

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 15 ZONING, DIVISION 3, SECTION 15.02.103, CERTIFICATE OF OCCUPANCY, TO REQUIRE A COMPLETE AND ACCURATE APPLICATION AND OWNER AFFIDAVIT UPON APPLICATION FOR A CERTIFICATE OF OCCUPANCY (C of O); PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**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 contains a range of requirements needed to obtain a Certificate of Occupancy; and

**WHEREAS** this amendment will require an occupant to provide a complete and accurate application and owner's affidavit prior to approval of 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 add this requirement; and

**WHEREAS** the City Council of the City of Leon Valley also held a public hearing, with proper notice and publication, and agrees with the Planning and Zoning Commission's recommendation and now desires to amend Chapter 15 Zoning Code, Section 15.02.103;

**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 to read as follows:

- 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:
1. A complete and accurate application
  2. Owner Affidavit
  3. Failure to maintain accurate and/or updated information as submitted in the application, can be cause for revocation of Certificate of Occupancy

**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**

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**CHRIS RILEY**  
MAYOR

Attest :

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

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City Attorney