CITY OF SANTA FE, NEW MEXICO

BILL NO. 2022--

INTRODUCED BY:

Mayor Alan Webber

Councilor Signe I. Lindell                        Councilor Carol Romero-Wirth
Councilor Michael Garcia          Councilor Amanda Chavez

AN ORDINANCE

AMENDING SECTION 10-5.2 SFCC 1987 TO ADD AN ENFORCEMENT REFERENCE;
AMENDING SECTION 10-5.3 TO ADD AND AMEND DEFINITIONS; REPEALING
SECTION 10-5.4 REGARDING NOTICE; AMENDING SECTION 10-5.6 TO CLARIFY
TO WHAT TYPES OF VEHICLES THE JUNK VEHICLE ORDINANCE APPLIES;
AMENDING SECTION 10-5.8 TO UPDATE THE EFFECTIVE DATE OF THE
ORDINANCE AND ALLOW A TWO-YEAR ASSESSMENT; AND AMENDING
SUBSECTION 14-6.3(B) TO SPECIFY VEHICLE PARKING AND STORAGE
REQUIREMENTS.

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

Section 1. Section 10-5.2 of SFCC 1987 (being Ord. No. 1997-10, § 2) is amended to
read:

10-5.2 Purpose.

A. The governing body finds and declares pursuant to Section 3-18-17(A) NMSA 1978, that junk vehicles which are located within the City of Santa Fe on any private lot, tract, or
parcel of land or portion thereof, occupied or unoccupied, improved or unimproved and which are visible from any private or public place, including, without limitation, public rights-of-way, parks, public buildings and their grounds, and private business or commercial property open to the public in the normal course of business are detrimental to the health, safety, and welfare of the general public.

B. Junk vehicles reduce the value of private property, invite vandalism, constitute fire hazards, and are attractive nuisances that pose a threat to the health and safety of children.

C. Junk vehicles are detrimental to the economic welfare of the city by producing urban blight which is averse to the continuing economic development of the city.

D. Junk vehicles are determined to be public nuisances and subject to enforcement and penalties outlined in the Nuisance Abatement Ordinance, Section 10-9 SFCC 1987.

Section 2. Section 10-5.3 of SFCC 1987 (being Ord. No. 1997-10, § 3) is amended to read:

10-5.3 Definitions.

As used in this section:

Antique vehicle means a passenger car or truck which is at least thirty-five (35) years old and is being preserved or restored by a collector for its historical value.

Collector means an individual, association, corporation, partnership or other legal entity which buys or otherwise acquires, maintains, shows, restores, sells, dismantles, or otherwise disposes of [antique or] special interest vehicles [for the purpose of maintaining one (1) or more antique and/or special interest vehicles] for reasons of historical interest.

Junk vehicle means any motor vehicle, other than [antique or] a special interest vehicle that has one or both of the following characteristics for ninety (90) days or more:

A. [Inoperative] Inoperable[;] and does not meet minimum legal requirements for operation on the public streets and highways of this state, pursuant to NMSA 1978 Section 66-3-
B. Has been continuously [inoperative for at least one hundred twenty (120) days]

inoperative or has been wrecked, dismantled, partially dismantled, or abandoned[; and]

[C. Does not bear a valid, unexpired license plate; and

D. Does not meet minimum standards for operation on the public streets and highways

of this state.]

Occupant means the individual, association, corporation, partnership, or other legal entity

legally [in possession of] occupying the premises where there is a junk vehicle.

Special interest vehicle means a motor vehicle not less than [twenty-five (25)] thirty-five

(35) years old which [has not been altered or modified from original manufacturer's specifications,

which] is being preserved or restored by a collector for its historical value.

Inoperative means extensively damaged including, but not limited to, having any of the

following characteristics: a cracked or missing window or windshield or missing wheels, tires,

motor, or transmission.

Section 3. Section 10-5.4 of SFCC 1987 (being Ord. No. 1997-10, § 4) is hereby

repealed.

Section 4. Section 10.5-6 of SFCC 1987 (being Ord. No. 1997-10, § 6) is amended
to read:

10-5.6 Applicability.

This section shall not apply to any of the following situations:

A. A vehicle or part thereof which is completely enclosed within a building in a lawful

manner where it is not visible from a street or other public or private property; or

B. A vehicle or part thereof which is stored or parked in a lawful manner on private

property in connection with the business of a licensed vehicle dealer or junkyard; or

C. [An unlicensed, operable or] Up to one (1) inoperable [antique vehicle or] special
interest vehicle stored by a collector on their property, provided that such vehicle and the outdoor
storage areas are maintained in such a manner that they do not constitute a health hazard and are
screened from ordinary public view by means of a solid fence, [rapidly growing trees, shrubbery,
or combination thereof,] a well-fitted car cover, or other [appropriate] means. A tarp, trees, or
shrubbery are not considered appropriate means to screen a vehicle from public view; or

[D.—] Any motor vehicle in operable condition specifically adapted or constructed for
racing or operation on privately owned drag strips or raceways; or

[E—] D. Any motor vehicle stored as the property of a member of the armed forces of the
United States who is on active-duty assignment.

Section 5. Section 10-5.8 of SFCC 1987 (being Ord. No. 1997-10, § 8) is hereby
amended to read:

10-5.8 Effective date.

Provisions of this section shall become effective [October 30, 1997] on June 1, 2022. Two
years after June 1, 2022, any member of the governing body may request an assessment of the
changes made in 2022, which the city manager shall provide.

Section 6. Subsection 14-6.3(B) of the Land Development Code (being Ord. No.
2011-37, § 8 as amended) is amended to read:

14-6.3 Multiple Principal Uses; Accessory Uses or Structures

(B) Permitted Accessory Uses and Structures

(1) General Provision

In addition to the principal use or uses allowed by Chapter 14, land
and structures may be used for accessory uses, including those specifically listed as
permitted accessory uses in Table 14-6.1-1 or in this section.

(2) RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29, RAC,
C-1, C-4, and HZ Districts
The following *accessory* uses and *structures* are permitted in the RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29, RAC, C-1, C-4 and HZ districts:

(i) *home occupations*, as provided for in Subsection 14-6.3(D)(2);

(ii) noncommercial *greenhouses* and plant nurseries;

(iii) private *garages*;

(iv) *utility sheds*, located within the *rear yard* only;

(v) children's play areas and play equipment;

(vi) private barbeque pits and private swimming pools;

(vii) *accessory dwelling units* as regulated in Subsection 14-6.3(D)(1);

(viii) other uses and *structures* customarily *accessory* and clearly incidental and subordinate to permitted or permissible uses and *structures*; and

(ix) *accessory structures* of a permanent, temporary or portable nature such as coverings not constructed of solid building materials, including inflatable covers over swimming pools and tennis courts, and such other *accessory structures* that exceed thirty (30) inches in height from the average ground elevation.

(b) All *accessory* uses and *structures* allowed under Subsection 14-6.3(B)(2)(a) shall:

(i) not involve the conduct of *business* on the *premises*, except *home occupations*;

(ii) be located on the same *lot* as the permitted *principal use*
or structure or on a contiguous lot in the same ownership; and

(iii) not be likely to attract visitors in larger numbers than

would normally be expected in a single-family residential neighborhood.

(c) The following activities are prohibited within residentially zoned districts:

(i) Storage or parking, either continuous or intermittent, of commercial or industrial vehicles except for those vehicles that are authorized by a special use permit or other permitted non-residential use.

A. Commercial or industrial vehicles include:

1. vehicles requiring a commercial driver's license to operate;

2. tour buses or school buses;

3. concrete mixer trucks or concrete pumper trucks;

4. towing vehicles;

5. earthmoving or grading equipment;

6. trailers or tractors (except lawn trailers or tractors)

7. motorized construction or agricultural equipment;

8. cranes;

9. roll-off trash containers (except as related to an active permit or as approved by the environmental services division); or

10. any other vehicles designed by the
manufacturer for business purposes.

B. Commercial or industrial vehicles do not include:

1. recreational vehicles, boats, or trailers related to recreational vehicles that are used for personal purposes; or

2. passenger vehicles, pickup trucks, or small trailers that may be used for business purposes related to a registered home occupation business.

(ii) Outdoor storage of construction materials, except in connection with active construction activities on the premises;

(iii) Storage of mobile homes or commercial shipping containers;

(iv) Using vehicles, tents, or other structures that do not comply with this chapter or other applicable codes as dwellings;

(v) Storage of PODS® or similar style moving/shipping containers for more than thirty (30) days;

(vi) Storage or parking within any portion of a street yard other than a driveway of a noncommercial vehicle used for storage of goods, materials or equipment other than those items considered to be a part of the vehicle or essential for its immediate use; and Parking any vehicle in the front yard setback, including on a driveway or drive aisle, within three (3) feet from the front property line (street line) or blocking or obstructing, partially or fully, any sidewalk, public street, or other public easement;
(vii) Parking any vehicle in the side or back yard without being
screened from view from the public right-of-way, such as a by a wall or
solid fence; covers or tarps are not an appropriate screening measure; or

(viii) Use of any vehicle as a receptacle for the storage of goods,
materials, equipment, litter, or refuse [as provided by Subsections 10-1.13
and 10-1.14 SFCC-1987] other than those items considered to be a part of
the vehicle or essential for its immediate use.

(3) R-10 through R-29 Districts

In addition to the list of accessory uses allowed in Subsection 14-6.3(B)(2), greenhouses and plant nurseries also are permitted as accessory uses in this
district.

(4) AC District

The permitted accessory uses and structures for the AC district are the same as
for the underlying zoning district.

(5) C-2 and I-1 Districts

The accessory uses and structures permitted in C-2 and I-1 districts include
those that are:

(a) on the same premises and in connection with
permitted principal uses and structures;

(b) dwelling units for occupancy only
by owners or employees of owners, including live/work spaces, but not
including manufactured homes or recreational vehicles;

(c) outdoor storage areas, subject to compliance with the standards
of Subsection 14-6.3(D)(3);

(d) telecommunication facilities as set forth in Subsection 14-
6.2(E).

(e) other uses and structures that are customarily accessory and clearly incidental to permitted or permissible uses and structures.

(6) I-2 District

(a) The accessory uses and structures permitted in an I-2 district include those that are on the same premises as permitted principal uses and structures and only as required for the conduct of the operation, dwelling units for owners or employees, and other uses and structures incidental and subordinate to the principal use or structure and otherwise meeting the requirements of this district, except that manufactured homes or recreational vehicles are not permitted as accessory uses.

(b) This section does not apply to telecommunication facilities that are regulated pursuant to Section 14-6.2(E).

(7) Business and Industrial Park (BIP) District

(a) This paragraph does not apply to telecommunication facilities that are regulated pursuant to Section 14-6.2(E).

(b) The accessory uses and structures permitted in a BIP district are those that support the operation of a permitted principal use. Such uses may exceed the floor area of the permitted principal use. Examples of permitted accessory uses and structures for the BIP district include:

(i) dwelling units for owners, tenants or employees;

(ii) warehouses and storage buildings; provided that such buildings shall be incorporated into the primary building design and shall be constructed of materials of comparable quality and appearance;

(iii) outdoor storage lots and yards; provided that areas for
outdoor storage, trash collection and loading shall be fully screened and
constructed of materials of comparable quality and appearance to the
principal use structure; and provided further that materials stored in
outdoor storage lots and yards shall not exceed the height of the
enclosure; and

(iv) parking structures.

PASSED, APPROVED, and ADOPTED this ______day of ___________, 2022.

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ALAN WEBBER, MAYOR

ATTEST:

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KRISTINE MIHELCIC, CITY CLERK

APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY