Family Canidae (such as wolves, dingos, coyotes, and jackals), except domesticated dogs; Family Mustelidae (such as weasels, skunks, martins, mink, and badgers) except ferrets; Family Procyonidae (raccoon); Family Ursidae (such as bears); Order Marsupialia (such as kangaroos and common opossums); Order Edentata (such as sloths, anteaters, and armadillos); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees, and gorillas); Order Rodentia (such as porcupines); and Order Ungulata (such as camels) except antelope, deer or bison;

(D) Animals not listed: The director may declare any species of animal not listed in this subsection as “prohibited” if the confinement of the animal within the town can be shown to constitute a threat to public health and safety.

(2) Does not mean:

(A) A bird kept in a cage or aviary that is not regulated by international, federal, or state law; or

(B) A gerbil, hamster, guinea pig, or laboratory mouse or rat.

Protective custody. The holding of an animal in the town shelter or holding pen due to arrest, eviction, hospitalization, or death of the owner or harborer of the animal or at the request of a law enforcement agency.

Sterilized. The condition of a male or female animal incapable of reproduction.

Stray. An animal that is not restrained by a leash, fenced yard, or enclosed structure.

(Ordinance 343 adopted 2/11/02)

Vaccinated. Properly infected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a licensed veterinarian able to practice in this state.

(Ordinance 14-04 adopted 2/10/14)

Sec. 2.102 Euthanasia of dogs and cats

A town department that operates a facility to destroy abandoned or unwanted dogs and cats shall use only a barbiturate or derivative substance approved for that purpose by the Federal Food and Drug Administration and administered under the direction of a licensed veterinarian to euthanize dogs and cats. This section does not apply to action authorized by [section 2.104](#) below. (Ordinance 343 adopted 2/11/02)

Sec. 2.103 Local rabies control authority designated; enforcement

(a) Authority. The manager of animal control, animal control officer, or their authorized designee is designated as the local rabies control health authority for the purposes of Texas Health and Safety Code, chapter 826.017, and shall perform the duties required of a local rabies control authority under that said chapter and the rules adopted by the Texas Board of Health.

(b) Enforcement.

(1) Enforcement of this chapter shall be the responsibility of a law enforcement officer, local rabies control authority, and/or animal control officer.

(2) The law enforcement officer, local rabies control authority, and/or animal control officer shall have the authority to issue citations for any violation of this chapter.

(3) If the person being cited is not present, the law enforcement officer, local rabies control authority, and/or animal control officer may send the citation to the alleged offender by registered or certified mail.

(4) It shall be unlawful for any person to interfere with the law enforcement officer, local rabies control authority, and/or animal control officer in the performance of duties.

(5) The law enforcement officer, local rabies control authority, and/or animal control officer are given the right to enter private property in the town for the purpose of determining whether or not any provision of this chapter has been violated and to impound any animal kept or harbored in violation of any terms of this chapter.

(Ordinance 14-04 adopted 2/10/14)

Sec. 2.104 Authority to impound or destroy animals**CURRENT ORDINANCE**

(a) The chief of police, manager of animal control, or animal control officer is authorized to:

- (1) Kill by appropriate and available means an animal which poses an imminent danger to a person or property and a real or apparent necessity exists for destruction of the animal; or
- (2) Impound an animal which is diseased and endangers the health of a person or another animal.

(Ordinance 343 adopted 2/11/02; Ordinance 14-04 adopted 2/10/14)

(b) The manager of animal control or animal control officer is authorized to euthanize an impounded animal at the town shelter or holding pens if they determine that recovery of the animal from injury, disease, or sickness is in serious doubt.

(c) The manager of animal control or animal control officer may authorize a licensed veterinarian to euthanize an animal if the veterinarian and the manager of animal control or animal control officer determine that the recovery of the animal from injury, disease, or sickness is in serious doubt.

(Ordinance 14-04 adopted 2/10/14)

Sec. 2.105 Shelter/holding pens established

The town council shall select and establish facilities in the town for impoundment, maintenance of stray, diseased, or vicious animals and may establish facilities for the destruction of such animals. (Ordinance 343 adopted 2/11/02)

Sec. 2.106 Confinement of animals by individual

If an animal is found upon the premises of a person who is not the owner or harbinger of the animal, the occupant of the premises may confine the animal. Within 72 hours after confinement, the occupant shall notify the manager of animal control or animal control officer to impound the animal. (Ordinance 14-04 adopted 2/10/14)

Sec. 2.107 Limit on number of dogs

No person, family or resident shall harbor, keep or maintain more than 4 adult dogs and/or 1 litter of pups on their premises, property or place of dwelling, if located on less than two acres, at any one time. The provisions of this article shall not be applicable to businesses operating kennels and dog breeder services.

Sec. 2.108 Stray animals

A person who harbors an animal commits an offense, without regard to his mental state, if he fails to restrain the animal in a fenced yard or an enclosed structure, or by a leash.

(Ordinance 343 adopted 2/11/02)

Sec. 2.109 Same-Impoundment

The manager of animal control or animal control officer is authorized to impound an animal, other than a cat or fowl, which strays in the town and may impound a cat or fowl which has been confined under

[section 2.106](#) above. (Ordinance 14-04 adopted 2/10/14)

Sec. 2.110 Redemption period for animals

CURRENT ORDINANCE

(a) The redemption period for an impounded animal, other than an animal seized pursuant to a court order, is within:

- (1) 10 days of impoundment for a dog;

(Ordinance 343 adopted 2/11/02)

- (2) 10 days of impoundment for an animal other than a dog if the manager of animal control or animal control officer has reason to believe the animal has an owner, otherwise there is no redemption period; (Ordinance 14-04 adopted 2/10/14)

- (3) 10 days of impoundment for an animal held in protective custody; or

- (4) 10 days following the release of an animal from quarantine.

(b) If an animal is not redeemed within the appropriate time period specified in subsection (a), the manager of animal control may sell, dispose of, or euthanize the animal in accordance with state law.

Sec. 2.111 Use of traps with holding mechanisms prohibited

(a) A person commits an offense if, within the town limits, he sets up or allows to be set up on his property a steel jaw trap, a spring trap with teeth or perforated edges on the holding mechanism, or any type of trap with a holding mechanism designed to reasonably ensure the cutting, slicing, tearing, or otherwise traumatizing of the entrapped prey.

(b) It is a defense to prosecution that the trap is:

- (1) Designed and used to kill common rodents, such as rats and mice, and the trap is not placed in a manner or location that would endanger other domestic or wild animals or humans.

- (2) Designed to kill and the trap is used under the direction of:

- (A) The environmental health officer;

- (B) The public health officer; or

- (C) An agent of another governmental entity.

(c) A person who violates this section is guilty of an offense and, upon conviction, is punishable by a fine in accordance with the general penalty provision in [section 1.109](#) of this code.

Sec. 2.112 Sale of impounded animals for research purposes

No animal impounded at the town shelter may be knowingly sold, or otherwise disposed of, for research purposes.

(Ordinance 343 adopted 2/11/02)

Sec. 2.113 Release of animals; fees**CURRENT ORDINANCE**

To redeem an animal, the owner or harbinger of the animal shall pay to the manager of animal control or animal control officer the following fees:

- (1) Any applicable registration fee for a dog or cat, if the owner or harbinger of the animal can show proof of current vaccination; and
- (2) A redemption fee of:
 - (A) A fee as set forth in the [fee schedule](#) in the appendix of this code for an animal delivered for impoundment to the town shelter by a person other than a town employee in the performance of his official duties; or
 - (B) A fee as provided for in the [fee schedule](#) in the appendix of this code for an animal impounded at a location other than the town shelter.

(Ordinance 343 adopted 2/11/02; Ordinance 14-04 adopted 2/10/14)

Sec. 2.114 Removal of animals from town shelter

A person commits an offense if he removes or attempts to remove an animal from the town shelter without first paying all impoundment, maintenance, and other redemption fees assessed. (Ordinance 343 adopted 2/11/02)

Sec. 2.115 Impoundment records

The manager of animal control or animal control officer shall keep records which contain the following information on impounded animals:

- (1) Description.
- (2) Date of impoundment.
- (3) Date of sale, adoption, redemption, or destruction.
- (4) Sale price, if sold.
- (5) Name and address of person who buys, adopts, or redeems.

(Ordinance 343 adopted 2/11/02; Ordinance 14-04 adopted 2/10/14)

Sec. 2.116 Herding prohibited without adequate supervision

No person may move cattle from one location to another location by herding the livestock on, along, or across a public street or highway in the town unless such herding is adequately supervised so as to ensure the safety of other persons, including motorists, using such street or highway.

Sec. 2.117 Shelter required for animals

(a) All animal shelters, adoption agencies, pet shops and owners or harborers of animals shall provide shelter for such animals. All shelters must be clean, dry and sanitary and be of a minimum square footage per animal confinement as follows:

- (1) Dogs: Four feet by four feet;
- (2) Cats: Two feet by three feet with a perch.

CURRENT ORDINANCE

(b) A person commits an offense if he:

- (1) Owns or harbors an animal that is habitually kept outside; and
- (2) Fails to provide shelter that would keep the animal reasonably clean, dry, and comfortable.

(c) It is a defense to prosecution under subsection (b) that within 10 calendar days after being issued a citation, the person provided the required shelter for the animal.

Sec. 2.118 Selling of animals for pet purposes

(a) A person who sells in the town a warm-blooded animal, except as excluded in this section, to any person or entity for use, retention, resale, or transfer of the animal as a pet shall:

- (1) Have had the animal examined by a veterinarian in the past 30 days; and
- (2) Furnish the purchaser a certificate in the following format and containing specific information identified in the parentheses, which certificate shall be signed by the seller: The (description of animal) sold by (name of seller) to (name of buyer) on (date of sale) (is) (is not) a primate and has been examined on (date of examination) by (name of veterinarian), a licensed veterinarian who certified that the animal was found free of disease or parasites. (Signature of seller).

(b) Subsection (a) of this section does not apply to the sale of the following animals:

- (1) Any domestic animal
- (2) Finches
- (3) Rats
- (4) Psittacine birds
- (5) Hamsters
- (6) Mice
- (7) Canaries
- (8) Guinea pigs
- (9) Gerbils
- (10) Rabbits

(c) A person commits an offense if he knowingly sells an animal, which has a disease or internal parasites, for use, retention, resale, or transfer as a pet.

(d) If an animal is a primate, the seller shall furnish a certificate from a licensed veterinarian certifying that the animal was tested for tuberculosis and is free of the disease.

(e) A person commits an offense if he knowingly makes a false statement in a certificate required under this section.

Sec. 2.119 Cruelty to animals

CURRENT ORDINANCE

(a) A person commits an offense if he intentionally or knowingly:

- (1) Tortures or seriously overworks an animal;
- (2) Fails to provide necessary food, care, or shelter for an animal in his custody;
- (3) Abandons an animal in his custody;
- (4) Transports or confines an animal in a cruel manner;
- (5) Kills, injures, or administers poison to an animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent;
- (6) Causes one animal to fight with another;
- (7) Uses a live animal as a lure in dog race training or in dog coursing on a racetrack; or
- (8) Trips a horse.

(b) For purposes of this section:

- (1) "Animal" means a domesticated living creature and wild living creature previously captured. "Animal" does not include an uncaptured wild creature or a wild creature whose capture was accomplished by conduct at issue under this section.
- (2) "Trip" means to use an object to cause a horse to fall or lose its balance.

(c) It is a defense to prosecution under subsection (a)(5) that the animal was discovered on the person's property in the act of or immediately after injuring or killing the person's goats, sheep, cattle, horses, swine, or poultry and that the person killed or injured the animal at the time of this discovery.

(d) It is a defense to prosecution under subsection (a)(8) that the actor tripped the horse for the purpose of identifying the ownership of the horse or giving care to the horse.

(Ordinance 343 adopted 2/11/02)

(e) Any person found guilty of cruelty to animals shall be subject to penalties as provided for in the Texas Penal Code. (Ordinance adopting Code)

Sec. 2.120 Prohibited animals

(a) A person commits an offense if he owns, possesses, exhibits, or harbors a prohibited animal within the town.

(b) A person who violates this section is guilty of an offense and, upon conviction, is punishable by a

fine in accordance with the general penalty provision in [section 1.109](#) of this code.

(Ordinance 343 adopted 2/11/02)

CURRENT ORDINANCE

Sec. 2.121 Rabies control

(a) Vaccination requirement. All dogs and cats within the town shall be vaccinated against rabies as required by V.T.C.A, Health and Safety Code, chapter 826, section 826.021 et seq., and the rules in 25 TAC 169.29.

(b) Offense.

(1) It is an offense for a person to fail or refuse to vaccinate against rabies each dog or cat owned by the person as required by this section. Such violation is an offense of section 826.022 of the Texas Health and Safety Code.

(2) It is an offense for a person to fail to provide to a person charged with enforcing this chapter under subsection (d)(1) an official rabies vaccination certificate or rabies tag number if:

(A) Such person is an owner of a dog or cat located within this town;

(B) Such person's dog or cat is required to be vaccinated against rabies by this section; and

(C) The person charged with enforcing this chapter shall request that the owner of the dog or cat provide proof of rabies vaccination.

State law references—Rabies vaccinations, V.T.C.A, Health and Safety Code, sec. 826.021 et. seq.; confidentiality of certain information in rabies vaccination certificate, V.T.C.A, Health and Safety Code, sec. 826.0211.

(c) Animals exposed to rabies. Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies must immediately report such knowledge to the local rabies control, giving any information that may be required. For any animal known to have been, or suspected of being, exposed to rabies, the following rules must apply:

(1) Animals having current vaccination must be revaccinated immediately and confined according to the method prescribed by the local rabies control authority for a period of not less than ninety (90) days.

(2) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the local rabies control authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than six (6) months. A revaccination shall be completed one (1) month prior to release from quarantine.

(d) Reporting and investigation of animal bites to humans.

(1) Reporting requirement. Any person having knowledge of an animal bite to a human will report the incident to the police or local rabies control authority as soon as possible, but no later than twenty-four (24) hours from the time of the incident.

- (2) Quarantine. The owner of the biting animal will place that animal in quarantine under the supervision of the local rabies control authority as prescribed in subsection (e).
- (3) Investigation. Utilizing standardized reporting forms provided by the department of state health services (DSHS), the local health authority will investigate each bite incident.
- (4) Exclusions. Human bites from rodents, rabbits, birds and all cold-blooded animals are excluded from the reporting requirements of this section.

State law reference—Reports of rabies, V.T.C.A., Health and Safety Code, sec. 826.041.

CURRENT ORDINANCE

(e) Quarantine of animal that has bitten human.

(1) Procedure: home quarantine. When a dog or cat that has bitten a human is identified, the owner is required to produce the animal for ten (10) days confinement at the owner's expense. Refusal to produce said dog or cat constitutes a violation of this section, and each day of such refusal constitutes a separate and individual violation. The ten-day observation period will begin on the day of the bite incident. The animal must be placed in the animal control facilities specified for this purpose, if available. However, the owner of the animal may request permission from the local rabies control authority for home quarantine if the following criteria can be met:

- (A) Secure facilities must be available at the home of the animal's owner, and must be approved by the local rabies control authority.
- (B) The animal is currently vaccinated against rabies.
- (C) The animal control officer, local rabies control authority or licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the local rabies control authority must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing.
- (D) The animal is not in violation of any laws at the time of the bite.
- (E) The victim of the bite was a member of the immediate family.
- (F) If the biting animal cannot be maintained in a secure quarantine, it shall be humanely destroyed and the brain submitted to DSHS certified laboratory for rabies diagnosis.

(f) Interruption of observation. It shall be unlawful for any person to interrupt the ten-day observation period.

(g) Wild animals. No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such manner that the brain is not mutilated. The brain shall be sent to DSHS certified laboratory for rabies diagnosis.

(h) State rules. In addition to the procedures in this section, the rules of 25 TAC 169.27 shall be followed.

State law references—Rabies reports and quarantine, V.T.C.A., Health and Safety Code, sec. 826.041 et seq; quarantine of

animals, V.T.C.A, Health and Safety Code, sec. 826.042; release or disposition of quarantined animal, V.T.C.A, Health and Safety Code, sec. 826.043.

(Ordinance 14-04 adopted 2/10/14)

CURRENT ORDINANCE

Sec. 2.122 Maintenance of premises

(a) A person commits an offense if he permits any yard, ground, premises, or structure belonging to, controlled by, or occupied by him to become nauseous, foul, offensive, or injurious to the public health or unpleasant and disagreeable to adjacent residents or persons due to the accumulation of animal excreta.

(b) A person commits an offense if he permits an animal or animal excreta on property owned, controlled, or occupied by him to emit beyond his property line an odor, the strength of which equals or exceeds 2 odor units as measured by the director on a Barnaby-Cheney Scentometer or an equivalent odor-testing device.

(c) A person who violates this section is guilty of an offense and, upon conviction, is punishable by a fine in accordance with the general penalty provision in [section 1.109](#) of this code.

Sec. 2.123 Disturbance by animals

(a) A person commits an offense if he knowingly harbors an animal that unreasonably barks, howls, crows, or makes other unreasonable noise near a private residence. Noise made by an animal is unreasonable under this subsection if the noise:

(1) Continues more than 15 minutes; or

(2) Exceeds the sound pressure level allowed in a residential district under existing ordinances.

(b) A person who is disturbed by an animal that unreasonably barks, howls, crows, or makes other unreasonable noise near a private residence may file a disturbance complaint with the manager of animal control. A disturbance complaint must include the name and address of the complainant, the location of the disturbance, and the times that the animal is causing the disturbance.

(c) The manager of animal control shall mail to the owner or harbinger of the animal a notice that a disturbance complaint has been received. A copy of the notice shall be mailed to the complainant.

(d) If an owner or harbinger continues to allow his animal to cause a disturbance, the animal control officer shall issue a citation to such owner or harbinger.

Cross reference—Ch. 8, Offenses and nuisances.

Sec. 2.124 Interference with an agent

(a) A person commits an offense if he interferes with, hinders, or molests any agent of animal control in the performance of his official duties.

(b) A person who violates this section is guilty of an offense and, upon conviction, is punishable by a fine in accordance with the general penalty provision in [section 1.109](#) of this code.

Sec. 2.125 Violations; penalty; defense**CURRENT ORDINANCE**

(a) A person who violates a provision of this chapter, or who fails to perform an act required of him by this chapter, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.

(b) An offense under this chapter is punishable by a fine in accordance with the general penalty provision in [section 1.109](#) of this code.

(c) A person may not be issued more than one notice for a violation of this chapter before a citation will be issued.

(Ordinance 343 adopted 2/11/02)

ARTICLE 2.200 DANGEROUS DOGS*

Provisions regarding the designation and keeping of dangerous dogs shall be governed by those regulations set forth in V.T.C.A., Health and Safety Code, Chapter 822. (Ordinance adopting Code)

ARTICLE 2.300 LIVESTOCK†**Sec. 2.301 Standards for the keeping of farm livestock**

As used in this article, the following terms mean:

Cows. Shall be inclusive of all bovine.

Goats. Shall be inclusive of all caprine.

Horses. Shall be inclusive of all equine.

Pigs. Shall be inclusive of all swine.

Sheep. Shall be inclusive of all ovine.

Sec. 2.302 Regulations

(a) Pigs. The keeping of pigs is prohibited on a platted lot of one acre or less in all residential zoning districts. In all other areas the keeping of pigs shall be prohibited if the pen, corral, fences, or similar enclosures are closer than 50 feet to any adjacent property line or within 100 feet of any building or structure used for sleeping, dining, or living quarters of the owner or keeper, excluding fencing of pasture or grazing land. The pen, corral, fences or other enclosure shall be kept in a sanitary condition, and shall also be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public.

(b) Cows. The keeping of cows is prohibited on a platted lot of one acre or less in all residential zoning districts. In all other areas the keeping of cows shall be prohibited if the pen, corral, fences, or similar enclosures are closer than 50 feet to any adjacent property line or within 100 feet of any building or structure used for sleeping, dining, or living quarters of the owner or keeper, excluding fencing of pasture or grazing land. The pen, corral, fences or other enclosure shall be kept in a sanitary condition, and shall also be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public.

(c) **Sheep.** The keeping of sheep is prohibited on a platted lot of one acre or less in all residential zoning districts. In all other areas the keeping of sheep shall be prohibited the pen, corral, fences, or similar enclosures are closer than 50 feet to any adjacent property line or within 100 feet of any building or structure used for sleeping, dining, or living quarters of the owner or keeper, excluding fencing of pasture or grazing land. The pen, corral, fences or other enclosure shall be kept in a sanitary condition, and shall also be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public.

(d) **Goats.** The keeping of goats is prohibited on a platted lot of one acre or less in all residential zoning districts. In all other areas the keeping of goats shall be prohibited if the pen, corral, fences, or similar enclosures are closer than 50 feet to any adjacent property line or within 100 feet of any building or structure used for sleeping, dining, or living quarters of the owner or keeper, excluding fencing of pasture or grazing land. The pen, corral, fences or other enclosure shall be kept in a sanitary condition, and shall also be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public.

(e) **Horses.** The keeping of horses is permitted in all zoning districts subject to the following standards:

(1) Not more than 1 horse may be kept on a lot or parcel of land of less than 87,120 square feet, provided such horse is enclosed in a pen or corral containing at least 800 square feet, including a stable under roof of at least 100 square feet per animal and further provided that the pen, corral, fences or similar enclosures are not closer than 15 feet to any adjacent property line, and 100 feet to any building or structure used for sleeping, dining, or living other than the living quarters of the owner or keeper, excluding fencing of pasture or grazing land, and shall be kept in a sanitary condition, and shall also be kept in such a manner as well be reasonably calculated not to become offensive to adjacent neighbors or to the public.

(2) 2 or more horses require at least 1 acre of land, 43,560 square feet, for each additional horse above 1. For each horse, 100 square feet of roofed stall must be provided, plus 800 square feet of corral or pen area. All such facilities must be 15 feet from the adjacent property line, and 100 feet to any building or structure used for sleeping, dining or living other than the living quarters of the owner or keeper, excluding the fencing of pasture or grazing land, and shall be kept in a sanitary condition, and shall also be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public.

Sec. 2.303 Stables, farms, pens and corrals

Standings under roofed stables must be made of material which provides for proper drainage so as not to create offensive odors, fly breeding or other nuisances. Fences for pens and corrals or similar enclosures must be of sufficient height and strength to retain animals.

Sec. 2.304 Farm livestock at large

It shall be unlawful for the owner, keeper or person in charge of any horse, mule, jack, jennet, cow, cattle, hog, sheep, or goat or similar animal, to allow or permit the same to run at large within the town.

(Ordinance 343 adopted 2/11/02)

Sec. 2.305 Keeping of rabbits, pigeons, and fowl

(a) **Purpose.** To regulate certain animals in residentially zoned areas.

(b) In this section, “regulated animal(s)” means any rabbit, pigeon and fowl used for food or sport. Fowl includes, but is not limited to, turkeys, geese, ducks, pea-fowl, guinea fowl, chickens, and roosters.

(c) A person commits an offense if the person knowingly keeps or maintains any number of regulated animals within fifty (50) feet of any regulated structures as defined in subsection (e).

(d) The keeping and maintaining of regulated animals as defined in subsection (b) above on residentially zoned property must abide to the following number limitations:

- (1) < 1/4 acre: Not to exceed one regulated animal.
- (2) > 1/4 acre to 1/3 acre: Not to exceed four (4) regulated animals.
- (3) > 1/3 acre to 1/2 acre: Not to exceed six (6) regulated animals.
- (4) > 1/2 to 6/10 acre: Not to exceed eight (8) regulated animals.
- (5) > 6/10 to 1 acre: Not to exceed ten (10) regulated animals.
- (6) > 1 acre: No more than 5 regulated animals per additional acre.

However, roosters, male pea-fowl, or guinea fowl are prohibited on less than two acres.

(e) If a regulated animal is kept in or confined by any building or structure, such as a stable, barn, shed, pen, or fence, the distances required by subsection (c) shall be measured in a straight line from the nearest point of such building or structure to the nearest point of a regulated structure. For the purposes of this section, a regulated structure shall mean: residential structure or building used for human habitation; restaurant, cafe, or other eating establishment; or church, school, hospital, convalescent home, nursing home or residential treatment facility property line.

(f) A person keeping or maintaining any regulated animals commits an offense if the person fails to:

- (1) Collect the animals’ wastes daily in a rat-proof and fly-tight container or receptacle;
- (2) Store wastes collected pursuant to subsection (f)(1) in a closed fly-proof and rat- proof container, and in a manner that prevents the escape of odors from the container; and
- (3) Dispose of wastes collected pursuant to subsection (f)(1) at least once each week in a manner that prevents the breeding of flies.

(Ordinance 518 adopted 8/23/10)

ARTICLE 2.400 ANIMAL SHELTER ADVISORY COMMITTEE

Sec. 2.401 Establishment

There is hereby created, pursuant to the provisions of Texas Health and Safety Code, section 825.005, the animal shelter advisory committee.

Sec. 2.402 Purpose

The purpose of the animal shelter advisory committee shall be to provide recommendations for compliance with chapter 823 of the Texas Health and Safety Code. If requested by the town council, the

committee may provide recommendations regarding compliance with the Texas Rabies Control Act and/or recommendations to improve efficiency and quality of the town animal control program.

Sec. 2.403 Membership

The town council shall appoint members to the animal shelter advisory committee. The committee shall consist of five (5) members; which include: at least one licensed veterinarian, one county or municipal official, one person whose duties include the daily operation of the town's animal shelter, one representative from an animal welfare organization, and one citizen that resides within the town. It shall not be necessary for all the members appointed to the animal shelter advisory committee to be residents of the town, except for the one seat designated as a citizen member.

Sec. 2.404 Terms

The members of the animal shelter advisory committee shall be appointed for two-year periods or until a qualified successor is appointed. The members shall serve staggered terms with two (2) members being appointed in even-numbered years and two (2) members being appointed in odd-numbered years, with exception given to the individuals whose duties include the daily operation of the town's animal shelter.

Sec. 2.405 Meetings

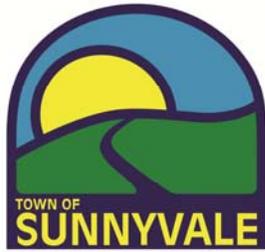
The animal shelter advisory committee shall meet a minimum of three (3) times per calendar year.

Sec. 2.406 Voting

Recommendations by the committee shall require a majority vote of all members in attendance.

(Ordinance 14-04 adopted 2/10/14)

CURRENT ORDINANCE



Town of Sunnyvale

April 25, 2016

**Prepared By: Rashad Jackson, AICP
Director of Development Services**

Summary:

DISCUSS AND CONSIDER FIRST READING OF AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS; AMENDING APPENDIX A, FEE SCHEDULE, REPEALING ARTICLE 2.000 ANIMAL RELATED FEES, OF THE TOWN OF SUNNYVALE CODE OF ORDINANCES AND REPLACING IT WITH A NEW ARTICLE 2.000 ANIMAL RELATED FEES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Background:

Town staff has drafted a revised animal control ordinance in order to be up to date with current animal control practices. The proposed amendment to Appendix A, Fee Schedule is associated with the animal control ordinance amendment. Currently our fee schedule does not note a fee for many of the animal control services we enforce and implement.

Staff Recommendation

Staff recommends approval.

Attachments

Current Fee Schedule

Ordinance - Proposed Fee Schedule

THE TOWN OF SUNNYVALE

ORDINANCE NO. 15-13

AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS; AMENDING APPENDIX A, FEE SCHEDULE, REPEALING ARTICLE 2.000 ANIMAL RELATED FEES, OF THE TOWN OF SUNNYVALE CODE OF ORDINANCES AND REPLACING IT WITH A NEW ARTICLE 2.000 ANIMAL RELATED FEES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, provisions concerning animal control related fees found in the current Code of Ordinances were first developed and adopted in 1992; and

WHEREAS, the Town finds that it is necessary to periodically evaluate and adjust fees to ensure fiscal and operational integrity of providing quality services to residents and local business.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Sunnyvale, Texas:

Section 1. That the above recitals are found to be true and correct and are incorporated herein for all purposes.

Section 2. That the existing Appendix A Fee Schedule, Article 2.000 Animal Related Fees of the Town Code is repealed and replaced with a new Appendix A Fee Schedule, Article 2.000 Animal Related Fees to read as shown in Exhibit "A," which is incorporated by reference as if fully set forth herein. The proposed Article 2.000 Animal Related Fees is adopted and the Town Code is amended accordingly.

Section 3. Severability. It is hereby declared to be the intention of the Town Council that if any of the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same would have been enacted by the Town Council without the incorporation of this Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

Section 4. This Ordinance shall be effective immediately upon passage, publication in accordance with the law and approval by the Town Council and it is so ordained.

Introduced and read at the Town Council meeting on April 25th, 2016.

**PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS THE 9TH DAY
OF MAY, 2016.**

Mayor Jim Phaup

ATTEST:

Leslie Black, Town Secretary

Exhibit A

ARTICLE 2.000 ANIMAL RELATED FEES**Sec. 2.100 Register dangerous animals**

(a) Dangerous animal permit fee (\$50.00).

(b) If an owner of a registered dangerous animal sells or moves the animal to a new address within the town, he/she, not later than the fourteenth (14th) day after the sale or move, shall notify the animal control officer. On presentation of a fee of twenty-five dollars (\$25.00), the animal control officer shall issue a new registration tag to be placed on the animals collar.

(1992 Code, art. 2.000, sec. 2.101)

Sec. 2.200 Fee Schedule

Trap Deposit for use of cat/raccoon trap	\$ 25
Impound Fee / First Offense	\$ 25
Impound Fee / Additional Offenses	\$ 50
Quarantine Fee	\$25 per day (up to 10 days)
Boarding	\$ 25 per day
Rabies Test	\$100
Animal Surrender Fee	\$ 50
Adoption Fee*	\$ 80
Wild Animal Permit	\$100
Kennel Permit	\$ 50

*(based on actual average cost of Spay/Neuter, Rabies Vaccination, and Microchip)

APPENDIX A FEE SCHEDULE

ARTICLE 2.000 ANIMAL RELATED FEES**CURRENT FEE ORDINANCE**

ARTICLE 2.000 ANIMAL RELATED FEES

Sec. 2.100 Registration of dangerous dogs

(a) The animal control officer shall formally register a dangerous dog if the owner pays an annual fee of fifty dollars (\$50.00).

(b) If an owner of a registered dangerous dog sells or moves the dog to a new address within the town, he/she, not later than the fourteenth (14th) day after the sale or move, shall notify the animal control officer. On presentation of a fee of twenty-five dollars (\$25.00), the animal control officer shall issue a new registration tag to be placed on the dog's collar.

(1992 Code, art. 2.000, sec. 2.101)

ARTICLE 2.000 ANIMAL RELATED FEES

Sec. 2.200 Animal impoundment fees

(a) The animal control officer shall impound any animal picked up or in his/her custody until the owner is notified, claims the animal and pays a twenty-five dollar (\$25.00) fee.

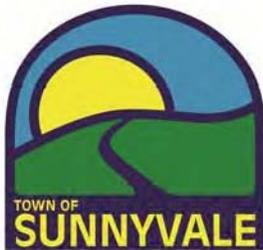
(b) Animals whose owners can not be determined shall be turned over to the Dallas County animal control officer after a reasonable confinement period.

(1992 Code, art. 2.000, sec. 2.102)

CURRENT FEE ORDINANCE

Fee Schedule Comparison

Fee	Dallas	Garland	Mesquite	Sunnyvale
Registration	\$30 unaltered	\$15yr unaltered	\$15 unaltered	
Registration	\$7 altered	\$5 yr altered	\$5 altered	
1 st offense Impound Fee	\$27	\$25 Altered \$125 unaltered	\$25	
2 nd Offense Impound Fee	\$27	\$35 altered \$150 Unaltered	\$50 + boarding fee doubles	
3 rd Offense Impound Fee	\$27	\$45 altered \$175 Unaltered		
Daily Boarding	\$10	\$5	\$5	
Quarantine Fee		\$10 Day	\$10 day	
Adoption Fee	\$85 Dogs \$55 Cats ½ price for seniors	\$80 \$35 if it was altered before impounded	\$85 Dogs \$65 Cats \$0 to Rescues	
Intact Animal Permit	\$70 to own an unaltered pet			
Kennel Permit			\$100	
Trap Deposit			\$50	



Town of Sunnyvale

April 25, 2016

Prepared By: Rashad Jackson, AICP
Director of Development Services

Summary:

APPLICANT: TOWN OF SUNNYVALE

REQUEST: SECOND READING OF AN ORDINANCE AMENDING ZONING ORDINANCE NO. 324 DULY PASSED BY THE TOWN COUNCIL ON JANUARY 31, 2000; AS AMENDED FROM TIME TO TIME; SO AS TO CHANGE BY ADOPTION OF AMENDMENTS TO THE TEXT OF THE TOWN'S ZONING ORDINANCE INCLUDING WITHOUT LIMITATION, CHANGES TO CHAPTER 19.7 TEMPORARY USES; AND ADDING REGULATIONS FOR MOBILE FOOD VENDORS PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PENALTIES; AND PROVIDING A SEVERABILITY CLAUSE.

Background

Direction was provided to Town staff to propose an amendment to the zoning ordinance to include provisions for mobile food vendors. Town Staff has prepared such an amendment for review and consideration by the Planning & Zoning Commission and Town Council.

Currently the Town has no regulations for mobile food vendors. At one time there was a "sales from temporary facilities" category under Section 19.7 Temporary Uses in the zoning ordinance which allowed for temporary food and miscellaneous retail sales. In 2013, the "sales from temporary facilities" category was removed as part of an overall amendment to the zoning ordinance. Staff assumes that the temporary sales use was removed in order to restrict the opportunities for miscellaneous "back of the pickup truck type sales" throughout the Town. The removal of the "sales from temporary facilities" category restricted the miscellaneous sales but subsequently it also restricted the opportunity for mobile food vendor sales such as snow cone stands, construction catering trucks and mobile food trucks.

Town staff has received requests for the approval of snow cone stands as well as food trucks (for special events such as Sunnyfest). At this time, these particular uses are being permitted but without appropriate regulations in place. Staff has proposed an amendment that would allow for snow cone stands and other mobile food vendors within the Town limits. Staff has reviewed other city ordinances and established an amendment that suits Sunnyvale development standards. Town staff is not requiring any more regulation than what would be typically required to receive a permit from other cities. The proposed amendment and process would legally allow for the proposed mobile food vendor uses and implement a Town application and review process. The proposed amendment would allow for mobile food vendors only. Any other temporary sales would not be allowed. Town staff has proposed a

more appropriate application process which would involve not only Dallas County Health but also our Town departments for review of applications. An example application fee list is included with this staff memo. The proposed guidelines for approval of a mobile food stand permits and mobile food truck permits are noted below.

Proposed Guidelines for Mobile Food Stands

- Application fee of \$175
- If for special event, fee of \$100
- Only allowed in non residential zoning districts EXCEPT when associated with a special event.
- No more than one (1) mobile vendor allowed on a lot or parcel EXCEPT when associated with a special event. A mobile vendor is not allowed on a vacant lot.
- Vendor must request a specific time period and note proposed food to be sold.
- A health permit is required. Must meet all requirements and pass Dallas County Health Service inspection.
- Permit application must include a site plan, showing the fire lane and proposed location of mobile food stand.
- Kiosks, trailers and mobile vendor trucks must meet all applicable building code requirements, health code requirements and zoning ordinance requirements.
- Mobile vendors may be located in a parking lot of a separate business or group of businesses but must provide a letter of permission from the property owner allowing use of the restroom facilities by the employees and patrons of the mobile vendor.
- Vendor, including all related appurtenances thereto, must be located outside of any required parking spaces for the businesses occupying permanent structures on and about the property on which the mobile unit is situated and outside of any and all fire lanes.
- No alcohol sales allowed.

Proposed Guidelines for Mobile Food Trucks

- Application fee of \$350
- If for special event, fee of \$100
- A valid drivers license, insurance and registration is required.
- Only allowed in non residential zoning districts EXCEPT when associated with a special event or providing construction site lunch service.
- No more than one (1) mobile vendor allowed on a lot or parcel EXCEPT when associated with a special event. A mobile vendor is not allowed on a vacant lot.
- Vendor must note proposed food to be sold.
- A health permit is required. Must meet all requirements and pass Dallas County Health Service inspection.

- Mobile vendor trucks must meet all applicable building code requirements, health code requirements and zoning ordinance requirements.
- Mobile vendors may be located in a parking lot of a separate business or group of businesses but must provide a letter of permission from the property owner allowing use of the restroom facilities by the employees and patrons of the mobile vendor.
- Mobile vendor trucks may not operate stationary in a single location for more than five (5) consecutive days; more than eight (8) hours/day. All vending units must be removed from the point of sale each day and may not remain parked at the point of sale overnight.
- No drive thru's permitted.
- Music shall be allowed as long as it does not violate Town noise ordinance.
- No alcohol sales allowed.
- Permits are valid for one (1) year and expire annually on December 31st.

Current costs

The Town currently uses the Dallas County Health permit fee as a base line for a food vendor/restaurant permit application. The fees are as follows.

- Dallas County Health charges a flat fee of \$75 for any health permit inspection.
- For non special event inspections (restaurants, etc.), the Town charges \$175.
- For special events, the Town charges \$85.
- For Town-sponsored special events (Sunnyfest), the Town charges \$50. The Town is still charged \$75 for the Dallas County health inspection.
- A health inspection approval lasts for an entire year for all non special event inspections. For special events, such as Sunnyfest, the health inspection approval is for the specific event time period.

Town staff notes that there are multiple ways in which mobile food vendors can be regulated. Staff has presented a proposal and is seeking direction from Planning & Zoning and Town Council for any changes they feel are appropriate.

Public Notice

Public notice was provided to the Town's Official Newspaper for publication on March 2, 2016. Given that this is a text amendment initiated by the Town, which does not specifically affect one property, written letters were not provided to specific property owners.

Planning & Zoning Commission Recommendation – 3/21/16

Chairman Demko called for a motion. Commissioner Sandler made a motion to approve the request with the Commission changes. Commissioner Moss seconded. Chairman Demko called for a vote, the item passed unanimously.

Staff Recommendation

Town Staff is seeking direction and final approval.

Attachments

Proposed Ordinance

Fee Examples

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE 16-08**

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 324 DULY PASSED BY THE TOWN COUNCIL ON JANUARY 31, 2000; AS AMENDED FROM TIME TO TIME; SO AS TO CHANGE BY ADOPTION OF AMENDMENTS TO THE TEXT OF THE TOWN'S ZONING ORDINANCE INCLUDING WITHOUT LIMITATION, CHANGES TO CHAPTER 19.7 TEMPORARY USES; AND ADDING REGULATIONS FOR MOBILE FOOD VENDORS PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PENALTIES; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, notice of the public hearings was published 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:

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

SECTION 2. That the text of the Zoning Ordinance, Ordinance No. 324, of the Town of Sunnyvale, Texas (the "Town of Sunnyvale Zoning Ordinance Text") is hereby amended as shown in Exhibit A, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth. The proposed zoning amendments, as set forth in Exhibit A attached hereto, are hereby adopted and the Town of Sunnyvale Zoning Ordinance Text is revised accordingly.

SECTION 3. That it is the intent of the Town Council that each paragraph, sentence, subdivision, clause, phrase, or section of the ordinance be deemed severable and should any such paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this ordinance left standing with the validity of any code or ordinance as a whole.

SECTION 4. All ordinance and provisions of the Town of Sunnyvale, Texas, that are in conflict with this Ordinance shall be and the same are hereby repealed to the extent in conflict, and all ordinances and provisions or ordinances of said Town not so expressly repealed are hereby retained in full force and effect.

SECTION 5. That this ordinance shall not take effect until after fifteen (15) calendar days from the date of its publication and passage by the Town Council.

PASSED AND APPROVED by the Town Council, the Town of Sunnyvale, on the 25th day of April, 2016.

Mayor Jim Phaup

ATTEST:

Leslie Black, Town Secretary

19.7 TEMPORARY USES**EXHIBIT A**

- A. Real estate sales offices may be opened temporarily during the development of residential subdivisions in which the office is located until eighty percent (80%) of the building permits of the platted lots in the subdivision are issued.
- B. Temporary Construction Buildings. Temporary buildings and temporary building material storage areas to be used for construction purposes, which shall not be occupied, may be permitted for a specific period of time in accordance with a permit issued by the Building Official and subject to periodic renewal by the Official for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed at the satisfaction of the Building Official.
- C. Concrete batching plants shall be permitted on a temporary basis on the site of construction, and only during the time of construction. The temporary permit shall only be issued for a period of up to six (6) months. The permit may be renewed for up to an additional six (6) months. The permit shall be issued by the Town Administrator by written letter only if it is determined that the temporary batching plant will not have a negative effect on any adjacent use while in operation.
- D. Temporary Event. Temporary event shall be allowed in non-residential zoning districts subject to application being approved by the building official. In the event food services are provided in conjunction with event each food provider shall be required to obtain a separate permit in compliance with the Texas food establishment rules (25 TAC 229.167-175). Permits shall be requested 10 days prior to the event Approved event not to exceed 72 hours.

Amended by Ord. No. 13-02 on 1/28/2013

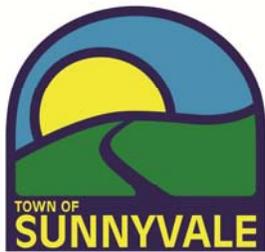
- E. Mobile Food Stand (food stands, snow cone stand, etc.). Temporary food sales from mobile food stands shall be allowed in non-residential zoning districts subject to permit approval by building official. The temporary permit shall only be issued for a period up to ninety (90) days per calendar year. The permit may be renewed for an additional ninety (90) day period. A temporary mobile food stand permit is required.

Amended by Ord. No. XX-XX on XX/XX/2016

- F. Mobile Food Truck (catering truck, mobile food truck). Temporary food sales from mobile food trucks shall be allowed in non-residential zoning districts subject to permit approval by building official. Permits are valid for one (1) year and expire annually on December 31st. A temporary mobile food truck permit is required.

Amended by Ord. No. XX-XX on XX/XX/2016

Comparison of Mobile Food Unit Permit Application Fees From Neighbors		
Arlington	\$500	\$450 Permit + \$50 Inspection
Bedford	\$400 \$100	Mobile Food Unit Fee One day only Mobile Food Unit Fee
Colleyville	*	No Mobile Food Unit Ordinance
Dallas	\$465	\$315 Permit + \$150 Inspection
Euless	\$200	Health License Permit
Fort Worth	\$300	\$200 Permit + \$100 Unit
Grapevine	**	Non-Festival Food Units Are Prohibited
Hurst	\$200	Per Unit
N Richland Hills	\$126	Per Unit
Southlake	\$200	Per Tarrant County Food Program Fee



Town of Sunnyvale

Prepared By: Sean P. Fox

Summary

DISCUSS AND CONSIDER SECOND READING OF AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING THE CODE OF ORDINANCES TO CREATE ARTICLE 8.11 IN CHAPTER 8 OF THE CODE OF ORDINANCES; PROHIBITING A PROPERTY OWNER OR OCCUPANT FROM ALLOWING PROPERTY, RESIDENCES, AND STRUCTURES TO BE USED FOR GATHERINGS WHERE MINORS CONSUME ALCOHOL OR CONTROLLED; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 ; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Background

Town Staff was asked to work with concerned SISD parents and residents and to propose an ordinance to address social hosting and underage drinking within the Town.

Taking language and best practices from neighboring communities, the draft ordinance was presented to Council on March 14, 2016. Council directed changes to the minimum and maximum fine allowed, adding language related to trespassing in the presumption and defenses section, and that the draft ordinance be placed on the Town's website and Facebook page.

An updated draft was presented to Council on April 11th but was tabled until April 25th to allow additional questions and comments. At the meeting, Council posed questions regarding the difference between criminal and civil penalties, the overall applicability of social hosting laws pertaining to minors and the definition of real property.

According to research staff conducted, there are several differences between civil and criminal cases, but key differences pertain to who or whom was harmed, the burden of proof and the protection afforded defendants. Civil cases usually involve private disputes between persons or organizations whereas criminal cases involve an action that is considered to be harmful to society as a whole. Civil cases require a lower standard of proof such as "the preponderance of the evidence," whereas criminal case must generally be proved "beyond a reasonable doubt." And finally, the protections afforded to defendants under criminal law are considerable (such as the protection against illegal searches and seizures under the 4th Amendment), whereas many of these well-known protections are not available to a defendant in a civil case.

Currently, 33 states have social hosting statutes pertaining to minors and according to research conducted by staff, the applicability or acceptance of those laws is overwhelmingly favorable. The two articles mentioned by a resident during the Council meeting expressed concerns of applying social hosting laws and ordinances to adults or minors between the ages of 18 & 21,

citing that “courts and legislatures should refuse to extend the rationale of minor cases to permit a cause of action against a private host who serves alcoholic beverages to an adult guest.”

According to the research conducted by staff, the following examples are provided as to how they have defined personal property:

Connecticut - Having possession of, or exercising dominion and control over, any dwelling unit or private property.

Florida - A person having control of any residence.

Alaska - Physically in possession and exercising dominion and control over a dwelling.

Arizona - "Occupant" means a person who has legal possession or the legal right to exclude others from the unlicensed premises.

Arkansas - A person who is present and in control of the private property at the time the consumption occurs.

Illinois - His or her residence, or any other private property under his or her control.

Kansas - Person's residence or any land, building, structure or room owned, occupied or procured by such person to be used.

Maine - A place under that person's control.

Michigan - Within that premises, residence, or other real property.

New Hampshire - Person owns or has control of the occupied structure, dwelling, or curtilage, where a drug or underage alcohol house party is held.

New Jersey - A person who makes real property owned, leased or managed by him available to, or leaves that property in the care of, another person with the purpose that alcoholic beverages will be made available.

Oklahoma - A person's residence, any building, structure, or room owned, occupied, leased or otherwise procured by the person or on any land owned, occupied, leased or otherwise procured by the person, to possess or consume any alcoholic beverage.

Oregon - A person who is present and in control of the location at the time the consumption occurs but does not apply to the owner of rental property, or the agent of an owner of rental property, unless the consumption occurs in the individual unit in which the owner or agent resides.

Rhode Island - His or her residence or on his or her real property.

Tennessee - Any owner, occupant or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine or beer on the property.

Washington – “Premises” includes real property, houses, buildings, and other structures, and motor vehicles and watercraft.

Wyoming - The residence or premises by any minor and the person knowingly permitted the residence or premises to be used for that purpose.

As of the date of this memo, staff has received no additional questions or comments.

Staff Recommendation

Town Staff recommends approval.

Attachments
Proposed Ordinance

ORDINANCE NO. 16-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING THE CODE OF ORDINANCE TO CREATE ARTICLE 8.11 IN CHAPTER 8 OF THE CODE OF ORDINANCES; PROHIBITING A PROPERTY OWNER OR OCCUPANT FROM ALLOWING PROPERTY, RESIDENCES, AND STRUCTURES TO BE USED FOR GATHERINGS WHERE MINORS CONSUME ALCOHOL OR CONTROLLED SUBSTANCES; PROVIDING FOR A PENALTY NOT TO BE LESS THAN \$1,000.00 NOR EXCEED \$2,000.00 ; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Sunnyvale (“Town”) is a Texas home rule municipal corporation; and

WHEREAS, the Town has an interest in protecting the minors residing in Sunnyvale; and

WHEREAS, the Town has an interest in protecting the public from the dangers of alcohol consumption by minors and the use of controlled substances;

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

Section 1. That the above recitals are found to be true and correct, constitute findings and determinations by the Town Council acting in its legislative capacity and are incorporated herein for all purposes.

Section 2. Article 8.11 of the Code of ordinances shall be created to read as follows:

ARTICLE 8.11 - MAINTAINING A PREMISES FOR CONSUMPTION OF ALCOHOL OR DRUGS BY MINORS

8.1101 - Definitions. For the purposes of this article, the following terms, words, phrases and the derivations thereof shall have the meanings given herein.

Alcoholic beverage shall have the meaning ascribed to it by Section 1.04(1), Texas Alcoholic Beverage Code.

Controlled substance shall have the meaning ascribed to it by Section 481.002(5) of the Texas Controlled Substances Act, Ch. 481, Texas Health & Safety Code. *Minor* shall mean a person younger than 21 years of age.

Residence or premises shall mean: (1) A place where a person abides, lodges, or resides, including but not limited to a house, apartment, condominium, hotel or motel

room, or other dwelling unit; or, (2) A hall, meeting room, building, or other place of assembly whether occupied on a temporary or permanent basis or as a dwelling or place for social functions; or (3) real property, a pavilion, barn or other accessory building. The terms residence or premises includes the curtilage of a dwelling unit and, as used in this article, shall have the foregoing meaning whether owned, leased, rented or used with or without compensation.

Social gathering shall mean a gathering for social or recreational entertainment at a residence or premises at which nonfamily or unrelated persons are present.

8.1102 - Offense.

It shall be unlawful for any person owning or having possession or control of a residence or premises to allow a social gathering to take place at such residence or premises if an alcoholic beverage or a controlled substance was unlawfully possessed, used or consumed by minors if such person knew or reasonably should have known that such would take place.

8.1103 - Presumption and defenses.

A. In the prosecution of an offense under this article, it shall be presumed that a person knew or reasonably should have known that a social gathering would take place and that alcoholic beverages or controlled substances would be possessed, used or consumed by minors if that person owned, possessed or was in control of the residence or premises during the preceding year and more than two social gatherings have taken place at that residence or premises in the preceding year, during each of which minors were present and possessed, used or consumed an alcohol beverage or a controlled substance and the minors were not trespassing at the time of the social gathering.

B. It is a defense to prosecution of an offense under this article if the possession, use or consumption of alcoholic beverages by a minor was in the visible presence of the minor's adult parent, guardian or spouse, or other adult to whom the minor has been committed by a court, or while in the course and scope of the minor's employment by a licensee or permittee of the Texas Alcoholic Beverage Commission. C. It is a defense to prosecution of an offense under this article if the person did not know and, through the exercise of reasonable diligence, could not have known that a social gathering would occur.

8.1104- Penalty.

An offense under this article shall be deemed to be a misdemeanor and, upon conviction, is punishable by a fine not less than \$1,000.00 and not to exceed \$2,000.00 for each offense.

Introduced and read at the Town Council meeting on March 14, 2016.

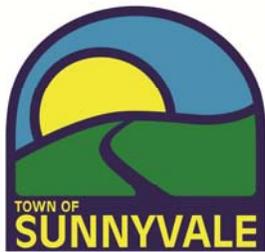
PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS 25th DAY OF April, 2016.

APPROVED:

By: _____
Jim Phaup, Mayor

ATTEST:

Leslie Black, Town Secretary



Town of Sunnyvale

Prepared By: Liz Hopkins - Finance

Summary:

DIRECTING ONCOR ELECTRIC DELIVERY COMPANY, LLC TO FILE CERTAIN INFORMATION WITH THE TOWN OF SUNNYVALE; SETTING A PROCEDURAL SCHEDULE FOR THE GATHERING AND REVIEW OF NECESSARY INFORMATION IN CONNECTION THEREWITH; SETTING DATES FOR THE FILING OF THE TOWN'S ANALYSIS OF THE COMPANY'S FILING AND THE COMPANY'S REBUTTAL TO SUCH ANALYSIS; RATIFYING THE HIRING OF LEGAL COUNSEL AND CONSULTANTS; RESERVING THE RIGHT TO REQUIRE THE REIMBURSEMENT OF THE TOWN OF SUNNYVALE'S RATE CASE EXPENSES; SETTING A PUBLIC HEARING FOR THE PURPOSES OF DETERMINING IF THE EXISTING RATES OF ONCOR ELECTRIC DELIVERY COMPANY ARE UNREASONABLE OR IN ANY WAY IN VIOLATION OF ANY PROVISION OF LAW AND THE DETERMINATION BY THE TOWN OF SUNNYVALE OF JUST AND REASONABLE RATES TO BE CHARGED BY ONCOR ELECTRIC DELIVERY COMPANY, LLC.

Background & Analysis:

Recent Public Utility Commission of Texas ("Commission") proceedings related to approval of conversion of Oncor into a Real Estate Investment Trust ("REIT") resulted in the Commissioners' desire to share \$200 million to \$250 million in annual federal income tax ("FIT") savings with Oncor ratepayers. Since the proceeding involving a change of ownership and control of Oncor was not a rate case, the Commission had no jurisdiction to order a reduction in rates. The new owners of Oncor indicated an intent to file a rate case in mid-2017 to become effective in 2018. Believing that a two year wait to factor FIT savings into rates was too long to wait, the Steering Committee of Cities Served by Oncor decided to initiate a rate case against Oncor.

Whereas Clauses Explained

Cities have original rate making jurisdiction over Oncor's rates and services within their municipal limits. The Commission has original jurisdiction over the environs outside municipal limits and appellate jurisdiction over city rate mailing orders.

As a regulatory authority, Cities that retain original jurisdiction may initiate rate making proceedings by filing a resolution requiring a public utility to show cause why rates should not be reduced.

The City works with other similar Oncor Cities on regulatory issues through the Steering Committee of Cities Served by Oncor which has functioned continuously since 1988.

The Executive Committee of the Steering Committee recommends that member Cities pass show cause resolutions to initiate a rate case so that Oncor rates may be reduced.

Resolved Sections Explained

Section 1, provides notice to Oncor that it is compelled to file information that would otherwise be required if the Company filed a request to increase rates at the Commission by September 1, 2016. This Section requires that historic data from calendar year 2015 be filed to demonstrate that its rates should not be reduced.

Section 2 authorizes Cities' representatives to file requests for information which shall be answered by Oncor within 15 days of receipt.

Sections 3 and 4 set other dates critical to the procedural process for rate setting. Cities' report will be due on October 13, 2016 and the Oncor rebuttal will be due November 10, 2016.

Section 5 establishes that a hearing will occur and final order will be issued between November 15, 2016 and December 15, 2016.

Section 6 provides that the procedural schedule may be amended by the City and that other orders may be extended. For example, once the REIT conversion is finalized, Cities may enter interim orders requiring a sharing of tax savings that benefit ratepayers.

Section 7 authorizes the hiring of legal counsel and authorizes the Executive Committee to hire consultants.

Section 8 confirms that Cities will seek reimbursement of their rate making expenses from Oncor.

Section 9 confirms that the resolution was passed in compliance with Open Meeting laws.

Financial Impact:

Section 8 address state that Cities will seek re-imbursement of their rate making expenses. The reduction of rates would be realized by ratepayers.

Staff Recommendation:

Town Attorney David Dodd reviewed the staff report and resolution and indicated they were in order. Staff recommends execution of the Resolution.

Attachment:

Proposed resolution and other support documents.

RESOLUTION NO. 16-08

DIRECTING ONCOR ELECTRIC DELIVERY COMPANY, LLC TO FILE CERTAIN INFORMATION WITH THE TOWN OF SUNNYVALE; SETTING A PROCEDURAL SCHEDULE FOR THE GATHERING AND REVIEW OF NECESSARY INFORMATION IN CONNECTION THEREWITH; SETTING DATES FOR THE FILING OF THE TOWN'S ANALYSIS OF THE COMPANY'S FILING AND THE COMPANY'S REBUTTAL TO SUCH ANALYSIS; RATIFYING THE HIRING OF LEGAL COUNSEL AND CONSULTANTS; RESERVING THE RIGHT TO REQUIRE THE REIMBURSEMENT OF THE TOWN OF SUNNYVALE'S RATE CASE EXPENSES; SETTING A PUBLIC HEARING FOR THE PURPOSES OF DETERMINING IF THE EXISTING RATES OF ONCOR ELECTRIC DELIVERY COMPANY ARE UNREASONABLE OR IN ANY WAY IN VIOLATION OF ANY PROVISION OF LAW AND THE DETERMINATION BY THE TOWN OF SUNNYVALE OF JUST AND REASONABLE RATES TO BE CHARGED BY ONCOR ELECTRIC DELIVERY COMPANY, LLC.

WHEREAS, the Town of Sunnyvale is a regulatory authority under the Public Utility Regulatory Act ("PURA") and has original jurisdiction over the rates of Oncor Electric Delivery Company, LLC ("Oncor") to determine if such rates are just and reasonable; and

WHEREAS, Sections 33.021, 36.003 and 36.151 of PURA empower a regulatory authority, on its own motion or on a complaint by any affected person, to determine whether the existing rates of any public utility for any service are unreasonable or in any way in violation of any provision of law, and upon such determination, to determine the just and reasonable rates; and

WHEREAS, the Town of Sunnyvale has reason to believe that Oncor is over-earning and its rates are excessive; and

WHEREAS, the Town of Sunnyvale is a member of the Steering Committee of Cities Served By Oncor; and

WHEREAS, the Executive Committee of the Steering Committee of Cities Served by Oncor has recommended that cities pass a resolution that requires Oncor to show cause why its transmission and distribution rates should not be reduced; and

WHEREAS, the Town of Sunnyvale, and the Town Council of the Town of Sunnyvale desires, on its own motion, to exercise its authority under Sections 33.021, 36.003 and 36.151 of PURA; and

WHEREAS, a procedural schedule should be established for the filing of certain information by Oncor, procedures to be followed to obtain and review information from

Oncor, the filing of an analysis of such information by the Town, the filing of rebuttal information from Oncor, and a public hearing at which time the Town shall make a determination whether the existing rates of Oncor are unreasonable or are in any way in violation of any provision of law, and if such rates should be revised, and just and reasonable rates determined for Oncor.

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

SECTION 1. This resolution constitutes notice of the Town's intent to proceed with an inquiry into the transmission and distribution rates charged by Oncor. On or before September 1, 2016, Oncor shall file with the Town of Sunnyvale information that demonstrates good cause for showing that Oncor's transmission and distribution rates should not be reduced. Specifically, Oncor shall file with the Town of Sunnyvale information for the test year beginning January 1, 2015 and ending December 31, 2015, regarding Oncor's cost of service elements, including, but not limited to, the elements detailed by the Public Utility Commission as necessary for the filing of a Statement of Intent to Change Rates. The test year may be updated for more current data and shall be adjusted for known and measureable changes.

SECTION 2. Town's designated representatives shall have the right to obtain additional information from Oncor through the filing of requests for information, which shall be responded to within fifteen (15) days from the receipt of such request for information.

SECTION 3. Town's designated representatives shall file their analysis of Oncor's filing and information on or before October 13, 2016.

SECTION 4. Oncor shall file any rebuttal to the analysis of Town's representatives on or before November 10, 2016. With its rebuttal, Oncor may present whatever additional information it desires to defend its current rates.

SECTION 5. A public hearing shall be conducted by the Town Council for the Town of Sunnyvale during a regular council meeting scheduled between November 15 and December 15. At such hearing a representative of Oncor and a representative of the Town of Sunnyvale's consultants will each be allowed to address the Town Council and summarize previously filed reports for no more than 15 minutes. Based upon such hearing, a determination of the reasonableness of the existing rates of Oncor shall be made by the Town Council and, if necessary, just and reasonable rates shall be determined to be thereafter observed and enforced for all services of Oncor within the Town of Sunnyvale, Texas.

SECTION 6. The Town Council may, from time to time, amend this procedural schedule and enter additional orders as may be necessary in the public interest and to enforce the provisions hereof.

SECTION 7. Subject to the right to terminate employment at any time, the Town of Sunnyvale hereby ratifies the Steering Committee's selection of Geoffrey Gay with the law firm of Lloyd, Gosselink, Rochelle & Townsend as legal counsel to assist the Town of Sunnyvale in its ratemaking and to prosecute any appeals to the Texas Public Utility Commission or court. The Executive Committee of the Steering Committee of Cities Served by Oncor shall retain appropriate consultants to prepare a report and make rate recommendations.

SECTION 8. Fees and expenses of attorneys and consultants assisting the Town in the Steering Committee's review of the reasonableness of Oncor's rates will be processed through the Steering Committee but the Town reserves the right to seek reimbursement from Oncor pursuant to the PURA Section 33.023.

SECTION 9. That it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

AND IT IS SO ORDERED.

The above and foregoing resolution was passed and approved on this the 25th day of April, 2016, by the following vote:

- Ayes:
- Nays:
- Abstentions:

At regular meeting April 25, 2016.

MAYOR

ATTEST:

Town Secretary

APPROVED:

Town Attorney

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