

# A G E N D A

**Planning & Zoning Commission  
City Council Chambers – 800 Municipal Drive  
August 13, 2020 - 3:00 p.m.**

This meeting will be held virtually using Zoom at  
<https://us02web.zoom.us/j/89795120125>.

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**Item**

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- 1 Call Meeting to Order**
- 2 Approval of the Agenda**
- 3 Approval of the Minutes of the February 27, 2020 P&Z Meeting**
- 4 Draft UDC Updates** – Discussion, possible action, regarding proposed changes to the 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, August 25, 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**  
**February 27, 2020**

The Planning and Zoning Commission met in a regular session on February 27, 2020 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:

Chair-Joyce Cardon  
Vice Chair-Clint Freeman  
Kristin Langenfeld  
Elizabeth Lockmiller  
Wayne Mangum  
Cheryl Ragsdale  
Cody Waldroup

P&Z Members Absent:

Ryan Brown  
Shay Davis  
Mitch Sewell  
Gary Smouse

Staff Present:

Beth Escobar  
Elizabeth Sandoval

Others Who Addressed the Commission:

David Koury

**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 of the Agenda**

There were no changes to the agenda.

**Approval of the Minutes**

A motion was made by Vice Chair Freeman and seconded by Commissioner Mangum to approve the minutes of the January 30, 2020 P&Z Meeting. This motion was approved unanimously by a 7-0 vote.

**Swearing in of Witnesses**

Elizabeth Sandoval, Administrative Assistant, swore in all parties that wished to speak on behalf of any agenda items.

**CONSIDERATION & RECOMMENDATION**  
**ABD 20-08**  
**Abandonment of a portion of an unnamed City alleyway running parallel to the western property line of 1801 Bloomfield Highway.**

**Planning & Zoning Commission Discussion of Petition SUP 20-01 on January 30, 2020**

Beth Escobar, Planning Manager, presented the staff report for ABD 20-08, a request from Joe G. Maloof Realty, for an abandonment of a portion of a City alleyway plated in the Watson Commercial Subdivision, located at 1801 Bloomfield Highway.

The portion being requested to be abandoned is approximately 4,800 square feet in area. Only a section of the alleyway to the edge of the existing cul-de-sac is included in the abandonment request.

In determining whether to approve, approve with modifications, or deny the proposed abandonment/vacation plat, the City shall consider the following criteria:

- Consistency with the comprehensive plan:  
The Comprehensive Plan does not specifically address abandonment of City property. The Comprehensive Plan does encourage the City to pursue compliance with the Unified Development Code. The abandonment would bring the subject property into compliance since it appears the existing structure and related parking currently encroaches into the right-of-way.
- Transportation and circulation needs of nearby property, the neighborhood and the city:  
Abandonment of this alleyway should have no impact on the nearby properties. The reconfiguration of the parcels provides direct access to a dedicated City street.
- Right-of-way needs relative to sewer, water, and storm water facilities.  
All City of Farmington Utility Departments and New Mexico Gas and Century Link have reviewed the proposed abandonment and have no issues.

Abandonment of this portion of alleyway will not impact access for any of the surrounding properties. Interested parties within 100 feet of subject property were notified. Staff has been contacted by several adjacent property owners, once the area to be abandoned was clarified, no concerns were expressed.

Staff concludes approval of Petition SUP 20-08 is appropriate. Abandonment of an unused alleyway will resolve a non-conforming issue related to building and parking placement. The alleyway to be abandoned does not currently provide access to property owned by anyone other than the petitioner.

The Community Development Department recommends approval of Petition SUP 20-08, a request from Joe G. Maloof Realty to abandon the alleyway that currently transects two parcels to be consolidated with the following condition:

- An abandonment/vacation plat shall be recorded in the office of the San Juan County Clerk within (1) year from the date of approval of City Council.

Ms. Escobar asked if there were any questions.

David Koury, President of Joe G. Maloof Realty, 2020 Sutterville Cove, Austin TX, stated that he did not have any questions and that this is the final step in the replat process.

Commissioner Freeman stated that the building was built on the alleyway and would like to know if there is any way to determine if there are more buildings like this.

Ms. Escobar stated that she is finding that as abandonment applications come forward, she is seeing that there are more buildings built in alleyways, mostly in places that have been annexed. Ms. Escobar will bring the suggestion of fee waivers to the Director for future similar abandonment applications.

**Planning & Zoning Commission Action of Petition ABD 20-08 on February 27, 2020**

A motion was made by Commissioner Waldroup and seconded by Commissioner Ragsdale to approve Petition ABD 20-08, a request from Joe G. Maloof Realty, for an abandonment of a portion of a City alleyway plated in the Watson Commercial Subdivision, located at 1801 Bloomfield Highway.

AYE: Chair-Joyce Cardon, Vice Chair-Clint Freeman, Kristin Langenfeld, Elizabeth Lockmiller, Wayne Mangum, Cheryl Ragsdale, Cody Waldroup

NAY: None

Abstained: None

Absent: Commissioner Brown, Commissioner Davis, Commissioner Sewell,  
Commissioner Smouse

Chair Cardon stated this petition will go to City Council on Tuesday, March 10, 2020.

**Motion passed 7-0**

**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:** Ms. Escobar stated that City Council unanimously approved SUP 20-01, Special Use Permit for the home mortgage company located at 211 N. Auburn Ave.

Ms. Escobar asked that the Commissioners mark their calendars for April 16, 2020 for an NM DOT Public Meeting, time and location to be determined. This meeting is setup to collect feedback for the NM DOT Transportation Plan.

Ms. Escobar asked that the Commissioners take a look at the survey for the Comprehensive Plan Update; it is available until March 30, 2020.

**Adjournment:** With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Freeman, the Planning and Zoning Commission meeting of February 27, 2020 was adjourned at 3:12 p.m.

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Joyce Cardon  
Chair

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

##### **City Council**

- September 15 – Worksession 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

## UNIFIED DEVELOPMENT CODE PROPOSED UPDATES/CHANGES FOR ADOPTION IN YEAR 2020

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 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	Limits location, plus recent facilities have been permitted

## UNIFIED DEVELOPMENT CODE PROPOSED UPDATES/CHANGES FOR ADOPTION IN YEAR 2020

Article	Section	Change	Explanation
		collector or arterial	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 Telecommunication Facilities	Add language for small cell wireless deployment in historic district	Based on guidelines 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 require a special use

## UNIFIED DEVELOPMENT CODE PROPOSED UPDATES/CHANGES FOR ADOPTION IN YEAR 2020

Article	Section	Change	Explanation
		apartments (ARB recommendation is to require an administrative review of applications for apartments)	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	
	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

## UNIFIED DEVELOPMENT CODE PROPOSED UPDATES/CHANGES FOR ADOPTION IN YEAR 2020

Article	Section	Change	Explanation
	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 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	Would apply to new development only

## UNIFIED DEVELOPMENT CODE PROPOSED UPDATES/CHANGES FOR ADOPTION IN YEAR 2020

Article	Section	Change	Explanation
		to residential	
	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 and Procedures	8.1.3. B & C Minimum Submission Requirements	Remove the requirement 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

## UNIFIED DEVELOPMENT CODE PROPOSED UPDATES/CHANGES FOR ADOPTION IN YEAR 2020

Article	Section	Change	Explanation
			requirements
12- Index			Will be reconfigured after all edits are reviewed/approved.
13 – Appendices	No changes		

First Review-David Sypher

Reviewed: DS/BE

Date: 12/27/19

First Review-Derrick Childers

Reviewed: DC

Date: 2-18-20

First Review Engineering

Reviewed: NW, TS & LBEH

Date: 2-25-20

Updates since David's

Reviewed: DS/BE

Date: 5-19-20

first review

**Specific interest for Rob**

**Items needing further discussion by Staff**

First Review by legal

Reviewed: \_\_\_\_\_

Date: \_\_\_\_\_

**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.

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James Dennis - Chair

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Elizabeth Sandoval - Administrative Assistant

Section 5.8.5 Table of Permitted Signs

## 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

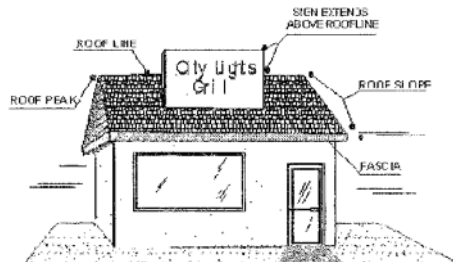
- D. Signs that are not visible beyond the boundaries of the lot or parcel on which they are located or from any public rights-of-way;
- E. Any sign inside an athletic field or other enclosed outdoor space, where the sign is not legible from ground level and not visible from public right-of-way beyond 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. .G. . 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.

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
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.	<a href="#">5.8.7.A.(6)</a>	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	<a href="#">5.8.7.A.(7)</a>	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	<a href="#">5.8.7.A.(8)</a>	Approval from Planning Division is 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.	<a href="#">5.8.7.A.(9)</a>	
	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.	<a href="#">5.8.7.A.(9)</a>	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	<a href="#">5.8.7.A.(11)</a>	Approval from Planning Division is required
	Shopping	At least 50	16 square feet	6 feet		<a href="#">5.8.7.A.(11)a</a>	

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
	Centers	feet from intersection of entrance and public right-of-way					
	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		<a href="#">5.8.7.A.(11)b</a>	
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		<a href="#">5.8.7.A</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	<a href="#">5.8.7.A.b</a>	A Building Permit is also required
	CG, CB, PIP & I	See above	200 square feet	25 feet		<a href="#">5.8.7.A.c</a>	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	<a href="#">5.8.7.A.(12)</a>	A Building Permit is also required
Home	All	Wall or free	3 square feet	3 feet	Illuminated, flashing and	<a href="#">5.8.7.A.(13)</a>	

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
business signs	residential zones	standing on private property			electronic signs are not permitted		
Identification signs		Affixed to a building wall	3 square feet	3 feet	Shall not contain a commercial message	<a href="#">5.8.7.A.(14)</a>	
Incidental signs	All	On site or on buildings	3 square feet	3 feet	Shall not contain a commercial message	<a href="#">5.8.7.A.(15)</a>	
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	<a href="#">5.8.7.A.(18)</a>	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	32 square feet	6 feet	Not permitted on public property	<a href="#">5.8.7.A.(19)</a>	

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
		length of time with permission of the City Manager or designee					
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	<a href="#">5.8.7.A.(10)</a>	A Building Permit is also required
	GC, CB, PIP & I		200 square feet	25 feet		<a href="#">5.8.7.A.(10)</a>	
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	<a href="#">5.8.7.A.(20)</a>	A Building Permit is also required
Real Estate signs	All					<a href="#">5.8.7.A.10</a>	
Residential Neighborhood	All	One or both sides of principal entrance	32 square feet	6 feet	Shall not contain a commercial message	<a href="#">5.8.7.A.(22)</a>	
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	<a href="#">5.8.7.A.(5)</a>	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				<a href="#">5.8.7.A.(23)</a>	Approval from Planning Division is required
Wall signs	MF (all) OP,		One square foot of	Shall not		<a href="#">5.8.7.A.(2)</a>	

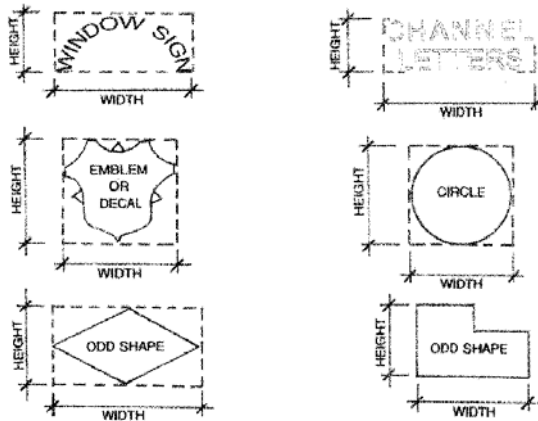
Section 5.8.5 Table of Permitted Signs

Type of Sign	Zoning	Location	Maximum Size	Maximum Height at top of sign	Comments	Standards	Permit Required
	MU, LNC, GC, CB, PIP & I MF (all) OP, MU, LNC, GC, CB, PIP & I		wall sign for each linear foot of building	extend beyond the top of wall			
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		<a href="#">5.8.7.A.(4)</a>	
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	<a href="#">5.8.7.A.(24)</a>	

Section 5.8.5 Table of Permitted Signs

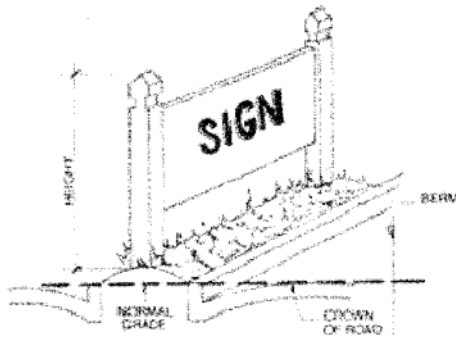
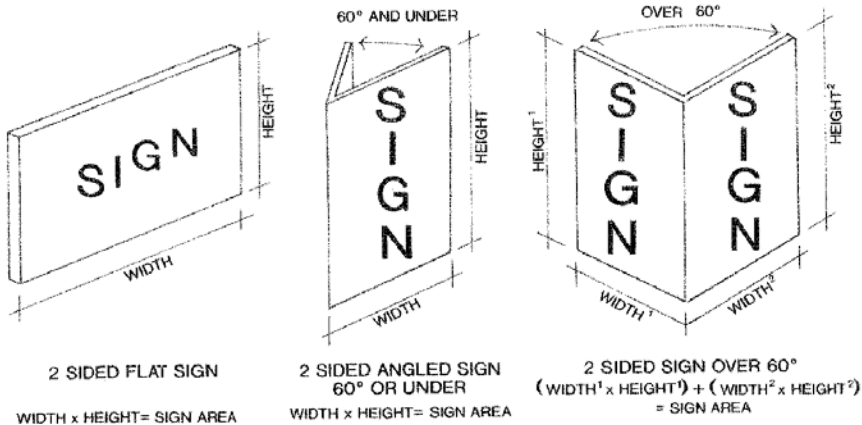
5.8.6 Computation and measurement.

- 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.

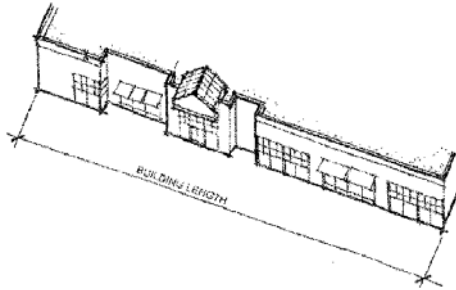
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- C. *Sign height computation.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: existing 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.



Section 5.8.5 Table of Permitted Signs



- 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:

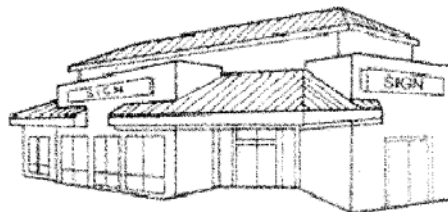
Section 5.8.5 Table of Permitted Signs

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,

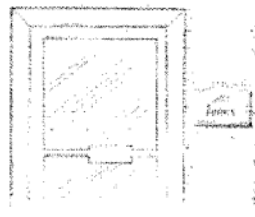
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which length shall be measured by applying the same principles as are used to measure building frontage, subject to residential restrictions.

- 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.*

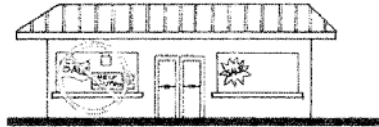
- a. Single-family residential units (either attached or detached) in zoning districts or portions of planned developments designated for single-family use shall be permitted one wall sign meeting the following criteria:



- (1) The sign shall not exceed two square feet in area;
- (2) The sign shall not be separately illuminated; and

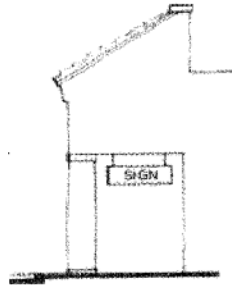
- b. Multifamily residential or institutional uses located in residential zoning districts, including portions of planned developments designated for residential use, shall be permitted one wall sign per public entrance, which wall sign shall be subject to the following:

- (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:

Section 5.8.5 Table of Permitted Signs



- 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.
  - c. 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.

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- (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



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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.