

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2007-\_\_\_\_

INTRODUCED BY:

AN ORDINANCE

AMENDING SECTION 14-6.2(A)(6)(a) SFCC 1987; CREATING A NEW SECTION 14-6.2(C)(12); AMENDING SECTION 14-6.3(C)(1); AMENDING TABLE 14-8.6-1 SFCC 1987; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY; REGARDING THE SHORT TERM RENTAL OF DWELLING UNITS IN RESIDENTIAL DISTRICTS.

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

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

- (a) In residential districts dwelling units shall not be rented [~~on a transient basis~~] for less than 30 days except as short term rental units as set forth in §14-6.2(C)(12).

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

(12) Short Term Rental Units

- (a) General Requirements. Dwelling units *or accessory dwelling units* used

1 as short term rental units shall comply with the following:

2 (i) Each rental period shall not be for less than seven consecutive  
3 calendar days.

4 (ii) Rental shall be limited to 17 rental periods per *calendar year*  
5 *except for the following:*

6 A. *Accessory dwelling units, as set forth in 14-6.3(C)(1),*  
7 *used as short term rental units; or*

8 B. *Dwelling units used as short term rental units in*  
9 *existence as of the effective date of this Section*  
10 *( \_\_\_\_\_ ) located within residential resorts. For*  
11 *the purpose of this section residential resorts are*  
12 *properties that are part of a development controlled by a*  
13 *home owners association that has its own security and*  
14 *controls. The development shall be gated and offer a*  
15 *combination of on site resort type features such as*  
16 *swimming pools, tennis courts, spas, golf courses etc.*

17 (iii) Off street parking shall be provided on site as follows:

18 A. One bedroom One parking space

19 B. Two to three bedrooms Two parking spaces

20 ~~C. Each additional bedroom One additional parking space~~

21 (iv) *All applicable building and fire life safety codes shall be met. All toilets,*  
22 *faucets and shower heads shall meet the requirements described in §25-*  
23 *2.6 SFCC 1987.*

24 (v) *Occupants shall not park recreational vehicles on site or on the street.*

25 (vi) ~~Occupancy shall be limited to~~ *The total number of adults that*

1 *may occupy the short term rental unit is twice the number of*  
2 *bedrooms. For the purpose of this paragraph an adult is a*  
3 *person 18 years or older. the following:*

4 *A. ~~An individual;~~*

5 *B. ~~Two or more persons related by blood, marriage, legal~~*  
6 *~~guardianship or adoption, plus resident domestic~~*  
7 *~~servants; or~~*

8 *C. ~~Any group of not more than two persons per bedroom~~*  
9 *~~not qualifying as item B. above.~~*

10 (vii) *Occupants shall limit outside activity after 10 pm to ingress and*  
11 *egress of the short term rental unit.*

12 (viii) All occupants shall be informed in writing of relevant City  
13 ordinances by the owner/operator of the short term rental unit.

14 ~~Real estate brokers listing residential property in the city of~~  
15 ~~Santa Fe shall be required to provide prospective buyers a~~  
16 ~~current copy of §14-6.2(C)(12). NOTE: THIS LANGUAGE~~  
17 ~~HAS BEEN MOVED TO (f) BELOW.~~

18 (ix) All applicable local, state and federal taxes shall be paid. These  
19 include but are not limited to: lodgers' tax, gross receipts tax,  
20 and income taxes.

21 (x) ~~An annual~~ permit shall be obtained from the City *as set forth in*  
22 *paragraph (b) below. The permit fee shall be \$1,000 per*  
23 *dwelling unit used as a short term rental. The permit shall*  
24 *include a notarized statement signed by the owner/operator that*  
25 *the short term rental shall be operated in compliance with §14-*

1                   6.2(C)(12) and all applicable city codes. NOTE: FOR REVISED  
2                   PERMIT REQUIREMENTS SEE PARAGRAPH (b) BELOW.

3                   ~~(viii) Within 10 days of issuance of the annual permit, the city shall~~  
4                   ~~mail a copy of the permit to the nearby neighborhood association~~  
5                   ~~and to all residents and property owners within 150 feet of the~~  
6                   ~~premises, excluding public right of way. The permit shall include~~  
7                   ~~the name and phone number of the owner/operator who is~~  
8                   ~~available 24 hours a day, seven days per week to respond to~~  
9                   ~~complaints regarding the operation or occupancy of the short~~  
10                  ~~term rental as well as the name and phone number of City staff~~  
11                  ~~responsible for enforcing §14-6.2(C)(12). NOTE: THIS~~  
12                  LANGUAGE HAS BEEN MOVED TO (b)(i) and (b)(iv)  
13                  BELOW.

14                  (xi) The owner/operator shall make available to the City for its  
15                  inspection all records relating to the operation of the short term  
16                  rental unit in order to determine compliance with §14-  
17                  6.2(C)(12). *The owner/operator shall report to the Land Use*  
18                  *Department on a monthly basis in a format provided by the City.*  
19                  ~~The city shall impose a fine of \$500 for violation of §14-~~  
20                  ~~6.2(C)(12). The city may revoke the permit if the city finds that~~  
21                  ~~operation of the short term rental has been in violation of §14-~~  
22                  ~~6.2(C)(12) three times within one year. NOTE: FOR REVISED~~  
23                  VIOLATION PROVISIONS SEE PARAGRAPH (d) BELOW.

24                  (b) *Permit Procedures.*

25                  (i) *The owner of short term rental unit in existence at the time of the*

1 adoption of this Section ( \_\_\_\_\_ ) who wishes to continue  
2 the operation of the short term rental shall apply for a permit  
3 from the Land Use Department within 45 days of the adoption of  
4 this Section ( \_\_\_\_\_ ). Within 10 days of issuance of a  
5 permit, the City shall mail a copy of the permit as set forth in  
6 paragraph (iii) below. The initial permit shall be valid for one  
7 year unless revoked by the City as set forth in paragraph (d)  
8 below. Subsequent permits shall comply with paragraph (ii)  
9 below as if for a new permit.

10 (ii) The owner shall obtain a permit prior to operation of a short  
11 term rental unit. Permits shall be valid for two years unless  
12 revoked by the City as set forth in paragraph (d) below. Within  
13 10 days of application for the permit, the City shall mail notice  
14 of the application as set forth in paragraph (iii) below. If within  
15 20 days of mailing the notice of application, 75% of the property  
16 owners given notice object in writing to the issuance of the  
17 permit, a public hearing shall be conducted by a hearing officer.  
18 Notice of the public hearing shall be given by the City as the  
19 original application no less than 15 days prior to the public  
20 hearing. The hearing officer may deny the permit or place  
21 additional conditions upon the permit based upon the public  
22 comment received.

23 (iii) Based upon the zoning district in which the short term rental unit  
24 is located, notice shall be given by regular mail to all property  
25 owners of record within the following distance, excluding public

1 *right of way, of the property line of the short term rental unit. If*  
2 *any portion of the property to be notified is within the described*  
3 *distance, the owner of that property shall be notified.*

4 *R-1 350 ft*

5 *R-2 300 ft*

6 *R-3 250 ft*

7 *R-4 200 ft*

8 *All other residentially zoned property 150 ft*

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

15 (v) *The application for the permit shall include a notarized*  
16 *statement signed by the owner/operator that the short term*  
17 *rental shall be operated in compliance with §14-6.2(C)(12) and*  
18 *all applicable City codes.*

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

22 (vii) *The permit may only be issued to the owner and is not*  
23 *transferable to another person or property.*

24 (c) *Fees. The Governing Body shall establish permit fees by adoption of a*  
25 *resolution. NOTE: THE FOLLOWING PERMIT FEES ARE*

1 RECOMMENDED:

2 \$1,000 PER UNIT PER YEAR, NON-REFUNDABLE (INCLUDES  
3 INSPECTION FEES) UNLESS THE PERMIT IS ISSUED FOR AN  
4 ACCESSORY DWELLING UNIT PER §14-6.3(C)(1) OR A  
5 RESIDENTIAL RESORT PER §14-6.2(C)(12)(a)(ii)B. IN WHICH  
6 CASE THE PERMIT FEE IS \$500 PER YEAR, NON-REFUNDABLE  
7 (INCLUDES INSPECTION FEES).

8 (d) *Violations.*

9 (i) *City staff shall document all alleged violations of §14-6.2(C)(12)*  
10 *and report them to the hearing officer who shall conduct a*  
11 *public hearing in accordance with the administrative procedures*  
12 *as set forth in paragraph (g) below. Upon determination that a*  
13 *first or second violation of §14-6.2(C)(12) is valid, the hearing*  
14 *officer may assess a fine of up to \$500. Upon determination that*  
15 *a third violation is valid, the hearing officer shall revoke the*  
16 *permit. The owner of the short term rental unit for which the*  
17 *permit was revoked shall not be eligible to apply for a permit for*  
18 *any short term rental unit for a period of five years. Violations of*  
19 *§14-6.2(C)(12)(a)(iv), (v) or (vi) committed by occupant(s) of the*  
20 *short term rental unit shall not be counted toward revocation of*  
21 *the permit.*

22 (ii) *Depending upon the nature of the violation, as an alternative to*  
23 *paragraph (i) above, the City may pursue enforcement through*  
24 *the municipal court as set forth in §1-3 SFCC 1987 or in another*  
25 *appropriate court of law.*

- 1 (e) Covenants. Private restrictive covenants, enforceable by those  
 2 governed by the covenants, may prohibit short term rentals units.
- 3 (f) Real Estate Brokers. Real estate brokers listing residential property in  
 4 the city of Santa Fe shall provide prospective buyers a current copy of  
 5 §14-6.2(C)(12).
- 6 (g) Administrative Procedures. The Land Use Director may establish  
 7 administrative procedures as are necessary for the implementation,  
 8 management and enforcement of §14-6.2(C)(12) provided that such  
 9 administrative procedures are effective 30 days after the procedures have  
 10 been available to the public for inspection and copying at the City  
 11 Clerk's office.
- 12 (h) Annual Report. Staff shall make an annual report each November to the  
 13 Governing Body regarding the implementation, management,  
 14 enforcement and fiscal impact of §14-6.2(C)(12).
- 15 (i) *The effective date of this §14-6.2(C)(12) shall be \_\_\_\_\_.*

16 ***Section 3. Section 14-6.3(C)(1) SFCC 1987 (being Ord. #2001-38, §2 as amended)***

17 ***is amended to read:***

- 18 (1) Accessory Dwelling Units
- 19 Accessory dwelling units are intended to provide additional dwelling space for  
 20 the residents of the principal dwelling unit or their guests or employees. In  
 21 addition, accessory dwelling units are intended to provide dwelling space for  
 22 non-transient and transient tenants. The rental of accessory dwelling units may  
 23 increase the supply of affordable housing and will disperse rental units  
 24 throughout the community. Accessory dwelling units:
- 25 (a) Are required to meet parking standards as set forth in §14-8.6;

- 1 (b) Shall be regulated as per City regulations and policies regarding City  
2 utilities;
- 3 (c) Are exempt from the density restrictions set forth in this chapter;  
4 however, only one accessory dwelling unit shall be permitted per lot of  
5 record;
- 6 (d) Shall be built only when permission to construct is granted to the owner-  
7 occupant of the principal dwelling unit;
- 8 (e) Shall have a footprint not exceeding the square footage of the footprint of  
9 the principal dwelling unit, or not more than 1500 square feet whichever  
10 is less;
- 11 (f) Shall be limited to one story and shall not exceed 15 feet to the top of the  
12 parapet or to the highest point of the roof if there is no parapet;
- 13 (g) Shall be of the same architectural style as the principal dwelling unit;
- 14 (h) ~~[May be rented provided that the rental period is no less than one month  
15 and the owner of the property occupies the principal dwelling unit. As an  
16 alternative, the owner of the property may occupy the accessory dwelling  
17 unit and rent the principal dwelling unit provided that the rental period is  
18 no less than one month];~~ *The owner of the property shall occupy either  
19 the principal dwelling unit or the accessory dwelling unit and may rent  
20 the other unit. If the principal dwelling unit or the accessory dwelling  
21 unit is rented for less than 30 days, a permit shall first be obtained for a  
22 short term rental unit as set forth in §14-6.2(C)(12); and*
- 23 (i) An affidavit shall be recorded prior to issuance of any construction  
24 permit for an accessory dwelling unit stating that the property owner  
25 agrees to comply with these provisions.

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
	Two <del>to three bedrooms</del> or more bedrooms	Two parking spaces
	<del>Each additional bedroom — One additional parking space</del>	

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

9 **SHORT TERM RENTAL UNIT**

10 A dwelling unit or accessory dwelling unit rented for less than thirty days.

11           Section 6.     The following definition in Section 18-11.3 SFCC 1987 (being Ord.  
12 #1992-27, §4 as amended) 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:

19  
20 \_\_\_\_\_  
21 FRANK D. KATZ, CITY ATTORNEY