

# Consider Amending Chapter 15 Zoning Certification of Occupancy Requirements

Roque Salinas, MPA

Director of Economic Development

10/24/2023

# Summary

- Question
  - Should the City amend Chapter 15 Zoning, Article 15.02 Zoning Ordinance, Division 3 Administration, Section 15.02.103 - Certificate of Occupancy, to require proof of a current Sales and Use Tax Permit designating the City of Leon Valley as the recipient of the taxes upon application for a Certificate of Occupancy (C of O)
- Options
  - Approve
  - Deny
  - Other
- Declaration
  - This measure will promote fair and responsible tax compliance, support economic growth, and ensure equitable revenue collection for the betterment of our community's services

# Purpose

- The current Zoning Code does not have a requirement for businesses wishing to obtain a C of O to show proof of a current Sales and Use Tax Permit that designates the City of Leon Valley as the recipient of those taxes
- Subsequent visits to these new businesses have revealed that a number of them were obtaining the permit as required, but listing the wrong city – funds are being directed to the City of San Antonio
- In order to assure proper collection of sales tax, it is recommended the Zoning Code be amended to require proof of the permit and proper city designation prior to approval of the C of O
  - Not all businesses are required to obtain a Sales & Use Tax Permit

# Sales & Use Tax Permit – Current Example

01-300  
Form 008  
(Rev. 9-16-20)

## TEXAS SALES AND USE TAX PERMIT

*This permit is not transferable, and this side must be prominently displayed in your place of business.*

*Retailers: A seller may NOT accept a copy of this permit in lieu of a properly completed exemption or resale certificate. A certificate is necessary to document why tax is not collected on a sale.*

*You must obtain a new permit if there is a change of ownership, location, or business location name.*

TAXPAYER NAME, BUSINESS LOCATION NAME, and PHYSICAL LOCATION

**CABINET BAZAAR LLC**

CABINET BAZAAR LLC  
5634 RANDOLPH BLVD  
SAN ANTONIO TX 78233-6161  
BEXAR COUNTY

NAICS: 88220 Plumbing, Heating, and Air-Conditioning Contractors

WE SHOW THIS BUSINESS IN THE FOLLOWING LOCAL SALES TAX AUTHORITIES:

CITY: SAN ANTONIO EFF: 11/01/2021  
TRANSIT: SAN ANTONIO ATD EFF: 11/01/2021  
TRANSIT: SAN ANTONIO MTA EFF: 11/01/2021

Type of permit  
**SALES AND USE TAX**

Taxpayer number  
3-20786-5016-8

Location number  
00001

First business date of location  
11/01/2021

*Glenn Hegar*  
Glenn Hegar  
Comptroller of Public Accounts

*You may need to collect sales and/or use tax for other local taxing authorities depending on your type of business. For additional information, see "Collecting Local Sales and Use Tax" section on the back of this document. If you have any questions regarding sales tax, visit our website at www.comptroller.texas.gov or call us at 1-800-252-5555.*



## Certificate of Occupancy

THIS FORM WAS PRINTED ON 9/11/2023

This Certificate is issued pursuant to the requirements of the 2021 International Building Code certifying that at the time of issuance, this structure was in compliance with the various ordinances of the City of Leon Valley regulating building construction or use. Additionally, this Certificate of Occupancy is issued as prescribed by the 2021 International Building Code, Section 111.

<b>PROJECT / PERMIT #:</b>	2023-697	<b>LOT:</b>	N327.96ft of 11
<b>PROPOSED USE:</b>	Cabinet Shop	<b>BLOCK:</b>	1
<b>OCCUPANCY CLASS:</b>	Group B	<b>CB:</b>	4428H
<b>SUBDIVISION:</b>		<b>ZONE:</b>	B-3
<b>OCCUPANT:</b>	Cabinet Bazaar	<b>OCCUPANT LOAD:</b>	15
<b>LOCATION:</b>	5601 Bandera Rd, Suite 100	<b>AUTO SPRINKLER SYSTEM:</b>	Yes
<b>OWNERS OF PREMISES:</b>	N/A		



### CONDITIONS OF OCCUPANCY:

*Mindy Teague*  
Mindy Teague  
PLANNING & ZONING DIRECTOR

9/11/2023

DATE



# Sales & Use Tax Permit – Current Example



**TEXAS SALES AND USE TAX PERMIT**  
*This permit is not transferable, and this side must be prominently displayed in your place of business.*

Related: A seller may NOT accept a copy of this permit in lieu of a properly completed exemption or resale certificate. A certificate is necessary to document why tax is not collected on a sale. You must obtain a new permit if there is a change of ownership, location, or business location name.

TAXPAYER NAME, BUSINESS LOCATION NAME, and PHYSICAL LOCATION.

RIVER CITY GUN WORKS LLC  
 RIVER CITY GUN WORKS LLC  
 11411 RENDEZVOUS DR STE 202  
 SAN ANTONIO TX 78216-3316  
 BEXAR COUNTY  
 NAICS CODE: 811490

DESCRIPTION ON NEXT LINE:  
 Other Personal and Household Goods Repair and Maintenance

SHOW THIS BUSINESS IN THE FOLLOWING LOCAL SALES TAX AUTHORITIES:

CITY: SAN ANTONIO EFF: 06/01/2018  
 TRANSIT: SAN ANTONIO ATD EFF: 06/01/2018  
 TRANSIT: SAN ANTONIO MTA EFF: 06/01/2018

Type of permit: SALES AND USE TAX  
Permit number: 3-20660-8357-D  
Location number: 00001  
Last business date of location: 06/01/2018

*Glenn Hegar*  
 Glenn Hegar  
 Comptroller of Public Accounts

## Certificate of Occupancy

THIS FORM WAS PRINTED ON 10/4/2023

This Certificate is issued pursuant to the requirements of the 2021 International Building Code certifying that at the time of issuance, this structure was in compliance with the various ordinances of the City of Leon Valley regulating building construction or use. Additionally, this Certificate of Occupancy is issued as prescribed by the 2021 International Building Code, Section 111.

<b>PROJECT / PERMIT #:</b>	2023-783	<b>LOT:</b>	1, 2 NW 1/4 4.73 FT of 3
<b>PROPOSED USE:</b>	Retail	<b>BLOCK:</b>	1
<b>OCCUPANCY CLASS:</b>	B	<b>CB:</b>	9901
<b>SUBDIVISION:</b>		<b>ZONE:</b>	B-2
<b>OCCUPANT:</b>	River City Gun Works LLC	<b>OCCUPANT LOAD:</b>	8
<b>LOCATION:</b>	6228 Bandera Rd.	<b>AUTO SPRINKLER SYSTEM:</b>	Yes
<b>OWNERS OF PREMISES:</b>	GS Ventures Group - Shahram Younessian 300 Old Country Mineola, NY 11501		



### CONDITIONS OF OCCUPANCY:

*Mindy Teague*  
 Mindy Teague  
 PLANNING & ZONING DIRECTOR

10/4/2023  
 DATE

POST IN A CONSPICUOUS PLACE



# Sales and Use Tax Permit Example



## Certificate of Occupancy

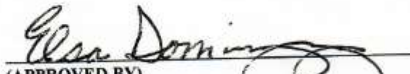
THIS FORM WAS PRINTED ON 3/03/2016

This Certificate issued pursuant to the requirements of the Standard Building Code certifying that at the time of issuance, this structure was in compliance with the various ordinances of the Jurisdiction regulating building construction or use.

**PROJECT #:** 140705      **LOT:** 16  
**PROPOSED USE:** RETAIL      **BLOCK:** 5  
**OCCUPANCY CLASS:** GROUP B - BUSINESS      **CB:** 17375  
**SUBDIVISION:** BANDERA EXCHANGE #3      **ZONE:** B-3 COMMERCIAL DISTRICT  
**OCCUPANT:** JB WOOLF SHEDS  
**LOCATION:** 6018 EXCHANGE PARKWAY  
**OWNER OF PREMISES:** JB WOOLF SHEDS LLC

Taxpayer	
Taxpayer ID:	14120682965
Taxpayer Name:	J.B. WOOLF SHEDS, L.L.C.
Mailing Address:	PO BOX 171241 SAN ANTONIO, TX 78217
Permit Status:	<b>INACTIVE</b>

Locations						
SORT: LOCATION NAME (A-Z)						
Location Name	Status	Address	City, State, Zip	Location Number	Permit Begin Date	Permit End Date
J.B. WOOLF SHEDS	<b>INACTIVE</b>	5304 BANDERA RD	LEON VALLEY, TX 78238	00001	01/15/2003	03/31/2016
J.B. WOOLF SHEDS	<b>INACTIVE</b>	6018 EXCHANGE PKWY	LEON VALLEY, TX 78238	00002	04/01/2016	

  
 (APPROVED BY)

3/3/16  
 DATE



# Alcohol License Example

☐ TIM'S ORIENTAL & SEAFOOD MKT
☐ TAQUERIA JALISCO #8
☐ EVERS STOP
☐ PETER PIPER PIZZA
☐ Trices Cafe and Lounge

BANDERA STOP	
CABANA BEVERAGES INC.	
CIRCLE K #2740932	
GOBRANDS TEXAS LLC	
QUICKTRIP #4016	
Taqueria Oro Azul	
WALGREENS #03505	
Wing Daddy's Sauce House	
the rodeo bar and grill	
POPS A LIQUOR #3	
CIRCLE K #2741048	
HACIENDA VALLARTA MEXICAN BUFFET & GRILL	
FAMILY DOLLAR STORE #32200	
BOTTLECAP BEVERAGES	
SARI-SARI FILIPINO RESTAURANT MARKET & BAKERY	
HENRY'S PUFFY TACOS	
HEB MARKETPLACE	
LONGTAB BREWING COMPANY	
GREEN LIGHT DISTRIBUTION LLC	
BANDERA BOWL	
CHACHO'S	
Amiga Cafe	
FRIO TO GO DAIQUIRIS	

# Current Code Language

- The current language states:

Sec. 15.02.103 - Certificate of occupancy

A certificate of occupancy shall be obtained for any of the following:

- (1) Occupancy and use of a building hereafter erected or structurally altered;
- (2) Change in use of an existing building to a use of a different classification;
- (3) Occupancy and use of vacant land;
- (4) Change in the use of land to a use of a different classification;
- (5) Any major or significant modification, alteration, or change in a nonconforming use;
- (6) Business ownership name change; and

A short-term rental (STR) is not required to obtain a certificate of occupancy.



# Proposed Amendment (blue text)

- The new language would state:

Sec. 15.02.103 - Certificate of occupancy

a. A certificate of occupancy shall be obtained for any of the following:

- (1)Occupancy and use of a building hereafter erected or structurally altered;
- (2)Change in use of an existing building to a use of a different classification;
- (3)Occupancy and use of vacant land;
- (4)Change in the use of land to a use of a different classification;
- (5)Any major or significant modification, alteration, or change in a nonconforming use;
- (6)Business ownership name change; and

b. A short-term rental (STR) is not required to obtain a certificate of occupancy.

c. Proof of a current Sales and Use Tax Permit (if required) depicting the City of Leon Valley as recipient of sales and use taxes must be provided prior to issuance of the permit.

# Fiscal Impact

- The requirement to provide proof of a current Sales and Use Tax Permit designating the City of Leon Valley as the recipient will assure the proper allocation of sales tax, which will increase sales tax collections

# S.E.E. Statement

## Social Equity:

- Assuring that all business owners who are required to submit sales tax do so to the City of Leon Valley will ensure equity among all businesses

## Economic Development:

- The increase in sales tax collections will assist in providing needed services to citizens and businesses alike

## Environmental Stewardship:

- The City uses a portion of the funds it receives to promote and sponsor tree giveaways, the Earthwise Living Day event, and the Community Garden, which all assist in the management of our ecosystem



# Strategic Goals

**Economic Development** is a strategic goal outlined in Leon Valley's Strategic Plan.

- Revitalize declining commercial areas by creating, reviewing, and enforcing codes that impact Economic Development

# Recommendation

- At council discretion