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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2019-12

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:

(D) Standards for Specific Accessory Uses

(1) Accessory Dwelling Units

Accessory dwelling units located on residentially zoned property:

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

1 (i) Any legal *on-street* parking space abutting the subject *property*
2 may be counted as one required *off-street parking* space if:

3 A. the *street* does not have *residential parking permit*
4 restrictions;

5 B. the *street* measures a minimum of thirty-five (35) feet in
6 width from face of curb to face of curb; and

7 C. there are no posted restrictions prohibiting *on-street*
8 parking.

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 is 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 not exceed either the *gross floor area* of the *principal dwelling*
2 *unit* or one thousand five hundred square feet, whichever is less;

3 (e) shall not exceed the limits established by the *building envelope* of the
4 *principal structure* if created within or attached to the *principal structure*, or the height or
5 *setbacks* for *accessory structures* as set forth in Table 14-7.2-1;

6 (f) shall meet existing design requirements applicable to the *lot*, including
7 any requirements of Section 14-5 (overlay zoning districts), including all Historic
8 Districts requirements, if applicable;

9 (g) may be rented as follows:

10 (i) by the *owner-occupant*, who may rent either
11 the *principal dwelling unit* or the *accessory dwelling unit* as a *short-term rental*
12 *unit* but not both, as a *short term rental unit* pursuant to Section 14-6.2(A)(5),
13 during which time the *owner-occupant* shall occupy either the *principal dwelling*
14 *unit* or the *accessory dwelling unit*; or

15 (ii) by the *property owner*, who may rent the *principal dwelling*
16 *unit* and/or the *accessory dwelling unit* for periods of not less than thirty (30)
17 days;

18 (h) The adoption of Ordinance 2019-12 supersedes the previous requirement
19 set forth in Ordinance 2008-5 that a *property owner* seeking a construction *permit* for an
20 *accessory dwelling unit* must first record a restrictive covenant, in a form approved by the
21 *land use director* and the city attorney, requiring compliance with Subsection 14-
22 6.3(D)(1). Restrictive covenants that have been recorded pursuant to the requirements of
23 Ordinance 2008-5 are rendered void by the adoption of Ordinance 2019-12.

24 (i) shall not be subdivided from a *principal dwelling unit* or sold under
25 separate ownership from a *principal dwelling unit* unless the *accessory dwelling*


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unit meets all applicable requirements for a *principal dwelling unit*; and

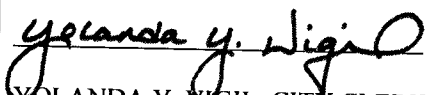
(j) shall remain in continuous compliance with the provisions of this section to maintain the validity of the *certificate of occupancy* of the *accessory dwelling unit*. The *certificate of occupancy* of an *accessory dwelling unit* may be revoked for noncompliance with this Subsection 14-6.3(D)(1) as provided in Article 14-11 Enforcement.

(k) The governing body shall review this Subsection 11-6.3(D)(1) by July 2021 to evaluate its impact.

PASSED, APPROVED, and ADOPTED this 26th day of June, 2019


ALAN M. WEBBER, MAYOR

ATTEST:


YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:


ERIN McSHERRY, CITY ATTORNEY

Bill No. 2019-7
Legislation/2019/Ordinances/2019-12 Accessory Dwelling Units