

**AN ORDINANCE GRANTING CONTINUOUS SPECIFIC USE TEMPORARY PERMIT #2022-22 FOR RETAIL SALES OF CHRISTMAS TREES AND RELATED PRODUCTS, GENERALLY LOCATED AT 7100 BANDERA RD., BEING LOT 2, BLOCK 1, CB 4446E, NORTH VALLEY UNIT TWO SUBDIVISION, IN A B-2 RETAIL WITH SUSTAINABILITY OVERLAY ZONING DISTRICT, UPON APPLICATION BY DARYLL SMITH, APPLICANT.**

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**WHEREAS** Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for its administration, enforcement, and amendment; and

**WHEREAS**, the City has previously deemed it necessary and desirable to adopt zoning regulations and zoning tools to provide for the orderly development of property within the City to promote the public health, safety, morals, and general welfare of the residents of the City, and

**WHEREAS** the Leon Valley Code of Ordinances Chapter 14 constitutes the City's Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

**WHEREAS** the Planning and Zoning Commission of the City of Leon Valley provided adequate notice and held a public hearing in accordance with Chapter 14 of the Leon Valley Code of Ordinances; and

**WHEREAS**, the Planning and Zoning Commission of the City of Leon Valley has recommended approval of the Continuous Specific Use Temporary Permit, a zoning tool, to address the use of the designated property; and

**WHEREAS**, the Planning and Zoning Commission has confirmed that the Continuous Specific Use Temporary Permit is uniform and conforms to the plan and design of the City of Leon Valley's Zoning regulations and Permitted Use Table and the City of Leon Valley Comprehensive Plan; and

**WHEREAS**, the City Council of the City of Leon Valley has also held a public hearing regarding the request for a Continuous Specific Use Temporary Permit for retail sales of Christmas trees and related products on the affected property and has issued adequate notice to all the affected parties; and

**WHEREAS** the City Council of the City of Leon Valley believes the granting of a Continuous Specific Use Temporary Permit will not adversely affect the character of the area of the neighborhood in which it is proposed to operate the Continuous Specific Use Temporary Permit; and

**WHEREAS**, said Continuous Specific Use Temporary Permit will not substantially depreciate the value of adjacent or nearby properties; and

**WHEREAS**, said Continuous Specific Use Temporary Permit will be in keeping with the

spirit and intent of the City's Zoning Ordinance; and

**WHEREAS**, said Continuous Specific Use Temporary Permit will comply with applicable standards of the district in which located; and

**WHEREAS**, said Continuous Specific Use Temporary Permit will not adversely affect traffic, public health, public utilities, public safety, and the general welfare of the residents of the City of Leon Valley; and

**WHEREAS** it is now the desire of the City Council of the City of Leon Valley to grant a Continuous Specific Use Temporary Permit for retail sales of Christmas trees and related products.

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


**SECTION 1.** Property being described as Lot 2, Block 1, CB 4446 E North Valley Unit Two Subdivision, generally located at 7100 Bandera Rd., and more particularly described in case file SUP 2022-22, is hereby granted a Continuous Specific Use Temporary Permit for the retail sales of Christmas trees and related products in a B-2 Retail with Sustainability Overlay Zoning District.

**SECTION 2.** The City staff is hereby authorized to issue said zoning when all conditions imposed by the City Council have been addressed and complied with in full.


**SECTION 3.** This ordinance is effective immediately upon passage by four (4) affirmative votes; otherwise, it is effective on the tenth day after passage hereof.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 18th day of June 2022.

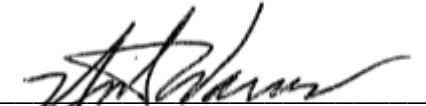
**APPROVED**

  
**CHRIS RILEY**  
MAYOR

Attest :

  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

  
**NICOLE WARREN**  
City Attorney

