

ORDINANCE NO. 2026-17

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING ORDINANCE CHAPTER 4, BUSINESS REGULATIONS, ARTICLE 4.14 SHORT TERM RENTAL TO EXPAND PROHIBITION FROM 200 FEET ON THE SAME BLOCK FACE TO 300 FOOT RADIUS, ESTABLISHING OCCUPANCY STANDARDS TO MAXIMUM FLOOR AREA ALLOWANCE PER OCCUPANT AT 200 GROSS, NOT ALLOWING PERMITS TO BE TRANSFERABLE, ANY TRASH DISPERSED BEYOND THE PROPERTY BOUNDARIES IS PICKUP WITHIN 24 HOURS AND PROVIDING FOR A PENALTY, REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Leon Valley is a home-rule municipality. Chapter 215 of the Texas Local Government Code (LGC) authorizes a home-rule municipality to regulate businesses pursuant to its police power. Chapter 51 of the LGC authorizes the governing body of a municipality to adopt, publish, amend, or repeal an ordinance, rule, or police regulation that is for good government, peace, or order of the municipality or for trade and commerce within the municipality and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, permanent residents desire the option to occasionally utilize their properties for Short-Term Rentals; and

WHEREAS, the operation of Short-Term Rentals should not be permitted to negatively affect property values and the quiet enjoyment of adjacent property in residential districts; and

WHEREAS, the City Council has determined that regulations are needed to protect the public health, safety, morals and general welfare of the citizens of Leon Valley; and

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

SECTION 1. Chapter 4 Business Regulations, Article 4.14 Short-Term Rental, is hereby amended as stated in Exhibit A, attached hereto and incorporated herein.

Section 2. Penalty. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Chapter 1. General Provisions, Article 1.01 Code of Ordinances, Section 1.01.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

Section 3. Severability Clause. If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of

circumstances shall not be affected thereby, it being the intent of the City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

Section 4. Savings Clause. 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 or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

Section 5. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict. All provisions, sections and sub-sections not revised or amended herein shall remain in effect.

Section 6. Effective Date. This ordinance shall become effective on and after its passage and approval, and publication requirements as provided by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 4th day of August, 2026.

APPROVED


CHRIS RILEY
MAYOR

Attest :


SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form:


ARTURO D. "ART" RODRIGUEZ
City Attorney

ARTICLE 4.14 SHORT-TERM RENTAL¹

Sec. 4.14.001 Purpose and applicability

This article aims to establish regulations for the registration and use of short-term rentals for single-family living units. The requirements of this article apply only to short-term rentals, as defined herein, located in residential zoning districts established under Chapter 15, Zoning of the City of Leon Valley Code of Ordinances. Nothing in this article, however, shall be construed as a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for a period of less than 30 consecutive days of property located outside of such residential-only zoning districts.

Existing Short-Term Rentals. Notwithstanding any other provision of this article, any short-term rental that holds a valid and approved registration as of the effective date of this ordinance shall continue to be governed by the short-term rental regulations in effect on November 7, 2023, and shall not be subject to the new or amended requirements adopted by this ordinance, provided that the registration remains continuously valid and in good standing. If the registration expires, is surrendered, revoked, terminated, or otherwise becomes invalid, any subsequent application shall be subject to the regulations in effect at the time of the new application.

(Ord. No. 2023-41, § 1(Exh. A), 11-7-2023)

Sec. 4.14.002 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertise means the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or on-line posting to a short-term rental to promote the availability of the short-term rental.

Block face means one side of a city block, specifically the distance along one side of a street between two consecutive intersections or between an intersection and the end of a dead-end street. When a street is a circle or semi-circle with no intersection the entire street is considered one block face.

Hotel Occupancy Tax means the hotel occupancy tax as defined in Chapter 11 of the Leon Valley Code of Ordinances and V.T.C.A. Texas Tax Code, Chapter 351.

Local emergency contact means an individual other than the applicant, who resides within 200 miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the short-term rental property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

Owner means any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including

¹Ord. No. 2023-41, § 1(Exh. A), adopted November 7, 2023, set out provisions intended for use as Article 13, §§ 4.13.001—4.13.011. For the purposes of classification and to avoid duplication of numbers, and at the editor's discretion, these provisions have been included as Article 4.14, §§ 4.14.001—4.14.011.

the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court. The term "owner" does not include the holder of a non-possessory security interest in the property.

Party means a social gathering of people or special event, including those who have not rented the residence, for the primary purpose of eating, drinking or entertainment in a manner that is disruptive to the surrounding properties.

Per occurrence violation means that if a short-term rental owner has multiple violations in one day, under section 4.14.009 all violations are grouped as one violation for the purposes of progressive enforcement.

Short-term rental (STR) means a residential dwelling unit, apartment, condominium, or accessory dwelling, that may or may not be owner or lessee occupied; where sleeping areas are rented to overnight guests for a period less than 30 consecutive days (but not less than 12 hours). The term does not include:

- (1) A unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use;
- (2) A bed and breakfast;
- (3) A hotel/residence hotel; or
- (4) Individual room rentals while owner/lessee holder-occupied.

(Ord. No. 2023-41, § 1(Exh. A), 11-7-2023; Ord. No. 2025-20, § 1(Exh. A), 8-19-2025)

Sec. 4.14.003 Short-term rental registration requirements

No person shall hereafter advertise, offer to rent, or rent, lease, sublease, license or sublicense a residential property within the city as a short-term rental for which a registration has not been properly made and filed with the planning and zoning department of the city. Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

- (1) Name, address, phone number and e-mail address of the property owner of the short-term rental property;
- (2) Name, address, phone number and e-mail address of the designated local emergency contact;
- (3) All short-term rentals existing before this ordinance will have six months from the passage of this ordinance to register (November 7, 2023).

(Ord. No. 2023-41, § 1(Exh. A), 11-7-2023)

Sec. 4.14.004 Reserved

Sec. 4.14.005 Restrictions on short-term rentals

- (a) To operate or allow to be operated a short-term rental without first registering, in accordance with this article, the property in which the rental is to occur;
- (b) To advertise or offer a short-term rental without first registering, in accordance with this article, the property in which the rental is to occur; documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this article;
- (c) To operate a short-term rental that does not comply with all applicable city and state laws and codes;

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- (d) To operate a short-term rental without paying the required hotel occupancy taxes;
 - (e) To offer or allow the use of a short-term rental for the sole or primary purpose of having a party venue;
 - (f) Permit the use of short-term rental for the purpose of housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code or operating as a sexually oriented business.
 - (g) In order to preserve the essential character of residential areas, no short-term rental shall operate within 300-foot radius of another short-term rental in areas zoned for residential use. The 300-foot radius shall be measured in a straight line from the nearest property line of the short-term rental in question to the nearest property line of the other short-term rental, without regard to intervening structures, rights-of-way, or the location of any dwelling unit on either lot.
 - (h) All persons who register as a short-term rental must utilize their property as a short-term rental.

A special exception - In order to obtain a permit for a short-term rental that would otherwise violate the minimum separation distance and lot limitation described herein, a property owner may apply to the city council for a special exception.

The city council shall consider factors such as the following:

- (1) Whether operation as a short-term rental in excess of the density limitation will not adversely impact the residential quality of the neighborhood in which the property is located;
 - (2) Whether such operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners);
 - (3) Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;
 - (4) Whether the applicant seeks to operate an entire residence as a short-term rental or whether the short-term rental use is limited to an accessory dwelling;
 - (5) Whether the applicant occupies the premises as their primary residence or uses it as an investment property; and
 - (6) Whether other short-term rentals in excess of the minimum separation distance are already operating on that block.
- (i) The owner or local emergency contact shall provide a sufficient number of trash, recycling, or refuse containers to accommodate the waste generated by the maximum permitted occupancy of the short-term rental. At a minimum, one trash receptacle shall be provided for every four (4) persons of maximum permitted occupancy, rounded up to the next whole number. The owner or local emergency contact shall ensure that any trash, recycling, refuse containers, or waste generated by the operation of the short-term rental and dispersed beyond the property boundaries due to wind, animals, guests, or any other cause is collected and properly disposed of within twenty-four (24) hours after notice from the city or discovery by the owner or local emergency contact. Failure to comply will result in a citation and official violation as per sec. 4.14.009.
 - (j) The maximum overnight occupancy of a short-term rental shall not exceed the number of occupants calculated by dividing the gross floor area of the dwelling unit, as reflected in the applicable county appraisal district record or building permit, by two hundred (200) square feet per occupant, consistent with the occupant load factor for "Residential" use set forth in Table 1004.5 of the 2021 International Fire Code, which the city adopts for purposes of establishing maximum occupancy limits under this

article. Where this calculation results in a fractional number, the maximum occupancy shall be the next lowest whole number. Where a lower maximum occupancy is established by an on-site sewage facility permit, septic system design, or other applicable building, health, or fire code provision, the lower number shall control. The short-term rental owner shall comply with all other applicable building and fire codes adopted by the city. For purposes of calculating maximum occupancy of a short-term rental hereunder, "gross floor area" means the total enclosed, conditioned floor area of the dwelling unit measured to the outside surfaces of the exterior walls, including all habitable rooms, closets, interior hallways, stairwells, and bathrooms. The gross floor area of a short-term rental shall be presumed to be the living area square footage reflected in the records of the Bexar Appraisal District for the subject property as of the date of registration or renewal. An owner may rebut this presumption by submitting a certified survey, architectural plan, or building permit record establishing a different square footage, subject to verification by the city.

(Ord. No. 2023-41, § 1(Exh. A), 11-7-2023)

Sec. 4.14.006 Brochure and safety features

- (a) *Informational brochure.* Each registrant operating a Short-Term Rental shall provide to guests a brochure that includes:
- (1) The registrant's 24-hour contact information;
 - (2) A local responsible party's 24-hour contract information if the owner is not within the city limits when guests are renting the premises;
 - (3) Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules; and
 - (4) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.
- (b) *Safety features.* Each short-term rental registrant shall provide, in the premises, working smoke detectors in accordance with adopted codes and at least one working carbon monoxide detector and alarm, and one working fire extinguisher. The premises shall, otherwise, comply with applicable Code of Ordinance requirements, including, but not limited to, building and fire codes.

(Ord. No. 2023-41, § 1(Exh. A), 11-7-2023)

Sec. 4.14.007 Reserved

Sec. 4.14.008 Registration term, fees, and renewal

- (a) All registrations under this chapter [article] shall be valid for a period of two years from the date of its issuance.
- (b) The fee for registration of a short-term rental shall be \$200.00 with a late fee of twice the established fee.
- (c) A short-term rental registration is personal to the owner to whom it was issued and is valid only for the specific property described in the registration. A registration shall not be transferred, assigned, sold, conveyed, or otherwise disposed of to another person or entity. Any change in ownership of the property shall require the new owner to submit a new application in accordance with this article.

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- (d) If a short-term rental registration expires, is voluntarily surrendered, revoked, or otherwise terminated, the short-term rental use shall be deemed terminated. If a registration expires without timely renewal, the owner shall have fifteen (15) days from the expiration date to submit a renewal application before the short-term rental use is deemed terminated. Upon termination of a registration under this subsection, any future operation of the property as a short-term rental shall require submission of a new application and shall be subject to all regulations in effect at the time of that application, including any applicable spacing or separation requirements.

(Ord. No. 2023-41, § 1(Exh. A), 11-7-2023; Ord. No. 2025-20, § 1(Exh. A), 8-19-2025)

Sec. 4.14.009 Suspension and revocation of short-term rental registration

- (a) The planning and zoning director, or his/her designee, may suspend and/or revoke a short-term rental registration if it is determined that the activities set forth above in section 4.14.005 are determined to have occurred at the short-term rental; or a short-term rental unit is listed on a hosting platform or advertised elsewhere without being registered as required under section 4.14.003.
- (b) In addition to section 4.14.011, a per occurrence violation of any of the conditions in section 4.14.009(a) shall result in progressive enforcement:
- (1) Upon the first violation, the owner shall receive a written warning that includes a description of enforcement for future violations.
 - (2) Upon the second violation, the owner shall receive a written citation for the violation.
 - (3) Upon the third violation, registration for the short-term rental shall be terminated and the short-term rental host prohibited from re-applying for a new registration for six months from the date of termination.
 - (4) Upon the fourth violation, the registration for the short-term rental shall be terminated and the short-term rental host will be prohibited from re-applying for a new registration for one year from the date of termination.
 - (5) Upon the fifth violation, the registration for the short-term rental shall be terminated and the short-term rental host will be prohibited from re-applying for a new registration at any time in the future.
- (c) During the time period that a short-term rental registration is suspended or revoked, it shall be unlawful to advertise, offer to rent or rent, lease, sublease, license or sublicense the residential property subject to the suspension or revocation within the city as a short-term rental.
- (d) All violations roll off of your record every 24 months from the date of occurrence.
- (e) The planning and zoning director may suspend or revoke a registration if:
- (1) The owner knowingly submits false information during the registration process;
 - (2) The registration is transferred, sold, conveyed, disposed of, or assigned to another person or entity without city approval. The registration shall be deemed void as of the date of the unauthorized transfer.

(Ord. No. 2023-41, § 1(Exh. A), 11-7-2023)

Sec. 4.14.010 Appeal of denial, suspension, or revocation of registration

In the event an applicant has been denied registration or if a registration has been suspended or revoked, the party affected may appeal that action to the city manager by submitting a letter within ten business days of the denial, suspension, or revocation. The city manager, or his/her designee, shall review the appeal at a staff level

and decide within ten business days of receiving the appeal request and shall have the authority to uphold or reject the action complained of and order that the registration be granted or reinstated. However, should the city manager uphold the denial, suspension, or revocation, they shall schedule a hearing before the city council at a regular or special meeting within 30 days of the denial, unless the applicant withdraws the appeal in writing. Such a hearing shall be an administrative hearing, and adherence to formal rules of evidence shall not be required. The decision of the city council may be appealed as allowed by law to any court with jurisdiction.

(Ord. No. 2023-41, § 1(Exh. A), 11-7-2023)

Sec. 4.14.011 Violations and penalties

Violation of this article upon conviction shall be punished by a fine not to exceed the sum of \$500.00 for each offense and each day such violation shall continue shall be deemed to constitute a separate offense. Warnings, citations, and revocations may be issued to dwelling owners, operators, lessors, agents, occupants, tenants, and/or guests, depending on the nature of the violation. Dwelling owners are ultimately responsible for compliance with the requirements and restrictions imposed upon a short-term rental by this article and for the conduct of their dwelling operators, lessors, agents, occupants, tenants, and guests, regardless of whether the owners are present at the dwelling.

(Ord. No. 2023-41, § 1(Exh. A), 11-7-2023)