

A G E N D A

**Planning & Zoning Commission
City Council Chambers – 800 Municipal Drive
September 10, 2020 - 3:00 p.m.**

This meeting will be held virtually using Zoom at
<https://us02web.zoom.us/j/89047631061>

Item

- 1 Call Meeting to Order**
- 2 Approval of the Agenda**
- 3 Approval of the Minutes of the August 13, 2020 P&Z Meeting**
- 4 Draft UDC Updates** – Discussion, possible action, regarding proposed revisions to the 2007 Unified Development Code. (Beth Escobar)
- 5 Business From:**
 - Floor:
 - Chairman:
 - Members:
 - Staff:
- 6 Adjournment**

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, September 22, 2020.

ATTENTION PERSONS WITH DISABILITIES:

The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend a meeting and need an auxiliary aid or service, please contact the City Clerk's office at 599-1101 or 599-1106, prior to the meeting so arrangements can be made.

**MINUTES
PLANNING & ZONING COMMISSION
AUGUST 13, 2020**

The Planning and Zoning Commission met in a regular session on August 13, 2020 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:

Ryan Brown
Chair-Joyce Cardon
Shay Davis
Vice Chair-Clint Freeman
Cheryl Ragsdale
Mitch Sewell
Gary Smouse

P&Z Members Absent:

Elizabeth Lockmiller
Wayne Mangum
Cody Waldroup

Staff Present:

Andrea Jones
Beth Escobar
Elizabeth Sandoval

Others Who Addressed the Commission (Via Zoom Virtual Platform):

None

Call to Order

Chair Joyce Cardon called the meeting to order at 3:00 p.m. There being a quorum present the following proceedings were duly had and taken.

Presentation & Approval of the Agenda

There were no changes to the agenda. A motion was made by Commissioner Davis and seconded by Commissioner Freeman. A roll call vote was taken and this motion was approved unanimously by a 7-0 vote.

Approval of the Minutes

A motion was made by Commissioner Ragsdale and seconded by Commissioner Smouse to approve the minutes of the February 27, 2020 P&Z Meeting. A roll call vote was taken and this motion was approved unanimously by a 7-0 vote.

Swearing in of Witnesses

There were not petitions being heard at this meeting. There were no witnesses to swear in.

Draft UDC Updates

Beth Escobar, Planning Manager, presented the Draft UDC (Unified Development Code) Updates to the commission.

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|---|
| <p style="text-align: center;">COMMUNITY WORKS STAFF REPORT REVISIONS TO THE UNIFIED DEVELOPMENT CODE Review of proposed revisions and updates to the Unified Development Code</p> |
|---|

STAFF REPORT – August 13, 2020

Summary

The Unified Development Code (UDC) is the regulatory document for public and private development within the City of Farmington. The last update to the UDC was in 2007.

Staff has been working for a year on updates and revisions to the current code. The proposed revisions include:

General Changes

- Formatting changes to make the code more attractive and readable.
- Hyperlinks will be imbedded in the code to allow toggling to cross-referenced sections.
- Revisions have been made to conform to changes in state and federal regulations.
- Blanket revision that allows the Director to appoint a designee

Highlights of changes to specific Articles include:

- **Section 2 – Use Regulations**
 - Allow for the keeping of fowl as a permitted use.
 - Allow existing setbacks to be retained when older mobile/manufactured homes are replaced.

- Add language excluding certain sales in Residential and Office Professional Zoning Districts. This is recommended to address possible future legalization of marijuana retail sales.
- Add language for small cell wireless deployment in Central Business District. These guidelines were approved by the Metropolitan Redevelopment Agency on January 21, 2020.
- Add section for Mobile Food Units. This will incorporate language from Article 13 of the City of Farmington Municipal Code, adopted by Ordinance 2016-1293.
- Revise regulations related to Accessory Structures to address issues regarding placement, size, and maximum number of structures.
- Allow separate utility meters for apartments and guesthouses.
- **Section 4 –Overlay and Special Purpose Districts**
 - Exempt manufactured homes in the Special Mobile Home Area Overlay from the requirement for a paved driveway.
- **Section 5 – Development Standards**
 - Add language requiring incorporation of irrigation best practices.
 - Add a first flush requirement for stormwater management.
 - Sign regulations:
 - Entire Section has been revised for clarity.
 - Revise entire sign code to comply with the Supreme Court ruling in Reed v. the City of Gilbert prohibiting regulations based on content of sign.
 - Revise wording for political signs to only allow in certain locations with approval by City Council.
 - Apply outdoor lighting regulations to all development, not just those adjacent to residential.
- **Section 6 – Subdivision Standards**
 - Add language regarding lot of record.
 - Revise sidewalk requirements (these changes are still being discussed by staff).
 - Recommended changes to clarify development requirements.
- **Section 8 – Administration and Procedures**
 - Remove the requirement each petitioner submit a title report. This can add a cost of \$ 200–\$500 to the project. Staff can verify ownership of property within 100 feet through the San Juan County Assessor’s office GIS mapping program to comply with notification process. The right to require a formal title report will be reserved for complicated or controversial applications.
 - Add acceptance of lot consolidation through a warranty deed or recorded legal survey.

A table detailing all proposed revisions is attached.

Comprehensive Plan Update

Staff has worked with the Comp Plan Update consultants to ensure the proposed revisions are integrated with the comprehensive plan.

Administrative Review Board (ARB)

On March 5, 2020 staff presented specific UDC recommended changes to the ARB. This discussion was related to recent variance requests heard by the Board and included the allowance of a second electric meter on apartments. Per Sections, 2.5.4.E Apartments and 2.5.8.A.3 Guesthouses of the Unified Development Code (UDC) installation of separate utility meters is prohibited.

By definition in the UDC, apartments may be rented upon approval of a Special Use Permit and guesthouses may only be used for temporary occupation by family and friends. Guesthouses do not currently require a special use permit.

The prohibition against individual meters on apartments and guesthouses is designed to prevent illegal conversion of these accessory residential structures into rentals units.

The ARB had a detailed discussion of these changes at their March 5 meeting. The recommendation of the Board was to require an administrative approval for both apartments and guesthouses. Approval of a second meter would be handled through the administrative process.

The Board supported the additional proposed revisions. A copy of the minutes is included with this report.

Internal Review

An internal review has been completed by the Engineering and Building Divisions. Some items related to the subdivision development requirements are still under discussion.

The draft of the UDC update is currently being reviewed by the Legal Department.

Proposed Schedule for Adoption

Planning & Zoning Commission

- August 13 – Work session to introduce draft changes (Virtual Meeting)
- August 27 – Work session for further discussion of draft changes (Virtual Meeting)
- September 10 – Public Hearing to review and recommend adoption of draft

City Council

- September 15 – Work session to introduce draft changes
- September 22 – Public Hearing to adopt recommended changes

Public Comment

Two Legal Notices will be published in the Farmington Times regarding the September 10 public hearing. Copies of the revised draft will be available for review in the Community Works lobby and City Hall. A copy will be posted on the Planning Division's webpage.

In addition, staff has reached out to local engineering and surveying companies for their input on the proposed changes.

Action

This is a discussion item only. Staff is requesting input from the Commission on the proposed changes, identification of any clarification or additions needed, and the adoption schedule.

Attachments:

1. Table of Proposed Updates/Changes to the Unified Development Code
2. Minutes from the March 5, 2020 ARB meeting
3. Draft of revised Section 5.8 - Signs

Attachment 1:

| Article | Section | Change | Explanation |
|-----------------------------|---|---|--|
| Table of Contents | | | Expand with hyperlinks to all major segments |
| 1 – Introductory Provisions | 1.9.1 Transitional Provisions | Change dates to reflect adoption of new code | |
| 2 – Use Regulations | 2.1.1 Districts established | Reformat table to delete 'new' information from 2007. Insert minimum lot size as quick reference. | |
| | 2.1.2 Zoning District Hierarchy | Delete table | Not current |
| | 2.1.3 Establishment of special purpose and overlay zoning districts | Eliminate former name, add hyperlinks to overlay section | |
| | | Delete dated comments | |
| | 2.3.2 Temporary Uses | Add clarification for temporary buildings | Temporary buildings consistent with use per zoning require a building permit not a Temporary |

| Article | Section | Change | Explanation |
|---------|---|--|--|
| | | | Use Permit |
| | Table 2.3 Permitted Use Table | Add hyperlinks to Sections | |
| | | Add Mobile Food Units | |
| | | Change carwashes back to a permitted use in Commercial and Industrial Zoning Districts. Would apply to new development only. | See 2.4.13 amendments Site Plan requirements should address residential protection issues |
| | | Separate livestock and fowl, add fowl as a permitted use in all districts | Per City Attorney |
| | 2.4.2 Agriculture | Add language re State of New Mexico | Includes hemp as an agricultural crop |
| | | Add language re code compliance | |
| | 2.4.7 Animals or Fowl | Add fowls as permitted use | |
| | | Add requirement for drainage narrative, waste management plan and watershed protection plan. | To be submitted with Special Use Permit |
| | 2.4.8.B Assisted Living and Nursing Homes | Delete requirement for assisted living facilities to have direct access to a collector or arterial | Limits location, plus recent facilities have been permitted without this access - Welbrook |
| | 2.4.13.C Car Washes | Add language requiring use of reclaimed water by new car washes | Would apply to all new or expansion per Section 9.2 of the UDC |
| | 2.4.16.D Day Care Centers | Modify language about fence height | Consistent with NM regulations |
| | 2.4.32.D.f Mobile Homes and Manufactured Homes | Allows existing setbacks to be retained when old mobile/manufactured units are replaced | Removes deterrent to upgrade older units |
| | 2.4.49.A.(2) Single-family and duplex dwellings | Add language tying minimum square footage to Building Code | Allows for potential future 'tiny homes' if state modifies code |
| | 2.4.51 Small local retail or service establishments in residential and OP Districts | Add language excluding certain sales in residential and OP | Eliminates more impactful sales such as tobacco, vape, CBD (in preparation for possible legalization of marijuana sales) |
| | 2.4.56.M.11 | Add language for small cell | Based on guidelines |

| Article | Section | Change | Explanation |
|---------|---|--|--|
| | Telecommunication Facilities | wireless deployment in historic district | adopted by the MRA on February 18, 2020 |
| | 2.4.57 Upper story residential | Allow upper-story residential to continue even if a commercial use is not in existence on bottom floor. | |
| | 2.4.59.C Vehicle repair, paint and body shops | Add clarification for distance measurement | 200 feet distance is required, but code doesn't specify how to measure |
| | 2.4.66 – New Section | Add section for Mobile Food units | Add clarification about power source |
| | 2.5.2.B Accessory uses and structures | Convert accessory structure calculations to lot coverage maximum. Set 20 as maximum average height as calculated by code. (Not peak height) | Consistency of the code and ease of enforcement. Add to definitions: accessory structure consistent with building code, structure-must include a roof, not apply to pools, patios, hot tubs, shade sails. |
| | 2.5.4 Apartments | Allow separate electric meters for apartments (ARB recommendation is to require an administrative review of applications for apartments) | Apartments require a special use permit and may be rented-not allowing separate meters does not make sense |
| | 2.5.8 Guesthouses | Allow separate electric meters for guest houses (ARB recommendation is to require an administrative review of applications for Guest houses) | Guesthouses, by definition, are not rental units. Many times separate meters are required due to use load. Require SUP for guest houses per ARB direction. |
| | 2.5.9.H Home Occupations | Remove language prohibiting signs for Home Occupation Businesses | Conflicts with Section 5.8.7.A.13 which has regulations for Home Occupation signs-wall signs only will be permitted |
| | 2.5.10 Limited retail and service | See 2.4.51 | |

| Article | Section | Change | Explanation |
|---|---|--|--|
| | 2.8.3 Measurements and exceptions | See 2.5 re accessory structures | Consistency in code |
| 3- Base Districts | No changes | | |
| 4 – Overlay and Special Purpose Districts | 4.5.6 Special Mobile Home Area Overlay | Exempt manufactured homes in the SMHAO from stem wall foundation requirement | Inhibits development of affordable housing |
| 5 – Development Standards | 5.2.3 – after table | Add language regarding reduction of required off street parking is possible per Director’s review and approval | Allows flexibility in design, reduces potential for over parking |
| | 5.2.11.C.1 Parking Design Standards-Surfacing and maintenance | Removes requirement for paving of parking areas for replacement of residential units | Adds cost burden, impedes development of affordable housing |
| | 5.2.11.C.(2) Parking Design Standards | Adds requirement for planning division review and approval of commercial/industrial parking lot resurfacing | Ensures retention of correct number of regular and ADA parking spaces and location of ADA spaces. |
| | 5.3.3.A.3 Driveways and parking lot access | Gravel minimum for driveways for replacement Mobile and Manufactured Homes | Paving requirement adds cost burden that may prevent upgrade/replacement of pre 1976 units |
| | 5.3.6.B Corner setbacks and intersection visibility | Redo graphics to be consistent with code | Will use NMDOT graphic |
| | 5.5.6.D Parking Area Landscaping | Add landscape island requirement of every 15 lineal parking spaces. Trees in islands shall have a minimum height of eight (8) feet of clearance from the ground to the canopy. Applies to new development only | Break up large stretches of pavement. Code currently requires terminal islands for every 30 lineal parking spaces, this change would require an island at the halfway point. |
| | 5.5.8.B Irrigation | Add language requiring incorporation of irrigation best practices | Language is broad to encourage participation and flexibility |
| | 5.6.4.C Flood Hazard | Update FIRM info | |
| | 5.7.3.B.5 Supplementary drainage requirements | New construction shall incorporate on-site first flush retention practices | To prevent accumulated sanitary solids and pollutants from entering stormwater system per the City’s Stormwater |

| Article | Section | Change | Explanation |
|---------------------------------------|--|--|--|
| | | | Management Plan |
| | 5.7.3.B.6 Supplementary drainage requirements | Encourage rainwater harvesting | |
| | | Align with Section 6.4.14 Drainage regulations for subdivision | No conflict |
| | 5.8.3 Signs allowed without a permit F. | Add clarification regarding murals | |
| | 5.8.3.G and 5.8.7.A.3.a.3 | Remove references to commercial message | To bring sign code into compliance with Reed v. Gilbert |
| | 5.8.4.B Prohibited signs | Allow for decorative string lighting | Not currently enforced |
| | 5.8.4.G | Removes portable signs from prohibited sign list | We have not been enforcing this |
| | 5.8.6 Summary of permitted signs | Adds portable signs, adopts standards-size, location, weighting requirements | |
| | 5.8.7.A.13 Home Business Signs | Limit to wall signs only | |
| | 5.10.8 Outdoor Lighting | Applies lighting code to all development, not just those adjacent to residential | Would apply to new development only |
| | 5.10.8.A.2 Outdoor Lighting | Update allowed lighting sources | Conform with new FEUS standards |
| | 5.10.B.4 String lighting | See 5.8.4.B | |
| 6 – Subdivision Standards | 6.3.C – E Building Lots | Add language regarding lot of record | Remove burden from property owner to receive summary plat approval |
| | 6.4.3.E Engineering and Construction Standards | Exempts existing lots in developed subdivisions from having to put in sidewalks/curbs and gutter | Check with Nica – sidewalk ordinance 1969 applied only to subdivisions |
| | 6.4.7.J.2 Geometric standards | Change from back of curb to face of curb | |
| 7 – Review and Decision Making Bodies | Director to Director or designee and Community Development to Community Works changes only | | |
| 8 – Administration | 8.1.3. B & C Minimum | Remove the requirement | |

| Article and Procedures | Section | Change | Explanation |
|--|--|--|--|
| | Submission Requirements | for title report except in certain cases | |
| | 8.8.5.A.1.C Summary Subdivision Application process | Add acceptance of lot consolidation through a warranty deed or recorded legal survey | |
| | 8.8.5.A.3 Summary Subdivision Application process | Add exemptions to summary plat requirements. | |
| 9 - Nonconformities | Director to Director or designee changes only | | |
| 10 – Violations, penalties and Enforcement | Director to Director or designee and Community Development to Community Works changes only | | |
| 11 – Definitions | Under Review for completeness with entire code – definitions may be added. | | Revise definition of structure Revise definition of mobile home to eliminate dimension requirements |
| 12- Index | | | Will be reconfigured after all edits are reviewed/approved. |
| 13 – Appendices | No changes | | |
| | | | |
| | | | |

First Review-David Sypher
Date: 12/27/19

Reviewed: DS/BE

First Review-Derrick Childers
Date: 2-18-20

Reviewed: DC

First Review Engineering
Date: 2-25-20

Reviewed: NW, TS & LBEH

Updates since David's
Date: 5-19-20

Reviewed: DS/BE

First review

Specific interest for Rob

Items needing further discussion by Staff

First Review by Legal

Reviewed: _____

Date: _____

Attachment 2:

**Administrative Review Board
Meeting Minutes
March 5, 2020 – 6:00 P.M.
Revised**

The Administrative Review Board met in regular session on Thursday, March 5, 2020 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present

Chair James Dennis
Brian Erickson
Jeff Johanson
Cindy Lopez

Members absent:

Paul Martin

Staff present:

Beth Escobar
Elizabeth Sandoval

Others addressing the Board:

None

Call to Order

The meeting was called to order at 6:01 p.m. by Chair James Dennis and there being a quorum present the following proceedings were duly had and taken.

Introduction of New Board Member

Cindy Lopez was introduced as the new member of the Administrative Review Board.

Approval of the Agenda

A motion was made by Board Member Johanson and seconded by Board Member Erickson to approve the agenda. The motion passed unanimously by a vote of 4-0.

Election of Officers

A motion was made by Board Member Johanson to keep Chair Dennis as Chair and nominated Cindy Lopez as Vice Chair. The motion was seconded by Board Member Erickson. The motion passed unanimously by a vote of 4-0.

Approval of the Minutes from the February 6, 2020 Regular Meetings

Board Member Johanson made a motion to approve the minutes of the February 6, 2020 regular meeting. The motion was seconded by Board Member Erickson and passed unanimously by a vote of 3-0. Vice Chair Lopez did not vote because she was not a member of the board at the time of the February 6, 2020 meeting.

Discussion regarding proposed changes to the Unified Development Code

Beth Escobar, Planning Manager, presented a memo from the Administrative Review Board regarding proposed changes to the Unified Development Code. Ms. Escobar discussed the following:

Second Meters for Apartments

Per Sections, 2.5.4.E Apartments and 2.5.8.A.3 Guesthouses of the Unified Development Code (UDC) installation of separate utility meters is prohibited.

By definition in the UDC, apartments may be rented upon approval of a Special Use Permit and guesthouses may only be used for temporary occupation by family and friends.

The prohibition against individual meters on apartments and guesthouses is designed to prevent illegal conversion of these accessory residential structures into rentals units.

As we have seen through recent variance requests, there are many situations where second utility meters are warranted for new construction and remodel projects. Installation costs, including underground trenching, can be prohibitive to the projects.

Prohibiting meter installations on apartments and guesthouses to prevent conversion to rental units seems inefficient. An apartment that is officially approved through the Special Use Permit process is already allowed to be a rental. Installing a second meter so that the tenant pays the utility bills directly may be a preference of the landlord.

In fact, any accessory structure can be converted to a rental unit by a property owner who is intent on skirting the regulations. A second meter is not necessary in these scenarios. The best way to control these types of illegal rentals is through neighbor complaints and consistent code enforcement.

Since the prohibition to a second meter seems inefficient and unnecessarily burdensome to the property owner, staff is proposing to amend this section of the UDC:

2.5.4 Apartments (accessory). An apartment may be allowed as an accessory use to a single-family dwelling by special use permit, subject to compliance with the standards of this section.

A. One accessory apartment may be allowed per single-family dwelling in the RE-2, RA, RE-1, RE-20, SF-10, SF-7 and SF-5 districts; provided, however that no lot shall have both an accessory guest house and an accessory apartment.

B. Such apartments may either be "attached to" or "detached from" the principal single-family dwelling.

C. Such apartments shall be similar in appearance and design to the principal structure, with respect to roof design and materials, siding materials and window treatments.

D. Such apartments may be rented, but not sold, separately from the principal dwelling unit.

E. Such apartments and the primary dwelling shall share utilities or have separate utility meters if approved through the Special Use Permit process.

Apartments may have a kitchen.

2.5.8 Guesthouses. Guesthouses (a maximum of one) may be allowed as an accessory use to single-family dwellings, subject to compliance with the standards of this section.

A. General. All guesthouses shall comply with the standards of this subsection.

(1) Guesthouses may be utilized by guests and persons employed on-site by the resident family of the principal dwelling, and may not be rented or sold separately from the principal dwelling unit.

(2) Notwithstanding other provisions to the contrary, guesthouses:

a. Shall comply with the setback standards applicable to the primary dwelling; and

b. May be built to the same height as otherwise allowed for the primary dwelling.

(3) Guesthouses and the primary dwelling shall share utilities or have separate utility meters. Guesthouses shall not have a natural gas stub or 220-volt wiring in the kitchen area.

Board Discussion:

Board Member Lopez –Need to recognize the impact on the neighbors and take that into consideration when revising code. Our processes are about making sure it is equal for everyone, and we should not take that community voice away. There is no process to ensure neighborhood input

Chair Dennis – Apartment are designed to be rented out to other entities. It needs to be zoned appropriately, needs a Special Use Permit. If it goes through this review process, it should have a separate meter. Is a guesthouse separate from the main structure?

Planning Manager Escobar- Guesthouses can be included in the main structure or a separate structure.

Chair Dennis – Need to give thought to Air B & B impact. How are we dealing with this?

Planning Manager Escobar – Discussion regarding Air B & B is not on the agenda tonight.

Vice Chair Lopez – Guesthouse is allowed by right, by allowing a second meter that could be marketed as a rental unit in the future. Okay with individual meters, but this is a back door for having an apartment without having to go through a Special Use Permit process. The process is not equitable.

Chair Dennis – He agrees that neighborhood input is important. We also need to be aware of need for affordable housing units.

Vice Chair Lopez – This is a responsibility to the neighbors. Guesthouses should be required to get a SUP if they want a second meter.

Planning Manager Escobar – Requiring a SUP adds an additional burden for those people interested who want to have a guesthouse.

Board Member Johanson - There is a public process involved when they ask for a second meter and come before the ARB.

The Board discusses different scenarios for single-family homes with apartments and guesthouses.

Planning Manager Escobar pointed out that properties without Special Use Permits cannot be marketed as having legal apartments.

Chair Dennis – Asked if Planning reviews setbacks, parking and other issues when reviewing permits.

Planning Manager Escobar responded yes.

Chair Dennis – Can see many angles.

Board Member Lopez asked that we consider removing the SUP for apartments and require an administrative review where the neighbors receive notification.

Chair Dennis – Would just have administrative review for apartments with neighborhood notification? What if you have neighbors that don't like you?

Vice Chair Lopez – Staff would have to weigh neighbor input.

Planning Manager Escobar – We would look at the same criteria used by the ARB. Are there public health or safety issues? This would carry a lot of weight.

Chair Dennis – Do we require guesthouses and apartments be built to standards to preserve the integrity of the neighborhood?

Planning Manager – Apartments must be built to match the primary residence per current code. We could carry this over to guesthouses.

Vice Chair Lopez - Can a mobile home district have any accessory apartment?
Detached can only go in certain districts.

Chair Dennis – Parking of RV's on adjacent lots occurs. How this different as a guesthouse.

Planning Manager Escobar – RV's do not qualify as guesthouses.

Placement of new, or replacement of existing, mobile/manufactured homes

Several issues have come up over the last year regarding the following regulations related to manufactured/mobile homes:

UDC Section 5.3.3.A-requiring pavement of all parking areas

UDC Section 6.4.3 – as interpreted to require sidewalks on all streets

Manufactured and mobile homes are an affordable housing option in the area. Requiring paved driveways and installation of sidewalks prior to the placement of a new or replacement unit adds a substantial cost burden to property owners and becomes an impediment to affordable housing in the City.

Staff is proposing the following modifications to the UDC to eliminate these requirements:

5.3.3 Driveways and parking lot access. All driveways and parking lot entrances and exits shall be subject to the approval of the Director or designee and the following requirements:

A. Paving requirements. All required parking areas must be connected to a public street or alley by means of a driveway or private access easement. All driveways providing access to such parking areas shall be paved, except as follows:

(1) In the RA district, RE-1 district, RE-2 district and RE-20 district, driveways shall be:

- a. Surfaced with a minimum of four inches of gravel road base, and
- b. Have a paved apron ten feet in depth and the width of driveways adjoining paved streets.

- (2) Driveways accessing industrial yards, vehicle storage yards, car sale facilities or like uses, not including employee parking, which require outside or vehicular storage shall be:
- a. Surfaced with a minimum of four inches of gravel road base, and
 - b. Have a paved apron 15 feet in depth and the width of driveways adjoining paved streets.
- (3) Driveways for properties with an existing mobile or manufactured home that replaced with a newer or upgraded unit shall consist of a compact surface such as gravel.

6.4.3 Engineering and construction standards.

- A. All required improvements, including but not limited to streets, sidewalks, trails and access ways, water and sewer, and drainage facilities, shall be designed by a licensed engineer registered in New Mexico in accordance with the requirements of the most recent City of Farmington "Design & Construction Standards with Technical Specification."
- B. All required improvements, including but not limited to streets, sidewalks, trails and access ways, water and sewer, and drainage facilities, shall be constructed in accordance with the most recent City of Farmington "Design & Construction Standards with Technical Specification."
- C. All streets, water, sewer, and drainage facilities shall be designed and constructed to, and through, the property in question in accordance with the requirements of this article.
- D. Where city standards do not specifically cover a design or construction issue, the director may enforce other recognized industry standards.
- E. Undeveloped lots in existing subdivisions where sales and construction have begun are exempt from the requirements of this Section.

In addition to these recommended changes, relief from setback requirements is also under consideration:

Board Discussion:

Vice Chair Lopez: Agree, except wording should be corrected to 'manufactured homes that *are* in place. It is a burdensome requirement to property owners.

Chair Dennis – Agrees with the changes.

Planning Manager Escobar – So does the Board support waiving parking and sidewalk requirements?

The Board agreed.

2.4.32. D. *Dimensional standards*. All principal and accessory structures shall be subject to the following required front, rear or side setback requirements.

(1) Maximum height: 2 stories or 30 feet, whichever is less.

(2) Minimum lot area: 6,000 square feet.

(3) Minimum lot width: 50 feet.

(4) Minimum setbacks:

a. Front: 25 feet.

b. Side, Street: 15 feet.

c. Side, interior: 5 feet

(1) Single-section manufactured homes: 5 feet.

(2) Mobile homes: 8 feet.

d. Rear: 15 feet.

e. Exception for accessory structures. Accessory structures, including awnings and carports, which are open at the front and rear, which are made of noncombustible material, and which are not less than five feet from the property line may be placed in any interior side yard.

f. Exception for replacement of existing mobile/manufactured home units. Setback requirements for replacement units shall be those in existence on site before the existing unit was removed.

This change is derived from several recent ARB petitions where older mobile home units were being replaced and the larger units could not conform to the setbacks of the underlying zoning district. In each case a reduction of the setback requirements had a nominal impact on the surrounding neighbors.

Each of the recent ARB petitions asking for relief from the above referenced regulations have been approved and determined to be a minimal easing of the code.

To place these proposed code changes in a broader picture, zoning regulations throughout the country are changing to address a myriad of issues, including lack of affordable housing, diversity of housing, climate change, shrinking land availability and sky rocketing cost of infrastructure. There are some communities, including cities in California and Minnesota, that are eliminating single-family zoning and promoting high density, multi-use zoning.

In the 2019 City of Farmington Analysis of Impediments to Fair Housing Choice Update the Farmington City Council certified that it will affirmatively further fair housing. Relaxing the zoning regulations discussed above helps promote development of low-to-moderate housing options throughout the city.

Board Discussion:

Vice Chair Lopez – Are we looking at setback averaging? We need to consider fire and safety separation to make sure these are met, and maybe this makes more sense than

applying specific setbacks. We want to encourage new manufactured homes that meet safety standards. What if we just have minimum safety separations?

Planning Manager Escobar – We are not vacating building and fire code requirements.

Vice Chair Lopez – Could the setback requirements be amended to be specific to the width and length of manufactured homes. This would be another way of looking at it. Could potentially avoid future variances.

Chair Dennis – We should always uphold safety standards.

Vice Chair Lopez – We have minimum width and length for mobile homes.

Chair Dennis – Is this for mobile or manufactured homes.

Planning Manager Escobar – For both.

Vice Chair Lopez – I think our code is really good.

Chair Dennis – I agree.

Vice Chair Lopez asked for clarification on Section 6.4.3.E

Planning Manager Escobar stated we have received input from Toni Sitta in the Engineering Department clarifying this wording: Undeveloped residential lots where sidewalks were not required or were waived during the subdivision review process are exempt from the requirements of this Section with the exception of lots that fall under the requirements of City Ordinance 7.1.2 which requires installation of sidewalks for commercial subdivisions.

Vice Chair Lopez – That clears it up.

Discussion:

This is a discussion item only to provide an update to the Board on these proposed changes to the UDC and to allow for the Board's input.

The Board discussed the proposed revisions to the Unified Development Code and provided input on several points. This input will be under consideration as the update to the UDC moves forward.

Business from the Floor: There was no business from the Floor.

Business from the Chair: There was no business from the Chair.

Business from the Members: There was no business from the Members.

Business from Staff: There was no business from Staff.

Adjournment: The March 5, 2020 meeting of the Administrative Review Board was adjourned at 6:59 p.m.

James Dennis - Chair

Elizabeth Sandoval - Administrative Assistant

Attachment 3:

DRAFT

Sec. 5.8 - Signs.

5.8.1 Purpose. The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the pleasing look of the city; to preserve Farmington as a city that is attractive to businesses; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to otherwise implement relevant provisions of the Farmington Comprehensive Plan.

For purposes of this section, a site refers to the entire project as planned and developed together as follows:

- A single apartment complex shall be considered as occupying one site.
- A shopping center, including out-parcels and separate buildings within it (regardless of whether ownership is common or separate) shall be considered as occupying one site.
- A group of office buildings, warehouses or industrial buildings under common ownership or management and approved within one site plan with the city, shall be considered as occupying one site.
- In general, buildings that share parking or access shall be presumed to occupy one site, subject to proof by the owners that the nature of the sharing arrangement is such that it should not be considered determinative for purposes of this UDC.

5.8.1.A Definitions: Definitions specific to the administration, interpretation and enforcement of this Section are contained within Article 11 of the UDC.

5.8.2 Authorized Signs allowed without a permit. The following signs are exempt from the requirements of this UDC, but remain subject to the building code requirements:

- A. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;



- B. Traffic control signs and devices installed by city or state agencies on public or private property or rights-of-way, such as "Stop," "Yield" and similar signs;
- C. Any sign inside a building that is not attached to a window or door;

Section 5.8.5 Table of Permitted Signs

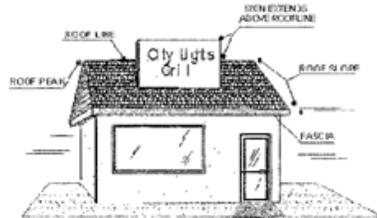
- D. Signs that are not visible beyond the boundaries of the lot or parcel on which they are located or from any public rights-of-way;
- E. Any sign inside an athletic field or other enclosed outdoor space, where the sign is not legible from ground level and not visible from public right-of-way beyond the lot line of the site on which it is located;
- F. Works of art with no commercial message; including murals on exterior walls.
- G. Holiday decorations displayed between November 15 and January 15;
- H. Flags used as political or religious symbols;
- I. Flags used solely for decoration and not containing any copy or logo;
- J. Window signs;
- K. Balloons and/or other gas-filled objects located in any zoning district; which balloon and/or gas filled object shall not exceed 20 feet in height from the ground and shall not contain or display any logo but shall be used solely for decorative purposes;
- M. Temporary signs on private property.

5.8.3 Prohibited signs. All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the previous section are prohibited. Such signs include, but are not limited to:

- A. Any sign that copies or imitates an official sign or purports to have official status;
- B. Signs, other than official government signs, located within the public rights-of-way or easements, public parks, or on public properties with the exception of signs permitted by the City Manager or designee at a specific location for a specific time period;
- C. Beacons;
- D. Windblown devices;
 - 1. D. Pennants;
 - 2. E. Flashing signs;
- E. Moving signs;

Comment [BE1]: We do not enforce this

Comment [BE2]: We have not been enforcing this prohibition.



Section 5.8.5 Table of Permitted Signs

- I. Any sign on or extending above the roofline, which is illustrated at right;
- J. Any sign attached to an accessory structure, except an incidental sign, if such sign is legible from the public right-of-way or from other property; and
- K. Any other attention-attracting device, except for those conforming to the dimensional, design, lighting, and other standards applicable to a sign in the same location.
- L. Any unofficial sign attached to or affixed in any way to utility poles, light poles, rocks, trees, or other natural features.
- M. Mobile signs, except on licensed food trucks
- N. Graffiti on public property

5.8.4 Permit required. Except as otherwise expressly provided in this section, all persons erecting, hanging, installing, or otherwise placing signs in the city must first obtain a sign permit in accordance with the procedures of section 8.4, Sign Permits. A permit is **not** required where only the changeable copy is changed, or the sign is cleaned, painted, repainted, or for normal maintenance and repair.

| Type of Sign | Zoning | Location | Maximum Size | Maximum Height at top of sign | Comments | Standards | Permit Required |
|------------------|---------------------------------------|---|---|-------------------------------|---|-----------------------------|---|
| Awning signs | MF (all) OP, MU, LNC, GC, CB, PIP & I | Attached to a building | 20 percent of the total awning face area of any face that is visible when viewed from either a frontal or side direction or the maximum allowable wall sign area for the building frontage, whichever is less | N/A | If an awning is mounted on a multi-tenant building, the awning sign shall comply with the approved master sign program in color, size, material and letter style. | 5.8.7.A.(6) | Approval from Planning Division is required |
| Banners | MF (all) OP, MU, LNC, GC, CB, PIP & I | Attached to a building or privately owned light or pole | | | Allowed twice a year per business. Allowed in addition to wall and freestanding signs. Not permitted on City owned utility poles | 5.8.7.A.(7) | Approval from Planning Division is required Banner signs crossing roadways shall be addressed through the special event permit |
| Building markers | ALL | Permanently affixed to a building | 3 square feet of area | | Shall contain no logo or commercial message One marker per building | 5.8.7.A.(8) | Approval from Planning Division is required |

Section 5.8.5 Table of Permitted Signs

| Type of Sign | Zoning | Location | Maximum Size | Maximum Height at top of sign | Comments | Standards | Permit Required |
|---|--|--|--|---|--|-------------------------------|---|
| Construction signs | Residential | Freestanding, on private property | 32 square feet | 5 feet | Upon completion of the construction project or issuance of Certificate of Occupancy. | 5.8.7.A.(9) | |
| | MF (all) OP, MU, LNC, GC, CB, PIP & I | On site | Same as 'principal freestanding signs' | 10 feet | Upon completion of the construction project or issuance of Certificate of Occupancy. | 5.8.7.A.(9) | Includes signs for public projects |
| Directory signs | MF (all) OP, MU, LNC, GC, CB, PIP & I | Sites with more than one building or tenant. | | | May contain logos and business names and directional information but no commercial message | 5.8.7.A.(11) | Approval from Planning Division is required |
| | Shopping Centers | At least 50 feet from intersection of entrance and public right-of-way | 16 square feet | 6 feet | | 5.8.7.A.(11)a | |
| | Multifamily projects, office complexes or business parks | Away from any public right-of-way so as not to impede traffic flow | 12 square feet | 5 feet | | 5.8.7.A.(11)b | |
| Free standing signs, including monument and pole signs* | MF All | All free standing signs shall comply with safe sight triangle requirements of Section 5.3.6 corner setback and intersection visibility | 50 square feet | 6 feet | | 5.8.7.A | A Building Permit is also required |
| | OP, MU, LNC | See above | 50 square feet | 10 feet | Any freestanding sign that crosses a walkway must be eight feet from the ground | 5.8.7.A.b | A Building Permit is also required |
| | CG, CB, PIP & I | See above | 200 square feet | 25 feet | | 5.8.7.A.c | A Building Permit is also required |
| Fuel price signs | MF (all) OP, MU, LNC, GC, CB, PIP & I | Service Stations One sign allowable per street frontage | 16 square feet | Same as freestanding sign allowance for zoning district | Must follow setback and visibility triangle requirements | 5.8.7.A.(12) | A Building Permit is also required |
| Home business signs | All residential | Wall or free standing on | 3 square feet | 3 feet | Illuminated, flashing and electronic signs are not | 5.8.7.A.(13) | |

Section 5.8.5 Table of Permitted Signs

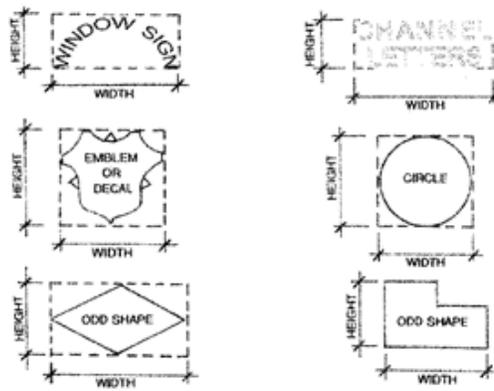
| Type of Sign | Zoning | Location | Maximum Size | Maximum Height at top of sign | Comments | Standards | Permit Required |
|-------------------------------|---------------------------------------|--|---|-------------------------------|---|------------------------------|------------------------------------|
| | zones | private property | | | permitted | | |
| Identification signs | | Affixed to a building wall | 3 square feet | 3 feet | Shall not contain a commercial message | 5.8.7.A.(14) | |
| Incidental signs | All | On site or on buildings | 3 square feet | 3 feet | Shall not contain a commercial message | 5.8.7.A.(15) | |
| Off-site signs and billboards | MF (all) OP, MU, LNC, GC, CB, PIP & I | Along principal arterial streets as shown on the major thoroughfare with a medium right-of-way 200 feet | One square feet for each five lineal feet of highway frontage not to exceed 200 square feet | 26 feet | Shall be 750 feet from any other off-site sign and 100 feet from any on-site sign, including both sides for the street Back to back parallel faces shall constitute one sign | 5.8.7.A.(18) | A Building Permit is also required |
| Political signs | All | Shall be placed on private property with the permission of the property owner. May be placed in City of Farmington right-of-way or easement at a specific location and a specific length of time with permission of the City Manager or designee | 32 square feet | 6 feet | Not permitted on public property | 5.8.7.A.(19) | |
| Programmable (digital) signs | MF (all) OP, MU, LNC, | On premises or attached to building | 50 square feet | 10 feet | Images shall not change more than once every three seconds, with the exception of time and temperature, which can change every second | 5.8.7.A.(10) | A Building Permit is also required |
| | GC, CB, PIP & I | | 200 square feet | 25 feet | | 5.8.7.A.(10) | |

Section 5.8.5 Table of Permitted Signs

| Type of Sign | Zoning | Location | Maximum Size | Maximum Height at top of sign | Comments | Standards | Permit Required |
|--|--|---|---|--|--|------------------------------|---|
| Projecting signs | MF (all) OP, MU, LNC, GC, CB, PIP & I | Attached to a building or other private structure | 50 square feet | Height of building or sign to which attached | Bottom of sign shall be eight feet above ground Encroachment shall be a minimum of two feet from back of curb | 5.8.7.A.(20) | A Building Permit is also required |
| Real Estate signs | All | | | | | 5.8.7.A.10 | |
| Residential Neighborhood | All | One or both sides of principal entrance | 32 square feet | 6 feet | Shall not contain a commercial message | 5.8.7.A.(22) | |
| Suspended signs | MF (all) OP, MU, LNC, GC, CB, PIP & I MF (all) OP, MU, LNC, GC, CB, PIP & I | Under canopies attached to buildings | Two-thirds the width of the area under the canopy | | One per entrance Shall not be separately illuminated | 5.8.7.A.(5) | Approval from Planning Division is required |
| Temporary Signs on Commercial Property | MF (all) OP, MU, LNC, GC, CB, PIP & I | Attached to building or freestanding | | | | 5.8.7.A.(23) | Approval from Planning Division is required |
| Wall signs | MF (all) OP, MU, LNC, GC, CB, PIP & I MF (all) OP, MU, LNC, GC, CB, PIP & I | | One square foot of wall sign for each linear foot of building | Shall not extend beyond the top of wall | | 5.8.7.A.(2) | |
| Window signs | MF (all) OP, MU, LNC, GC, CB, PIP & I MF (all) OP, MU, LNC, GC, CB, PIP & I | Inside of window | N/A | N/A | | 5.8.7.A.(4) | |
| Yard Sale signs | ALL | One on premise sign and one | Four square feet per side or eight square feet total | | Not allowed in public right-of-way Shall be removed after 72 hours | 5.8.7.A.(24) | |

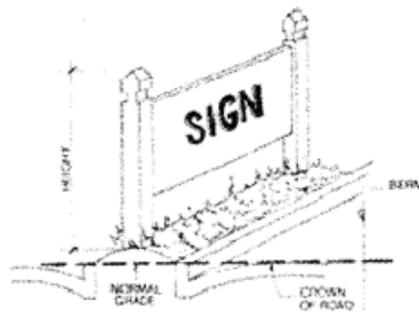
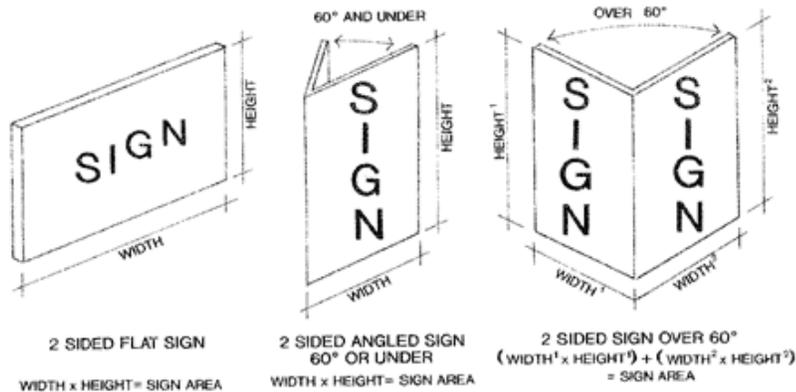
5.8.6 Computation and measurement.

- A. *Area computation of individual signs.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this UDC and is clearly incidental to the display itself. For a single wall, all pieces of information or other graphic representations on that wall shall be measured as though part of one sign, encompassed within one rectangle, which may not exceed the maximum permitted sign area.



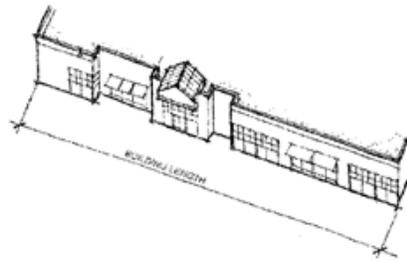
- B. *Area computation of multi-faced signs.* Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or less, only one display face shall be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign. Sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one time or from one vantage point should be considered in measuring the size of the sign.

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- C. *Sign height computation.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: existing grade prior to construction; or newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the site, whichever is lower.

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- D. *Building frontage.* Building frontage shall mean the horizontal length of a building (building length) on the side with its principal entrance. If that side is a straight wall, then the building frontage shall be the length of the wall. If the side is not a straight wall, the building frontage shall be the horizontal distance from the corner at one end of the side of the building with the principal entrance to the other corner on the same side of the building; where that side of the building is concave, then the measurement shall be made in a straight line from corner to corner; where the side of the building is convex or has one or more sections that project in front of the front corners, then the measurement shall be made as the shortest distance between two lines projected from the two front corners of the building, with such lines parallel to each other and as close as practicable to perpendicular to the front of the building.
- E. *Street frontage.* Street frontage shall mean the horizontal length of the street frontage along the subject lot side and shall be measured in accordance with the requirements of subsection 2.8.3B., lot width.

5.8.7 *Permitted signs; locations, number and size.* Signs shall be permitted in accordance with the Table in Section 5.8.5, summary of permitted signs. The number in the "Conditions" column for a particular type of sign shall refer to the same-numbered "Condition" on the following pages, which shall apply to that sign in accordance with its terms.

A. *Conditions.*

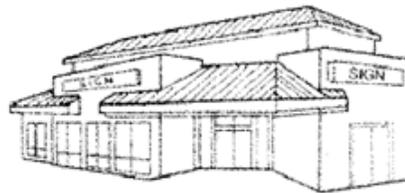
- (1) *Principal free-standing signs.* Principal freestanding signs shall be permitted, subject to the following:
- a. Allowable *area.* One square foot in sign area shall be allowed for each linear foot of street frontage up to a maximum of 200 square feet and limited as follows:
 - (1) The MF, OP, MU, and LNC districts are limited to a maximum of 50 square feet.
 - (2) The GC, PIP and I districts is limited to a maximum of 200 square feet.
 - b. Allowable *height.* The maximum allowable height to the top of the sign is as follows:

Section 5.8.5 Table of Permitted Signs

| MF (ALL) | OP | MU | LNC | GC | CB | PIP | I |
|-------------|----|----|-----|----|----|-----|---|
| 6 | 10 | 10 | 10 | — | — | — | — |

- c. *Corner setbacks and visibility.* All freestanding signs shall comply with safe sight triangle requirements of section 5.3.6, corner setback and intersection visibility.
- d. *Single- and double-occupant projects.* For single- or multi-occupant projects, there shall be only one freestanding sign, plus an additional freestanding sign for each of the following, provided that no two freestanding signs shall be within 300 feet of each other on the same street frontage:
- (1) Street frontage on a 2nd street, provided that the street frontage on such street is at least 150 feet in length; and
 - (2) Street frontage on a 3rd street, provided that the street frontage on such street is at least 150 feet in length; and
 - (3) For every 300 feet of street frontage on any one street in excess of 300 feet.
- (2) *Wall signs, nonresidential.* Nonresidential wall signs shall be permitted in accordance with the following provisions:

| Commentary: |
|---|
| Siting of nonresidential buildings closer to thoroughfares is encouraged in the interest of more attractive streetscapes for the City of Farmington. Also, allowable wall signs will be more effective where buildings are placed closer to the street, rather than far away. |



- a. The total area of wall signs on a particular wall or a section of wall shall not exceed one square foot of wall sign for each linear foot of length of that wall,

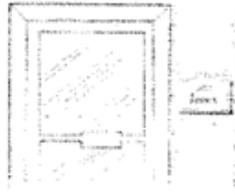
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which length shall be measured by applying the same principles as are used to measure building frontage, subject to residential restrictions.

- b. The total area of all wall signs on a building shall not exceed one square foot of wall sign for each linear foot of building frontage or the maximum total area per district, whichever is less. The fact that signs may be permitted on more than one wall of the building shall not increase this maximum.
- c. On a multi-tenant building, there may be a separate wall sign for each occupant with an outside entrance serving the general public, but this provision shall not increase the total area of signage permitted on the building.

(3) *Wall signs, residential and institutional.*

- a. Single-family residential units (either attached or detached) in zoning districts or portions of planned developments designated for single-family use shall be permitted one wall sign meeting the following criteria:



- (1) The sign shall not exceed two square feet in area;
- (2) The sign shall not be separately illuminated; and
- b. Multifamily residential or institutional uses located in residential zoning districts, including portions of planned developments designated for residential use, shall be permitted one wall sign per public entrance, which wall sign shall be subject to the following:
 - (1) No such sign shall exceed six square feet in area;
 - (2) Each sign may be illuminated only by direct, external illumination.

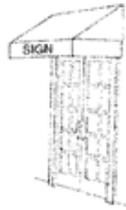


- (4) *Window signs.* Signs may be placed on the interior of window glass.
- (5) *Suspended signs.* Suspended signs shall be permitted under canopies attached to buildings only to identify entrances to businesses or other users under that canopy. Suspended signs shall be subject to the following specific conditions:

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- a. There may be one suspended sign per entrance, and the suspended sign may have copy on both sides;
 - b. A suspended sign shall not be separately illuminated.
- (6) *Awning signs.*



- a. The maximum area an awning sign(s) shall cover is 20 percent of the total awning face area of any face that is visible when viewed from either a frontal or side direction, or the maximum wall sign area for the building frontage, whichever is less.
 - b. If the awning is mounted on a multi-tenant building, the awning sign shall comply with the approved master sign program in color, size, material, and letter style.
- (7) *Banners.* In addition to other allowable signs, banners visible from public right-of-way shall be permitted, subject to the following conditions:
- a. Banners shall be attached to a building or to a privately owned light or other existing pole.
 - b. Banners shall be permitted for a use by commercial operations only twice a year, for a total time period of 30 days and further, provided there is only one attached banner per property.
 - c. Banners shall be in addition to other allowable wall and principal freestanding signs.

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- (8) *Building markers.* Building marker signs shall be permitted, subject to the following conditions:
- a. Such signs shall not exceed three square feet in area;
 - b.
 - c. Such signs shall be made of permanent material, such as bronze or masonry, and shall be permanently affixed to or made part of the building;
 - d. There shall be only one such sign on any building; and
 - e. Such signs shall be affixed to a building wall.
- (9) *Construction signs.* Construction signs shall be permitted where there is an active building permit, subject to the following conditions:
- a. For nonresidential, institutional, or multifamily residential buildings, in the same location and subject to the same size and other conditions applicable to a "principal freestanding sign." The construction sign shall be removed no later than the date of issuance of a certificate of occupancy for the premises or any part thereof.
 - b. In other residential areas, a single construction freestanding sign as an accessory use to a subdivision real estate sales office permitted under the UDC, and only as long as such office is permitted and actually used. Such sign shall not exceed 32 square feet in area.
- (10) *Programmable signs.* Programmable signs shall be permitted, subject to the following conditions:
- a. The image (pictures, as opposed to words) cannot change more frequently than once every three seconds, with the exception of time and temperature, which can change every second.
 - b. Background on worded messages shall not be lit during the dusk to dawn hours.
 - c. If a worded message is longer than the sign's display capability, the set of words on the sign cannot change more frequently than once every second.
 - d. Continuous streaming signs are allowed.
 - e. Programmable signs shall be limited to the maximum allowable square footage of the underlying zoning district.

Commentary:

Any sign on which the message is regularly changed more than once per minute is considered a "flashing" sign under this UDC.

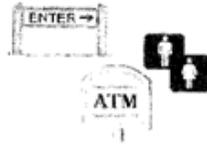
Section 5.8.5 Table of Permitted Signs

- (11) *Directory signs.* Directory signs shall be permitted where a particular site includes more than one tenant or occupant, subject to the following conditions:



- a. In *shopping centers.* Director or designee signs in shopping centers may be located near entrances to parking areas, but at least 50 feet from any public right-of-way, and at principal intersections within the center, where such intersections are at least 50 feet from any public right-of-way. Such signs shall not exceed 16 square feet in area or 72 inches in height. Such signs may contain logos or business names with arrows or other directional information.
- b. At *multifamily projects, office buildings or business parks.* One Director or designee sign may be located near the principal entrance to a parking area for multifamily projects, office buildings, or business parks. Such sign shall be located away from any public right-of-way, so that drivers can conveniently pull up to and read the Director or designee without impeding traffic on any driveway or entrance serving the development. Such sign may contain an unlimited number of pieces of information. Such sign may not exceed 12 square feet in area and five feet in height.
- (12) *Fuel price signs.* Service stations will be allowed, in addition to one permitted freestanding sign, one fuel price sign per street frontage, the area of which shall not exceed 16 square feet and will not be included in the allowable area of any freestanding sign. This sign shall follow the setback requirements for a freestanding sign and shall not be located within the right-of-way.
- (13) *Home business signs.* Total square feet of home business signs shall not exceed three square feet per lot. Such signs shall be limited to wall signs or free standing, monument signs. Such signs shall not be internally illuminated. Temporary signs, flashing signs, and electronic reader boards are prohibited.
- (14) *Identification signs.* Identification signs shall be permitted, subject to the following conditions:

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- a. Such signs shall not exceed three square feet in area;
 - c. Such signs shall be affixed to a building wall.
- (15) *Incidental signs.* Incidental signs shall not exceed three square feet in surface area. Incidental freestanding signs shall not exceed three feet in height.
- (16) *Marquees.* Marquees shall be permitted as additional wall signs only at theaters and entertainment venues and may have changeable copy on each face.
- (17) *Off-site signs and billboards.* Such signs may be placed along principal arterial streets as shown on the city's major thoroughfare plan, except along the designated Native Heritage Trails Byway (U.S Highway 64, including Murray Drive), which have a minimum right-of-way width of 200 feet, but only:
- a. Having a total area of not more than one square foot for each five lineal feet of highway frontage;
 - b. Having a total area of not more than 200 square feet;
 - c. Having a height not exceeding 26 feet;
 - d. Being at least 750 feet from any other off-site sign and shall include both sides of the street; back-to-back parallel faces shall constitute one sign; and
 - e. Being at least 100 feet from any on-site, freestanding sign or residential building; such distance shall be measured as a radius.
- (18) *Political signs.*
- a. Such signs shall be limited to no more than one per candidate or issue on any single parcel;
 - b. Such signs may be located on private property, with permission of the owner;
 - c. Such signs may be located in City of Farmington right-of-way or easements at a specific location and for a specific time period with the approval of the City Manager or designee;
 - d. Such signs shall not exceed 32 square feet in surface area per side, except that where such sign is erected in place of another type of sign permitted at that location, then it may be the same size and shall be subject to the same conditions as such sign;
 - e. A sign which pertains to a specific election or event shall not be erected prior to 60 days before the date of such election or event and must be removed no later than five days after the date of such election or event;

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- f. Notwithstanding the requirements of subparagraph e. above, a candidate that is successful in a primary election or a candidate that becomes eligible to be placed on the ballot for the general election after the primary election is concluded, shall be allowed to retain or erect signs during the interim period between the primary and general election unless a different time limit is specified under Section 19.c; and
 - g. All political signs erected pursuant to this paragraph shall be properly maintained in good condition or removed.
- (19) *Projection signs.* Such signs shall be attached perpendicular to a building or other structure. Only one such sign is permitted per building frontage with an entrance available to the public. Such signs shall not project into any adjacent right-of-way without an encroachment permit. In no case shall such an encroachment be closer than two feet from the back of the curb. The bottom of such signs shall be a minimum of eight feet above the walkway.
- (20) *Real estate signs.* Signs advertising property "for sale" or "for lease" or "open house" shall be allowed only in accordance with the following provisions:
- a. In residential districts, one sign not more than six square feet in total area shall be permitted on any lot;
 - b. In nonresidential districts, for single-occupancy properties, one sign of not more than 16 square feet in total area;
 - c. In nonresidential areas for multi-occupancy properties, one sign not more than 12 square feet in total area shall be permitted per space that is available for sale, rent or lease;
 - d. On vacant lots in residential areas, one sign per lot, which sign shall not exceed six square feet in total area; and
 - e. On vacant land in nonresidential areas, one sign per lot or tract, which sign shall not exceed the height or other dimensions applicable to a freestanding sign otherwise permitted on the property. When individual lots or tracts are five acres or larger additional signs may be allowed at a maximum of one sign per every five acres.
 - f. "Open house" signs may go up the day of the open house and shall be removed within one hour after the responsible real estate agent leaves the property at the close of the open house.
 - g. One directional sign, of a maximum of six square feet, may be placed on a lot. The sign must be removed within five days of the closing date.
 - h. One off-site real estate sign not exceeding 32 square feet in total area and not exceeding ten feet in height shall be permitted on a property fronting a collector or arterial street outside the area of the for-sale/lease property. Given, however, that the off-site property owner has granted permission for

Section 5.8.5 Table of Permitted Signs

- said sign and that said sign is not within 100 feet of any other sign on the property. Such sign must be granted a sign permit which will remain in effect for not more than six months, unless an extension of time is granted by the Director or designee.
- (21) *Residential neighborhood (identification signs).* Monument signs with the name of the subdivision, mobile or manufactured home park, or multifamily development may be located on one or both sides of each principal entrance into the development, provided that:
- a. Such sign shall not exceed 32 square feet in area;
 - b. Such sign shall not exceed 72 inches in height; and
- (22) *Temporary signs on non-residential property.*
- a. Signs for special events require a permit shall be limited to a duration of 30 days;
 - b. In no case shall there be issued more than one temporary sign permit within any 12-month period for the same single-occupancy premises or for the same tenant space in a multiple-occupancy premises;
 - c. Temporary free-standing signs may be:
 - (1) Attached to a wall of the building on which wall signs are permitted and shall be parallel to that wall; such signs may be made of cloth or canvas and are not subject to the construction and installation requirements otherwise applicable; or
 - (2) Balloons and/or other gas filled objects located in any zoning district, which balloon and/or gas filled object shall not exceed 20 feet in height and may contain or display a logo; or
 - (3) Portable, changeable signs.
- (23) *Yard sale signs.* Signs for yard sales shall be permitted provided that:
- a. Only one such sign shall be on the lot where the yard sale is located, plus no more than one additional sign located on a different property;
 - b. Such sign shall not exceed four square feet in area per side or eight square feet total;
 - c. Such sign shall remain in place for no longer than 72 hours; and
 - d. Such sign cannot be placed in the developed part of the rights-of-way, including medians, or attached to public utility or light poles.

First draft - 8-5-20

Vice Chair Freeman asked if the changes regarding mobile home setbacks were only referring to mobile homes.

Planning Manger Escobar stated that was correct.

Commissioner Smouse asked what the minimum square footage for tiny homes was.

Planning Manager Escobar stated currently it is 1,500 square feet.

Chair Cardon asked how we would regulate the use of guest houses being turned into rental units.

Planning Manager Escobar stated that neighbors would be the monitors of the guest house structures and would hopefully report if the guest house looks to be used as a rental unit.

Commissioner Davis stated that requiring landscape for commercial properties seems to be counterintuitive to cost reduction that seems to be aligning with the updates being made to the UDC.

Planning Manager Escobar said that was a good point for further discussion.

Commissioner Sewell asked about the sidewalk replacement requirements and when would be a good time to put sidewalk in if not at the time of improvement?

Planning Manager Escobar stated that this has been a discussion for over a year and she was not sure how to resolve this issue.

Commissioner Smouse asked if we were allowed to keep fowl within City Limits.

Planning Manager Escobar stated yes and per the direction of the City Attorney, we do not implement the section of the code that does not allow fowl. We would like to align the code with the direction that we have received. If complaints arise from neighbors, then a special use permit would be required. It would be good to track who has fowl for health and safety issue that may arise.

Commissioner Davis asked if it could be considered that there be some constraints, possibly a limit of how many fowl a person can have?

Planning Manager Escobar stated that she would look and see what other cities in New Mexico are doing and bring back some suggestions.

Vice Chair Freeman stated that a while ago the issue of fowl did go to Council and could we possible look at the discussion that was made from that time.

Planning Manager Escobar said that she would look into that and bring this back for discussion in two weeks.

Commissioner Smouse asked about the setback requirements in regards to mobile homes and if we have guidance on that and what would they be?

Planning Manger Escobar said there are established setbacks and it is the rear that we see the biggest issues with. The lots are smaller and we would establish that if your current unit is 10 feet from rear property line, your new unit has to be 10 feet.

Commissioner Sewell asked about the setback for vehicle repairs, 2.4.59.C, and the 200 feet distance required is from what?

Planning Manager Escobar stated that is what we are going to clarify. Clarification would be that the 200 is from where the repairs are being made, the front door to the property boundaries.

Commissioner Sewell stated this has been discussed previously and it was decided it should be from the front of the bay door.

Planning Manager Escobar referenced Reed v. City of Gilbert, where the Supreme Court ruled you cannot regulate signs based on content. So we have revised Section 5 of the sign code and removed any reference to the type of message on signs. We have also reformatted the code to combine two tables into one, making it easier to find and adding hyperlinks. The third thing that has changed is per the Mayor, we revised the allowance of political signs. Currently political signs are allowed on private property and public right-of-way. The Mayor has asked to restrict the placement to get a better control of where these signs go. Language has been added that signs place on public right-of-way must be approved by City Council. The intersection of 20th Street and Main Street is NMDOT right-of-way and this would not impact that area.

Commissioner Smouse asked if there are permitting requirements from the New Mexico Department of Transportation.

Planning Manager Escobar stated that there are, however they have struggled answering complaints.

Planning Manager Escobar asked that the commissioners take some time to go through the revised sign code and have any recommendations ready at the next Planning & Zoning meeting to be ready to present top Council sometime in September.

Commissioner Davis thanked Ms. Escobar for working on updating the UDC.

Planning Manager Escobar stated that she plans to reach out specifically to surveyors and home owner association to solicit their input since this will impact those most.

Business from the Floor: There was no business from the Floor.

Business from the Chair: There was no business from the Chair.

Business from the Members: There was no business from the Members.

Business from Staff: Planning Manger Escobar mentioned some of the business Downtown using the sidewalk for business and how in April City Council adopted a new permitting process for Downtown business to use the right-of-way. Outdoor dining was then expanded to the rest of the City. We have issued 22 permits and we are happy that we are able to help.

Downtown is open, Phase I is complete and Phase II is on schedule. Highway 64 is scheduled to be completed 2 month early.

CDBG funds are being awarded this year and that will be going to Council at the end of August, beginning of September.

Adjournment: With no further business and a motion by Commissioner Sewell and seconded by Commissioner Davis, the Planning and Zoning Commission meeting of August 13, 2020 was adjourned at 3:48 p.m. A roll call vote was taken and this motion was approved by a 6 -1 vote.

Joyce Cardon
Chair

Elizabeth Sandoval
Administrative Assistant

COMMUNITY WORKS STAFF REPORT
REVISIONS TO THE UNIFIED DEVELOPMENT CODE
Review of proposed revisions and updates to the Unified Development Code

STAFF REPORT – September 10, 2020

Summary

The Planning & Zoning Commission began reviewing the proposed changes to the Unified Development Code on August 13, 2020 and requested more information on the following topics:

Section 2 – Use Regulations

2.4.7 Animals or fowl.

- Allow for the keeping of fowl as a permitted use. The current policy, based on a white paper from the City Attorney, is to allow the keeping of chickens without a requirement for a Special Use Permit. The keeping of rosters is not allowed. The proposed change to the UDC is to list the keeping of fowl, except rosters, as a permitted use in all zoning districts.
- A definition of fowl will be added to Section 11 of the UDC: *Any kind of domesticated bird raised for meat, eggs or feathers.*
- Section 2.47.7 shall be amended to read:

Keeping or raising animals or fowl shall comply with the standards of this section.

- A. *The number of animal units allowed per acre shall be determined by using the recommended animal unit capacity provided in the definition of animal unit in Article 11, definitions.*
- (1) *Within the residential agricultural (RA) district, the keeping of animals or fowl in accordance with the recommended animal unit capacity per acre is permitted by right.*
 - (2) *In all other districts other than (RA) the keeping of fowl is a permitted subject to the guidelines of Section 6-4-2 – General cleanliness of premises where animals are kept – of the City of Farmington Municipal Code.*
 - a. *The keeping of roosters is not permitted.*
 - b. *If complaints are received regarding the keeping of fowl on a property, issues must be addressed immediately or the right to keep fowl will be revoked. A Special Use Permit that addresses any complaints received shall be obtained in order to retain the right to keep fowl on the property.*
 - c. *The maximum number of fowl permitted per property is six.*
 - d. *No shelter for fowl shall be erected closer than 10 feet to a neighboring dwelling unit. No shelter for fowl shall be erected in the front or side yard setbacks.*
 - e. *No slaughtering of fowl on the property is permitted.*

This reflects the ordinance the Planning & Zoning Commission recommended in 2018.

Section 2.4.59.c Vehicle repair, paint and body shops, has been amended to state:

No repairs shall be conducted within 200 feet of any property line of a residential use located within a residential boundary. This distance is measured from the property line to the front of the repair shop or area bay door.

2.5.2.B Accessory uses and structures

Remove the limitation of three accessory structures per property and replace with a 30 percent lot coverage maximum. This would allow for a variety of separate buildings on a property but limit the overall building footprint. The larger the property the higher the allowable building foot-print.

Language has been added specifying accessory structures 50 square feet or smaller are not subject to regulations or permit requirements.

Setback requirements have been simplified. Minimum setbacks for accessory structure would be three feet from the side yard line and 5 feet from the rear lot line

Section 2.5.4 & 2.5.8 Apartments and Guest Houses

Code modifications are suggested to allow for the placement of separate utility meters on apartments and guesthouses. This includes the removal of the requirement for a Special Use Permit for an apartment. Applications for both apartments and guesthouses would be subject to an Administrative Review. This would be an internal process and would not go to a public hearing. Neighbors within 100 feet would be notified and any concerns that arise would be addressed. The need for a second meter could be evaluated and approved through this process. This change treats apartments and guest houses equally, tracks their use, and allows a contract between the property owner and the City to ensure that the units are used as intended.

Section 5 – Development Standards

5.5.6.D – Parking Area Landscaping

A requirement for landscape islands every 15 lineal parking spaces to include one tree of eight feet of height has been added. This requirement would help break up the expanse of asphalt and provide shade in the parking area. Initial landscaping costs may be higher by \$300-500 per required island. The development, neighboring locations and the City would all benefit from an improved visual presentation.

5.5.8.B – Irrigation

Add language requiring incorporation of irrigation best practices. This should not add a substantial cost to any new development. These best practices, such as having rain sensors on the irrigation equipment that shut the system down if it rains, have become industry standards.

5.7.3.B.5 Drainage Requirements

Add a first flush requirement for stormwater management. Some up front engineering costs and minimal material costs, such as rocks and boulders would be incurred by the developer. This is a critical requirement to prevent sludge from parking areas washing

into the City's stormwater system and eventual into our rivers. Rainwater harvesting concepts can often be incorporated into first flush capture designs.

5.8 Signs

The following changes are proposed to the sign regulations:

1. Clarification to allow for murals without advertising copy
2. Adds an allowance for portable signs (sandwich boards) with an approved permit
3. Adds an allowance for home based business signs, 3-square feet and wall only, with an approved permit
4. Prohibits political signs in public right-of-way unless approved by City Council
5. Adopts height maximums of five feet (residential areas) and 10 feet (commercial area) for construction signage
6. Adopts a height maximum of 25 feet for freestanding signs in commercial areas
7. Adopts a height minimum of eight feet for signs crossing a walkway
8. Adopts a maximum size and heights for programmable and projecting signs

5.10.8 Outdoor lighting

Apply outdoor lighting regulations to all development, not just those adjacent to residential communities. These requirements include fully shielded lightening standards, limitation of overall lumens and light temperature and prohibition of light trespass. Should be minimal cost to developers.

The above changes to Development Standards apply to new development only.

Changes to regulations related to Mobile and Manufactured homes:

Section 2.4.32.D.f: Allow existing setbacks to be retained when older mobile/manufactured homes are replaced. This would apply to replacement units in zoning districts other than SF-MH (Single family manufactured housing). This change would allow units to be replaced to the same setbacks as the existing unit that is being removed from the property. Has minimal impact on neighbors since it would replace an existing unit. This would facilitate an upgrade to a housing unit.

Section 5.2.11.C.1 & 5.3.3. A.3: Suggested changes would waive the requirement for paved parking areas and driveways for replacement units. A paved apron where the driveway connects with a City street would be required.

Action:

Staff is asking the Planning and Zoning Commission to provide feedback on the proposed changes, ask questions or request clarification regarding the items discussed or other changes identified, and to recommend approval of the draft update to City Council.