

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2007-____

3 INTRODUCED BY:

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10 AN ORDINANCE

11 AMENDING SECTION 14-6.2(A)(6)(a) SFCC 1987; CREATING A NEW SECTION 14-
12 6.2(C)(12); AMENDING SECTION 14-6.3(C)(1); AMENDING TABLE 14-8.6-1 SFCC
13 1987; PERMITTING SHORT TERM RENTALS IN RESIDENTIAL DISTRICTS IN
14 EXISTENCE PRIOR TO JUNE 8, 2005 TO CONTINUE FOR A SET TIME PROVIDED
15 THAT CERTAIN CONDITIONS ARE MET; AND MAKING SUCH OTHER CHANGES
16 AS ARE NECESSARY.

17
18 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

19 Section 1. Section 14-6.2(A)(6)(a) SFCC 1987 (being Ord. #2002-37, §48) is
20 amended to read:

21 (a) In residential districts dwelling units shall not be rented [~~on a transient~~
22 ~~basis~~] for less than 30 days except for short term rental units in existence
23 prior to June 8, 2005, and in compliance with §14-6.2(C)(12).

24 Section 2. [NEW MATERIAL.] A new Section 14-6.2(C)(12) SFCC 1987 is
25 ordained to read:

1 (12) Short Term Rental Units

2 (a) General Requirements. Dwelling units or accessory dwelling units may
3 be used as short term rental units provided that the following conditions
4 are met:

- 5 (i) The owner/operator of the short term rental shall provide
6 evidence to the City that the unit was regularly used for short
7 term rental prior to June 8, 2005.
- 8 (ii) Operation of the short term rental shall cease prior to January 1,
9 2015, sale of the property or revocation of the permit, whichever
10 occurs first.
- 11 (iii) Each rental period shall not be for less than seven consecutive
12 calendar days.
- 13 (iv) Rental shall be limited to 17 rental periods per calendar year
14 except for dwelling units located within residential resorts. For
15 the purpose of this section residential resorts are properties that
16 are part of a development controlled by a home owners
17 association that has its own security and controls. The
18 development shall be gated and offer a combination of on site
19 resort type features such as swimming pools, tennis courts, spas,
20 golf courses and such other amenities.
- 21 (v) Off street parking shall be provided on site as follows:
- | | | |
|-------|----------------------|--------------------|
| 22 A. | One bedroom | One parking space |
| 23 B. | Two or more bedrooms | Two parking spaces |
- 24 (vi) All applicable building and fire life safety codes shall be met. All toilets,
25 faucets and shower heads shall meet the requirements described in §25-

1 2.6 SFCC 1987.

2 (vii) Occupants shall not park recreational vehicles on site or on the street.

3 (viii) The total number of adults that may occupy the short term rental
4 unit is twice the number of bedrooms. For the purpose of this
5 paragraph an adult is a person 18 years or older.

6 (ix) Noise or other disturbance outside the short term rental unit is
7 prohibited after 10:00 pm . This includes, but is not limited to,
8 decks, portals, porches, balconies or patios .

9 (x) All occupants shall be informed in writing of relevant City
10 ordinances including, but not limited to, the city's nuisance and
11 water conservation ordinances by the owner/operator of the short
12 term rental unit.

13 (xi) The owner/operator shall pay all applicable local, state and
14 federal taxes. These include but are not limited to: lodgers' tax,
15 gross receipts tax, and income taxes.

16 (xii) A permit shall be obtained from the City as set forth in paragraph
17 (b) below.

18 (xiii) The owner/operator shall make available to the City for its
19 inspection all records relating to the operation of the short term
20 rental unit in order to determine compliance with §14-
21 6.2(C)(12). The owner/operator shall report to the Land Use
22 Department on a monthly basis in a format provided by the City.

23 (b) Permit Procedures.

24 (i) Owners/operators of short term rental units in existence prior to
25 June 8, 2005, desiring to continue in operation shall submit an

1 application for a permit with the Land Use Department by
2 _____ (30 days from the adoption date of this Ordinance).

3 The application shall be on a form specified by the Land Use
4 Department with the information required by the City. Evidence
5 demonstrating that the short term rental was in existence prior to
6 June 8, 2005 shall be submitted in a format acceptable to the
7 City.

8 (ii) The operation may continue until issuance of a permit provided
9 that the operation complies with the provisions set forth in
10 paragraph (a) above. If the application for a permit it is denied
11 by the City, the operation shall cease within 30 days of such
12 written notice by the City.

13 (iii) Unless revoked as set forth in §14-6.2(C)(12)(d)(i) below, a
14 permit is valid for two years and may be renewed if the operation
15 has complied with the provisions set forth in paragraph (a) above
16 until January 1, 2015.

17 (iv) The permit shall include the name and phone number of the
18 owner/operator who is available 24 hours a day, seven days per
19 week to respond to complaints regarding the operation or
20 occupancy of the short term rental unit as well as the name and
21 phone number of City staff responsible for enforcing §14-
22 6.2(C)(12).

23 (v) The permit shall include a notarized statement signed by the
24 owner/operator that the short term rental shall be operated in
25 compliance with §14-6.2(C)(12) and all applicable City codes.

1 (vi) Prior to issuance of any permit, a certificate of occupancy shall be
2 required to ensure compliance with §14-6.2(C)(12) and all applicable
3 codes.

4 (vii) The permit is not transferable to another person or property.

5 (viii) Upon issuance of the permit, all property owners within 200 feet
6 of the property shall be provided with the name and phone
7 number of the owner/operator who is available 24 hours a day,
8 seven days per week to respond to complaints regarding the
9 operation or occupancy of the short term rental unit as well as
10 the name and phone number of City staff responsible for
11 enforcing §14-6.2(C)(12).

12 (c) Fees. A non-refundable fee of \$500 per unit per year (including
13 inspection fees) is established for short term rental units unless the
14 permit is issued for an accessory dwelling unit per §14-6.3(C)(1) or a
15 residential resort per §14-6.2(C)(12)(a)(ii) in which case, the permit fee
16 is \$200 per year non-refundable (includes inspection fees).

17 (d) Violations.
18 City staff shall document all alleged violations of §14-6.2(C)(12) and
19 depending upon the nature of the violation, the City will pursue
20 enforcement through the municipal court as set forth in §1-3 SFCC 1987
21 or in another appropriate court of law. Upon conviction of a third
22 violation by the municipal court, the City shall revoke the permit and
23 operation of the short term rental shall cease within 30 days.

24 (e) Covenants. Private restrictive covenants, enforceable by those
25 governed by the covenants, may prohibit short term rentals units.

1 (f) Real Estate Brokers. Real estate brokers listing residential property in
2 the city of Santa Fe shall provide prospective buyers a current copy of
3 Ordinance.

4 (g) Administrative Procedures. The Land Use Director shall establish
5 administrative procedures as are necessary for the implementation,
6 management and enforcement of §14-6.2(C)(12) .

7 (h) Annual Review and Report. Staff shall make an annual report each
8 November to the Governing Body regarding the implementation,
9 management, enforcement and fiscal impact of §14-6.2(C)(12). The
10 Governing Body shall consider any appropriate amendments.

11 (i) The effective date of this §14-6.2(C)(12) shall be January 1, 2008 except
12 as otherwise specified above.

13 **Section 3. Section 14-6.3(C)(1) SFCC 1987 (being Ord. #2001-38, §2 as**
14 **amended) is amended to read:**

15 (1) Accessory Dwelling Units

16 Accessory dwelling units are intended to provide additional dwelling space for
17 the residents of the principal dwelling unit or their guests or employees. [~~In~~
18 ~~addition, accessory dwelling units are intended to provide dwelling space for~~
19 ~~non-transient tenants.] The rental of accessory dwelling units may increase the
20 supply of affordable housing and will disperse rental units throughout the
21 community. Accessory dwelling units:~~

22 (a) Are required to meet parking standards as set forth in §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;

1 however, only one accessory dwelling unit shall be permitted per lot of
2 record;

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

5 (e) Shall have a footprint not exceeding the square footage of the footprint of
6 the principal dwelling unit, or not more than 1500 square feet whichever
7 is less;

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

10 (g) Shall be of the same architectural style as the principal dwelling unit;

11 (h) ~~[May be rented provided that the rental period is no less than one month~~
12 ~~and the owner of the property occupies the principal dwelling unit. As an~~
13 ~~alternative, the owner of the property may occupy the accessory dwelling~~
14 ~~unit and rent the principal dwelling unit provided that the rental period is~~
15 ~~no less than one month]; The owner of the property shall occupy either~~
16 ~~the principal dwelling unit or the accessory dwelling unit and may rent~~
17 ~~the other unit. The principal dwelling unit or the accessory dwelling unit~~
18 ~~may not be rented for less than 30 days except as provided in §14-~~
19 ~~6.2(C)(12); and~~

20 (i) An affidavit shall be recorded prior to issuance of any construction
21 permit for an accessory dwelling unit stating that the property owner
22 agrees to comply with these provisions. An affidavit filed prior to the
23 adoption of Ordinance No. 2007-__ (ordaining §14-6.2(C)(12) and
24 amending §14-6.3(C)(1)) remains in effect and is automatically amended
25 to reflect the provisions of Ordinance No. 2007-__.

1 **Section 4.****[NEW MATERIAL.]** **The following shall be added to Table 14-8.6-**
2 **1 SFCC 1987 (being Ord. #2001-38, §2 as amended) Under Category: Residential: Off**

3 **Street Parking:**

4 Short term rental unit	One bedroom	One parking space
5	Two or more bedrooms	Two parking spaces

6 **Section 5.****Article 14-12 SFCC 1987 (being Ord. #2001-38, §2 as amended) is**
7 **amended to include the following definition.**

8 **SHORT TERM RENTAL UNIT**

9 A dwelling unit or accessory dwelling unit in a residential district rented for less than thirty days
10 per §14-6.2(C)(12).

11 **Section 6.****The following definition in Section 18-11.3 SFCC 1987 (being Ord.**
12 **#1992-27, §4 as amended) regarding lodgers' tax is amended to read:**

13 *Taxable premises* means a hotel, apartment, apartment hotel, apartment house, house,
14 condominium, town home, casita, time-share and fractional-share lodge, lodging house, rooming
15 house, motor hotel, bed and breakfast, guest house, guest ranch, ranch resort, guest resort, mobile
16 home, motor court, auto court, auto camp, trailer court, trailer camp, trailer park, tourist camp,
17 cabin, short term rental unit or other premises for lodging.

18 **APPROVED AS TO FORM:**

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21 **FRANK D. KATZ, CITY ATTORNEY**

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1 **Section 4.**[NEW MATERIAL.] **The following shall be added to Table 14-8.6-**
2 **1 SFCC 1987 (being Ord. #2001-38, §2 as amended) Under Category: Residential: Off**
3 **Street Parking:**

4 Short term rental unit	One bedroom	One parking space
5	Two or more bedrooms	Two parking spaces

6 **Section 5.**Article 14-12 SFCC 1987 (being Ord. #2001-38, §2 as amended) is
7 **amended to include the following definition.**

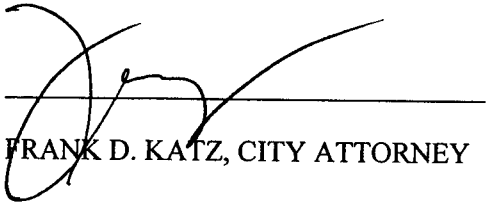
8 **SHORT TERM RENTAL UNIT**

9 A dwelling unit or accessory dwelling unit in a residential district rented for less than thirty days
10 per §14-6.2(C)(12).

11 **Section 6.**The following definition in Section 18-11.3 SFCC 1987 (being Ord.
12 **#1992-27, §4 as amended) regarding lodgers' tax is amended to read:**

13 *Taxable premises* means a hotel, apartment, apartment hotel, apartment house, house,
14 condominium, town home, casita, time-share and fractional-share lodge, lodging house, rooming
15 house, motor hotel, bed and breakfast, guest house, guest ranch, ranch resort, guest resort, mobile
16 home, motor court, auto court, auto camp, trailer court, trailer camp, trailer park, tourist camp,
17 cabin, short term rental unit or other premises for lodging.

18 APPROVED AS TO FORM:

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21 FRANK D. KATZ, CITY ATTORNEY
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jp/CMO/2007 bills/short term rental grandfather