

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2017-10

3 INTRODUCED BY:

4
5 Councilor Peter N. Ives

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10 AN ORDINANCE

11 RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987;
12 AMENDING SUBSECTION 14-6.3(D)(1) TO AMEND THE STANDARDS FOR
13 ACCESSORY DWELLING UNITS; AND MAKING SUCH OTHER STYLISTIC OR
14 GRAMMATICAL CHANGES THAT ARE NECESSARY.

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16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17 Section 1. Subsection 14-6.3(D)(1) SFCC 1987 (being Ord. No. 2012-21 § 3 (as
18 amended)) is amended to read:

19 (D) Standards for Specific Accessory Uses

20 (1) Accessory Dwelling Units (Ord. No. 2012-21 § 3; Ord. No. 2014-31 § 15)

21 *Accessory dwelling units* located on residentially zoned property:

22 (a) are required to meet parking standards as set forth in Section 14-8.6;

23 (b) shall be regulated as per *city* regulations and policies regarding *city*
24 utilities;

25 (c) are exempt from the *density* restrictions set forth in this Chapter 14

1 when located on a legal lot of record occupied by a single principal
2 dwelling unit; provided, however, that [~~only one~~] not more than two
3 accessory dwelling units shall be permitted per legal lot of record;

4 (d) shall be built only when permission to construct is granted to the
5 owner-occupant of the principal dwelling unit;

6 (e) the total square footage of accessory dwelling units on a single lot
7 shall [have lot coverage] not exceed [ing the square footage of the lot
8 coverage of the principal dwelling unit or not more than] one
9 thousand five hundred square feet, including the square footage of
10 other accessory structures attached to the accessory dwelling units[;
11 whichever is less];

12 (f) shall be limited to [~~one~~] a single story [and] that:

13 (i) when the accessory dwelling unit is constructed at ground
14 level shall not exceed fourteen (14) feet in height as
15 measured to the top of the parapet or to the highest point of
16 the roof if there is no parapet, or;

17 (ii) when the accessory dwelling unit is constructed as a second
18 story shall not cause the resulting structure to exceed the
19 underlying dimensional standards of the residential district;

20 (g) shall be of the same architectural style as the principal *dwelling unit*;

21 (h) may be rented as follows:

22 (i) by the owner-occupant who may rent either the principal
23 dwelling unit or one *accessory dwelling unit*, but in no event
24 more than one of the *dwelling units* on any *lot*, as a *short-*
25 *term rental unit* pursuant to Section 14-6.2(A)(5) during

1 which time, the *owner-occupant* shall occupy either the
2 principal *dwelling unit* or one of the accessory dwelling
3 units; or

4 (ii) by the *owner-occupant* who may rent either the principal
5 *dwelling unit* or the *accessory dwelling unit* or units for
6 periods of not less than thirty days; or

7 (iii) by the property *owner* who may rent both the principal
8 *dwelling unit* and the *accessory dwelling unit* or units to the
9 same lessee for a period of not less than thirty days, [
10 however,] in which case no separate subletting of either the
11 principal unit or any accessory unit is allowed as a short-
12 term rental.

13 (i) shall not be issued a construction permit or a short-term rental permit
14 until a restrictive covenant is recorded at the office of the county
15 clerk that requires the current *property owner* and all future *property*
16 *owners* to comply with Subsection 14-6.3(D)(1). The covenant shall
17 be in a form approved by the *land use director* and the *city* attorney
18 and shall be notarized prior to recordation. A copy of the recorded
19 covenants shall be provided to the *land use director* with the
20 construction *permit application*. The *land use director* shall maintain
21 copies of recorded covenants pursuant to the provisions of this
22 section. An affidavit filed prior to the adoption of Ordinance No.
23 2008-5 (ordaining Section 14-6.2(A)(5)) and amending Subsection
24 14-6.3(D)(1) remains in effect and is automatically amended to
25 reflect the provisions of Ordinance No. 2008-5;

1 (j) shall not be *subdivided* from a principal *dwelling unit* or sold under
2 separate ownership from a principal *dwelling unit* unless the
3 *accessory dwelling unit* meets all applicable requirements for a
4 principal *dwelling unit*. In such case, the restrictions set forth in
5 Subsection 14-6.3(D)(1) shall no longer apply and the affidavit or
6 restrictive covenant in Subsection 14-6.3(D)(1) may be voided upon
7 approval of the *land use director*; ~~and~~

8 (k) shall remain in continuous compliance with the provisions of this
9 section to maintain the validity of the *certificate of occupancy* of the
10 *accessory dwelling unit*. The *certificate of occupancy* of an
11 *accessory dwelling unit* may be revoked for noncompliance with this
12 Subsection 14-6.3(D)(1) as provided in Article 14-11 Enforcement.
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16 APPROVED AS TO FORM:

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19 KELLEY A. BRENNAN, CITY ATTORNEY
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