

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2009-44

3 INTRODUCED BY:

4 *Miguel Chavez*

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10 AN ORDINANCE

11 AMENDING SECTION 14-6.3(C)(1) SFCC 1987 CLARIFYING THE OWNERSHIP OF
12 ACCESSORY DWELLING UNITS AND REQUIRING THE RECORDING OF
13 RESTRICTIVE COVENANTS FOR ACCESSORY DWELLING UNITS.

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

16 Section 1. Section 14-6.3(C)(1) SFCC 1987 (being Ord. #2001-38, §2 as
17 amended) is amended to read:

18 (1) Accessory Dwelling Units

19 (a) Accessory dwelling units:

20 [(a)] (i) Are required to meet parking standards as set forth in §14-8.6;

21 [(b)] (ii) Shall be regulated as per City regulations and policies
22 regarding City utilities;

23 [(e)] (iii) Are exempt from the density restrictions set forth in this
24 chapter; however, only one accessory dwelling unit shall be
25 permitted per lot of record;

1 ~~[(d)]~~ (iv) Shall be built only when permission to construct is granted
2 to the owner-occupant of the principal dwelling unit;

3 ~~[(e)]~~ (v) Shall have a footprint not exceeding the square footage of the
4 footprint of the principal dwelling unit, or not more than 1500
5 square feet, whichever is less;

6 ~~[(f)]~~ (vi) Shall be limited to one story and shall not exceed 15 feet to
7 the top of the parapet or to the highest point of the roof if there is
8 no parapet; and


9 ~~[(g)]~~ (vii) Shall be of the same architectural style as the principal
10 dwelling unit~~[;]~~.

11 ~~[(h)]~~(b) The owner of the property shall occupy either the principal
12 dwelling unit or the accessory dwelling unit and may rent the
13 other unit. The principal dwelling unit or the accessory dwelling
14 unit may not be rented for less than 30 days except as provided
15 in §14-6.2(A)(6)(a). The accessory dwelling unit shall not be
16 subdivided from the principal dwelling unit or sold under
17 separate ownership from the principal dwelling unit unless the
18 then-current lot area is large enough to accommodate two
19 principal dwelling units according to the maximum permitted
20 density for the zoning district and all other applicable
21 requirements of this chapter are met. In such case, the
22 restrictions set forth in §14-6.3(C)(1) shall no longer apply and
23 the restrictive covenant in paragraph (c) below may be voided
24 upon approval of the Land Use Department; and

25 ~~[(i)]~~(c) ~~[An affidavit]~~ A restrictive covenant requiring compliance with

1 §14-6.3(C)(1) shall be recorded at the Office of the County Clerk
2 prior to issuance of any construction permit for an accessory
3 dwelling unit [~~stating that the property owner agrees to comply~~
4 ~~with these provisions~~]. The covenant shall be in a format
5 approved by the Land Use Department and shall be
6 acknowledged before a notary public prior to recording. The
7 Land Use Department shall maintain a file of the covenants
8 available for inspection by the public. [An affidavit filed prior to
9 ~~the adoption of Ordinance No. 2008-5 (ordaining §14-~~
10 ~~6.2(A)(6)(a) and amending §14-6.3(C)(1)) remains in effect and~~
11 ~~is automatically amended to reflect the provisions of Ordinance~~
12 ~~No. 2008-5.]~~

13 APPROVED AS TO FORM:

14 
15 Kelly A. Brennan, for
16 FRANK D. KATZ, CITY ATTORNEY