

ORDINANCE NO. 2025-1372

AN ORDINANCE AMENDING SECTIONS OF THE UNIFIED DEVELOPMENT CODE

WHEREAS, the City of Farmington finds there is a need to update the Unified Development Code; and

WHEREAS, there exists a need to clarify certain provisions of the Unified Development Code; and

WHEREAS, body art establishment regulations are within both the Unified Development Code and Farmington City Code.

NOW, THEREFORE BE IT ORDANED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON:

The following sections of the Unified Development Code shall be amended and updated pursuant to the proposed ordinance:

Section 2.3 Use table

PERMITTED USE TABLE																				
USE CATEGORIES		RESIDENTIAL BASE ZONING DISTRICTS											NONRESIDENTIAL BASE ZONING DISTRICTS							USE STANDARDS
		RA	RE-2	RE-1	RE-20	SF-10	SF-7	SF-5	SF-A	MF-L	MF-M	MF-H	SF-MH	OP	MU	LNC	CB	GC	PIP	
Retail Sales and Service, Entertainment - Oriented (Sec. 2.7.5E.)	Adult Bookstores and Entertainment																S	S	S	Section 2.4.1
	Amusement Arcades													P	P	P	P	P	P	—
	Theaters														P	P	P	P	P	
Retail Sales and Service, Personal Service-Oriented (Sec. 2.7.5E.)	Athletic or Health Clubs													P	P	P	P	P	P	—
	Barber Shop or Beauty Salon												P	P	P	P	P			Section 2.4.51
	Body Art Establishment												S	S	S	P	P	P	P	Section 2.4.63
	Business or Trade Schools													P	P	P	P	P	P	—

Section 5.3 Access management

5.3.1 Purpose. To manage street access in a safe manner. The number of private access points allowed will depend on the functional classification of the roadway, whether the requested curb cut is located in a residential or nonresidential area and the length of the front property line measured along the adjacent street. Limitations shall be administered to site access along high average daily traffic (ADT) corridors and other areas where the goal is to minimize traffic flow interruptions.

5.3.2 *Street access per functional classification.* No use shall be permitted to take direct access to a street except as allowed in this section.

A. *Single Family Residential*

- (1) *Lanes, Alleys and Local streets.* All single-family residential uses shall take direct access to local streets.
- (2) *Collector streets.* Single-family residential uses shall not take direct access to a collector street, except when a local street is not available. A single-family dwelling may take direct access to collector streets that primarily serve residential purposes.
- (3) *Arterial streets, minor and principal.* Single-family residential uses shall not take direct access to arterial streets. When there is no alternative and a single-family residential use takes access to an arterial street, the point of access shall be directly across from another existing point of access, or spaced at least 200 feet from any intersecting street or other point of access to the arterial.

B. *Multi-family and Non-Residential*

- (1) Access for multi-family and non-residential uses shall be provided by a collector or arterial street. Access by a local street may be approved by the Director or designee only when access to a collector or arterial street is not available.

5.3.3 *Driveways and Curb Cuts (All Development).* All driveways and parking lot entrances and exits shall be subject to the approval of the director or designee and the following requirements:

- (1) *Shared driveways.* Shared driveways shall be allowed and may be required by the director or designee at the time of platting, or as a replat of the affected lots.
- (2) *Abandoned Driveway:* any abandoned curb cuts shall be replaced with sidewalk, curb, and gutter by the property owner. As a part of any Community Works roadway projects, after 30-day notice, the city may close abandoned site accesses.
- (3) *Requested Driveway Point Removal:* The Director may consider the removal of any excessive curb cuts per this section.

A. *Driveways and Curb cuts for residential properties*

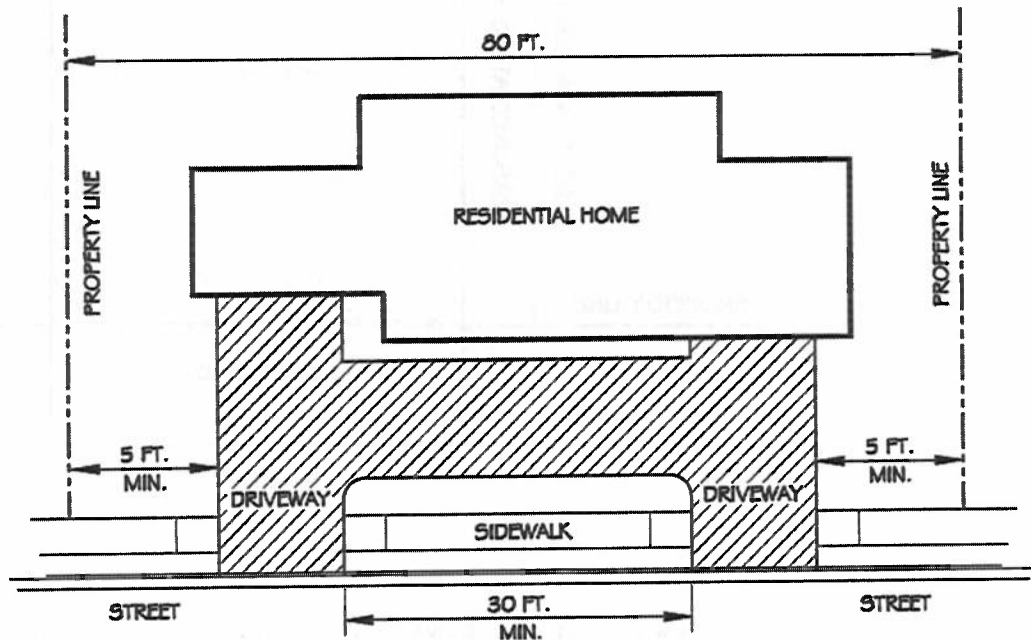
Table 1

Description	Dimensions
Minimum Distance Between Driveways	30-feet (includes transitions)
Minimum Distance from Property Line (side interior)	5-feet
Minimum Adjacent Roadway Frontage for Two Driveways	80-feet

- (1) Residential driveways that straddle property lines, or are entirely on one property but used by another property, shall have a recorded access easement. Sufficient area behind the driveway apron shall be provided for the proper operation of the curb cut.

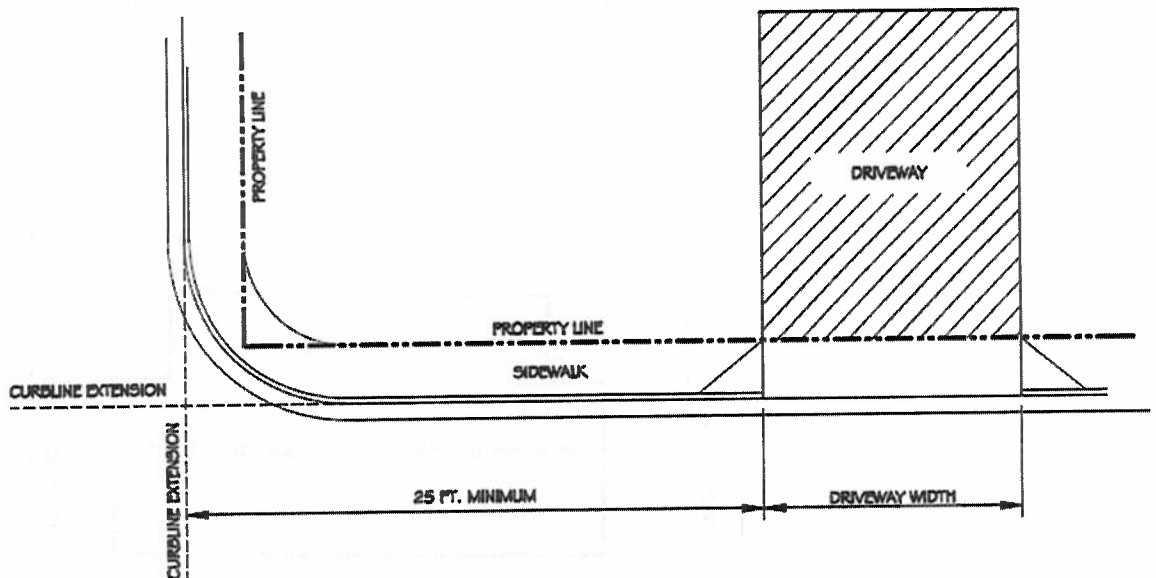
(2) For residential properties with a minimum of 80-feet of frontage adjacent to the roadway two driveways may be installed upon approval of the director or designee.

a. For residential properties with interior lots with two access points, driveways shall be spaced a minimum 30 feet from each other unless otherwise approved by the director or designee.

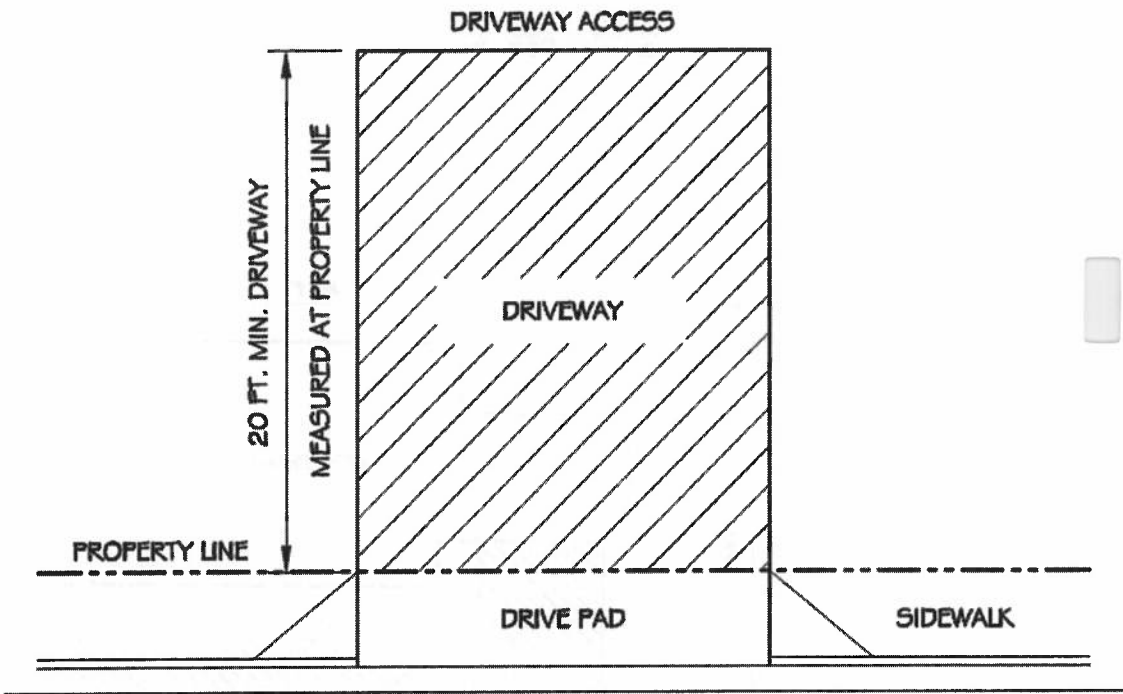


(3) Driveways shall be a minimum of 5 feet from the side interior adjacent property lines.

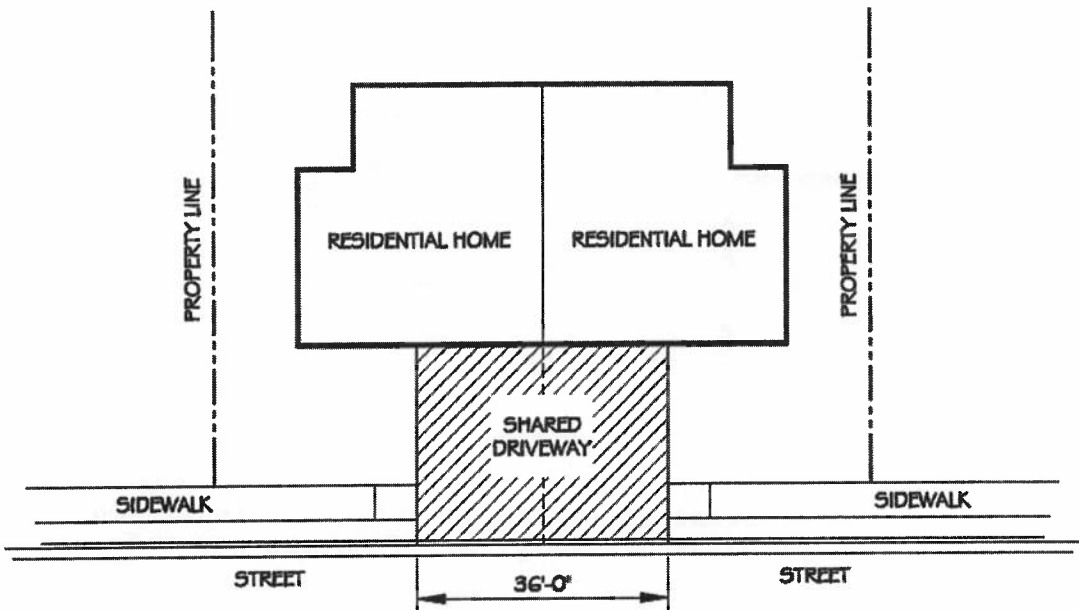
(4) Driveways located on corner properties shall be located 5 feet from the beginning of the curve at the curb line, or 25 feet from the property line. The greater distance will be the deciding factor.



(5) Any existing residential driveways that access arterial or collector streets directly may install a circular driveway. All frontage and safe sight triangle requirements shall be met and approved by the director or designee.



- (6) Driveways shall have sufficient area behind the drive pad for the proper operation of the curb cut. The minimum length of a driveway shall be 20-feet, or as otherwise determined by the director or designee.
- (7) Attached dwelling units shall utilize a shared driveway where possible.
 - a. Shared access driveways may be separated beyond the back of the sidewalk.
 - b. The maximum width of the shared access point allowed is 36 feet.
 - c. Shared driveways shall be evaluated on a case-by-case basis for unique safety concerns.
- (8) The maximum average slope of a residential driveway is 2 in 12 or 16%.
- (9) The required egress door from a residence is required to have a connection to the public way with a ramp or stairs or combination of, constructed to the adopted residential code.



B. Paving Requirements for Residential Driveways

- (1) All required parking areas for residential units shall 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:
 - a. In the RA district, RE-1 district, RE-2 district and RE-20 district, driveways shall be:
 - i. Surfaced with a minimum of six inches of gravel road base, and
 - ii. Have a paved drive pad twenty feet in depth and the minimum width of driveways adjoining paved streets.
- (2) Driveways for properties with an existing mobile or manufactured home that are replaced with a newer or upgraded unit shall consist of at a minimum a compacted all-weather surface with a ten-foot-wide concrete apron.
- (3) No more than 50 percent of the front yard shall be covered with concrete or asphalt. (See Section 5.2.6.B.(2))

C. *Maximum curb cut width.* Curb cuts shall conform to the following maximum width requirements. Measurement shall take place on the gutter line and does not include transition.

- (1) *Residential.* Maximum width of curb cuts accessing residential uses only shall be as follows:
 - a. Curb cuts accessing one-car garages, carports or paved driveway: 12 feet.
 - b. Curb cuts two-car garages, carports or paved driveway: 24 feet.
 - c. Curb cuts three-car garages, carports or paved driveway: 36 feet.
 - d. The maximum curb cut for any residential property shall not exceed 36 feet.
- (2) *Nonresidential.* Maximum width of driveways accessing nonresidential uses shall be determined by the city or state (NMDOT) authority having jurisdiction over the roadway from which access is being taken. The width of a landscaped center median shall not count towards this standard. Prior to approval of a curb cut for a non-residential use, the property owner shall provide detail as to what types of vehicles the curb cut is designed to accommodate.
 - a. The driveway width requirement may require a trip generation report produced by the non-residential property owner as determined by the director or designee.

Table 2 DRIVEWAY WIDTHS		
Use Served	Number of Spaces	Minimum Width in Feet
Single-family dwellings	2	9
Duplex dwellings	4	9
Multifamily dwellings	6 or less	10
	7+	12 if 1-way, 20 if 2-way
Nonresidential	24 or less	12 if 1-way, 20 if 2 way
	25+	15 if 1-way, 24 if 2-way

D. *Emergency turnarounds-all uses.* Internal emergency vehicle turnarounds shall be provided as required by the fire code.

<p>Table 3 Curb Return Radii by Design Vehicle</p>
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Design Vehicle	Minimum Radius at Curb Face Flow Line
Car Only	20-feet
SU-30 (box truck, trash truck)	30-feet
WB-40 (45-foot tractor trailer)	35-feet
WB-62 (69-foot tractor trailer)	40-feet
WB-67 (74-foot tractor trailer)	50-feet

E. *Turn radius - all uses.* Minimum turn radii requirements are listed below unless otherwise approved by the director or designee.

5.3.4 *Street intersections and curb cut separations-nonresidential uses.*

A. *Curb cuts for Multi-Family, Mixed Use, and Nonresidential Sites*

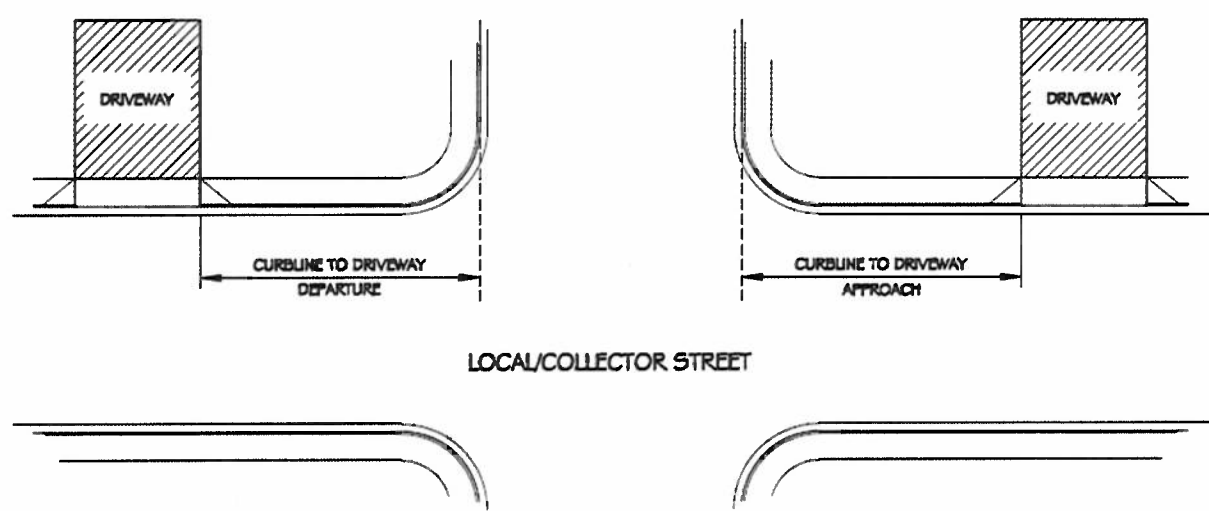
- (1) Location of site access points should include the following considerations:
 - a. Minimum distance from an intersection.
 - b. Maximum number of site access points allowed by corridor type per site.
- (2) Driveways accessing industrial yards, vehicle storage yards or like uses, not including employee parking, which require outside or vehicular storage shall be:
 - a. Surfaced with a minimum of six inches of gravel road base, and
 - b. Have a three inch paved drive pad 20-feet in depth and the width of driveways adjoining paved streets.

B. *Non-residential Driveway/Curb cuts Site Distances from an Intersection*

Table 4
All Other Non-Residential Access Separations from Intersections

Type of Street	Cross-Street Classes					
	Arterial		Collector		Local	
	Approach	Departure	Approach	Departure	Approach	Departure
Arterial	200-ft	150-ft	150-ft	100-ft	150-ft	100-ft
Collector	100-ft	75-ft	100-ft	75-ft	75-ft	75-ft
Local (queue lengths may require longer distances)	75-ft	75-ft	50-ft	50-ft	25-ft	25-ft
Pinon Hills Boulevard	Page 5 of the Pinon Hills Boulevard Corridor plan states the following: "Full intersections with median breaks were permitted at one quarter mile intervals. In between, right-turn-only access points were required to be at least 600 feet from one another or from any "full" interaction."					

(1) In determining driveway access separations from intersections, the following standards found in Table 4 shall apply. Measurement shall be from the curbline extension of the intersecting street to the driveway.



(2) A written request to shorten the distance of any non-residential access point may be submitted to the director or designee. If approved, only a right-in and right-out access will be granted.

C. *Curb cut separation on highways.* Curb cut separation on highways shall be subject to the approval of both the director or designee and New Mexico Department of Transportation (NMDOT). Recorded easements for shared access, provision of acceleration/deceleration lanes, TIA traffic signals and other right-of-way improvements for these cuts may be required.

D. *Curb cut separation on arterials.* Curb cut separation on arterials (principal and minor) other than state highways shall be subject to the approval of the director or designee. Recorded easements for shared access may be required. Adjoining parcels under common ownership may be required to share a curb cut. A TIA and associated improvements may be required.

(1) *Commercial Property Curb Cut Separations on Arterial Streets*

- a. The number of full access driveways shall be based on the frontage the property shares with the adjacent roadway as outlined in the table below.

Table 5
Number of Allowable Curb Cuts on Arterial Streets
(Excluding Pinon Hills Boulevard & NMDOT)

Number of Curb Cuts	Adjacent Frontage Width
1 - Curb Cuts	150-feet or less
2 - Curb Cuts	151 to 250-feet
3 - Curb Cuts	251 to 350-feet

- b. Commercial property along an arterial street (principal or minor) with 150 feet or less of property lot width adjacent to the street shall only be allowed one driveway access point; if the business cannot be accessed by way of a collector or local street.
- c. Commercial property along an arterial street (principal or minor) with 151 feet to 250 feet of property lot width adjacent to the street may have two driveway access points if the property cannot be accessed by way of a collector or local street. These driveway access points should be evenly spaced within the property lot.
- d. Thereafter, each additional 100 feet or property lot width will allow for an additional driveway

access point. Driveway access points within the property lines should be evenly spaced.

- e. Commercial driveways that have 100 linear feet of frontage property width adjacent to the roadway such as drive-thru restaurants may install two driveways that are entrance and exit only if there is no available driveway access on a collector or local street.

- f. Separation on Pinon Hills Boulevard and NMDOT right-of-way does not apply to this section.

E. *Curb cut separation on collectors.* The number of full access driveways shall be based on the frontage the property shares with the adjacent roadway, subject to the approval of the director or designee.

- (1) Commercial properties along a collector street with 100-feet or less of property lot width adjacent to the street shall have a one driveway access point.

- (2) Commercial properties along a collector street with 101-feet to 200-feet of property lot width adjacent to the street, may have two driveway access points. These driveway access points should be evenly spaced within the property lot.

- (3) Each additional 100 feet of property lot width will allow for an additional driveway access point.

- (4) For commercial access points that enter into a gravel or dirt parking area, the paved drive pad apron shall extend a minimum length of 20 feet from the roadway while maintaining the same original driveway width. This requirement is to keep the gravel off the roadway. This requirement is both for new development, change of ownership or evidence of an existing traffic hazard.

- (5) driveways to commercial and industrial properties having minimal frontage property width adjacent to the roadway may install two driveways that are entrance and exit only.

F. *Curb cut separation on local streets.* Curb cut separation on local streets shall be subject to the approval of the director or designee and generally follow residential standards in the UDC and City specifications.

G. *Limited access.* Corner parcels may be required to have all access from a side street or alley as determined by the director or designee. A non-vehicular easement may be required to restrict curb cuts to approved locations.

5.3.7 Easements.

A. *Utility easements.* Uniform and continuous easements shall be provided along the front and side lot lines for utility service. Utility service shall not be permitted along rear lot lines without the approval of the director or designee. Easements for water, sewer, and storm sewer lines shall be at least 20 feet in width; however, greater widths may be required as necessary to maintain proper separation between water and sewer utilities. Other utility easements (for other than water, sewer, and storm sewer lines) shall be a minimum of five feet in width when abutting the street lot lines and at least three feet in width when abutting interior lot lines.

B. *Building within easements.* No building or improvements shall be erected on said easements; provided, however, that fences, and patios or decks no more than 30 inches above grade are erected and maintained subject to the easement rights.

C. *Emergency access easements.* The director or designee may require emergency access easements as prescribed by the fire chief or building official. Such easements shall be at least 24 feet in width. Emergency access easements may be divided by lot lines. Parking is prohibited in such easements in accordance with the adopted fire code, Farmington Municipal Code, section 13-3-1.

D. *Cross-access easements.*

- 1) If a parcel is to be developed for any nonresidential land use, a cross-access easement shall be provided by the property owner to adjoining properties that front on the same street and that are, or may be, developed as nonresidential land uses.
- 2) Cross-access easements shall have a minimum width of 24 feet and shall be situated parallel to the street right-of-way line abutting both parcels. Access easements shall be maintained by the property owner.
- 3) The property owner shall provide appropriate documentation of a good faith effort to extend the access easement through all immediately abutting properties. If such an effort fails, the portion of the easement on the subject site shall be developed and designed to ensure future connection to the neighboring properties.
- 4) Where a cross-access easement is granted, no permanent structures that would interfere with the proposed access shall be permitted in the easement. Some improvements such as medians and parking islands may be constructed within an access easement if it has been demonstrated that adequate circulation and cross-access has been accomplished, and that all applicable standards of this UDC have been met.
- 5) The director or designee may waive the requirement for an easement of access required above in those cases where unusual topography or site conditions would render such an easement of no useable benefit to adjoining properties.
- 6) The director or designee may approve the vacation of an easement of access in those cases where adjoining parcels are subsequently developed with a residential use.

Section 8.7 Zoning map amendment (rezoning)

8.7.6 Limitation on reapplication. In the event of a denial by the city council, another petition for reclassification of the same property or any portion thereof shall not be filed within a period of 365 days from the date of final denial unless the director or designee finds that such re-application demonstrates one of the following:

- A. A substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or
- B. New or additional information that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or
- C. A new application is submitted that is materially different (e.g., proposes new uses, or a substantial decrease in proposed densities and intensities) from the prior application; or the final decision on the application was based on a material mistake of fact.

Section 8.9 Special use permits

8.9.7 Limitation on reapplication. In the event of a denial by the city council, another petition for a special use permit on the same property or any portion thereof shall not be filed within a period of 365 days from the date of final denial unless the director or designee finds that such re-application demonstrates one of the following:

- A. A substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or
- B. New or additional information that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or
- C. A new application is submitted that is materially different from the prior application; or the final decision on the application was based on a material mistake of fact.

8.9.8 Appeals. Any person aggrieved by a decision of the city council pursuant to this section may appeal to the district court within 30 days of the date of the decision rendered by the city council. If no appeal is filed in writing within 30 days, the decision shall be considered final.


Section 8.12 Variances

8.12.5 Limitation on reapplication. In the event of a denial by the Administrative Review Board or City Council, another petition for the same variance request on the same property or any portion thereof shall not be filed within a period of 365 days from the date of final denial unless the director or designee finds that such re-application demonstrates one of the following:

- A. A substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or
- B. New or additional information that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or
- C. A new application is submitted that is materially different from the prior application; or the final decision on the application was based on a material mistake of fact.


8.12.6 Appeals. Appeals of any final decision regarding a variance shall be made to the city council within 15 days of the decision in accordance with section 8.16, appeals of ARB decisions.

PASSED, SIGNED, APPROVED AND ADOPTED this 14th day of January, 2025.


Nate Duckett, Mayor

SEAL

ATTEST:


Andrea Jones, City Clerk