

THE VILLAGE OF TAOS SKI VALLEY

ORDINANCE NO. 17-30

AN ORDINANCE ADOPTING ZONING REGULATIONS AND A ZONING MAP FOR THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO.

SECTION 8.6. Sign Permits

1. Intent. The intent of these Sign Permit regulations is to provide visible and attractive commercial advertisements, protect constitutional rights to the freedom of speech, provide for public safety, and enable safe pedestrian and vehicular traffic while minimizing the visual clutter of Signs at the building frontage, the streetscape, and the community.
2. Purpose. The purpose of these regulations is to provide fair and consistent application and Permit procedures for Signs within the Village.
3. Permit Required. A Sign Permit is required by any property owner or owner's authorized representative prior to erecting any signage unless the Sign is exempt from these regulations.
4. Planning Officer's Authority. In issuing a Sign Permit, the Planning Officer shall have the authority, as an administrative act, subject to the provisions of this section, to require conditions of approval in addition to those required by this section where it is determined that such conditions are necessary to further the goals, policies, and objectives of the Village Comprehensive Plan or any other applicable plan and are consistent with the intent and purpose of this section and/or where such additional requirements are deemed essential to protect the public safety and general welfare of the Village. The Planning Officer may require the owner to remove or relocate any Sign that is not maintained or not permitted under the provisions of this section or does not comply with the design standards of this section.
5. Application. An application shall be submitted to the Planning Officer for a Sign Permit together with the required fee and supportive documents and illustrations prior to erecting any signage that requires a permit under this section. The application must be signed by the property owner or the owner's representative where the Sign will be erected or signed by an authorized representative of the property owner prior to the Planning Officer's review of any application.
6. Time Limit. The Planning Officer may approve or disapprove the Sign Permit application within ten days following the submission of the complete application. The decision of the Planning Officer shall set forth the findings and any additional documentation needed, in writing. Copies of the Sign Permit shall be provided to the applicant.
7. Liability. The provisions of this section shall not limit the liability of any person who erects or owns any sign from personal injury or property damage resulting from the placement of a sign, or resulting from the negligence or willful acts of such person or his/her agents, employees or workers, in the construction, maintenance, repair, or removal of any sign erected in accordance with a permit issued under the provisions of this title. The provisions of this title shall not impose upon the Village, its officers, employees, or the Commission, any responsibility or liability by reason of the approval of any Sign.

8. Definitions & Design Standards. For the purpose of this section the following definitions and design standards shall apply:
- a. Awning. A rooflike shelter of canvas or other similar material extending over a doorway, from the top of a window, or over a deck in order to provide protection from weather. An awning will be considered as a Permanent Building-Mounted Sign and therefore subject to these regulations if the awning includes advertisements or identification of a business within the building where it is attached.
 - b. Banner. A Temporary Sign consisting of fabric, canvas, rubber, plastic or similar material, with no other rigid structural support. A Sign Face of a Banner shall not be more than twelve square feet. Banners must not be affixed to a Freestanding Sign, a Multi-tenant Center Sign or a vehicle.
 - c. Building-Mounted Sign. A Permanent Sign mounted flush or perpendicular to any exterior surface of a building, including Signs affixed to or incorporated into an Awning. A Sign Face erected flush to the building shall not be greater than thirty square feet. A Sign Face erected perpendicular to the building shall not be greater than 8 square feet and shall be erected no less than eleven feet above any public space, pedestrian passage, or sidewalk. A Building-Mounted Sign erected flush to the building façade above the first story of a building must not exceed twelve square feet.
 - d. Business Directory. A Sign listing multiple tenants and their locations within a private development and may include a map depicting the location of businesses within the development. A Business Directory may be freestanding or affixed to a wall but must not exceed 6 square feet.
 - e. Construction Sign. A Sign identifying the building contractors or future occupants of a building under construction. A Sign Face of a Construction Sign shall not exceed eight square feet in a residential zone and shall not exceed twenty square feet in all other zones.
 - f. Cutout Letter Sign. A Building-Mounted Sign erected flush, without borders or background, to the building g façade consisting of cutout lettering or logo, on the building wall. The Sign Face is to be calculated at the smallest rectangle that would wholly contain each of the letters and logo (if applicable). The Sign Face of a Cutout Letter Sign shall not exceed sixty square feet.
 - g. Exempt Sign. A Sign that does not require a Permit under this section, provided that the Sign meets all of the design standards defined in this section.
 - h. Flagpole. A Temporary Sign affixed to a pole which advertises a business, product, or service.
 - i. Freestanding Sign. A Permanent Sign attached to an independent supporting structure not an integral part of a building. The Sign Face of a Freestanding Sign shall not exceed thirty square feet and be no taller than twenty feet measured at the highest point of the Sign. The base of the Freestanding Sign must be landscaped within two feet of the base in all directions.

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- j. Gasoline Retailer Sign. A Sign used by gasoline retailers to display prices of gasoline as required by law. A Gasoline Retailer Sign shall not exceed twenty square feet.
- k. Home Occupation Sign. A non-illuminated Sign that advertises a business within a permitted home occupation within a residence. The Sign Face shall not exceed five square feet.
- l. Illuminated Sign. Any Sign that has characters, letters, figures, designs or outlines illuminated by an exterior artificial light source.
- m. Menu Board. A Wall-Mounted or Freestanding display case that encloses a restaurant menu. Only one Menu Board is permitted per building entrance to a restaurant or eating establishment. The Sign Face of a Menu Board must not exceed four square feet.
- n. Message Board. A Sign designed and intended to provide information to individuals within the ski area boundaries concerning ski conditions, lift operation or specific communications of a non-commercial nature. Any Message Board that is lit must be turned off by 7:00 PM and remain off until operations begin in the morning.
- o. Motorized Vehicle Sign. Signs mounted on a motorized vehicle, provided that any such vehicle with a Sign Face exceeding ten square feet is relocated at least every forty eight hours and used for the regular conduct of business.
- p. Multi-tenant Center Sign. A Sign that identifies businesses or other facilities within a single property but that does not advertise a product or service. The street address shall be no more than three square feet and shall be excluded from the calculation of the Sign Face. The name of the center shall be no greater than ten percent of the total Sign Face and shall not be included in the calculation of the total Sign Face. The maximum Sign Face for a Multi-tenant Center Sign shall be as follows:
 - 1) For a Multi-tenant Center that has two to five tenants, the maximum Sign Face shall be forty square feet.
 - 2) For a Multi-tenant Center that has six to nine tenants, the maximum Sign Face shall be sixty square feet.
 - 3) For a Multi-tenant Center that has ten or more tenants, the maximum sign area shall be eighty square feet.
 - 4) The Sign Face for each tenant shall be distributed evenly among all tenants.
 - 5) Multi-tenant Center Signs may contain two Sign Faces, although only one Sign Face shall be calculated as the total Sign Face as described in this section. All Multi-tenant Center Signs shall be engineered to withstand a gusting wind velocity of ninety miles per hour and to bear a dead weight load of forty pounds per square foot.
 - 6) Individual Multi-tenant Center Signs may not be closer than one hundred feet from one another.
 - 7) One Multi-tenant Center Sign may be attached to a wall. The Sign Face shall not exceed ten percent of the building facade to which it is affixed and shall not extend above the roof eave.
- q. Neon Tubing Sign. A sign which uses neon tubing as a part of the sign.
- r. Non-conforming Sign. A Sign legally existing at the effective date of this ordinance, which could not be built and erected under the terms of this ordinance.

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- s. Off-Premises Sign. Any Sign that is not physically located on the premises to which the Sign refers. An Off-Premises Sign is only permitted during a real estate "open house" event or during a Special Event, provide the applicant for the Off-Premises sign receives written permission from the property owner where the Off-Premises Sign is located.
- t. On-Premises Sign. Any Sign that is physically located on the premises to which the Sign refers.
- u. "Open" or "Closed" Sign. A Sign that indicates if the business is open or closed for business. An Open or Closed Sign may be illuminated but must not animate or flash in any way. The maximum Sign Face shall not be greater than four square feet. Only one Sign is permitted per building entrance. Any neon or otherwise lit "Open" or "Closed" Sign must be turned off by 9:00 PM.
- v. Pennant. A Sign made of lightweight plastic fabric, or other similar material, including balloons, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.
- w. Political Campaign Sign. A Sign related to an election which promotes a particular candidate or ballot item. A Political Campaign Sign is an Exempt Sign provided that the Sign is erected with permission from the property owner where the Sign is erected. A Political Campaign Sign shall not be placed more than sixty days prior to an election and shall be removed within three days following the election. Political Campaign Signs shall not exceed six square feet on each Sign Face.
- x. Real Estate Sign. Signs relating to the sale or lease of real property. An On-Premises Real Estate Sign Face must not exceed ten square feet. Only one On-premises Real Estate Sign is permitted. An Off-Premises Real Estate Sign Face must not exceed three square feet. Only one Off-premises Real Estate Sign is permitted. All Real Estate Signs shall be removed within five days after the property is sold.
- y. Recreational Trail Sign. A Sign that identifies a designated recreational trail at various points along the trail and that contains information important to users of the trail, such as directions, difficulty, identification of restrooms, camping, picnic or parking areas. Such Signs shall not be used to advertise or promote merchandise, services or commercial activities. Includes Signs giving ski trail names and difficulty of trail, ski area directional signs such as, but not limited to directions to lifts, lift lines, ski school meeting places and ski patrol facilities.
- z. Residential Sign. A Sign that identifies the family name or the name of the residence. A Residential Sign shall not be greater than two square feet.
- aa. Sandwich Board. A Temporary Sign that is two-sided and meant to be removed as needed for change of information. A Sandwich Board shall not be greater than eight square feet. A Sandwich Board may be placed on a pedestrian passage, trail, or sidewalk provided that the placement does not prohibit the free flowing movement of pedestrians and shall not be located within any public right-of-way or interfere with the free ingress or egress to any entryway.

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- bb. Security Sign. A decal or other Sign that identifies the name and contact information for security systems and services. The Sign Face of a Security Sign must not exceed one square foot.
- cc. Sign. Any display to public view of letters, words, numerals, figures, statues, devices, emblems, logos, pictures, or any parts or combinations thereof designed to inform or advertise or promote merchandise, services or activities.
- dd. Sign Face. The net geometric area enclosed by the display surface of the Sign and which encompasses the outer extremities of all letters, characters and delineations of the sign. On any two-sided Sign, only one side is counted in computing the Sign Face.
- ee. Sign Permit. The written approval issued by the Planning Officer giving permission to a property owner or applicant to erect a Sign according to the provisions of this section.
- ff. Special Event Sign. A Temporary, Off Premises Sign used exclusively for informational and/or directional purposes for a public or private event of a one-time, periodic or multi-day duration, including an "Open House" for the sale of real estate. The Signs must be designed primarily to provide specific information or directions concerning the event, but may indicate that the event or the Sign is sponsored by an individual, entity or product as long as the area containing the sponsoring information does not exceed twenty percent of individual Sign Face.
- gg. Street Address. Decals or other Sign that identifies the street name and number of the building. Street Address Signs must not be used to replace street number decals issued by the Village.
- hh. Street Banner. A Sign intended to be stretched across and hung over a public roadway. A Street Banner shall maintain a clearance of at least fourteen feet above street level but in no case shall the total height of the banner sign exceed twenty feet above street level.
- ii. Subdivision Sign. A Sign advertising lots for sale within a subdivided property. The On-premises Subdivision Sign Face must not exceed twenty square feet. The subdivider may apply for a Permit for up to three Off-Premises Subdivision Signs directing or leading prospective buyers to the subdivision. Such Off-Premises Subdivision Signs must have a Sign Face not exceeding three square feet. All Subdivision Signs shall be removed no more than five days after the last subdivided lot is sold.
- jj. Temporary Sign. A Sign that is not permanently fixed to the land or to a structure and that is designed or intended to be displayed for only for a limited period of time. A Temporary Sign is a Sandwich Board, Flagpole, or Banner.
- kk. Traffic Direction Signs. A Sign that directs but does not obstruct the flow of traffic in or out of drives, parking areas, and buildings. A Traffic Direction Sign must not be larger than four square feet.
- ll. Vacancy Sign. A Sign that indicates "vacancy" or "no vacancy" at a lodging establishment. A Vacancy Sign may be made from neon and must not exceed three square feet. Only one Vacancy Sign is permitted per entryway. Any neon or otherwise lit Vacancy Sign must be turned off by 9:00 PM.

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- mm. Wayfinding Sign. A Sign that identifies the pathway to locations of activities, facilities, businesses, and other locations intended to provide the public with travelling directions. A Wayfinding Sign cannot include commercial advertisements. A Way-Finding Sign may be erected only when the design, dimensions, and location are in substantial conformity with a plan approved by the Village Council. No other Sign may be affixed to a Wayfinding Sign.
 - nn. Window Display. Stickers, logos, posters, pictures, or other images attached to the interior of a window advertising or describing products or services or which advertise a "sale" or other special items, events, or discounts. Window Display may not exceed twenty-five percent of the total window frames. A window display may be made of neon.
9. Permitted Signs. The following types of Signs require a Permit prior to erecting the Sign.
- a. Permanent On-Premises Sign
 - 1) Two Permanent On-Premises Signs may be permitted per business to advertise each business, provided that the business is licensed in good standing with the Village.
 - 2) One of the two Permanent On-Premises Signs may be a Freestanding Sign, provided that only one such Freestanding Sign shall be allowed on any property. Buildings with multiple tenants are encouraged to share space on Freestanding or Building-Mounted Signs.
 - b. Multi-tenant Center Sign

One Multi-tenant Center Sign per street frontage may be permitted. All applicants for a Multi-tenant Center Sign are required to submit a master sign program to the Planning Officer prior to the issuance of any Sign Permit. The master sign program should include signs that are compatible in design among all tenant businesses within the Multi-tenant Center in order to foster integration of all Signs with the architectural style of the building or complex of buildings.
 - c. Home Occupation

One non-illuminated On-premises Sign may be permitted for each home occupation.
 - d. Temporary Sign

Only one Temporary Sign Permit may be permitted per licensed business in good standing with the Village. A Temporary Sign Permit may only be approved twice per calendar year. Each Sign Permit must not exceed 180 consecutive days.
 - e. Street Banner

A Street Banner may be permitted for a duration not to exceed 30 consecutive days.
 - f. Special Event Sign

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A Special Event Sign Permit may be permitted for Temporary Signs only by submitting a plan for the signage no later than twenty days prior to the special event. The Planning Officer will approve or disapprove the plan within ten days after the submittal of a complete plan, which must include written permission from every off-premises property owner where each Sign will be erected. The plan must specify the number, dimensions, content and placement of all such Signs proposed for the event, as well as any lighting and descriptions of materials to be used. All Special Event Signs must be removed within 24 hours of the completion of the event.

g. Other Signs

Any Sign not defined in this section must be permitted only at the discretion of the Planning and Zoning Commission.

10. Applications. Applications for a Sign Permit shall be accompanied by an administrative fee and shall include the following information:

- a. Name and address of the sign owner or sign lessee (if any).
- b. Name and address of owner (or agent if applicable) of building or premises to which sign refers.
- c. A drawing showing the design, dimensions, lighting and construction of the proposed Sign or Signs, a description of materials to be used, along with a site plan and/or building elevation drawing showing the location of the placement of the Sign.
- d. Signature of applicant for the Sign Permit, and
- e. Signature and written permission of landowner for Off-premises Signs.

11. Exempt Signs. The following types of Signs do not require a Sign Permit provided that the Sign meets all of the location and design standards of this section.

- a. Business Directory
- b. Pennant
- c. Construction Signs
- d. Traffic Direction Signs
- e. Real Estate Signs
- f. Recreational Trail Signs
- g. Message Boards
- h. Wayfinding Signs
- i. Umbrellas

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- j. Residential Signs
- k. Street Addresses
- l. Home Security Sign
- m. On-premises Real Estate Signs
 - n. "Open" or "Closed" Signs
 - o. Vacancy Sign
 - p. National, state or locally recognized commemorative symbols, flags, plaques, or historical markers.
 - q. Signs or official notices required by law or signs of a duly constituted governmental body or agency.
 - r. Window Display
 - s. Signs placed by a public utility for the health, safety, welfare, or convenience of the public.
 - t. Signs required to be posted pursuant to the New Mexico Ski Safety Act.
 - u. Menu Boards
 - v. Motorized Vehicle Sign
 - w. On-Premises Subdivision Signs
 - x. Gasoline Retailer Sign
 - y. Political Campaign Sign
- 12. Prohibited Signs. The following types of Signs or sign fixtures shall be prohibited within the Village:
 - a. Off-Premises Signs unless permitted with an application for a Special Event or a Real Estate Open House.
 - b. Spotlights which do not illuminate a Sign or which do not illuminate a building or parking lot for security purposes.
 - c. Signs which are animated, flash, emit noise or move in any manner.
 - d. Signs attached to, or painted on any tree, rock or other natural object, utility pole, standpipe, fire escape or any other man-made object not intended to support a Sign.
 - e. Sign structures containing three or more Sign Faces.

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- f. Signs which are or may become a physical hazard to the public or interfere with pedestrian traffic or the free ingress and egress from a door, window, fire escape or other required exit or entrance to a building or facility.
- g. Signs which are mounted or transported on a trailer or similar portable structure with or without wheels.
- h. A Pennant that draws attention to, advertises, or promotes merchandise, services or activities.
- i. Signs that are lit internally.
- j. Neon Signs, not including an "Open" or "Closed" Sign or Vacancy Sign or when included as a Window Display.

13. Design Standards Applicable to All Signs. The following standards apply to all Signs.

- a. Signs may be illuminated consistent with the exterior lighting regulations of the Village or any other Village ordinance
- b. Any illumination by spotlight must illuminate the Sign only.
- c. All external illumination must be mounted at the top of the Sign and should be designed to prevent the light source from casting illumination into the sky or onto other properties.
- d. No Sign shall be located above the height of the lowest level of the roof eave on the side of the building to which it is attached.
- e. No Sign may be placed within a road or dedicated public right-of-way unless approved by the Village.
- f. All Signs shall be repaired and maintained in an appropriate and safe manner. Any Sign deemed to be in disrepair by the Planning Officer shall be considered to be in violation of this section.

14. Non-Conforming Sign. Any Non-conforming Permanent Sign existing prior to the effective date of this Ordinance shall be allowed to remain under this ordinance, except that any renovation or change in size, area, lighting, materials, or locations require a Permit and that the Sign be brought into compliance with the requirements of this section.

All Signs must be removed from the premises within 30 days after the permanent closure of the business it advertises.

15. Appeals and Variances.

- a. An applicant for a Sign Permit may appeal the final decision of the Planning Officer or designee to the Planning and Zoning Commission.
- b. An applicant for a Sign Permit may apply to the Planning and Zoning Commission for a variance to the standards and provisions of these sign regulations. The Planning and

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Zoning Commission, in hearing and deciding upon any application for a variance from the provisions of these sign regulations, may properly consider a balance between the following:

- 1) That a literal application of the provisions of these sign regulations would cause undue financial hardship to the applicant because of conditions that are unique to the building, structure, premises, or lot, upon which the proposed signage is to be situated;
- 2) That the granting of applicant's request for a variance from the provisions of these sign regulations would not be materially detrimental to the public, or to property owners, or existing businesses, in the immediate vicinity of the proposed signage;
- 3) That the granting of applicant's request for a variance from the provisions of these sign regulations would not be contradictory to the intent, general purposes and objectives of these sign regulations, any other sections of this title, nor any other ordinance of the town of Taos;
- 4) That, in the case of multi-tenant centers, the requested variance nevertheless substantially meets the goals of the town of Taos vision 2020 master plan or its successor master plan, comprehensive plan or similar document approved by the Taos town council;
- 5) That, in the case of multi-tenant centers, the requested variance assures that signage visible from public rights of way does not exceed the design and dimension requirements set forth elsewhere in these sign regulations;
- 6) No variance from the provisions of these sign regulations may allow more than a twenty percent (20%) increase in the size, sign area, height or other sign dimension set forth in these sign regulations.

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