

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 15 ZONING, DIVISION 2 – RULES OF CONSTRUCTION AND DEFINITIONS, SEC. 15.02.052 – DEFINITIONS AND CHAPTER 15 ZONING, DIVISION 7 PERMITTED USE TABLE, SECTION 15.02.381 TO ALLOW THE USES “BAR/TAVERN”, “BAR/TAVERN WITH OUTDOOR ENTERTAINMENT AREA”, “NIGHTCLUB/LARGE TAVERN”, “ENTERTAINMENT – INDOOR”, AND “ENTERTAINMENT - OUTDOOR” IN CERTAIN ZONING AND OVERLAY DISTRICTS WITH AND WITHOUT A SPECIFIC USE PERMIT AND TO REVISE CERTAIN NOTES; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS Chapter 15 Zoning, Division 2 – Rules of Construction and Definitions, Sec. 15.02.052 – Definitions is appropriate of the City of Leon Valley Code of Ordinances currently defines the uses allowed; and

WHEREAS Chapter 15 Zoning, Division 7 Permitted Uses, Section 15.02.381 of the City of Leon Valley Code of Ordinances currently regulates the uses allowed in each zoning district and in each Overlay zoning district; and

WHEREAS the City has determined that a revision to add the new terms to Chapter 15 Zoning, Division 2 – Rules of Construction and Definitions, Sec. 15.02.052 – Definitions is appropriate; and

WHEREAS the City has determined that several of these uses should be allowed in the B-1,B-2,B-3, and I-1 zoning district with the Sustainability Overlay district with or without certain restrictions or additional regulations, and now desires to revise Section 15.02.381 Table of Permitted Uses to reflect these revisions; and

WHEREAS after a public hearing and notice provisions as required by law, the Planning and Zoning Commission of the City of Leon Valley voted to recommend approval of these revisions to Section 15.02.381 Table of Permitted Uses; and

WHEREAS after a public hearing and notice provisions as required by law, the City Council of the City of Leon Valley now desires to amend Section 15.02.381 Table of Permitted Uses of the City of Leon Valley Code of Ordinances to allow certain uses in the, B-1, B-2,B-3, and I-1 zoning district with the Sustainability Overlay District and also approve the revision to the Notes section in the Table.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, THAT:

SECTION 1. SECTION 1. *Chapter 15 Zoning, Division 2 – Rules of Construction and Definitions, Sec. 15.02.052 – Definitions is hereby amended to include the following terms:*

- Bar/Tavern Completely Enclosed – an establishment with less than five thousand (5,000) square feet and under license from the Texas Alcohol and Beverage commission (TABC), which is principally engaged in the retail sale of alcoholic beverages, with food only incidental to the sale of alcohol. A bar/tavern use may include live entertainment for indoor use only.
- Bar/Tavern with Outdoor Entertainment Area – an establishment with less than five thousand (5,000) square feet and under license from the Texas Alcohol and Beverage commission (TABC), which is principally engaged in the retail sale of alcoholic beverages, with food only incidental to the sale of alcohol. This use may include live entertainment both indoor and outdoor in designated areas.
- Nightclub/Large tavern - A bar/tavern with more than five thousand (5,001) square feet of floor area excluding kitchens, restrooms, and storage areas. This use may include a live entertainment, performance by musicians, dancers, stand-up comedians, other performance artists, live bands, musical actions; or the amplification of recorded music/entertainment by live disk jockeys for use both indoors and outdoors, in designated areas.
- Entertainment - Indoor - a use which includes, billiard parlor, bowling center, playground, skating center, video/game room, playroom/birthday party room, aquarium, museum, and other similar entertainment. On-premises sale and consumption of alcoholic beverages is allowed so long as it does not make up 51% or more of gross revenue.
- Entertainment - Outdoor - A use which includes Baseball/softball/volleyball park, equestrian center, fairground, football field, go-karts, golf - miniature or other, sports complex, live entertainment, and other similar entertainment. On-premises sale and consumption of alcoholic beverages is allowed so long as it does not make up 51% or more of gross revenue.

SECTION 2. Chapter 15 Zoning, Division 7, Section 15.02.381 Permitted Use Table of the City of Leon Valley Code of Ordinances is hereby amended for the following uses only to read:

Use	O-1	B-1	B-2	B-3	I-1	SO	CIO	GO	Notes
Bar/Tavern Completely Enclosed	X	SUP	P	P	P	U	U	U	
Bar/Tavern with Outdoor Entertainment Area	X	X	SUP	P	P	U	U	U	
Nightclub/Large Tavern	X	X	SUP	SUP	SUP	U	U	U	

Entertainment - Indoor	X	SUP	SUP	P	P	U	U	U	
Entertainment - Outdoor	X	SUP	SUP	P	P	U	P	U	

SECTION 3. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 4. That it is hereby declared to be the intention of the City Council of the City of Leon Valley that phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, and section.

SECTION 5. The ordinance shall be effective upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 16th day of May, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney