

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 15 ZONING, DIVISION 3 ADMINISTRATION, SECTION 15.02.103, - CERTIFICATE OF OCCUPANCY, TO REQUIRE BUSINESSES TO MAINTAIN ACCURATE AND CURRENT INFORMATION UPON APPLICATION FOR A CERTIFICATE OF OCCUPANCY (C OF O); PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS Chapter 15 Zoning of the City of Leon Valley Code of Ordinances establishes the City's Zoning Districts, including District Boundaries and Use regulations; and

WHEREAS Chapter 15 currently does not require businesses to maintain accurate and current information to obtain a Certificate of Occupancy; and

WHEREAS this requires businesses to maintain accurate and current information to be granted a Certificate of Occupancy; and

WHEREAS the Zoning Commission of the City of Leon Valley held a public hearing to determine the appropriateness of amending the Zoning Code to require businesses to maintain accurate and current information prior to obtaining a Certificate of Occupancy; and

WHEREAS the City Council of the City of Leon Valley also held a public hearing, with proper notice and publication, and determined to require businesses to maintain accurate and current information prior to obtaining a Certificate of Occupancy; maintain accurate and current information at all times, and now desires to amend Chapter 15 Zoning Code, Section 15.02.103; and

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

SECTION 1. That Chapter 15 Zoning Code, Division 3, Section 15.02.103 is hereby amended as follows:

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

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

B. Application for Certificate of Occupancy Shall be obtained through the Planning and Zoning Department after submittal of:

1. A complete and accurate application.

2. Owner affidavit

3. Failure to maintain accurate and/or updated information as submitted in the application is punishable by a fine of up to \$500 per day, per violation.

SECTION 2. 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 3. 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 4. 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 21st day of November 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

City Attorney