

4-4-2 FLOOD OVERLAY ZONE

- A. Intent:** The Flood Overlay Zone provides special regulations designed to reduce flood damage to property and risk to human life.

- B. Boundaries:** The boundaries of the flood hazard overlay district shall be determined by the most recent Flood Insurance Rate Map maintained by FEMA and the Valencia County Floodplain Manager. All boundaries of this overlay zone shall substantially conform to the designated flood hazard areas identified under the National Flood Insurance Program.

- C. Permits:** In addition to review by the City Planning and Zoning Commission, a review must be undertaken by the Valencia Flood Plain Manager. This review may also include a development as may be specified by any existing or subsequent flood damage protection ordinances of the City of Rio Communities.

4-4-6 STORMWATER DRAINAGE OVERLAY ZONE

- A. Intent**

The regulations, restrictions and requirements of this section are intended to preserve the quality of life, mitigate the effects from flood and other dangers and conserve and stabilize the value of property. Accordingly, the preservation of natural drainage arroyos and ditches are of prime concern to prevent downstream flooding and resulting damage to property.

- B. Boundaries**

The boundary of this overlay zone is twenty-five (25) feet or more on each side of a defined drainage area. For any proposed structure within a defined drainage area, the petitioner shall include to the Commission for review and approval:

 - 1. A comprehensive drainage and grading plan stamped and signed by a professional engineer, registered and licensed to practice in New Mexico.

 - 2. All plans should be engineered to provide drainage for one hundred percent (100%) of storm water generated by a one hundred (100) year flood produced from a twenty-four (24) hour storm.

- C. Permits**

A. conditional use or Special Use permit shall be required for all proposed construction within an identified overlay drainage area, pending review and approval of the Commission. Drainage overlay conditional or special use requires

a public hearing and approval of the City Council after a recommendation by the Planning and Zoning Commission. Follow instructions in 4-18-9 and 4-18-10 for rules on posting and notification for either Planning and Zoning or City Council hearings. See Article 4-7-2 or 4-7-4 for specific conditions and provisions related to Conditional or Special Use. A stormwater drainage grading plan shall be submitted with the request for building permit to prevent delay of the approval process.

D. Restrictions

No stormwater shall be allowed to enter an arroyo or ditch that is a result of run-off created from any new construction. Stormwater retention ponds are authorized as needed to obtain these results, however, no more than fifty percent (50%) of a front setback may be used for these retention ponds.

1) **WATER RUN-OFF (DRAINAGE)**

Accessory Building structures shall not generate water run off onto adjacent property. The installation of drainage infrastructure ~~side gutters or drainage channels~~ may be necessary to keep such run-off from running onto adjacent property.

4-6-9 GRADING, DRAINAGE AND SITE PLANS

- A.** All developments over 1 acre in size or, as otherwise stated in this Code, shall specifically address grading and drainage on their site plans.
- B.** A registered civil engineer may be requested to address these issues on the site plan. The City ~~shall~~ may require retention of any drainage water on site ~~through the Planning and Zoning Commission.~~

ARTICLE 10 PARKING REQUIREMENTS

- 4-10-1 PURPOSE
- 4-10-2 PHYSICAL SPACE REQUIREMENTS
- 4-10-3 PARKING SPACE CRITERIA
- 4-10-4 HANDICAPPED PARKING
- 4-10-5 LOADING SPACE
- 4-10-6 ENLARGEMENT OR CHANGE OF USE

4-10-7 JOINT USE

4-10-8 PARKING SPACE SIZE

4-10-9 PARKING PLAN APPROVAL

4-10-10 PARKING CONSTRUCTION STANDARDS

4-10-1 PURPOSE

This section shall establish the parameters for parking at business establishments based on the type of business and its use. For uses not specified in this Code, the category that is the most similar shall be followed. In an effort to reduce on-street parking, front yard parking is permitted. However, at no time shall parking be permitted on sidewalks or any pedestrian walkway. Furthermore, any formula used in determining the allowable number of parking spaces is rounded to the nearest whole number. Parking shall be provided on the same lot of the structure being served, except with Planning and Zoning Commission approval.

4-10-2 PHYSICAL SPACE REQUIREMENTS

As physical space allows, businesses shall adhere to the following standard for single axel vehicle parking spaces:

Minimum Parking Standards			
Type	Stall Width	Stall Depth	Maneuvering Width
90 degree	9 feet	19 feet	23 feet
60 degree	9 feet	22 feet	15 feet
45 degree	9 feet	21 feet	15 feet
30 degree	9 feet	16 feet	15 feet

Table 6

4-10-3 PARKING SPACE CRITERIA

A. Lodging and Residential

1. Bed and Breakfast, Boarding Houses and Similar Uses shall provide two (2) spaces per establishment plus one (1) space per guest room.
2. Motels and Hotels shall provide one (1) space per guest room. If a restaurant or sales shop is co-located on or near the establishment's property, the number of spaces allowed shall be determined by Joint Use. See Article 4-10-7.

3. Single-Family Dwellings located within an R-1 District shall provide two (2) spaces per unit. In addition, two spaces may be added in a front yard area, if needed. Asphalt, concrete, base course or gravel must be installed for all parking spaces. See Article 4-10-9. Curbing is required for use of gravel or base course products to prevent spreading of the materials. A no charge building permit is required for all additional parking space requests.
4. Multi-Family Dwellings located within an R-2 District shall be allowed two (2) spaces per unit.

B. Retail Establishments

1. Small Volume Retail Sales: Stores that are three thousand (3,000) square feet or less in total floor area shall provide three (3) spaces per establishment, plus an additional space for each four hundred (400) square feet of gross floor space. Examples are stores that sell carpets, cabinets, parts, shoes, clothing, furniture, electrical supplies, plumbing supplies, and similar items.
2. Larger Volume Retail Sales: Stores that are greater than three-thousand (3,000) square feet in total floor shall provide one (1) space for each three-hundred (300) square feet of gross floor space. However, a minimum of three (3) spaces shall be provided. Examples are stores that sell large volumes of products such as shopping centers, grocery stores or similar types.
3. Retail Sales of Vehicles, Heavy Equipment or Similar Large Products: These types of businesses shall provide one of the following options:
 - a. One (1) space for each business vehicle plus one (1) space for each three hundred and fifty (350) square feet of gross interior floor space, or
 - b. Six (6) spaces plus one (1) space for each company employee.
 - c. The greater of these two options shall apply to this category.
 - d. Examples are sales of recreational vehicles, mobile homes, automobiles, boats and similar businesses.
4. Storage Areas within a Retail Business: Any retail sales business that designates more than twenty percent (20%) of the store's available gross floor space exclusively to storage of merchandise to be sold in the establishment, may deduct this storage area from the total gross floor area that is used to calculate their required parking spaces. However, no more than eighty percent (80%) of the gross floor area used for storage in this scenario may be deducted from the total in this calculation.

C. Entertainment Establishments and Restaurants

1. Any retail business that offers entertainment or food to the public shall provide one (1) space for each one hundred (100) square feet of gross floor area plus one (1) space for each employee who is working during the establishment's peak hours of business or the largest shift on duty. Examples of such establishments include theaters, dance halls, private clubs or lodges, auditoriums, sports arenas, skating rinks, meeting halls and similar uses.
2. Any retail business that offers participatory recreational activities to the public shall provide four (4) spaces for each alley, court, or venue, plus one (1) space for each employee who is working during the establishment's peak hours of business or the largest shift on duty. on the largest shift. Alley and Court Style Entertainment: Examples of establishments include bowling alleys, basketball courts, handball and tennis courts or similar uses.
3. Any retail business that offers beverages and or food to the public shall provide one (1) space for each one-hundred (100) square feet of gross floor area plus one (1) space for each two (2) employees who is working during the establishment's peak hours of business or the largest shift on duty. Examples of such establishments include lounges, bars, donut shops, coffee shops, cafes, restaurants and similar uses.
 - a. An establishment that has an outdoor patio area shall provide an additional one (1) space for each two-hundred (200) square feet of patio area.
 - b. An establishment that has a drive-up window shall provide that the drive-up lane is a minimum width of twelve (12) feet and a length that shall provide for maximum traffic count so as to prevent overflow onto any public thoroughfare. In short, no on-street waiting fine is permitted.

D. Offices and Personal Service Businesses

1. Any Child Care Center, Nursery or Institutional Home shall provide one (1) space per employee for each shift plus one (1) space for each ten (10) children or residents when at maximum capacity.
2. Any Drive-Up Window Type Services establishment shall provide lane(s) that are a minimum width of twelve (12) feet, a minimum height of fourteen (14) and a length shall provide for maximum traffic count so as to prevent overflow onto any public thoroughfare. No on-street waiting line is permitted. Overflow parking must be provided.

3. Any business that offers a Professional Services shall provide one (1) space for each two-hundred and fifty (250) feet of gross floor space. Examples of such businesses include hairdressers, barbers, medical offices, dental offices or similar uses.
 4. Any Large Business Office shall provide one (1) space for each business owned vehicle plus one (1) space for each three (300) square feet of gross floor area. Examples of such businesses include utility companies, banks, telephone or communication companies or similar uses.
 5. Any Drive-In Bank shall provide one (1) space for each full-time employee and shall fulfill the requirements for overflow as stated in Article 4-10-3(D)(2). **Spell this out**
 6. A Funeral Home shall provide one (1) space for each fifty (50) square feet of floor area in funeral home plus one (1) space for every two (2) seating spaces in the facility. A turn-around area must be provided to accommodate vehicles associated with burial services.
 7. Any Small Business Office shall provide two (2) spaces plus one (1) space for each three hundred (300) square feet of gross floor area Examples of such businesses include engineering, real estate, law offices or similar uses.
 8. Any High-Volume Service Business shall provide one (1) space for each two hundred (200) square feet of floor area. Examples of such businesses include Self Service Laundry or similar uses
 9. Any Low Volume Service Business shall provide one (1) space for each two hundred (200) square feet of floor space. Examples of such businesses include equipment rental, repair shops, dry cleaning or similar uses.
- E. Churches, Community Centers, Healthcare Facilities and Schools
1. A church shall provide one space for each four (4) seats in main assembly hall, but only when at maximum capacity.
 2. A Community Center shall provide one (1) space for every two-hundred (200) square feet of floor area. Examples of such establishments include museums, administration buildings, libraries, art galleries or similar uses.

3. Any Healthcare facility shall provide one (1) space for each two (2) beds plus one (1) space for each employee who is working during the establishment's peak hours of business or the largest shift on duty.
4. A School shall provide one (1) space for each two-hundred (200) square feet of floor area. Fifty percent (50%) shall be added to the school's total floor area calculation if the school has, on its premises, a gymnasium or auditorium. Examples of such schools include a High School or Junior High School.
 - a. For any Elementary and Pre-school Facility, one (1) space for each classroom plus one (1) space for each employee who is working during the establishment's peak hours of business or the largest shift on duty shall be provided.

F. Warehouse, Manufacturing, Industry or Wholesale Establishments

1. Any Business whose primary function is the storage or warehousing of goods for distribution shall provide one (1) space for each employee plus one (1) space for each two thousand (2,000) square feet of area, up to a total of thirty-five thousand (35,000) square feet. In addition, one (1) space, appropriately sized, for each company-owned apparatus, truck or vehicle shall be provided.
2. Any business whose primary function is the large-scale production of goods or services shall provide one (1) space per employee that is equal to the largest scheduled shift plus one (1) space, appropriately sized, for each company owned apparatus, vehicle or truck. In addition, one (1) space for each one thousand (1,000) square feet of floor area, up to twenty thousand (20,000) square feet shall be reserved and designated for Visitor Parking.
3. Any business whose primary function is the large-scale distribution of wholesale goods or services shall provide one (1) space per each five-hundred (500) square feet of floor area; provide one (1) space, appropriately sized, for each company-owned apparatus, truck or vehicle and shall designate and reserve one (1) space for each one-thousand (1,000) square feet of floor area, up to twenty-thousand (20,000) square feet for Visitor Parking.

4-10-4 HANDICAPPED PARKING **review updated standards**

All parking within government, commercial and industrial properties shall comply with:

- A. ~~The Current 2010~~ standards for State and local governments that consist of the Title II regulations at 28 CFR 35.151 and the 2004 American Disabilities Act Accessibility Guidelines (ADAAG) at 36 CFR part 1191, appendices B and D;
- B. ~~The Current 2010~~ standards for public accommodations and commercial facilities that consist of the Title III regulations at 28 CFR part 36, subpart D, and the 2004 ADAAG at 36 CFR part 1191, appendices B and D.
- C. The minimum number of designated handicapped parking spaces (in relation to the total number of parking spaces within any given area), for all zones except R-1 Single Dwelling units shall be:

Total Spaces per Parking Lot	Minimum Designated Handicapped Spaces
0 to 5	1
	1
26-35	2
36-50	3
51 - 100	4
101- 300	8
a. Than 300	8+ 1 for each additional fifty (50) spaces

Table 7
(ADA Minimum Requirements)

1. All Handicapped designated parking spaces shall be located as close as possible to the nearest curb cut or access to entryway. Additional parking spaces to meet the maximum need shall be provided in establishments that cater to elderly, handicapped or very ill customers.

4-10-5 **LOADING SPACE REQUIREMENTS** research this area

~~The Planning and Zoning Commission or the Code Enforcement Officer~~ The City shall determine the appropriate area necessary for determining the amount of space required for loading functions.

4-10-6 **ENLARGEMENT OR CHANGE OF USE**

When the floor space of a building is enlarged by more than a ten percent (10%), the new dimensions shall determine the appropriate number of parking spaces required.

4-10-7 JOINT USE

When businesses that are located close to each other choose to use the same parking area, the number of spaces will be calculated by using the maximum number of employees per shift for both companies and applying the formula for the type of business that requires the most spaces. Approval must be obtained from the Planning and Zoning Commission. A written agreement from all businesses must be submitted with the request to the Planning and Zoning Commission.

4-10-8 PARKING SPACE SIZE

- A. Each parking lot shall provide for the ingress and egress into a public street by each automobile, without moving any other automobile.
- B. Only R-1 Zoned property can ingress and egress to an alley.
- C. All remaining property must ingress and egress to a public street or highway.

4-10-9 PARKING PLAN APPROVAL

Two sets of detailed plans showing all parking, entry points and exit points of the property shall be submitted to the City as part of the Building Permit approval package.

4-10-10 PARKING CONSTRUCTION STANDARDS

All parking spaces covered in the provisions of this Code shall:

- A. Be paved with asphalt, concrete or compacted base course per Building Permit specifications.
- B. Have parking bumpers, blocks or stops per parking space.
- C. Contain aisle safety markings and necessary spaces.
- D. Provide landscaping in compliance with Article 11 of this Code.
- E. Meet adequate drainage requirements, including retaining all displaced water on site. A drainage plan must be included when parking spaces are in the path of

normal drainage or needed to retain water run-off. Two copies must be submitted to the City for Zoning or Building Permit approval.

ARTICLE 11 STANDARDS FOR LANDSCAPING

4-11-1 PURPOSE

4-11-2 LANDSCAPE STANDARDS

4-11-3 LANDSCAPE LOCATION STANDARDS

4-11-4 LANDSCAPE REQUIREMENTS

4-11-5 LANDSCAPE PLAN

4-11-6 MAINTENANCE AND IRRIGATION

4-11-7 SCREENING

4-11-8 CLEAR LINE OF SIGHT TRIANGLE

4-11-1 PURPOSE

1. A. The City of Rio Communities desires to preserve and fully promote visually attractive development of all land within the city limits. It is also the City's intention to improve environmental quality.

B. Landscaping shall follow and be maintained to the guidelines found within this Article. Whenever possible, indigenous and drought tolerant plants should be used.

C. The standards included are considered to be minimum acceptable for the project.

4-11-2 LANDSCAPE STANDARDS

A. New construction in all R-1, R-2, C-1, C-2, C-3, 14/1-2 and 1-3 Zones shall contain a landscaped area equivalent to ten percent (10%) of the total of all driveways, access points, sidewalks and loading areas on the parcel. ~~This rule also applies to all new MH-1 subdivisions and MH-2 parks.~~

B. Any alteration reconstruction or addition to of a structure R-1, R-2, C-1, C-2, C-3, 1-1/1-2 or 1-3 parcels with a value of more than \$100,000 shall require that the lots modified meet ~~be brought up to~~ the minimum specifications in this Article.

4-11-3 LANDSCAPE LOCATION STANDARDS

A. A minimum of 50% of the landscaping shall be in the front of the building.

B. Lots with side streets shall have a minimum of 25% of the landscaping in the front yard and a minimum of 25% on the side yard facing the side street.

4-11-4 LANDSCAPE REQUIREMENTS

A. Landscaping may consist of ground covers (e.g. low shrubs, flowers, grass, trees, cactus, or native desert plants). Cottonwoods are not recommended.

B. All plantings shall have a system to reduce blowing sand (e.g. gravel, mulch, decorative rock, bark or low water usage native grasses are examples).

C. Trees requiring excessive water (e.g. Chinese Elm, Mulberry, Russian Olive or Salt Cedar) are not recommended.

4-11-5 LANDSCAPE PLAN

A. Landscaping plans are required for all Building Permits of new dwelling or business construction, regardless of the complexity of the project.

B. A landscaping plan should be attached to the Building Permit.

4-11-6 MAINTENANCE AND IRRIGATION

A. Manual or automatic irrigation systems are appropriate to water plants. Drip irrigation system is recommended to reduce evaporation.

B. Dead or dying plants will be removed and/or replaced before the next growing season.

4-11-7 SCREENING

The use of thick shrubbery, walls, berms or sight-obscuring fences to minimize the potentially adverse impact of one land use on another is optional. However, if used, all screening:

A. Shall be at least three (3) feet in height, but shall not exceed six (6) feet in height; and

B. Shall conform to the clear line of sight triangle requirements as stated in Section 4-11-8; and

C. Shall not adversely affect the public or surrounding property owners, and

D. Shall be maintained, trimmed or otherwise kept in good repair.

4-11-8 CLEAR LINE OF SIGHT TRIANGLE

A. A triangle formed by the intersection of two curbs or the edge of a city-maintained roadway measured back from the intersection or roadway twenty-five feet along the curb line or city roadway. A continuous unobstructed view of twenty-five (25) feet in both directions of the intersection or roadway to a height of 3 feet or more must be maintained.

B. All vegetation must be kept trimmed in order to keep this area open and free of obstructions.

ARTICLE 12 OUTDOOR LIGHTING

4-12-1 PURPOSE

4-12-2 AUTHORITY

4-12-3 OUTDOOR (EXTERIOR) LIGHTING DEFINED

4-12-4 CONFORMANCE

4-12-5 EXEMPTIONS

4-12-6 VARIANCE

4-12-7 GENERAL REQUIREMENTS

4-12-8 LEGAL BASIS

4-12-9 PROTECT THE NIGHT SKY (DARK SKY)

4-12-1 PURPOSE

- A. The Article is intended to permit adequate lighting that promotes public safety by encouraging the use of outdoor artificial illuminating devices that will not impede on astronomical observations resulting from the emission of undesirable light rays into the night sky.
- B. All outdoor lighting installations shall conform to the provisions of this Article ~~and all other related codes of the City, specifically the Uniform Building Code (UBC) as amended~~ and shall require a permit and inspection from the City.

4-11-2 AUTHORITY

The Night Sky Protection Act, NMSA 1978, 5 74-12-2, regulates the use of "outdoor night lighting fixtures to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving the environment for astronomy." Accordingly, all exterior lighting shall comply with the New Mexico "Night Sky Protection Act" and the specifications as stated within this Section.

4-12-3 OUTDOOR (EXTERIOR) LIGHTING DEFINED

Outdoor artificial illuminating devices, outdoor fixtures, lamps, spot or flood lights and other devices, whether permanent or portable that are used for illumination or advertisement. The application of such devices may be used for:

1. Building and structures
2. Recreational areas

3. Parking lot lighting
4. Landscape lighting
5. Billboards and other signage (advertising or other)
6. Street lighting

4-12-4 CONFORMANCE

- A. This Section does not apply to interior lighting.
- B. Any non-conforming outdoor fixture installed prior to and operable on the effective date of this Code shall be removed or converted to a conforming fixture when the existing fixture becomes inoperable or un-repairable.
- C. The City may require an illuminating device that is non-conforming to be corrected if the City determines that the non-conforming use is creating a nuisance glare or disabling glare as defined in Section 4-12-7.
- D. All existing outdoor lighting fixtures owned and maintained by any public utility company within the City shall be required to remove or comply with the "Night Sky Protection Act", NMSA 1978, Section 74-12-1 et. seq., and this Section, within 12 months from the enactment of this Code.
- E. All new installations and modification or replacement to existing non-conforming fixtures shall comply with the Section.
- F. Compliance with this Section shall be administered and enforced by the City ~~and the Planning and Zoning Commission~~ or designated City personnel.
- G. In the event of a conflict with any other section of this article, the more stringent requirement shall apply.

4-12-5 EXEMPTIONS

- A. Traffic control signals and devices.
- B. Outdoor lighting fixtures necessary for safety at schools and fire stations, to include lighting for outdoor sporting events.

- C. Streetlights installed prior to the effective date of this Section.
- D. Temporary emergency lighting (e.g., fire, police, repair workers) or moving vehicle
- E. Navigation light or communications towers and flagpole displaying the United States flag after sundown.
- F. Seasonal light decorations
- G. Special situations approved by the City for temporary or periodic events (e.g., concerts, fairs, festivals, fiestas, flea-markets, etc.)

4-12-6 VARIANCE Follow instructions in 4-18-9 and 4-18-10 for rules on posting and notification. Any resident or business may submit an application to the Commission for a variance from the requirements of this Section. Such request shall be in writing and shall be approved only when it is determined that a deviation or variance clearly demonstrates a need for enhanced security for personal property, business, or special activities or events.

- A. Each application shall state fully:
 1. The circumstances and conditions relied upon as grounds for an exemption;
 2. The circumstances and conditions by which strict application of the provisions deprive the applicant of reasonable use of the land, building or outdoor light fixtures; and
 3. The grounds by which the granting of the administrative exemption will not be injurious to the neighborhood or otherwise detrimental to the public, health, safety or welfare, and
 4. Include plans indicating the location, type, shielding device and height of luminaires including both building and ground-mounted fixtures along with manufacturer's specification (e.g. photometric data, angle of light emission.

4-12-7 GENERAL REQUIREMENTS

The following general standards shall apply to all outdoor lighting installed after the effective date of this Code adoption, except as stated above in Section 4-12-4.

- A. All exterior lighting shall be hooded or shielded with no upward light escaping that would contribute to light pollution.

1. A fully shielded illuminating device is one in which no light shall shine above the highest part of the device where light is emitted.
 2. A partially shielded illuminating device is one in which the light bulb is not visible, but is shielded by a frosted, partly opaque or colored siding.
- B. All exterior lighting shall be aimed downward onto the ground surface.
 - C. Existing fixtures may be adapted to comply with this Section by adding a properly designed hood or shield, or by pointing any upward-mounted shielded fixture downward toward the ground surface.
 - D. Any light falling onto adjacent property or street that results in nuisance glare or disabling glare shall not be permitted. Light trespass beyond property boundaries or above the horizontal plane shall be considered non-compliant.
 - E. Any outdoor lighting fixtures shall be designed, installed, located and maintained such that glare onto other properties or streets shall be eliminated and all direct illumination kept within the boundaries of the fixture owner's property.
 - F. Direct light emissions shall not be visible above the roofline or beyond the building
 - G. Accent or landscape lighting shall be directed onto foliage or objects and not toward the sky or onto adjacent properties.
 - H. Spotlighting on landscaping, foliage, and flagpoles shall be limited to 2600 lumens output (150 watt incandescent). The lamp shall be shielded and not create disabling or nuisance glare.
 - I. Rotating, flashing, moving or stationary beacons of light used for advertising purposes or public events are prohibited.
 - J. Exterior light fixtures shall be limited to fifteen (15) feet in height from grade.
 - K. Where exterior lighting is used for security purposes or to illuminate walkways, entrances, driveways, equipment yards and parking lots, outdoor shielded lights shall be used.
 - L. This section shall be enforced on the basis of a formal complaint in writing with the Planning and Zoning Department.

4-12-8 LEGAL BASIS

The legal basis for regulating the use of private property in the U.S. is based in the common law concept of "nuisance" where persons are entitled to "use and enjoyment" of their lands, so long as their acts do not interfere with the use or enjoyment of another. Accordingly, this Light Code is intended to provide proactive notice that certain "lighting" uses are prohibited or limited on the basis of the cross-boundary impacts. Additionally, this Light Codes makes no effort to control lighting design but only its effect.

4-12-9 PROTECT THE NIGHT SKY (DARK-SKY)

A. ~~Title: This ordinance together with the amendments thereto, shall be known and may be cited as the Dark Sky Ordinance.~~

B. Authority: The ~~City Planning and Zoning Commission~~ shall have the authority to require new lighting to ensure that such lighting shall meet the recommendations and guidelines of this Ordinance.

C. Purpose: The general purpose of this Ordinance shall be to protect and promote safety, while maintaining the ability to view the night sky, by establishing regulations for exterior lighting. This Ordinance establishes standards for exterior lighting in order to accomplish the following:

1. Protect against direct glare and excessive lighting
2. Promote safe roadways for motorists, cyclists and pedestrians
3. Protect the ability to view and enjoy the night sky
4. Allow for flexibility in the style of lighting
5. Provide lighting guidelines
6. Reduce excessive lighting in neighborhoods

D. Scope: All exterior lighting installed in any and all zoning districts in the City of Rio Communities, after the effective date of this Ordinance, shall be in conformance with the standards established by this Ordinance.

E. Review: The ~~City Planning and Zoning Commission~~ shall consider the following standards to ensure a balance of public safety to dark sky viewing.

1. All exterior area lights, including streetlights, parking area lights and landscape lights shall be shielded to produce a down lit light pattern that shall not extend beyond the owner's parcel of land.
2. All non-essential exterior commercial and residential lighting should to be turned off after business hours and/or when not in use. Motion sensor activated lights are encouraged.
3. The average exterior foot-candlelight level for new service stations shall not exceed:
 - a. 1,750 lumens or 137 foot-candles when using 100 Watt incandescent bulbs, or
 - b. 1,600 lumens or 125 foot-candles when using 23 Watt fluorescent light,
or
 - c. Light emitting diodes (LED) equivalent to 3(a)(b).
4. Upward Flagpole lighting is permitted.
5. Landscape lighting is allowed.
6. All radio, communication, and navigation towers that require lights shall have dual lighting capabilities.
 - a. For daytime, only white strobe lights shall be used.
 - b. For nighttime, only red lights shall be used.
7. Neon lights are only permitted pursuant to the Sign Ordinance.
8. It is highly encouraged that solar powered lights be installed whenever possible.

ARTICLE 13 SIGNS, WALLS AND FENCES

4-13-1 PURPOSE

4-13-2 GENERAL REGULATIONS FOR SIGNS

4-13-3 SIGN PERMIT

4-13-4 SIGN SAFETY

4-13-5 SIGN ILLUMINATION AND ANIMATION

4-13-6 LIMITATIONS ON ELECTRONIC MESSAGE SIGNS

4-13-7 SIGN REGULATIONS BY TYPE

4-13-8 NONCONFORMING SIGNS

4-13-9 SIGN EXCEPTIONS

4-13-10 POLITICAL SIGNS

4-13-11 WALL AND FENCE STANDARDS

4-13-1 PURPOSE

- A. This Article is intended to provide regulations for the placement and orientation of all signs, walls and fences that shall not hinder or obstruct the clear and free vision of pedestrians or motorist in a manner that would create a traffic hazard.
- B. This Article is also intended to standardize the design and construction of signs, walls and fences within the boundaries of the City of Rio Communities in a manner that provides privacy, maintains security and promotes aesthetic improvement to property, while maintaining safety to the public.

4-13-2 GENERAL REGULATIONS FOR SIGNS

- A. The location of any sign shall not be designed, erected or maintained, except in a manner approved by the City Planning and Zoning Commission.
- B. Any sign mounted to a wall or building cannot project over the property line of that wall or building.

4-13-3 SIGN PERMIT

- A. Any billboard or sign to be erected within the City that exceeds one-hundred and twenty-eight (128) square feet of area and that identifies or advertises a business, product, service or trade shall first require an application for a sign permit, submitted to the City Commission for approval.

- B. The application shall clearly state the proposed sign's construction materials, language, dimensions, location, its method for mounting and the desired length of posting.
- C. The Commission shall make a decision based on this ordinance. Approval, approval with limitations or denial are options. Approval with limitations of the request or denial are appealable to the City Council.
- D. The code enforcement officer has the right to inspect any sign for compliance. The owner of any non-compliant sign shall receive a citation. Normal procedures used by the Code Enforcement Officer are followed.

4-13-4 SIGN SAFETY

- A. Movable parts or audible devices are prohibited on any sign.
- B. A sign shall not be erected along any street or highway that would obstruct the clear vision of pedestrians or motorist in a manner that would create a traffic hazard.
- C. No sign shall be attached to any fire escape or standpipe or hinder in any way, the free ingress to or egress from any fire escape, door or window.
- D. No sign of more than three (3) feet high above the level of a street curb shall be placed within a Clear Sight Triangle. A triangle formed by the intersection of two curbs or the edge of a city-maintained roadway measured back from the intersection or roadway twenty-five feet along the curb line or city roadway. A continuous unobstructed view of twenty-five (25) feet in both directions of the intersection or roadway to a height of 3 feet or more must be maintained.
- E. The Clear Sight Triangle rule shall apply to any entrance or exit of a commercial property.
- F. There shall be a minimum of twelve (12) feet vertical clearance and a six (6) feet horizontal clearance from overhead electric conductors and any other sign.

4-13-5 SIGN ILLUMINATION AND ANIMATION

- A. The use of any illumination device (lighting) on a commercial sign that varies in intensity, flashes or blinks excessively, revolves or appears to create motion is prohibited.
- B. The illumination source on any sign shall be concealed from direct view.

4-13-6 LIMITATIONS ON ELECTRONIC MESSAGE SIGNS

Programmable electronic signs are prohibited within residential districts but are permitted elsewhere on condition they conform to the following:

- A. No sign shall display animated messages, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.
- B. No sign shall contain any audio message.
- C. No sign message shall be displayed for a period of less than eight seconds.
- D. Each sign message shall be a complete thought in itself and shall not scroll a continued or subsequent sign message.
- E. Signs shall utilize automatic dimming technology that adjusts the brightness of the sign's message relative to the ambient light, so that at no time shall a sign exceed the brightness of the ambient light, as measured using a foot-candle meter.
 - 1. Light measurements shall be taken with a foot-candle meter aimed directly at the sign's message face, or at the area of the sign emitting the brightest light, if that area is not the sign's message face.

4-13-7 SIGN REGULATIONS BY TYPE

- A. For Sale or Rent

A sign that is used for the purpose of identifying or advertising the sale or rental of any dwelling, apartment or real estate may be wall mounted or free-standing.

 - 1. Such sign may be illuminated in accordance with the restrictions as stated in Subsection 4-13-5(A) of this Article.
 - 2. The location of any sign shall be erected within property lots lines, excluding easements. See Subsection 4-13-2(B).
 - 3. The sign shall not exceed five (5) feet in height and be more than twenty (20) square feet in area.

B. On-Site Residential Business

Signs on the residential premises that identify or advertise a business, service or trade within a residence shall:

1. Not be illuminated, and
2. Be limited to one (1) per dwelling unit, and
3. Not exceed three (3) feet in height, or
4. Be attached to the dwelling unit.

4-13-11 WALL AND FENCE STANDARDS

A. General Construction

Any and all materials used in the construction of any residential or commercial fence, other than organic vegetation, shall comply with materials as expressly approved by any certified fencing manufacturer, or fencing association or fencing institute. **The Planning and Zoning Commission shall have final approving question for legal** authority to any wall or fence that deviates, differs, or does not comply with these standards. Such certified fencing organizations include, but are not limited to:

1. The American Fence Association; or
2. The Chain Link Fence Manufacturers Institute; or
3. The Vinyl Fencing Manufactures.

B. Wind Loads

All walls or fences, whether for residential or commercial use shall conform to wind load standards in accordance with the American Society of Civil Engineers' (ASCE) Minimum Design Loads for Buildings and Other Structures, Standard ASCE/SEI 7-10.

C. Residential Heights

Any residential wall or fence shall not exceed eight (8) feet in height above ground. The wall or fence may be erected and located anywhere in a residential yard, but it shall be in accordance with Line of Sight Triangle Rule as identified in this Code. Note: Refer to CID rules on building codes. A building permit is required for fences or walls more than 6 feet in height.

D. Line of Sight Triangle Rule for Walls and Fences

Any wall or fence must not violate the line of sight rule. A triangle formed by the intersection of two curbs or the edge of a city maintained roadway measured back from the intersection or roadway twenty-five feet along the curb line or city roadway. A continuous unobstructed view of twenty-five (25) feet in both directions of the intersection or roadway to a height of 3 feet or more must be maintained.

E. Retaining Wall

Any wall or structure for the express purpose of retaining more than four (4) feet of soil or earth shall be designed, stamped and signed by a professional engineer, registered and licensed to practice in New Mexico. A copy of the retaining wall's engineered design and specifications shall be kept on file with the City Clerk.

F. Commercial or Industrial

Any wall or fence on a commercial or industrial property may be located anywhere on the property and may be up to eight (8) feet in height but shall comply with the Line of Sight Triangle Rule as specified in this Code.

G. Swimming Pools

All swimming pools, whether public or private shall be completely enclosed by a wall, fence or barrier at least five (5) feet in height. Uniform Swimming Pool, Spa and Hot Tub Code 17.46.050.

H. Electrified Wall or Fence

Any wall, fence or barrier that has an attached component, wire, or element that produces an electrical field is permitted only in a Planned Development (PD) zone or by special use permit, pending review and approval by the Commission.

I. Public Right-of Way

Any wall, fence or barrier is prohibited in a public Right-of-Way.

J. Barbed Wire

1. Barbed wire attached to any wall, fence or barrier shall be at least six (6) feet above the highest adjacent ground surface.
2. The use of barbed wire in any residential zone, whether attached to any wall, fence or barrier or unattached is prohibited.
3. The use of barbed wire in a Planned Development (PD) zone, when attached to a wall, fence or barrier is permitted.

K. Mobile Home Parks

Any wall, fence or barrier installed around the perimeter of a Mobile Home Park (MH-2) shall be at least six (6) feet in height.

L. Other

Any wall, fence or barrier, when located in a residential side or rear yard or when used to surround a tennis, basketball, handball or other recreational area, shall not exceed sixteen (16) feet in height and shall be located at least seven (7) feet from any property line.

**ARTICLE 17 SOLAR AND WIND TURBINES ALTERNATIVE ENERGY
PRODUCING SYSTEMS**

4-17-1PURPOSE

4-17-2DESIGN STANDARDS

4-17-3RESTRICTIONS

4-17-4COMPLIANCE

4-17-5ENVIRONMENTAL IMPACT

4-17-6SOLAR ENERGY COLLECTION SYSTEMS

4-17-7WIND TURBINE ENERGY COLLECTION SYSTEMS

4-17-1 PURPOSE

The purpose of this Article is to encourage safe and effective use of Alternative Energy Producing Systems (e.g. solar, ~~and~~ wind turbines or geothermal) for both residential and commercial applications; and establish minimum requirements for the placement, construction, and modification of these systems and related support equipment.

4-17-2 DESIGN STANDARDS

A. Building Permit

A building permit shall be required for all Alternative Energy Systems. Applications shall be submitted to the City Commission for review and approval. All applications shall include the following documentation:

1. **Engineered Drawings:** A complete set engineered drawings, stamped and signed by a professional engineer, registered and licensed to practice in New Mexico, of the Alternative Energy System that clearly details the tower, base, footings, supports, and foundation as provided by the manufacturer. The engineered drawings shall include production capacity of Alternative Energy Systems and wind loads for Wind Energy Systems.
2. **Site Plan:** The site plan shall include a date, North arrow and appropriate scale and dimensions to reflect adequately the details necessary to describe the proposed location and use; locations of surrounding structures, existing property lines, fences, public or private rights-of-way, public roads, and all utilities (both buried and overhead).
3. **Utility Notification:** The building permit application shall include documentation that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
4. **Fire Department Approval:** The building permit application shall include documentation of review and approval by the Rio Communities Fire Department in accordance with International Fire Code.

4-17-3 RESTRICTIONS

- A. The energy (power) produced by any solar collection system (photovoltaic) erected on a residential or business property shall be used exclusively for that resident or business and shall not be "sold" to another resident or business except Public Service of New Mexico (PNM) or similarly regulated New Mexico Public Utility Company.

- B. No Wind Turbine Energy Collection System shall be erected on any residential or business property that is within three-thousand (3,000) feet in line of sight to any other residential or business property.

4-17-4 COMPLIANCE

- A. It shall be unlawful for any person to construct, install, alter or operate an Alternative Energy System that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this Code.
- B. The construction and operation of any Alternative Energy Systems shall be consistent with all applicable federal, state and local requirements, including all applicable safety, construction, building, environmental, electrical, FCC communications and FAA aviation requirements. Alternative Energy Systems shall comply in all respects with building and electrical codes contained in the International Building Code, New Mexico Construction Industries Division and National Electric Code as adopted by the City of Rio Communities.
- C. All Alternative Energy Systems shall be designed to be compatible with the character of the surrounding neighborhood.

4-17-5 ENVIRONMENTAL IMPACT

- A. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the Alternative Energy System and is otherwise prescribed by applicable laws, regulations and ordinances.
- B. Once the system is operational, any land that has been disturbed and is not necessary for the functioning of the system shall be reclaimed with natural vegetation immediately.

4-17-6 SOLAR ENERGY COLLECTION SYSTEMS

The installation of any solar energy collection system shall comply with NMSA 1978, § 3-18-31(Municipal Restriction on Solar Collectors) and NMSA 1978, § § 4-55C-1 through 8 (Solar Energy Improvement Special Assessment Act).

A. Roof Mounted Solar Energy Collection Systems

- 1. All residential roof mounted solar energy collections systems shall comply with the maximum height requirements in the applicable zoning district. Where maximum height is measured at the midpoint between eaves and roof peak and where the roof peak exceeds the maximum building height, the Solar Energy Collection System shall not exceed the height of the roof peak.

2. Roof-mounted Solar Energy Collection Systems shall be flush-mounted and parallel to the roof surface to the extent possible. Solar Energy Collection Systems may be bracket mounted or tilted on flat or pitched roofs to improve efficiency, but shall have at least one (1) side of the array within twelve (12) inches of the roof surface.

B. Passive Or Building-Integrated Solar Energy Collection Systems

Passive or Building-Integrated Solar Energy Collection Systems are exempt from the requirements of this section and shall be regulated as any other building element.

C. Ground-Mounted Solar Energy Collection Systems

1. Ground-mounted Solar Energy Collection Systems shall not exceed fourteen (14) feet in height.
2. Ground-mounted Solar Energy Collection Systems in Residential zoning districts shall be limited to the side or rear yard, shall be treated as accessory structures and shall adhere to all applicable setback requirements. Additionally, all such systems shall have a protective barrier or fence five (5) feet in height around the yard, lot or collection area.
3. Ground-mounted Solar Energy Collection Systems in non-residential zoning districts shall be limited to the side or rear yard and shall not encroach into any required setback. Additionally, all such systems shall have a protective barrier or fence at least six (6) feet in height around the yard, lot or collection area.
4. All exterior electrical and/or plumbing lines shall be placed in a conduit, marked and buried below the surface of the ground in accordance with applicable codes. Electrical lines may be placed overhead but only near points of interconnection to the electric grid.

4-17-7 WIND TURBINE ENERGY COLLECTION SYSTEMS

A. Height Requirements

1. The height of Small Wind Energy Systems shall not exceed eighty (80) feet, measured at the highest point of the turbine blade or other component. In Agricultural or Manufacturing zones, the Small Wind Energy System shall not exceed one-hundred ~~and twenty~~ (100 ~~20~~) feet.

2. If the Small Wind Energy System is attached to a building or structure, this measurement shall include the height of the building or structure.
3. The Small Wind Energy System shall comply in all respects with Federal Aviation Regulations Part 77, and any other applicable Federal Aviation Administration requirements.

B. Minimum Blade Height

The minimum height of the lowest point of a turbine blade shall be fifteen (15) feet above the ground and ten (10) feet above or distant from any roof surface.

C. Setbacks

1. Small Wind Energy Systems shall be set back at a distance equal to or greater than one-hundred percent (100%) of the total height of the system from all overhead utility lines, property lines, and public roads or public rights-of-way.
2. If the Small Wind Energy System is installed on a roof, the total height is equal to the roof height and tower height.
3. Guy wires and other support devices shall be set back at least five (5) feet from all property lines. Guy wires and other support devices shall be set back at least twenty (20) feet from any public right-of way.
4. Small Wind Energy Systems shall not be allowed in the required front yard setback.

D. Access

1. No tower shall have a climbing apparatus within twelve (12) feet of the ground.
2. All access doors or access ways to towers and electrical equipment shall be accessible by authorized personnel only. Towers with lattice within twelve (12) feet of the ground shall be enclosed within a secured fence or wrapped by a protective metal mesh up to twelve (12) feet and sufficient to prevent climbing.

E. Feeder Lines

All exterior electrical lines shall be placed in a conduit, marked and buried below the surface of the ground in accordance with applicable codes. Electrical lines may be placed overhead only near points of interconnection to the electric grid.

F. Lighting

Illumination or lighting on the Small Wind Energy System shall be prohibited except as required and allowed by the Federal Aviation Administration.

G. Sound

The Small Wind Energy System and associated equipment shall not exceed fifty (50) dB(A) for any period of time under normal operating conditions as measured from the nearest neighboring inhabited structure.

H. Signage And Advertising

Signs and advertising shall be restricted to reasonable identification of the manufacturer, operator of the Small Wind Energy System, utility, and safety signs. No other signage shall be permitted.

I. Color And Finish

The Small Wind Energy System shall remain painted or finished in the color or finish that was originally applied by the manufacturer, or shall be painted gray, beige or white. Rust, corrosion or peeling paint on any component shall be repaired and repainted.

~~End of Appendix B~~

~~City of Rio Communities
Code of Ordinances
APPENDIX B~~

~~LIST OF SCHEDULED FEES~~

~~Contact the Municipal Clerk's office for current fee schedule or visit the city website at www.riocommunities.net~~

~~City of Rio Communities
Code of Ordinances
APPENDIX B ~~D~~~~

~~LINE OF SIGHT DIAGRAM (PLACEHOLDER)~~

~~End of Appendix D~~

~~City of Rio Communities~~

Code of Ordinances
APPENDIX C

~~LIST OF CITY FORMS~~

Contact the Municipal Clerk's office for the list of city forms or visit the city website at www.riocommunities.net.

End of Appendix C

City of Rio Communities
Code of Ordinances
APPENDIX C