



ORDINANCE NO. 23-15

AN ORDINANCE AMENDING THE TOWN OF TAOS LAND USE DEVELOPMENT CODE; TITLE 16, ADDITION OF SECTION 16.20.010.8: MURALS; SECTION 16.20.010.8.1 PURPOSE; SECTION 16.20.010.8.2 PROCEDURE; SECTION 16.20.010.8.3 PERMIT/CERTIFICATE REQUIRED; SECTION 16.20.010.8.4 CRITERIA. AND AMENDING SECTION 16.20.030 ARCHITECTURAL DESIGN AND SITE PLANNING STANDARDS

WHEREAS, guidelines for murals in the Town of Taos are a means of ensuring the continued visual aesthetic of the Town including the Historic Overlay Zone while allowing for creative expression in appropriate locations; and

WHEREAS, review criteria should provide guidance concerning the compatibility and appropriateness of the placement, massing, scale and materials of mural art with minimal intrusion into the artistic expression and content of the work; and,

WHEREAS, the Town of Taos Planning and Zoning Commission held a duly published, noticed, and posted meeting on the Amendment to the Town of Taos Town Code on August 2, 2023 and subsequently recommended to the Town Council that such amendments to the Town Code be approved by Town Council,

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Town of Taos, meeting in Regular Session this 24th day of October 2023, that the following is hereby adopted, approved and ratified:

Chapter 16: Land Use Development of the Town Code is amended as follows:

Chapter 16.20.010.8 Murals.

16.20.010.8.1 Purpose.

This chapter enacts a process and procedure for the installation of murals on private and public property within the Town of Taos Jurisdiction to include the Town of Taos Historic Overlay Zone. Mural regulations shall promote public safety and welfare by ensuring that the following objectives are achieved:

- A. The design, construction, installation, repair, and maintenance of murals will not interfere with traffic or otherwise endanger public safety;
- B. The visual environment will be protected by regulating the subject, size, height, spacing, and location of murals, and
- C. Murals shall not include any commercial advertising.

16.20.010.8.2 Procedure.

The procedures outlined herein shall provide a method for reviewing proposed murals to ensure that they comply with the criteria outlined below. In conducting said review the Town is not considering, assessing or taking responsibility for copyright and/or related matters.

16.20.010.8.3 Permit/Certificate required.

It is unlawful for any person, firm, or entity to erect, construct, maintain, move, alter, change, place, suspend, or attach any mural within the Town without first obtaining (1) a Conditional Use Permit, if the proposed Mural is to be located within the Town's jurisdiction but outside of the Historic Overlay Zone, or (2) a Certificate of Appropriateness if the proposed Mural is to be located within the Town of Taos Historic Overlay Zone.

Applications shall include:

- A. Application Procedures as per **16.12.040.5**
- B. Applicable fees as set forth in the adopted town fee schedule;
- C. Such information as the Code Administrator shall reasonably require, including but not limited to:
 - 1. A scaled, color illustration of the proposed mural with a description of the materials to be used and their locations designated on the mural drawing;
 - 2. Photographs of the proposed location of the mural;
 - 3. Images of the proposed mural superimposed to scale to show the relationship of the artwork to the immediate streetscape;
 - 4. Material board showing exact proposed colors, and materials
 - 5. A written explanation of the imagery concept(s), including but not limited to:

- a. A description of how the artwork enhances the aesthetic experience within the town through scale, color, material, and texture, and
 - b. A description of how the mural portrays historical, environmental, geographical or cultural features of the Town of Taos or the proposed site, as well as the mural's relationship to the existing architecture, natural geography and cultural landscape of the site;
6. A written explanation of the existing wall surface and cladding, its suitability to receive the proposed materials, and the potential impact to historic materials, where relevant;
 7. Evidence that the property on which a mural is proposed is up to code and well maintained.
 8. A written explanation of the estimated life expectancy for the materials used; and
 9. Artist's portfolio of mural work, including but not limited to examples of prior projects comparable to the proposed mural design.

16.20.010.8.4 Criteria.

- A. Murals are only permitted within C-1, C-2, CBD, M-1, HCPD and HOZ zones.
- B. Murals are not permitted on residential properties within any zone within the Town of Taos.
- C. Murals are not permitted on contributing properties within the Historic Overlay Zone.
- D. No part of a mural shall exceed the height of the structure to which it is tiled, painted or affixed.
- E. No part of a mural shall extend more than six inches from the plane of the wall upon which it is tiled, painted or affixed
- F. No signs shall be affixed in, on or abutting the mural surface area. Existing signs on subject surface shall be removed, or relocated as reviewed and approved by the Code Administrator, or designee.
- G. No mural shall consist of or contain electrical or mechanical components or changing images, including but not limited to moving structural elements, flashing or sequential

lights or other automated methods that result in movement, the appearance of movement or changing of mural image or message.

- H. No mural shall obstruct or obscure any significant architectural elements of historic structures and sites.
- I. Murals shall not be located within five hundred (500) feet from other murals.
- J. Murals shall be completed within 3 months of approval of the relevant mural permit.
- K. Owner(s) of the property on which a mural is permitted shall preserve the integrity of the property.
- L. Mural(s) shall be kept in good repair. The ultimate liability and responsibility for all murals rest with the property owner.

Chapter 16.20.030 Architectural Design and Site Planning Standards

16.20.030.1.G.3.c. Add the following:

- i. Except as approved by Section 16.20.010.8: Murals.

This ordinance shall become effective as provided by law.

ORDAINED, ADOPTED, AND APPROVED this **24th day of October 2023** by the following

vote:

Mayor Pro Tem Darien D. Fernandez	<u>Yes</u>
Councilmember Nathaniel Evans	<u>Yes</u>
Councilmember Corilia I. Ortega	<u>Yes</u>
Councilmember Marietta S. Fambro	<u>Yes</u>

TOWN OF TAOS

Mayor Pascualito M. Maestas

ATTEST:

APPROVED AS TO FORM

Francella Garcia, Town Clerk

Christopher Stachura, Town Attorney