

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2007-____

INTRODUCED BY:

Councilor Rebecca Wurzbarger

AN ORDINANCE

AMENDING TABLES 14-6.1-1 AND 14-8.6-1 SFCC 1987; AMENDING SECTION 14-6.2(A)(6)(a) SFCC 1987; CREATING A NEW SECTION 14-6.2(C)(12); AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY; ALLOWING SHORT TERM RENTAL OF DWELLING UNITS IN RESIDENTIAL DISTRICTS PROVIDED THAT CERTAIN CONDITIONS ARE MET.

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

Section 1. [NEW MATERIAL.] The following shall be added to Table 14-6.1-1 SFCC 1987 (being Ord. #2001-38, §2 as amended) under "public accommodation":

TABLE 14-6.1-1 PERMITTED USES																						
Category	Specific Use	R-1	R-7	R-7(D)	R-C	R-M	R-A	M-H	C-1	C-2	C-3	H-7	B-C	M-2	H-2	B-1	S-1	S-2	S-3	M-1	Use Specific Regs. (See Section 14-6.2)	
	Short term rental	P	P	P	P	P	P		P	P	P	P	P								P	(C)(12)

Section 2. Section 14-6.2(A)(6)(a) SFCC 1987 (being Ord. #2002-37, §48) is

1 amended to read:

- 2 (a) In residential districts dwelling units shall not be rented [~~on a transient~~
- 3 ~~basis~~] for less than 30 days except as short term rentals as set forth in
- 4 §14-6.2(C)(12).

5 Section 3. **[NEW MATERIAL.]** A new Section 14-6.2(C)(12) SFCC 1987 is
 6 **ordained to read:**

7 (12) Short Term Rentals

- 8 (a) Dwelling units used as short term rentals shall comply with the
- 9 following:
- 10 (i) Each rental period shall not be for less than seven consecutive
- 11 calendar days.
- 12 (ii) Rental shall be limited to 17 rental periods per year.
- 13 (iii) Off street parking shall be provided on site as follows:
- 14 A. One bedroom One parking space
- 15 B. Two to three bedrooms Two parking spaces
- 16 C. Each additional bedroom One additional parking space
- 17 (iv) Occupancy shall be limited to the following:
- 18 A. An individual;
- 19 B. Two or more persons related by blood, marriage, legal
- 20 guardianship or adoption, plus resident domestic
- 21 servants; or
- 22 C. Any group of not more than two persons per bedroom
- 23 not qualifying as item B. above.
- 24 (v) All occupants shall be informed in writing of relevant city
- 25 ordinances by the owner/operator of the short term rental. Real

1 estate brokers listing residential property in the city of Santa Fe
2 shall be required to provide prospective buyers a current copy of
3 §14-6.2(C)(12).

4 (vi) All applicable local, state and federal taxes shall be paid. These
5 include but are not limited to: lodgers' tax, gross receipts tax,
6 and income taxes.

7 (vii) An annual permit shall be obtained from the city. The permit fee
8 shall be \$1,000 per dwelling unit used as a short term rental. The
9 permit shall include a notarized statement signed by the
10 owner/operator that the short term rental shall be operated in
11 compliance with §14-6.2(C)(12) and all applicable city codes.

12 (viii) Within 10 days of issuance of the annual permit, the city shall
13 mail a copy of the permit to the nearby neighborhood association
14 and to all residents and property owners within 150 feet of the
15 premises, excluding public right of way. The permit shall include
16 the name and phone number of the owner/operator who is
17 available 24 hours a day, seven days per week to respond to
18 complaints regarding the operation or occupancy of the short
19 term rental as well as the name and phone number of City staff
20 responsible for enforcing §14-6.2(C)(12).

21 (ix) The owner/operator shall make available to the city for its
22 inspection all records relating to the operation of the short term
23 rental in order to determine compliance with §14-6.2(C)(12).
24 The city shall impose a fine of \$500 for violation of §14-
25 6.2(C)(12). The city may revoke the permit if the city finds that

1 operation of the short term rental has been in violation of §14-
2 6.2(C)(12) three times within one year.

3 (b) Private restrictive covenants, enforceable by those governed by the
4 covenants, may prohibit short term rentals.

5 (c) The Planning and Land Use Director may establish administrative
6 procedures as are necessary for the implementation, management and
7 enforcement of §14-6.2(C)(12) provided that such administrative
8 procedures are effective 30 days after the procedures have been available
9 to the public for inspection and copying at the City Clerk’s office.

10 (d) Staff shall make an annual report each November to the Governing Body
11 regarding the implementation, management, enforcement and fiscal
12 impact of §14-6.2(C)(12).

13 Section 4. [NEW MATERIAL.] The following shall be added to Table 14-8.6-
14 1 SFCC 1987 (being Ord. #2001-38, §2 as amended) under “public accommodation”:

15 Short term rental	One bedroom	One parking space
16	Two to three bedrooms	Two parking spaces
17	Each additional bedroom	One additional parking space

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

20 **SHORT TERM RENTAL**

21 A dwelling unit rented for less than thirty days.

22 Section 6. The following definition in Section 18-11.3 SFCC 1987 (being Ord.
23 #1992-27, §4 as amended) is amended to read:

24 *Taxable premises* means a hotel, apartment, apartment hotel, apartment house, house,
25 condominium, town home, casita, time-share and fractional-share lodge, lodging house, rooming

1 house, motor hotel, bed and breakfast, guest house, guest ranch, ranch resort, guest resort, mobile
2 home, motor court, auto court, auto camp, trailer court, trailer camp, trailer park, tourist camp,
3 cabin, short term rental or other premises for lodging.

4 APPROVED AS TO FORM:

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7 FRANK D. KATZ, CITY ATTORNEY

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Jp/CMO/2007 bills/short term rental