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**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

1 parcel of land or portion thereof, occupied or unoccupied, improved or unimproved and which are  
2 visible from any private or public place, including, without limitation, public rights-of-way, parks,  
3 public buildings and their grounds, and private business or commercial property open to the public  
4 in the normal course of business are detrimental to the health, safety, and welfare of the general  
5 public.

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

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

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

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

14 **10-5.3 Definitions.**

15 As used in this section:

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

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

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

24 A. [~~Inoperative~~] Inoperable[;] and does not meet minimum legal requirements for  
25 operation on the public streets and highways of this state, pursuant to NMSA 1978 Section 66-3-

1 901; or

2 B. Has been continuously [~~inoperative for at least one hundred twenty (120) days~~]  
3 inoperable or has been wrecked, dismantled, partially dismantled, or abandoned[~~; and~~].

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

5 ~~D. Does not meet minimum standards for operation on the public streets and highways~~  
6 ~~of this state.~~]

7 *Occupant* means the individual, association, corporation, partnership, or other legal entity  
8 legally [~~in possession of~~] occupying the premises where there is a junk vehicle.

9 *Special interest vehicle* means a motor vehicle not less than [~~twenty-five (25)~~] thirty-five  
10 (35) years old which [~~has not been altered or modified from original manufacturer's specifications,~~  
11 ~~which~~] is being preserved or restored by a collector for its historical value.

12 *Inoperable* means extensively damaged including, but not limited to, having any of the  
13 following characteristics: a cracked or missing window or windshield or missing wheels, tires,  
14 motor, or transmission.

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

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

19 **10-5.6 Applicability.**

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

21 A. A vehicle or part thereof which is completely enclosed within a building in a lawful  
22 manner where it is not visible from a street or other public or private property; or

23 B. A vehicle or part thereof which is stored or parked in a lawful manner on private  
24 property in connection with the business of a licensed vehicle dealer or junkyard; or

25 C. [~~An unlicensed, operable or~~] Up to one (1) inoperable [~~antique vehicle or~~] special

1 interest vehicle stored by a collector on their property, provided that such vehicle and the outdoor  
2 storage areas are maintained in such a manner that they do not constitute a health hazard and are  
3 screened from ordinary public view by means of a solid fence, [~~rapidly growing trees, shrubbery,~~  
4 ~~or combination thereof,~~] a well-fitted car cover, or other [~~appropriate~~] means. A tarp, trees, or  
5 shrubbery are not considered appropriate means to screen a vehicle from public view; or

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

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

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

12 **10-5.8 Effective date.**

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

16 **Section 6. Subsection 14-6.3(B) of the Land Development Code (being Ord. No.**  
17 **2011-37, § 8 as amended) is amended to read:**

18 **14-6.3 Multiple Principal Uses; Accessory Uses or Structures**

19 (B) **Permitted Accessory Uses and Structures**

20 (1) **General Provision**

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

24 (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,**

25 **C-1, C-4, and HZ Districts**

1 (a) The following *accessory* uses and *structures* are permitted in the  
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,  
3 C-4 and HZ districts:

4 (i) *home occupations*, as provided for in Subsection 14-  
5 6.3(D)(2);

6 (ii) noncommercial *greenhouses* and plant nurseries;

7 (iii) private *garages* ;

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

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

10 (vi) private barbeque pits and private swimming pools;

11 (vii) *accessory dwelling units* as regulated in Subsection 14-  
12 6.3(D)(1);

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

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

21 (b) All *accessory* uses and *structures* allowed under Subsection 14-  
22 6.3(B)(2)(a) shall:

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

25 (ii) be located on the same *lot* as the permitted *principal* use

1 or *structure* or on a contiguous *lot* in the same ownership; and

2 (iii) not be likely to attract visitors in larger numbers than  
3 would normally be expected in a *single-family residential* neighborhood.

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

6 (i) Storage or parking, either continuous or intermittent, of  
7 commercial[5] or industrial[5] vehicles except for those vehicles that are  
8 authorized by a special use *permit* or other permitted *non-residential* use.

9 A. Commercial[5] or industrial[5] vehicles include:

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

12 2. tour buses or school buses;

13 3. concrete mixer trucks or concrete  
14 pumper trucks;

15 4. towing vehicles;

16 5. earthmoving or grading equipment;

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

19 7. motorized construction or agricultural  
20 equipment;

21 8. cranes;

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

25 10. any other vehicles designed by the

1 manufacturer for business purposes.

2 B. Commercial or industrial vehicles do not include:

3 1. recreational vehicles, boats, or trailers  
4 ~~[related to recreational vehicles]~~ that are used for personal  
5 purposes; or

6 2. passenger vehicles, pickup trucks, or  
7 small trailers that ~~[may be]~~ are used for business  
8 purposes related to a registered home occupation  
9 business.

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

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

14 (iv) Using ~~[V]~~ vehicles, tents, or other structures that do not  
15 comply with this chapter or other applicable codes ~~[, used]~~ as dwellings;

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

18 (vi) ~~[Storage or parking within any portion of a street yard  
19 other than a driveway of a noncommercial vehicle used for storage of  
20 goods, materials or equipment other than those items considered to be a  
21 part of the vehicle or essential for its immediate use; and] Parking any  
22 vehicle in the front yard setback, including on a driveway or drive aisle,  
23 within three (3) feet from the front property line (street line) or blocking  
24 or obstructing, partially or fully, any sidewalk, public street, or other  
25 public easement;~~





1 6.2(E).

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

4 (6) I-2 District

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

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

14 (7) Business and Industrial Park (BIP) District

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

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

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

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

25 (iii) outdoor storage lots and yards; provided that areas for

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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.

\_\_\_\_\_  
ALAN WEBBER, MAYOR

ATTEST:

\_\_\_\_\_  
KRISTINE MIHELICIC, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ERIN K. McSHERRY, CITY ATTORNEY