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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2019-7

INTRODUCED BY:

Councilor Peter N. Ives

Councilor JoAnne Vigil Coppler

Councilor Roman “Tiger” Abeyta

AN ORDINANCE

**RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987;
AMENDING SUBSECTION 14-6.3(D)(1) TO PERMIT ON-STREET PARKING TO
MEET PARKING REQUIREMENTS FOR ACCESSORY DWELLING UNITS, TO
IMPOSE LIMITS ON THE HEIGHT AND SETBACK FOR ACCESSORY DWELLING
UNITS, TO PERMIT ACCESSORY DWELLING UNITS TO BE BUILT IN
COMPLIANCE WITH UNDERLYING DESIGN REQUIREMENTS, TO PERMIT THE
RENTAL OF BOTH THE PRINCIPAL DWELLING UNIT AND ACCESSORY
DWELLING UNIT EXCEPT AS A SHORT TERM RENTAL UNIT, VOIDING
EXISTING RESTRICTIVE COVENANTS SET FORTH IN ORDINANCE 2008-5; AND
MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES AS ARE
NECESSARY.**

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

Section 1. Subsection 14-6.3(D)(1) SFCC 1987 (being Ord. No. 2011-37, § 8 (as amended)) is amended to read:

1 (D) Standards for Specific Accessory Uses

2 (1) Accessory Dwelling Units

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

4 (a) are required to meet parking standards as set forth in Section 14-8.6
5 except that the parking requirement may be met with on-street parking as follows:

6 (i) Any on-street parking space abutting the subject property may
7 be counted as one required off-street parking space if the street does not have
8 residential parking permit restrictions;

9 (ii) Each on-street parking space may only be counted once toward
10 the parking requirements of the abutting lot, regardless of the number of
11 individual buildings or tenants on the lot;

12 (iii) No development or use approved with an on-street parking credit
13 shall be considered nonconforming if the on-street parking is later removed by
14 city action and the remaining off-street parking does not meet the minimum off-
15 street parking requirements of this Section 14-6.3(D)(1); and

16 (iv) On-street parking spaces credited to a specific property shall not
17 be reserved for the exclusive use by occupants of that property, but shall be
18 available for general public use at all times. No signage or actions limiting
19 general public use of on-street spaces shall be allowed.

20 (b) shall be regulated as per city regulations and policies
21 regarding city utilities;

22 (c) are exempt from the density restrictions set forth in this Chapter 14;
23 provided, however, that only one accessory dwelling unit shall be permitted per legal lot
24 of record and provided further that nothing herein is intended to supersede private
25 covenants or other restrictions;

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

3 ([e]d) shall ~~[have lot coverage not exceeding the square footage of~~
4 ~~the lot coverage]~~ not exceed either the gross floor area of the principal dwelling unit or
5 ~~[not more than]~~ one thousand five hundred square feet, whichever is less;

6 ([f]e) ~~[shall be limited to one story and shall not exceed fourteen (14) feet to~~
7 ~~the top of the parapet or to the highest point of the roof if there is no parapet;]~~ shall not
8 exceed the limits established by the building envelope of the principal structure if created
9 within or attached to the principal structure, or the height or setbacks for accessory
10 structures as set forth in Table 14-7.2-1;

11 ([g]f) shall ~~[be of the same architectural style as the principal dwelling unit]~~
12 meet existing design requirements applicable to the lot, including any requirements of
13 Section 14-5 (overlay zoning districts), including all Historic Districts requirements, if
14 applicable;

15 ([h]g) may be rented as follows:

16 (i) by the *owner-occupant*₂ who may rent either
17 the principal dwelling unit or the accessory dwelling unit as a short-term rental
18 unit but not both, as a short term rental unit pursuant to Section 14-6.2(A)(5)₂
19 during which time~~]~~ the *owner-occupant* shall occupy either
20 the *principal dwelling unit* or ~~[one of]~~ the *accessory dwelling unit[s]*; or

21 (ii) by the *property owner*₁ ~~[occupant]~~ who may rent ~~[either]~~
22 the *principal dwelling unit* and/or the accessory dwelling unit for periods of not
23 less than thirty (30) days; ~~or~~

24 ~~(iii) by the property owner who may rent both the principal dwelling~~
25 ~~unit and the accessory dwelling unit to the same lessee, however, no separate~~

1 subletting of either *unit* is allowed.]

2 (i) ~~[shall not be issued a construction *permit* until a restrictive covenant is~~
3 ~~recorded at the office of the county clerk that requires the current *property owner* and all~~
4 ~~future *property owners* to comply with Subsection 14-6.3(D)(1). The covenant shall be in~~
5 ~~a form approved by the *land use director* and the city attorney and shall be notarized~~
6 ~~prior to recordation. A copy of the recorded covenants shall be provided to the *land use*~~
7 ~~*director* with the construction *permit* application. The *land use director* shall maintain~~
8 ~~copies of recorded covenants pursuant to the provisions of this section. An affidavit filed~~
9 ~~prior to the adoption of Ordinance No. 2008-5 (ordaining Section 14-6.2(A)(5)) and~~
10 ~~amending Subsection 14-6.3(D)(1) remains in effect and is automatically amended to~~
11 ~~reflect the provisions of Ordinance No. 2008-5.] The adoption of Ordinance 2019-~~
12 ~~supersedes the previous requirement set forth in Ordinance 2008-5 that a *property owner*~~
13 ~~seeking a construction *permit* for an *accessory dwelling unit* must first record a restrictive~~
14 ~~covenant, in a form approved by the *land use director* and the city attorney, requiring~~
15 ~~compliance with Subsection 14-6.3(D)(1). Restrictive covenants that have been recorded~~
16 ~~pursuant to the requirements of Ordinance 2008-5 are rendered void by the adoption of~~
17 ~~Ordinance 2019-~~.

18 ([j]h) shall not be subdivided from a *principal dwelling unit* or sold under
19 separate ownership from a *principal dwelling unit* unless the *accessory dwelling*
20 *unit* meets all applicable requirements for a *principal dwelling unit* [~~In such case, the~~
21 ~~restrictions set forth in Subsection 14-6.3(D)(1) shall no longer apply and the affidavit or~~
22 ~~restrictive covenant in Subsection 14-6.3(D)(1) may be voided upon approval of the *land*~~
23 ~~*use director*]; and~~

24 ([k]i) shall remain in continuous compliance with the provisions of this section
25 to maintain the validity of the *certificate of occupancy* of the *accessory dwelling unit*.

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The *certificate of occupancy* of an *accessory dwelling unit* may be revoked for noncompliance with this Subsection 14-6.3(D)(1) as provided in Article 14-11 Enforcement.

APPROVED AS TO FORM:

ERIN McSHERRY, CITY ATTORNEY