

**ZONING ORDINANCE**  
**TOWN OF SUNNYVALE, TEXAS**  
**DIVISION I - GENERAL REQUIREMENTS**

**CHAPTER 1 - GENERAL PROVISIONS**

1.1 **TITLE**

This ordinance shall be known as and may be cited and referred to as the “2000 Zoning Ordinance” to the same effect.

1.2 **PURPOSES AND AUTHORITY**

The zoning regulations herein established have been made in accordance with the adopted Comprehensive Plan, as amended, (“Comprehensive Plan”), for the purpose of promoting the health, safety, comfort, convenience, morals and general welfare of the Town. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable considerations among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving and stabilizing the value of property and encouraging the most appropriate use of land throughout the community.

1.3 **APPLICABILITY**

This ordinance supersedes prior zoning regulations in its entirety. The provisions of these regulations shall apply to all land, property and development in the Town of Sunnyvale, except as expressly and specifically provided otherwise in this Ordinance. No development shall be undertaken without prior authorization pursuant to these regulations. Provisions for development under prior regulations are contained in Section 1.6.

1.4 **CONSISTENCY WITH COMPREHENSIVE PLAN**

A. These zoning regulations and the zoning map adopted herewith are intended to implement the goals and policies of the Town of Sunnyvale Comprehensive Plan and are hereby deemed to be consistent with and in accordance with the adopted Comprehensive Plan for the Town. Any amendments to such regulations and all applications for a change to the zoning map shall be consistent with the Comprehensive Plan, as may be amended from time to time.

- B. An amendment to the text of the zoning ordinance is consistent with and in accordance with the Comprehensive Plan if it complies with the goals and policies stated in the plan, as may be amended from time to time. An amendment to the zoning map is consistent with the Comprehensive Plan if the map amendment is consistent with the land use diagram contained in the plan, as may be amended from time to time.

#### 1.5 COORDINATION WITH OTHER REGULATIONS

It is the intent of the Town of Sunnyvale that these zoning regulations be applied in a manner consistent with other regulations governing the use and development of land, including but not limited to subdivision regulations, flood plain regulations and other applicable Town regulations. Applications for permits required by other development regulations may be submitted simultaneously with applications for permits required by the zoning regulations wherever feasible, or as may be otherwise directed by these regulations.

#### 1.6 DEVELOPMENT UNDER PRIOR REGULATIONS

The following types of development applications are exempt from the requirements of this 2000 Zoning Ordinance, except as otherwise stated expressly herein. Exempt applications shall be processed and decided under zoning regulations in effect immediately preceding the effective date of these 2000 zoning regulations and such regulations shall be kept in effect for such purpose.

- A. Residential development applications for land subject to a concept plan for a cluster option development approved pursuant to chapters 10 and 23 of Ord. No. 236, as amended, prior to the effective date of this ordinance; provided, however, that such applications must meet requirements of chapters 20 and 25, except sections 20.3 and 20.5, of this 2000 zoning ordinance.
- B. Residential development applications for land subject to a final plat that was approved prior to the effective date of this ordinance, or that was filed prior to such date and is subsequently approved.
- C. Development applications for land subject to a site plan that was approved pursuant to chapter 24 of Ord. No. 236, as amended, prior to the effective date of this ordinance, or that was filed prior to such date and is subsequently approved.
- D. Any request for an amendment of an approved concept plan (except as provided in subsection F), preliminary plat, or site plan otherwise exempted under this section shall be considered a new application and all requirements of this 2000 zoning ordinance shall be applicable to such request.

- E. For purposes of design review, any exemption conferred by section 20.1 of this ordinance.
- F. A property owner may request an exemption from all or part of the requirements of this 2000 zoning ordinance for a proposed amendment to a concept plan approved under zoning regulations in effect immediately preceding the effective date of Ord. No. 324. The request for an exemption shall be processed in conjunction with action on the proposed amendment to the concept plan in accordance with Section 10.13. The Town Council may grant the exemption only if it determines that: (1) the proposed amendment would result in a net decrease in residential density for the land subject to the concept plan or the portions of the concept plan being amended; (2) that the proposed amendment would not result in a net decrease in the percentage of public open space for the land subject to the concept plan or the portions of the concept plan being amended, and (3) that the proposed amendment is harmonious with the intent and purposes of these 2000 zoning regulations. If an exemption is granted, the amended concept plan shall be subject to the requirements of chapters 20 and 25, except as provided in section 1.6.A.

1.7 INTERPRETATION/SEPARABILITY

- A. It is the intent of the Town of Sunnyvale to adopt these entire zoning regulations as a legal unit as a part of the Comprehensive Plan for the Town. Any words which appear to be precatory in nature are to be interpreted as though they were positive and conclusive.
- B. Should any section, subsection, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of these regulations.

1.8 FEES

A. Payment of Fee.

Every application for a development permit under this title shall be accompanied by a non-refundable fee set by resolution of the Town Council. Any fee required by this title shall be collected and deposited with the Town Secretary, and such fees shall be payable to the Town of Sunnyvale.

B. Exception to Payment of Fee.

No fee for processing or reviewing an application required by this ordinance shall be required by the Town, if the application is submitted by a governmental agency, public school or church.

C. Fee Schedule.

Payment of fees required by this section shall be in accordance with the fee schedule adopted by Resolution of the Town Council, as may be amended from time to time, and is incorporated into this document by reference as Appendix C.

#### 1.9 ENFORCEMENT

- A. The provisions of this ordinance shall be administered and enforced by the Building Official of the Town. All applications for building permits shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the use of the property, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the Building Official.
- B. Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than two thousand dollars (\$2,000.00). The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, any architect, builder, contractor, agent, persons or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

#### 1.10 PERMITS AND CERTIFICATES

- A. Certificate of Occupancy and Compliance.

No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Official stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.

Certificates of occupancy and compliance shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Official, and copies shall be furnished on request of any persons having a property or tenancy interest in the building affected.

- B. Certificates of Occupancy for Non-Residential Purposes.

A certificate of occupancy shall be required for all non-residential zoning districts. This certificate shall be required for structures presently existing and those hereafter erected or structurally altered.

1. A certificate of occupancy must be issued before release is given to the electrical power company for the connection of permanent service. Such certificate of occupancy shall be valid only for occupancy of the structure by the applicant to whom the certificate is issued.
2. When a non-residential building in a non-residential zoning district has a change of occupants, the new occupant shall be required to obtain a certificate of occupancy no less than five (5) days prior to his occupancy of the structure.
3. A certificate of occupancy as required in this section shall require a fee as set from time to time by the Town Council and shall be valid until such time as occupancy is altered or changed.

#### 1.11 DESIGN CRITERIA

The Town Council may from time to time establish by resolution design criteria, which are intended to facilitate administration of these zoning regulations. Such guidelines shall serve as illustrations of methods and techniques of implementing standards contained in the zoning regulations, but shall not be the exclusive means of achieving such standards. In the event of any conflict between a standard contained in the zoning regulations and a design guideline, the standard in the zoning ordinance shall control.

#### 1.12 EFFECT OF ORDINANCE

##### A. Preserving Rights in Pending Litigation and Violations Under Existing Ordinances.

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the prior Zoning Ordinance was repealed or superseded and the present Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded within all respects as if such prior Ordinance had not been repealed or superseded.

##### B. Effect of Interpretation.

The provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern.