

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** November 21, 2023  
**TO:** Mayor and Council  
**FROM:** Roque Salinas, Economic Development Director  
**THROUGH:** Dr. Crystal Caldera, City Manager

**SUBJECT:** Presentation, Public Hearing, and Discussion to Consider an Ordinance Revising Chapter 15 Zoning, Division 3 Administration, Section 15.02.103 - Certificate of Occupancy, to Require a Complete and Accurate Application and Owner Affidavit for a Certificate of Occupancy (C of O) – R. Salinas, Economic Development Director (1<sup>st</sup> Read as Required by City Charter)

### **PURPOSE**

The purpose of this item is to consider approving an Ordinance to amend Chapter 15 Zoning, Division 3 Administration, Section 15.02.103 Certificate of Occupancy, to require a complete and accurate application and Owner Affidavit for a Certificate of Occupancy (C of O).

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 and that the permit designates the City of Leon Valley as the recipient of the sales and use taxes. Nor does it require a liquor license (when needed) ect.

To ensure proper collection of sales tax, and other needed documentation, it is recommended the Zoning Code be amended to require proof of the required permits prior to approval of the C of O.

The new code language would add section B to the code, which states ([changes in blue text](#)):

- 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

(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. 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.

**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 ensure the proper allocation of sales tax, which will increase sales tax collections.

**RECOMMENDATION**

After careful review, Staff has no objection to this request.

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

APPROVED WITH THE FOLLOWING AMENDMENTS:

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ATTEST:

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary