



Article 1/ Introductory Provisions

Sec. 1.1/ Title

This Unified Development Code shall be officially known and cited as the Unified Development Code of the City of Farmington, New Mexico. References herein to “this UDC” or “UDC” shall be interpreted as referring to the Unified Development Code.

Sec. 1.2/ Applicability and Jurisdiction

- A. This UDC shall apply to all development, public and private, within the City of Farmington. All structures and land uses constructed or commenced after adoption of this UDC and all enlargements of, additions to, changes in and relocations of existing structures and uses occurring hereafter shall be subject to this UDC, all Statutes of the State of New Mexico, current New Mexico Building Code and all other applicable City codes.
- B. Preliminary Plans of subdivisions outside the City, but within 5 miles of the City, shall be submitted by the subdivider to the City of Farmington Planning and Zoning Division for approval, along with the required application review fee. Article 6, Subdivision Design and Improvements, shall apply to all properties outside the City limits of Farmington, but lying within 5 miles of the City, as authorized by New Mexico Revised Statutes, NMSA 1978 3-21-1 through 3-21-12, as amended.

Sec. 1.3/ Purpose and Intent

This UDC is intended to protect the health, safety, and general welfare of existing and future residents of the City of Farmington by:

- A. Implementing the goals, objectives and policies of the Farmington Comprehensive Plan, pursuant to Farmington City Code, Chapter 22, Article 3;
- B. Classifying the City of Farmington into zoning districts;
- C. Regulating and restricting the location and use of buildings, structures, recreation, trade, industry, residences, and other uses;
- D. Regulating the intensity of uses and structures through density, dimensional and open space standards;
- E. Providing adequate privacy, light, and air, and otherwise mitigating adverse impacts associated with development that occurs in the City of Farmington;
- F. Ensuring protection from fire, flood, and other dangers;
- G. Promoting sustainable development;
- H. Promoting natural resource conservation and historic preservation;
- I. Managing growth within the City of Farmington by concentrating development in areas where adequate sewage and water facilities, roads, and schools now exist or can be provided, and limiting development in areas where these facilities are not adequate, or their provision by the City would be uneconomical;
- J. Protect designated corridors, surrounding areas, and scenic quality by establishing overlay zoning districts and by establishing regulations related to the maintenance of quality aesthetic, safe and functional access, and environmental standards;
- K. Promoting land use patterns that increase efficiency in service provision and prudent use of fiscal resources and local government expenditures; and
- L. Protecting the tax base by managing growth within the City of Farmington.



Sec. 1.4/ Minimum Requirements

The standards of this UDC are minimum requirements. The issuance of any permit, certificate or approval in accordance with the standards and requirements of this UDC shall not relieve the recipient of such permit, certificate or approval from the responsibility for complying with all other applicable requirements of any other city, state or federal agency, having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

Sec. 1.5/ Commentaries

Commentaries are included in this UDC whenever necessary to clarify the intent of a specific provision. These commentaries are a guide for administrative officials and the public to use in interpreting and understanding the Code. Should any conflicts between the commentary and the general text of the Code be found, the general text shall control.

Sec. 1.6/ Director

The Director referred to in this UDC is identified in Sec. 7.5, Community Development Director.

Sec. 1.7/ Word Usage and Construction of Language

1.7.1 / Meanings and Intent

All provisions, terms, phrases, and expressions contained in this UDC shall be construed according to Sec. 1.3, Purpose and Intent. (See also Sec. 8.13, Written Interpretations.)

1.7.2 / Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of this UDC and any heading, drawing, table, figure, or illustration, the general text shall control.

1.7.3 / Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including,” “such as,” or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.

1.7.4 / Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the City, that day shall be excluded.

1.7.5 / References to Other Regulations, Publications and Documents

Whenever reference is made to a resolution, code, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such resolution, code, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

1.7.6 / Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

1.7.7 / Technical and Nontechnical Terms

Words and phrases shall be construed meaning according to the common and approved usage of the language. However, technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. (See also Article 11, Definitions).

1.7.8 / Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Farmington, unless otherwise expressly provided.



1.7.9 / Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- “And” indicates that all connected items, conditions, provisions, or events apply; and
- “Or” indicates that one or more of the connected items, conditions, provisions, or events may apply.

1.7.10 / Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

1.7.11 / Word Usage

- A. The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- B. The word "structure" shall include the word "building."
- C. The word "lot" shall include the words "plot," "parcel" or "tract."
- D. The words "will," "should" and "must" are always mandatory and not merely directory.
- E. Words not specifically defined in the Code shall take their common dictionary meaning, except as modified by use as terms of art in planning or engineering.

Sec. 1.8/ Conflicting Provisions**1.8.1 / Conflict with State or Federal Regulations**

If the provisions of this UDC are inconsistent with those of the state or federal government, the UDC shall control, unless pre-empted.

1.8.2 / Conflict with Other City Regulations

If the provisions of this UDC are inconsistent with one another, or if they conflict with provisions found in other adopted codes or regulations of the City, the more restrictive provision will control. No Text Amendment, variance, or condition of approval placed on a Special Use Permit or other form of development approval under this UDC shall have the effect of nullifying, abrogating, or diminishing the provisions of any other City code, ordinance, or regulation.

1.8.3 / Conflict with Private Easements, Agreements, Covenants or Restrictions

This UDC is not intended to abrogate, annul, or otherwise interfere with any private easement, agreement, covenant, restriction, or other private legal relationship. However, what is disallowed by the City shall not be allowed by private covenant. The City is responsible for enforcing this UDC; it does not enforce private agreements, easements, covenants, or restrictions except those specifically required for the administration and enforcement of this UDC.

Sec. 1.9/ Transitional Provisions**1.9.1 / Violations Continue**

Any violation of the previous zoning, subdivision or other regulations of the City shall continue to be a violation under this UDC and shall be subject to penalties and enforcement under Article 10, Violations, Penalties and Enforcement, unless the use, development, construction or other activity is consistent with the express terms of this UDC.

1.9.2 / Completion of Development**A. Complete Applications Submitted Before January 1, 2008**

Any building, development or sign for which a complete application was submitted on or before December 31, 2007 may be approved and completed in conformance with the terms and conditions applicable at the time of submittal. If the building, development, or sign is not completed within the time allowed under the original permit, then the building, development, or sign may be constructed, completed, or occupied only in strict compliance with this UDC.



B. Preliminary Plans Submitted On or Before December 31, 2007

Any subdivision for which a Preliminary Plan was submitted on or before December 31, 2007 may be granted Final Plat approval and may subsequently be developed in accordance with the approved Preliminary Plan. If a Final Plat for the subdivision is not approved within the time requirements established by prior Code or within any schedule included in the approval of the Preliminary Plan, the Council may grant one or more extensions, provided that the time of all extensions, in cumulative total, does not exceed one year, unless otherwise approved by the Council. If a Final Plat for the subdivision is not completed within the time required under the original approval or any extension that may be granted, then such subdivision may be completed and buildings therein constructed and used only in strict compliance with the requirements of this UDC.

1.9.3 / Special Uses

A. Any use that was legally established on or before December 31, 2007 without a Special Use Permit and which on or after January 1, 2008 is located within a zoning district that requires a Special Use Permit for the subject use, shall be deemed to have an existing Special Use Permit without following the procedures of Sec. 8.9. Even if a Special Use Permit is issued pursuant to this section, those uses or structures that do not comply with applicable standards of this UDC, shall be deemed nonconforming and be subject to the regulations of Article 9. Expansions and modifications of such uses and structures shall be subject to Sec. 9.2.2.

B. Any use that was legally established on or before December 31, 2007 with a Special Use Permit and which on or after January 1, 2008 is located within a zoning district that requires a Special Use Permit for the subject use may continue to be operated under the terms of the original Permit. The use shall be subject to the Nonconformity regulations of Article 9, if applicable. Expansions and modifications of such uses shall be subject to Sec. 9.2.2.

C. Any use that was legally established on or before December 31, 2007 with a Special Use Permit and which on or after January 1, 2008 is located within a zoning district that does not require a Special Use Permit for the subject use, shall continue to be subject to all applicable standards of this UDC, including the Nonconformity regulations of Article 9, if applicable.

Sec. 1.10/ Severability

If any Court of competent jurisdiction rules any provision of this UDC invalid, that ruling shall not affect any UDC provision not specifically included in the judgment. If any Court of competent jurisdiction rules invalid the application of any provision of this UDC to a particular property, building, or other structure, or use, that ruling shall not affect the application of the UDC provisions to any property, building, other structure, or use not specifically included in the judgment. Furthermore, if any requirement(s) of this UDC is challenged in a Court of competent jurisdiction, any associated land use approval(s) shall be wholly repealed.

