

SANTA FE COUNTY**Ordinance No. 1998-__ 9**

AN ORDINANCE AMENDING ORDINANCES 1996-11 AND 1997-4 CLARIFYING THE DEFINITIONS FOR "DWELLING" AND "ACCESSORY STRUCTURE"

WHEREAS, currently certain structures do not fall within the Land Use Code definitions for "dwelling" or "accessory structure"; and

WHEREAS, the proposed amendments to the definitions for "dwelling" and "accessory structure" address this loophole so that all structures on residential property will either fall within the definition of a dwelling or the definition of an accessory structure; and

WHEREAS, the proposed amendments make it clear that an accessory structure may have either a kitchen or a bathtub/shower, but not both; and

WHEREAS, the proposed amendments prohibit any lot from having multiple accessory structures with kitchens or bathtubs/showers, (i.e., any lot could have only one accessory structure with a kitchen, or one accessory structure with a bathtub/shower, but not both);

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY that Santa Fe County Ordinance No. 1996-11 is amended, in part, as follows:

Dwelling - (1) a structure or a portion thereof used, intended to be used, or that has been previously used by a person or persons for residential use, (2) a mobile home, or (3) each unit occupied by a person or persons in any structure or portion thereof used or intended to be used for residential purposes by a person or persons. Any such structure, mobile home, or unit that contains both:

- a. kitchen or cooking facilities, and
- b. a bathtub or shower

shall be presumed to be a dwelling unit.

Recreational vehicles do not qualify as a dwelling unit.

[The definitions for recreational vehicle and mobile home remain unchanged.]

IN ADDITION, IT IS HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY that Santa Fe County Ordinance No. 1997-4 is amended, in part, as follows:

Article X, Section 1 - Definitions of Words and Phrases used in the Code

Accessory structure - a structure that is incidental and subordinate to the principal dwelling or use and that shall:

- a. not be used as a dwelling or designed such that it could be converted into a dwelling;
- b. be non-commercial, except for approved home occupations;
- c. be served by utilities from the principal dwelling, except as otherwise permitted by the Land Use Administrator;
- d. use a shared driveway with the principal dwelling or as otherwise approved by the Land Use Administrator;
- e. be operated and maintained for the benefit or convenience of the occupants to the principal dwelling.

In addition to the above criteria, an accessory structure may contain either:

- a. kitchen or cooking facilities, or
- b. a bathtub or shower

but may not contain both kitchen or cooking facilities and a bathtub or shower. Also, any dwelling unit or parcel of land may only have one accessory structure that contains either kitchen or cooking facilities or a bathtub or shower, (i.e., a dwelling unit or parcel of land may have one accessory structure with a kitchen or cooking facilities, or one accessory structure with a bathtub or shower, but may not have both, even where the kitchen or cooking facilities are in one accessory structure and the bathtub or shower are in another accessory structure.) An accessory structure includes, but is not limited to, an office/art studio/workshop, garage or carport for storage of personal vehicles, utility or storage sheds, a stable or barn, or a greenhouse.

[Article II, Section 2.3.1, xix. and Article III, Section 2, 2.1 remain unchanged].

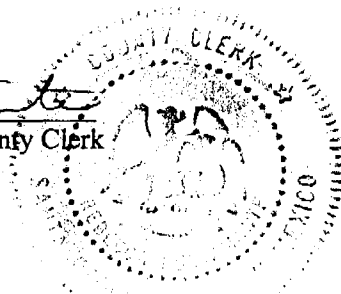
APPROVED, ADOPTED, AND PASSED this 14th day of July,
1998.

BOARD OF COUNTY COMMISSIONERS

Mark P. Trujillo
Mark Trujillo, Chairman

ATTEST:

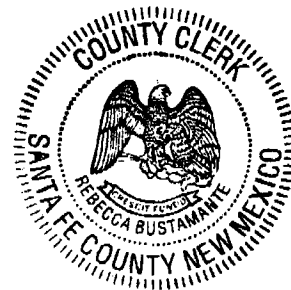
Rebecca Bustamante
Rebecca Bustamante, County Clerk



1516132

Approved as to Form:

Denice Brown Kulseth
Denice Brown Kulseth, County Attorney



1032.794

COUNTY OF SANTA FE)
STATE OF NEW MEXICO)SS
I hereby certify that this instrument was filed
for record on the 15 day of July A.D.
19 98 at 12:04 o'clock P.m
and was duly recorded in book 1516,
page 130-132 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Marcella Ador
Deputy