

**CITY OF TRUTH OR CONSEQUENCES  
PLANNING & ZONING COMMISSION  
AGENDA  
MONDAY, JUNE 12, 2023**

**REGULAR MEETING**

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, June 12, 2023 at 4:00 p.m.

**INTRODUCTION:**

**ROLL CALL:**

Chris Sisney, Chairman  
Susan Buhler, Vice Chairman  
Esther Luchini, Member

1. APPROVAL OF AGENDA
2. APPROVAL OF MINUTES:
  - a) April 10, 2023
3. COMMENTS FROM THE PUBLIC (**3 Minute Rule Applies**)
4. PUBLIC HEARINGS (**5 Minute Rule Applies**)
  - a. Public Hearing/Discussion/Action: Summary Plat Amendment at 410 Austin. Applicant wishes to divide their parcel. Assistant City Manager Alvarez
  - b. Public Hearing/Discussion/Action: Sign Code Variance request at 2270 N. Date St. Assistant City Manager Alvarez
  - c. Public Hearing/Discussion/Action: Request for the City to vacate a section of alley adjacent to 2911 Cook Street. Assistant City Manager Alvarez
  - d. Public Hearing/Discussion/Action: Special Use Permit for Parcel #3022078314491. Applicant wishes to use the land as an art park/display park. Assistant City Manager Alvarez
  - e. Public Hearing/Discussion/Action: Variance Request at 1012 Kopra St. Applicant requests a variance from the R-1 Development Standards minimum Side Setback to allow for an addition on their dwelling. Assistant City Manager Alvarez
5. NEW BUSINESS:
  - a. Discussion/Action: Discussion/Action: Recommendation to the City Commission to consider the appointment of Gordon Edelheit to serve as a member on the Planning & Zoning Commission.
  - b. Discussion/Action: Recommendation to the City Commission to consider the appointment of Lisa Kent to serve as a member on the Planning & Zoning Commission.

6. REPORTS FROM THE BOARD

7. REPORTS FROM STAFF

8. ADJOURNMENT

**CITY OF TRUTH OR CONSEQUENCES  
PLANNING & ZONING COMMISSION**

**MINUTES**

**MONDAY, APRIL 10, 2023**

**REGULAR MEETING**

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, April 10, 2023 at 4:00 p.m.

**INTRODUCTION:**

**ROLL CALL:**

Chris Sisney, Chairman - **LATE**  
Susan Buhler, Vice Chairman  
Esther Luchini, Member

**ALSO PRESENT:**

Bruce Swingle, City Manager  
Traci Alvarez, Assistant City Manager  
Jay Rubin, City Attorney  
Lisa Gabaldon, Deputy Clerk

**1. APPROVAL OF AGENDA:**

Member Luchini made a motion to approve the agenda.  
Vice-Chairman Buhler seconded the motion.  
Motion carried unanimously.

**2. APPROVAL OF MINUTES:**

a) March 13, 2023

Member Luchini made a motion to approve the minutes.  
Vice-Chairman Buhler seconded the motion.  
Motion carried unanimously.

**3. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies)**

Chris Devlin spoke about the bridge across the river. He asked if this item would go before this board and if they had any recommendations. He thinks the plans need to be researched more.

**4. PUBLIC HEARINGS (5 Minute Rule Applies)**

- a. Public Hearing/Discussion/Action: 120 Winston Variance/Special Use permit to allow for a Community Club House/Sound and Video Recording Studio/Gift Shop/Weekly Swap Meets/Special Events. Assistant City Manager Alvarez

Deputy Clerk Gabaldon swore in everyone.

Assistant City Manager Alvarez: Applicant is requesting a Special Use Permit for the purpose of a Community Club House/Sound and Video Recording Studio/Gift Shop/Weekly Swap Meets/Special Events per the provisions of 11-5-6. All property owners within a 300ft radius were notified of public

hearing. Property is located in the T-1 Zone – Commission has been provided applicable code references in your packet.

A special use permit is required for a special land use, which is not permitted by right within the District wherein it is requested.

In making a decision on a Special Use Permit Commission shall review the following factors and accord each factor the necessary weight on a case-by-case basis.

The increase in congestion of streets and other rights-of-way;

Diminishment of safety from fire, panic and other dangers;

Diminishment to the health and general welfare of the public;

Degradation of light and air for all properties in the immediate area of the proposed Permit; increases of overcrowding of land and undue concentrations of populations;

Adverse effects on provisions for transportation, water, sewer, schools, parks and other public facilities or increases in the effects of natural hazards;

Increases or facilitation of the unlawful use of structures, buildings or land; and

Promote the use or waste of energy in the use of structures, buildings, and land.

In addition, in considering each request, Commission shall make their recommendation based on the Finding of Facts as to the impacts of the proposal using the criteria listed on their findings of facts checklist.

**Special Use Permits shall not be granted in such cases where the use will result in negative impacts, which substantially outweigh the positive impacts of the proposed use.**

**Community Club House – Requires Special Use permit**

**Sound and Video Recording Studio – Not specified in the Code**

**Gift Shop – Not specified in code**

**Special Events — Not specified in the Code**

**Weekly Swap Meets – Requires Special Use/Potential Variance**

T-1 Zone permitted uses include garage or yard sale or similar use. There (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days, applicant is requesting to host weekly swap meets.

With that, I stand for questions. The applicant is on the phone for any questions as well.

Chairman Sisney: And there is no one here to speak on either side, correct?

Assistant City Manager Alvarez: I have not received any proponents or opponents via email, phone calls, and no one has signed up.

Chairman Sisney: Alright, is there any discussion.

City Attorney Rubin: I think you should hear from the applicant. I think you did a good thing by identifying that there is no opposition. I applaud Ms. Alvarez for taking the step of notifying all of the property owners within a 300ft radius which is required by our ordinance. I'm assuming that no one has contacted you no one has indicated any opposition to this. And just for record, you might want to get some testimony from the applicant also and then you can proceed.

Chairman Sisney: Alright, thank you Mr. Rubin. And the applicant is Cindy. Would you go ahead and tell us just for the record so that we have it.

Cindy Bellelli: Sure. We're looking at doing a community club house. It's basically gonna be for a karaoke group with a karaoke system. We wanted to do a little club house for an optional place for people to do karaoke that does not have alcohol. Also a family recording studio that kind of goes with the karaoke so people can record themselves singing, that would be an option. Gift shop; a really small gift shop that would have t-shirts and local made stuff for the tourists. It would a small little area for a small gift shop. The weekly swap meets would be either a Saturday or a Sunday with different people to rent out a table space and it would be a covered area. We have 3600 foot building with 3 big RV doors that we can open

up so that people can have shade. Special events would be maybe having a band; something really small for like a talent show for locals to showcase their talents.

Chairman Sisney: Is there any questions from anyone on the board.

Member Luchini: Is there a noise ordinance for the music and the sound?

Assistant City Manager Alvarez: We do have a noise ordinance.

City Attorney Rubin: I do believe it is called a nuisance ordinance.

Assistant City Manager Alvarez: It could apply to really anything; anybody could call in.

Cindy Bellelli: I plan on wrapping things up early as an afternoon thing. There would be evening events.

Vice-Chairman Buhler: When you're having swap meets, would you be leaving things out from one swap meet to the next or would you be putting things away?

Cindy Bellelli: The swap meet would be held indoors and that would be an option if we did do a 2 day swap meet; the option would be that they could keep the stuff in but I'm probably looking at 1 day a week and everything is all locked up in a huge building.

Vice-Chairman Buhler: So it would be inside then, it wouldn't be outside.

Cindy Bellelli: Correct.

Vice-Chairman Buhler: Ok, thank you.

Member Luchini: You're using buildings that are existing there now?

Cindy Bellelli: Currently, we just bought the property in November. There's a greenhouse attached to one of the buildings, there's an apartment in one of the buildings, other than that, they're pretty much empty. I have heard that they have had multiple types of businesses here before.

Chairman Sisney: Any other questions.

Member Luchini: What is 300 feet in this picture?

Assistant City Manager Alvarez: No, we do it off of the County Assessors site and we do it 300 feet from their property points, not from the center of the property, but from the edges of the property we go out 300 feet to make sure that we get everybody. Otherwise, with a property this large, 300 feet would probably only include the applicant. We go from the edge of the property. I can tell you that all certified mailings went out and were signed off.

Member Luchini made a motion to make a recommendation to allow for 120 Winston Variance/Special Use permit to allow for a Community Club House/Sound and Video Recording Studio/Gift Shop/Weekly Swap Meets/Special Events.

Vice-Chairman Buhler seconded the motion.

Motion carried unanimously.

**OLD BUSINESS:**

- a. Discussion/Action: Review and recommendation of the adoption of a Planning & Zoning Commission Rules of Procedure

City Attorney Rubin read the draft adoption of Planning & Zoning Commission Rules of Procedure that he created to the board and went over the Battershell procedures with the board and he explained the information to them.

Chairman Sisney asked what a quorum is.

City Manager Swingle added that if they had a 2-1 vote on an item that does not meet the quorum.

City Attorney Rubin explained that it's a 5 person board, you have to have a minimum of 3 people present in order to conduct business. He went on to explain that should an occasion arise where there isn't a unanimous vote, it would go to the City Commission for them to make the ultimate decision.

Chairman Sisney made a motion to recommend the adoption of Planning & Zoning Commission Rules of Procedure.

Vice-Chairman Buhler seconded the motion.

Motion carried unanimously.

## **5. REPORTS FROM THE BOARD:**

Chairman Sisney asked about Chris Devlin's comment about the bridge and why nothing has been brought before the board.

Assistant City Manager Alvarez stated that no plans have been submitted at this time that would come to the commission; as far as any development plans. If it's a subdivision development, it would come to the board; if it's an individual personal property that someone is developing, that doesn't come to planning & zoning. She clarified what a subdivision is to the board.

## **6. REPORTS FROM STAFF:**

Assistant City Manager Alvarez stated that with the board now only having 3 members at this time, until they can solicit and get a couple of members, if one of the members are unable to attend a meeting, that cancels the entire meeting. Any public hearings that are scheduled and there isn't a quorum, it cancels everything for everyone and they have to start all over again. She asked the board to advise the City in advance if they will be unable to attend any future meetings so that they can take the public hearings directly to the City Commission. June 12, 2023 will be the next meeting as they are canceling the meeting for May 2023 due to budget meetings.

City Manager Swingle took the time to introduce Angie Gonzalez as the incoming City Manager.

Deputy Clerk Gabaldon advised the board that she gave the board a copy of the resignation letter from Member Alicea.

## **7. ADJOURNMENT:**

Member Luchini made a motion to adjourn the meeting.

Chairman Sisney seconded the motion.

Motion carried unanimously.



**CITY OF TRUTH OR CONSEQUENCES**  
PLANNING AND ZONING COMMISSION ACTION FORM  
DATE: 6-12-2023

**ITEM:** Discussion/Action – Summary Plat Amendment 401/405 and 413/415 Austin Street

**BACKGROUND:**

Applicant would like to split Lot 22 as noted on the Summary Plat Amendment. The West 1/2 of Lot 22 would move to 413/415 Austin St Deed. The East 1/2 of Lot 22 would move to 401/405 Austin St Deed along with Lots 20 and 19. No Utility or Road easements are required.

**SUPPORT INFORMATION:**

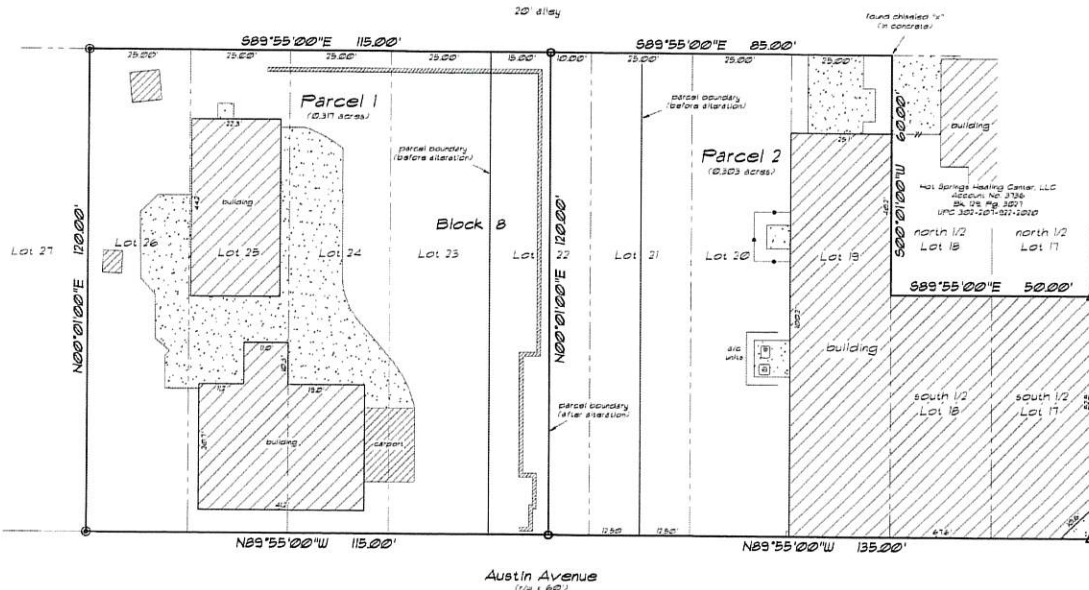
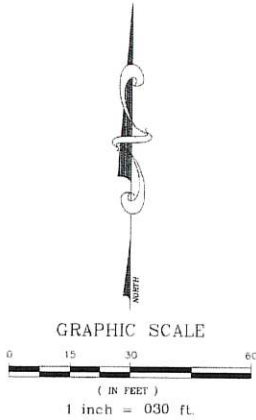
Summary Plat Amendment

Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 6-12-2023
E-mail: <a href="mailto:talvarez@torcnm.org">talvarez@torcnm.org</a>	Phone: 575-894-6673	



# ALTERNATE SUMMARY PROCEDURE-SUMMARY PLAT

of the alteration of parcel boundaries within the south 1/2 of Lots 17 and 18, and all of Lots 19 thru 26, Block 8,  
into Parcel 1, (east 15.00' of Lot 22 and all of Lots 23 thru 26), and  
Parcel 2, (south 1/2 of Lots 19 and 18, all of Lots 19 thru 21 and the west 10.00 feet of Lot 22), Block 8,  
Palomas Hot Springs Townsite,  
in the City of Truth or Consequences, Sierra County, New Mexico



## Notes:

These parcels are subject to easements, restrictions and reservations of record.

The parcels shown herein are located within the boundaries of Flood Zone AE, "special flood hazard area inundated by the 100-year flood, with the base flood elevations determined."

The herein described parcels were created under the City of Truth or Consequences Subdivision Codes, Ordinance No. 555, adopted May 23, 2006. (Chapter 15, Section 15. Alternates Summary Procedure).

Use drawing scale to determine measurements when not labeled.

## Reference:

Account No. 3248  
Book 138, Page 2995, (Warranty Deed)  
UFC 302-201-923-6023

Account No. 3249  
Book 138, Page 2995, (Warranty Deed)  
UFC 302-201-923-6023

Account No. 3262  
Book 132, Page 4206, (Warranty Deed)  
UFC 302-201-923-6023

Revised 1 Amended Palomas Hot Springs Townsite Plat filed on May 8, 1929.  
(Plat No. 28, Slide 6B)

National Flood Insurance Program, Flood Insurance Rate Map for the City of Truth or Consequences, New Mexico, Community-Panel No. 350013 0005 C, (map revised July 16, 1996.)

## Legend:

found 5/8" rebar w/survcap stamped "RL5 8473" □

found 1/2" rebar w/survcap stamped "NMPLS 12129" ●

set 1/2" rebar w/survcap stamped "NMPLS 12129" ○

found "pk" nail ▲

block wall, (under construction) =====

The City of Truth or Consequences does hereby acknowledge the alteration of parcel boundaries as shown on this plat.

Mayor: \_\_\_\_\_ Date: \_\_\_\_\_

## ACKNOWLEDGMENT

We, the undersigned owners of the herein described property, do hereby acknowledge with our free consent, and in accordance with our wishes and desires, the alteration of parcel boundaries as shown on this plat.

Ralph Stuart  
Ralph Stuart

STATE OF NEW MEXICO )  
COUNTY OF SAN MIGUEL )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of MARCH, 2023, by Ralph Stuart.

Notary Public: Corrine M. Varela

My Commission Expires: APRIL 18, 2024

Rob Stuart  
Rob Stuart

STATE OF NEW MEXICO )  
COUNTY OF SAN MIGUEL )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of MARCH, 2023, by Rob Stuart.

Notary Public: Corrine M. Varela

My Commission Expires: APRIL 18, 2024

STATE OF NEW MEXICO  
NOTARY PUBLIC  
CORRINE M. VARELA  
COMMISSION # 1091119  
EXPIRES APRIL 18, 2024

January 20, 2023

Chaparral Surveying, LLC  
Professional Land Surveying

P.O. Box 619 El Paso, New Mexico 88505

## CERTIFICATE

This is to certify that I am a registered Professional Land Surveyor, that this plat is prepared from notes of field surveys made by me or under my supervision, that said surveys and this plat are true and correct to the best of my knowledge and belief. I further certify that this survey is an alternate Summary Procedure of an existing tract or tracts.

This plat meets the minimum requirements of the Standards of Land Surveying in New Mexico.

David M. Sam  
David M. Sam  
New Mexico Professional Surveyor  
License Number 12123

INDEXING INFORMATION FOR COUNTY CLERK  
Ralph Stuart & Rob Stuart  
Palomas Hot Springs Townsite  
Section 4, Tshp 14 South, Rge. 4 West





**CITY OF TRUTH OR CONSEQUENCES**  
PLANNING AND ZONING COMMISSION ACTION FORM  
DATE: 6-12-2023

**ITEM:** Discussion/Action – Sign Code Variance request at 2270 N. Date

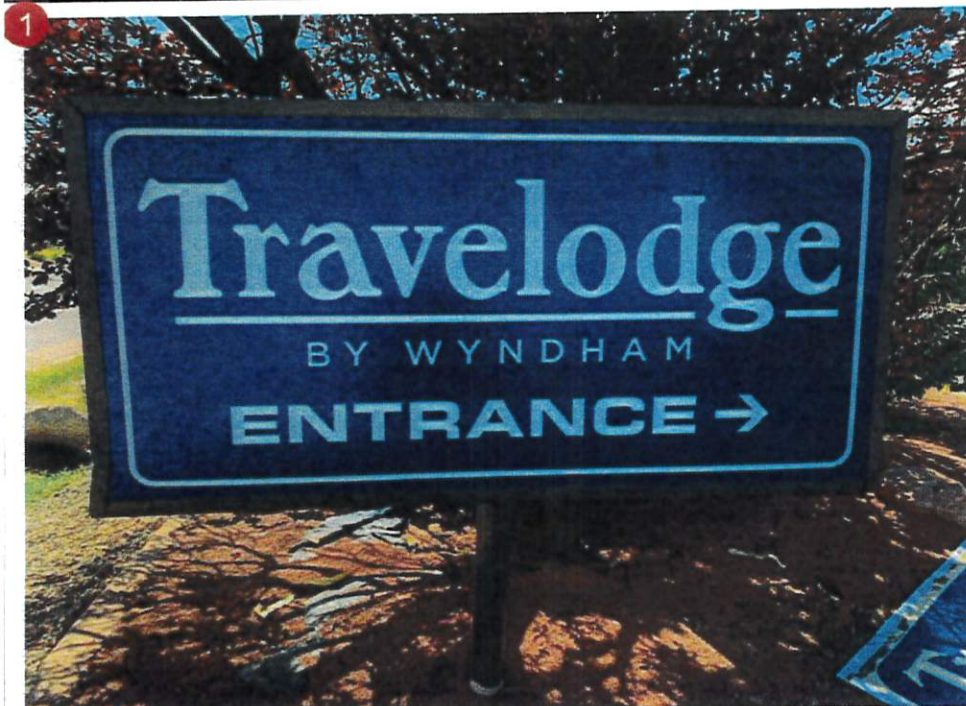
**BACKGROUND:**

Applicant is requesting a variance from the required 10/12 ft front setback for sign location and maximum height 8ft. Applicant is also requesting P & Z approval for motion sign as required.

**SUPPORT INFORMATION:**

Sign Image  
Code Reference  
Map/Street Reference Images

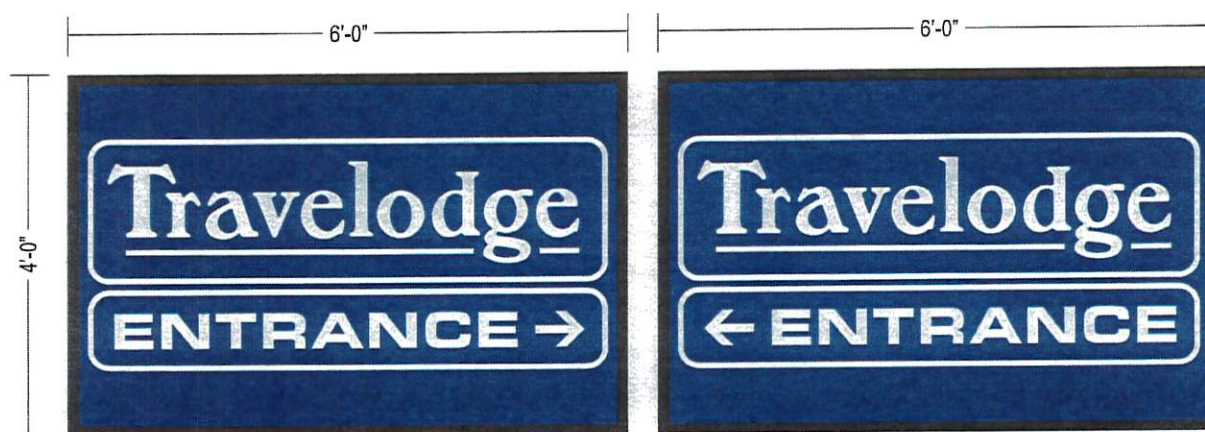
Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 6-12-2023
E-mail: <a href="mailto:talvarez@torcnm.org">talvarez@torcnm.org</a>	Phone: 575-894-6673	



EXISTING:  
4' X 6'  
1 1/2" RETAINER  
6" OAH



PROPOSED:  
4' X 6'  
1 1/2" RETAINER  
12' OAH



GRAPHIC DETAIL  
SCALE: 1/2" = 1'-0"


→ EMC Sign  
1' x 6'  
→ Travelodge Sign  
double sided.  
→ EMC sign single  
sided.

**persona**  
SIGNS | LIGHTING | IMAGE

Persona Signs, LLC  
700 21st Street Southwest  
PO Box 210  
Watertown, SD 57201-0210  
1.800.843.9888 • www.personasigns.com

Customer:  
**TRAVELODGE**  
Location:  
**TRUTH OR CONSEQUENCES, NM**  
File Name:  
**405692 - TRUTH OR CONSEQUENCES, NM**

Project No.:  
**405692**  
Request No.:  
**40851**  
Prepared By:  
**AL**  
Date:  
**4/3/23**  
Revision:  
**0**

 This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.  
  
This is an original document created by Persona Signs, LLC provided specifically to the client for the client's personal use. This document should not be shared, reproduced, disclosed or otherwise used without written permission from Persona Signs, LLC.

Customer Approval (Please Initial):

Approval Date:



2001 H.R. Ashbaugh Dr

Truth or Consequences, New Mexico

Google Street View

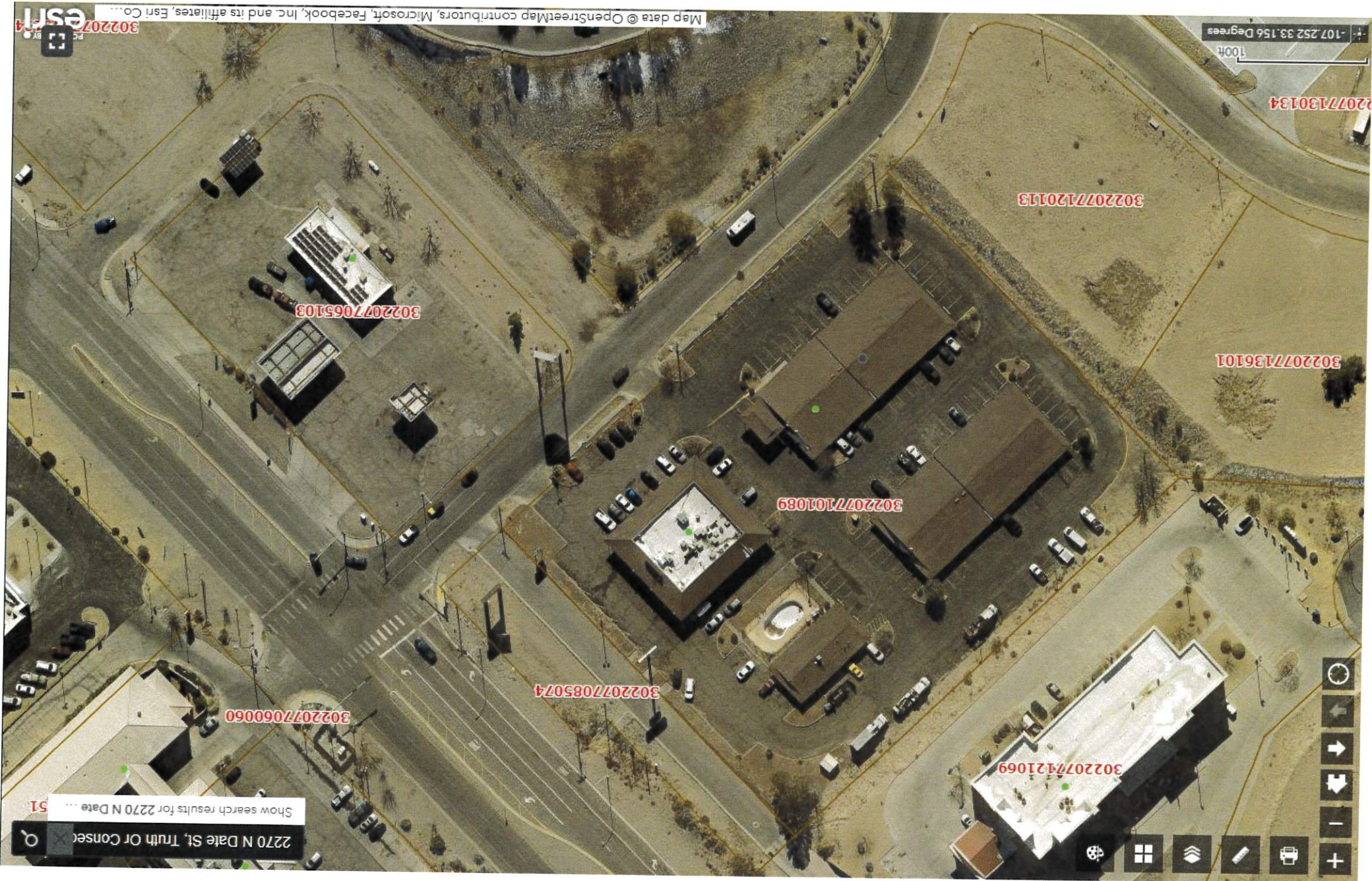
Apr 2023

See more dates

Google

Image capture: Apr-2023 @ 2023 Google United States Terms Privacy Report a problem







- CODE OF ORDINANCES  
Chapter 16 - COMPREHENSIVE PLANNING AND ZONING CODE  
ARTICLE XIII. - SIGN, WALL, AND FENCE REQUIREMENTS  
DIVISION 1. SIGNS

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***DIVISION 1. SIGNS***

**Sec. 11-13-2.1. Title.**

This Division shall be entitled The Truth Or Consequences Sign Code hereinafter referred to as "this Article".

**Sec. 11-13-2.2. Purpose and Scope.**

- A. *Purpose:* The purpose of this Article is to permit signs that will not, by their size, location, or construction endanger the public health and safety of individuals, or confuse, mislead, or obstruct the vision necessary for traffic safety. Furthermore, it is the purpose of this Article to maintain property values and to create a more aesthetically pleasing community, through the preservation of the natural beauty, historic amenities, and natural environment of Truth or Consequences, by preventing the over-concentration, improper placement, and density of signs, but keeping in mind the importance of signage to the business and tourism community, is a vital element of the free enterprise system.
- B. *Scope:* The provisions of this Article shall apply to all "signs", as the term is defined in Section 11-13-2.3 of this Article, within the City limits.

**Sec. 11-13-2.3. Definitions.**

[The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:]

*ABANDONED SIGN:* An on- or off-premises sign which no longer directs, promotes, or advertises a bona fide business, lessee, owner, product, or activity conducted, or product or service available on the premises where such sign(s) is displayed.

*ADVERTISING:* The action of calling something to the attention of the public by verbal or visual presentation.

*ATTACHED SIGN:* Any sign which is fastened to, connected to, or painted on, and wholly or partially supported by a building.

*AWNING:* A hood or cover which projects from the wall of a building and is composed of rigid or non-rigid materials.

*AWNING SIGN:* A sign which is fastened to or painted on an awning.

*BANNER:* A sign composed of lightweight, flexible material on which letters, symbols or pictures are painted or printed.

*BENCH SIGN:* Any sign affixed to or printed on a functional bench.

*BILLBOARD:* Any off-premises sign directing attention to a business, activity, commodity, service, entertainment, or communication, none of which may be conducted, sold or offered on the premises where the billboard is located.

*BONUS:* An allowance for additional sign area as an incentive to reduce the legal height permitted, or to remove non-conforming signs.

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**BUSINESS/SERVICE CENTER:** A group of two (2) or more businesses planned, constructed, owned and managed independently or as a total entity, which share access, parking, or landscaping.

**CANOPY (OR MARQUEE):** A permanent roof-like shelter extending from part or all of a building or independent of a building. It is usually constructed of the same material as the roof on the building; however it may also be constructed of flexible canvas type material with rigid backing.

**CANOPY SIGN:** A sign attached to or painted on a canopy.

**CITY:** The City of Truth or Consequences, New Mexico.

**CLEAR-SIGHT TRIANGLE:** A triangular area of unobstructed vision at street intersections, alleys and at curb cut entrances and exits. A full definition is found in the City Zoning Code.

**CODES:** Any other applicable City, State, or Federal Codes.

**COLLECTOR STREET:** A street which collects traffic from local streets and connects with major and minor arterials.

**CONSTRUCTION/RENOVATION SIGN:** Any temporary sign erected on the premises where construction/renovation is taking place and indicating the names of the architects, engineers, landscape architects, financial institutions, contractors or similar artisans, and the owners, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

**COPY:** The verbal, visual or pictorial portion of any sign.

**CORPORATE:** Pertaining to any organization incorporated pursuant to a law.

**DECORATIONS:** Any display which calls attention to a community organized event or to a State or national holiday.

**DEVELOPMENT IDENTIFICATION SIGN:** A permanent sign installed or constructed at the entrance/exit to a residential or commercial development to identify the development name and logo only.

**DIRECTIONAL SIGN:** Any sign erected for the convenience of the public, such as the directing traffic movement, parking or identifying restrooms, public telephones, walkways and/or other similar features or facilities, and bearing no advertising message (excluding those erected by the United States Department of Transportation and the New Mexico Department of Transportation).

**DOWNTOWN:** The area generally described as lying between Main Street, Austin Street, and the two intersections of Broadway and Main Streets.

**FLAG/DECORATIVE:** Any rectangular display constructed of lightweight material having no logo or advertising message printed or printed on it.

**FREESTANDING SIGN:** Any sign attached to, or supported from the ground, and not attached to a building.

**GARAGE SALE SIGN:** See definition of Private Sale or Event Sign.

**GATE ENTRANCE SIGN:** Any sign installed or constructed over the entrance to the premises in specific zoning districts as described herein.

**GOVERNMENT SIGN:** Any sign erected by any City, County, State or Federal agency or its designee, setting forth information pursuant to law.

**GROUND SIGN:** Any sign which is attached to either the ground or to a footing set flush with the ground.



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**HOUSE OR BUILDING SIGN OR NAMEPLATE:** A sign limited to identifying the street name, building or property number, and/or the name of the owner or occupant of the building or property and pertinent historical information.

**ILLUMINATED SIGN:** Any sign which is lighted internally, externally (including neon) or by lights directed towards the sign by any light source.

**INFORMATION SIGN:** Any sign whose purpose is to indicate a business, hours of operation or similar identification information.

**LEGAL NOTICES:** Any sign required by law or pursuant to a court order.

**LOCAL STREET:** A street designed to provide access to abutting property and local streets, and to discourage through traffic.

**LOGO:** An identifying symbol used for advertising purposes.

**LOT:** A unit of land that is recognized by the City and the County Assessor's Office as having been legally created or having a legal status as unit of land. Said lot may be joined with other lots to create a parcel.

**MAINTENANCE:** The total upkeep of a sign; structurally and electrically, in terms of safety, and cosmetically, in terms of visual attractiveness.

**MAJOR ARTERIAL:** A street with access control, channelized intersections, restrictive parking, and which distributes and collects traffic to and from minor arterial streets.

**MARQUEE (OR CANOPY):** See definition of Canopy.

**MARQUEE SIGN:** A sign attached to, mounted on or painted on a marquee.

**MINOR ARTERIAL:** A street with signals at important intersections and stop signs on side streets and which collects and distributes traffic to and from collector streets.

**MODEL COMPLEX SIGN:** Any sign located on a complex site, limited in time until the complex ceases to be a model complex.

**MURAL:** A picture or graphic illustration applied directly to a wall of a building or structure which does not advertise or promote a particular business, service or product.

**NATIONAL, STATE AND CORPORATE FLAGS:** Any rectangular display constructed of lightweight material used to identify a nation, state or corporation.

**NON-CONFORMING SIGN:** Any sign legally erected and permitted in compliance with codes at the time it was erected and permitted, but which does not conform to correct codes or this Article.

**OFF-PREMISES SIGN:** Sign which advertises or directs attention to a business, product, service or activity which is not available on the premises where the sign is located.

**ON-PREMISES SIGN:** Sign which advertises or directs attention to a business, product, service or activity which is available on the premises where the sign is located.

**PARCEL:** A unit of land that is recognized by the City and the County Assessor's Office as having been legally created or having a legal status as unit of land. Said parcel may consist of one or more lots but is recognized as a single unit of land.

**PENNANT:** A display made of a lightweight material which tapers to a point, having no logo or advertising message printed on it.

**PERSON:** An individual, company, corporation, partnership, association or any other entity.

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**POINT-OF-SALE SIGN:** Any sign which is located or attached directly to the product to be sold.

**POLE SIGN:** Also known as Pylon Sign. Any freestanding sign whose primary means of support is one or more poles set into a concrete footing, located at ground level.

**POLITICAL SIGN:** A sign pertaining to any national, State or local election.

**PORTABLE SIGN:** A freestanding sign not permanently affixed, anchored or secured to the ground or the building, which may be rolled or moved about.

**PRIVATE SALE OR EVENT SIGN:** A temporary sign advertising private sales of personal property at garage, yard or estate sales and the like, private fundraising events, such as nonprofit carwash, or food/clothing drive, etc.

**PRODUCT IDENTIFICATION SIGN:** Any sign used to identify the supplier/contractor of the construction product being used.

**PROHIBITED SIGN:** Any sign not expressly permitted within this Article, or any sign which is specifically prohibited in this Article (see Section 11-13-2.8 of this Article).

**PROJECTION SIGN:** Any attached sign that is placed perpendicular to a wall of a building.

**PROMOTIONAL DISPLAY (COMMERCIAL):** Special advertising for grand openings, anniversaries, special or seasonal events, and which is for a limited time, in addition to the legal signage permitted.

**PROMOTIONAL DISPLAY (RESIDENTIAL):** Special advertising using pennants, flags, streamers, banners, open house signs and other similar signs, for the duration of an open house or similar showing.

**REAL ESTATE DIRECTIONAL SIGN:** A sign which advertises or directs attention to real property or properties not available on the premises where the sign is located.

**REAL ESTATE SIGN:** A sign intended to advertise the financing, development, sale, transfer, lease, exchange or rent of real property or properties.

**ROOF SIGN:** Any sign which is attached to the roof of a building or structure.

**ROOF LINE:** The physical edge of a building's roof, this is to include the parapet in the case of a flat roof.

**SETBACKS:** The distances required from the property line or from other buildings/structures or businesses.

**SHOPPING CENTER:** A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

**SIGN:** Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, attachment or placing of a structure or object on any land, or on any other structure, or produced by painting on, posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface.

**STREAMERS:** A display made of light, flexible material, consisting of long, narrow, wavy strips having no logo or advertising message printed or painted on them.

**STRUCTURAL REQUIREMENTS:** The safety standards which apply to those signs which are governed by the requirements in the International Building Code and other companion documents.

**TEMPERATURE/TIME/DATE SIGN:** Any sign with the purpose of displaying the temperature, time, date and/or logo/name.

**TEMPORARY SIGN:** Any sign intended for a limited period of display. Said limited period shall not exceed 30 consecutive calendar days and shall not be allowed more than 4 times per calendar year.

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**TOTAL FRONT FOOTAGE:** The total length of a building which fronts on a public street.

**TRADEMARK/LABEL/NAME:** Identification applied or attached to each permitted sign to designate the manufacturer and installer.

**UNLAWFUL SIGN:** Any sign ever erected which does not have a valid permit, or after erection, did not comply with all the applicable provisions of the permit under which it was constructed and erected, or did not comply with all provisions of codes, or which did not meet the necessary requirements to be considered non-conforming.

**UNLICENSED COMMERCIAL SIGN:** Any sign erected by an individual, group, organization or club for fundraising or other monetary gain.

**UNSAFE SIGN:** Any sign identified by the Zoning Administrator or his/her designee as being improperly constructed and installed, erected or secured, thereby subject to falling and creating a safety hazard, with supported findings.

**VARIANCE:** An authorization granted to a property owner to depart from the numerical requirements of the zoning regulations (as applied here, the sign regulations).

**VEHICLE SIGN:** A sign painted on or attached to either a vehicle, or a trailer designed to be pulled behind a motorized vehicle, which relates to a business, activity, use, service or product.

**WALL SIGN:** Any sign affixed to or painted upon the wall of any building.

**WINDOW SIGN:** Any sign that is applied or attached to the exterior or interior of a window or a window frame.

## **Sec. 11-13-2.4. On-Premises Signs.**

### **A. General Conditions:**

1. **Attached Sign:** An attached sign may extend five (5) feet beyond the highest point of a roof line. No attached sign may project beyond the edge of a vertical wall.
2. **Decorations:** Any display shall be removed no later than five (5) days after the event/holiday.
3. **Development Identification Sign (Permanent):**
  - a. Maximum sign area shall not exceed thirty-two (32) square feet.
  - b. Maximum height shall not exceed ten feet (10').
  - c. This sign may be used in addition to any other freestanding sign allowed pursuant to this Article.
4. **Directional Sign:** Directional signs visible from the public right-of-way (i.e., entrance/exit) shall not exceed six (6) square feet in sign area and four feet (4') in height.
5. **Flags:**
  - a. Displays incorporating the identification of a nation, state or corporation shall follow accepted flag protocol. Only one corporate flag will be allowed per parcel.
  - b. Displays used to serve as decoration (exclusive of decorations used in fiestas, community-wide festivals or national holidays) shall have no logo or advertising message printed or painted on them. These may be used in addition to the regular signage allowed per business.
6. **Freestanding Sign:** All signs classified as freestanding are limited to locations along street segments meeting specific zoning criteria further defined elsewhere in this Article.
7. **Gate Entrance Sign:**

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- a. Said sign may identify the owner, resident or name of a certain parcel of property (i.e., John Doe Ranch, etc.).
    - b. Total sign height (including poles) shall not exceed twenty feet (20'). The sign face itself shall not exceed three feet (3') in height and thirty feet (30') in width.
  8. *Information Sign:* Signs visible from the public right-of-way shall have a maximum size of four (4) square feet in sign area.
  9. *Legal Notices:* The signs are exempt from the requirements of this Article; however, they must comply with provisions of the clear-sight triangle.
  10. *Pennant:* These displays may be used in addition to the regular signage allowed per business.
  11. *Point-Of-Sale Sign:*
    - a. This sign shall limit its advertisement to the product, its price, and/or its manufacturer.
    - b. The cumulative sign area for these signs shall not exceed twenty (20) square feet.
    - c. Each sign shall be no larger than two (2) square feet in sign area.
  12. *Portable Sign:*
    - a. Portable signs, although not incorporating a permanent footing in their design, shall be temporarily securely anchored to the ground to prevent overturning in high winds.
    - b. Portable signs shall be placed on level ground only or leveled during setup.
    - c. Portable signs shall for purposes of this Article be subject to all on-premises provisions governing freestanding signs.
  13. *Product Identification Sign:* Sign shall be placed on the structure and shall not exceed one-third ( $\frac{1}{3}$ ) square foot in sign area.
  14. *Projection Sign:* A Projection Sign may not extend beyond the property line of the building upon which it is attached without an encroachment permit. The sign may be of any size that is allowed for that building, however it may not project more than five (5) feet from the building and it must maintain clearance to the ground greater than eight (8) feet. The method of attachment must conform to requirements of the City's Building Codes.
  15. *Streamers:* These displays may be used in addition to the regular signage allowed per business.
  16. *Wall Sign:* No wall sign may extend more than twelve inches (12") (depth) out from the wall to which it is attached.
  17. *Window Sign:*
    - a. Permanent window signs may be substituted for wall signage with a corresponding reduction of wall signage.
    - b. A window sign does not include merchandise or models of products or services incorporated in a window display.
  - B. *Residential Zones:* The following sign types are permitted: development identification sign, directional sign, garage sale sign, government sign, house or building sign or nameplate, legal notices, model complex sign, national, State and corporate flags, political sign, private sale or event sign, historic designation plaques, real estate sign, and Home Occupation Signs as follows:
    1. One single face sign that identifies trade or services conducted within a residence.
    2. The sign shall not exceed the area specified in Article 11-5-4.

3. The sign shall not be illuminated.
4. the sign shall be attached and parallel with the dwelling.
5. only one sign shall be allowed per dwelling unit.

C. *Commercial and Industrial Zones:*

1. *Attached Sign:* One and one-half (1½) square feet of signage for each linear foot of exterior wall. The sign(s) shall be placed on the side of the building used to calculate the square footage of the sign. The following are considered attached signs: awning/canopy/marquee (with signage on them) signs, banners, roof signs, window signs and wall signs. These attached signs are subject to the design standards of all applicable codes.
2. *Freestanding Signage:* These signs must comply with the following conditions:
  - a. Locations which permit freestanding signs are determined by zoning districts along specific segments of streets (see Development Standards).
  - b. Maximum height and minimum setbacks for freestanding signs are determined by street classification. See Appendix 1, Development Standards, Section 11-13-2.11 of this Article.
  - c. Individual freestanding signs shall be limited to those businesses which own direct, unobstructed (on-site) access to the public street.
  - d. Frontage on a controlled access public street, where under normal conditions a driveway permit would not be granted to that business, shall not be included in the calculation for freestanding signage.
  - e. Size of freestanding signs are determined as follows:

Linear Street Frontage	Size Allowed
0—100 feet	100 square feet
101—300 feet	150 square feet
301—600 feet	200 square feet
>600 feet	200 square feet

On buildings with more than one street frontage, only one street frontage shall be used to calculate the permitted sign size, height, and number of signs.

- f. Number of freestanding signs is limited to one per parcel, except where the frontage of the parcel exceeds six hundred (600) linear feet. For those parcel, two (2) freestanding signs are permitted, provided there is a minimum distance of two hundred feet (200') between the signs.

**Sec. 11-13-2.5. Off-Premises Signs.**

- A. *Attached Signs:* Attached sign may be permitted on a building under the following provisions:
1. *Location:* The off-premise sign may only be located on a commercially zoned building.
  2. *Size:* The cumulative square feet of allowable signage for the host building may not be exceeded. The square footage of the off-premise sign shall be added to all other signs on the building in order to ascertain that the total allowable square footage is not being violated.
  3. *Distance:* The content of the off-premise sign may be goods, services, or another business that is located within the corporate limits of the City of Truth or Consequences.

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- B. *Bench Signs:* With the approval the City Commission, bench signs may be placed in the public right-of-way along bus routes or in areas frequented by pedestrians. Bench signs are exempt from the location provisions for freestanding.
- C. *Billboards:*
1. *General Location:*
    - a. All billboards shall be located only in areas zoned Commercial or Industrial and only along streets designated as major arterials or interstate highways, billboards shall not be located within any other zoning district.
    - b. Billboards must be located along street segments having a minimum of five (5) percent office, commercial and/or industrial zoning.
    - c. No billboards will be erected within the downtown area as defined in Section 11-13-2.3 of this Article.
  2. *Total Sign Area, Spacing, Height, Location, And Setbacks:* Billboards shall be subject to the following requirements:
    - a. Billboards located along interstate highways (also known as "Freeway Billboards") shall not exceed four hundred (400) square feet of total sign area, shall be spaced a minimum of one thousand feet (1,000') apart measured radially and shall not exceed forty feet (40') in height measured from ground level.
    - b. Billboards located along major arterials (also known as "Street Billboards") shall not exceed three hundred (300) square feet of total sign area, shall be spaced a minimum of one thousand feet (1,000') apart measured radially and shall not exceed thirty feet (30') in height measured from ground level. There shall be a minimum clearance of fifteen feet (15') measured from the ground level to the bottom of the billboard face.
      - i. Street billboards may only be located within one (1) mile of the end (as defined by the State Department of Transportation) of an Interstate 25 off-ramp.
    - c. A maximum of two (2) faces, parallel back-to-back is permitted, provided both faces are of the same size and attached to the same pole(s) for support.
    - d. Billboards shall be supported by a maximum of two (2) upright poles.
    - e. Vertical or horizontal stacking of billboards is prohibited.
    - f. Billboards shall be setback a minimum of Five feet (5') from the property line fronting along major arterials and thirty feet (30') from the property line fronting along interstate highways. In each case there shall be a minimum of five feet (5') setback from all other property lines measured from said property lines to any portion of the billboard structure.
    - g. Billboards shall have a minimum sign area of seventy-two (72) square feet.
- D. *Garage, Private Sale Or Event Sign:*
1. Signs may be used to advertise any event listed above provided that the signs are not over three (3) square feet in sign area, and are used only during the duration of the event.
  2. The person erecting the sign and/or the property owner at the sign location shall be responsible for the sign removal and all other requirements concerning signs.
- E. *Government Signs:*
1. Traffic-control and similar signs are exempt from all requirements of this Article.



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2. Building identification signs and similar signs do not require permits; however they must meet the numerical requirements of this Article.

F. *Political Signs:*

1. No individual sign shall exceed thirty-two (32) square feet in sign area.
2. All political signs may be erected no sooner than ninety (90) days before the election to which they pertain and shall be removed within ten (10) days following same election.
3. Advertising on a duly permitted billboard shall be exempt from the size and time limits herein stated.

G. *Vehicle Signs:*

1. A vehicle may have a sign placed upon it if the vehicle is for sale and the purpose of the sign relates to its sale; or
2. A vehicle may have a sign placed upon it if the vehicle is contributing to the legitimate purposes of the business for which it is used; and
3. A vehicle with a vehicle sign may not be parked on or within thirty (30) feet of a public right-of-way for longer than one hour, except if the vehicle is for sale.

**Sec. 11-13-2.6. Temporary Signs.**

- A. *Construction/Renovation Signs:* The signage shall not exceed sixty-four (64) square feet in sign area, and shall not be erected until a building permit has been secured. The sign shall be removed no later than fourteen (14) days after the issuance of a certificate of occupancy or the building permit expires.

1. Signs less than sixteen (16) square feet in sign area do not require a sign permit and shall not be assessed a permit fee.
2. Signs which exceed sixteen (16) square feet in sign area require a sign permit and shall be assessed the applicable permit fee.

B. *Real Estate Signs:*

1. *Residentially-Zoned Lots Or Parcel:*

- a. *Less than 1 (one) acre:* one sign per street frontage not to exceed four (4) square feet in per sign. Sign(s) shall not exceed seven feet (7') in height.
- b. *1.01 to 5.00 acres:* one sign per street frontage not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed eight feet (8') in height.
- c. *5.01 to 10.00 acres:* two (2) signs not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed eight feet (8') in height.
- d. *Greater than 10.00 acres:* three (3) signs not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed eight feet (8') in height.

2. *All Other Zoned Lots Or Parcels:*

- a. *Less than 1.00 acre:* one sign per street frontage not to exceed sixteen (16) square feet in sign area per sign. Sign(s) shall not exceed eight feet (8') in height.
- b. *1.01 to 5.00 acres:* one sign per street frontage not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed ten feet (10') in height.
- c. *5.01 to 10.00 acres:* two (2) signs not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed fifteen feet (15') in height.

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- d. *Greater than 10.00 acres:* three (3) signs not to exceed sixty-four (64) square feet in sign area per sign or two (2) signs not to exceed one hundred twenty-eight (128) square feet in sign area per sign. Sign(s) shall not exceed fifteen feet (15') in height.
  3. *Real Estate Directional Signs:* These signs shall not exceed six (6) square feet in sign area.
  4. *Model Complex Signs:* These signs shall be located on the project site and conform to the following requirements:
    - a. One sign per complex not to exceed thirty-two (32) square feet in sign area.
    - b. One sign per model not to exceed four (4) square feet in sign area.
    - c. Signs are to be removed when the complex ceases to be a model home complex.
  5. *Removal Of Signs:* Signs shall be removed within 14 (fourteen) days after closing of sale or lease of property.
  6. *Placement Near Public Ways:* No real estate signs shall be erected in the public rights-of-way or in clear-sight triangles.
  7. *Exception To Permit and Fee Requirements:* Signs which do not exceed sixteen (16) square feet in sign area do not require a sign permit and shall not be assessed a permit fee.
  8. *Permit and Fee Required:* Signs which exceed sixteen (16) square feet in sign area require a sign permit and shall be assessed the applicable permit fee.
- C. *Promotional Displays:*
1. *Commercial:* In addition to authorized attached and freestanding signs, occasional events requiring special advertising shall be subject to the following conditions:
    - a. Each business shall be limited to one freestanding and three (3) attached signs. Each sign shall not exceed ten (10) square feet in size.
    - b. Displays incorporating balloons, banners, streamers, flags and pennants will be permitted and are not limited to size and number.
    - c. Each business shall be allowed one permit for a grand opening display during its first six (6) months of operation. The permit for this display shall be for twenty (20) consecutive days.
    - d. Each business shall be allowed six (6) promotional displays during each calendar year. The permit for each of these displays shall be for ten (10) consecutive days.
    - e. Each business shall be allowed one bona fide going out of business display. The permit for this display shall be for sixty (60) consecutive days.
    - f. The applicant shall provide to the Sign Administrator the name and address of the business where the display is to be placed and the first day of the display. No portion of a display (i.e., structure or sign) shall be erected prior to the first day of the event as stated on the permit.
  2. *Residential:* In the event of an open house or other similar showing, the following displays and conditions shall apply:
    - a. Displays incorporating pennants, flags, streamers, banners, open house signs, welcome signs and other like signs will be allowed.
    - b. The sign display may be erected any time on the day prior to the event and must be removed within twenty-four (24) hours following the event.

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### **Sec. 11-13-2.7. Signs Not Requiring Permits.**

#### *Accessory use signs:*

Change of copy on legally established signs.

Construction/renovation signs (those not exceeding sixteen (16) square feet in sign area).

Decorations for national holidays or community-wide festivals and fiestas.

Directional signs.

Flags/decorations.

Garage sale signs.

Government signs.

House or building signs or nameplates.

Information signs.

Legal notices.

Model complex signs (those not exceeding sixteen (16) square feet in sign area).

National, State and corporate flags following accepted flag protocol.

Pennants.

Point-of-sale signs.

Political signs (except billboards).

Private sale or event signs.

Product identification signs.

Promotional displays—Residential.

Railroad signs.

Real estate broker identification signs.

Real estate directional signs.

Real estate signs (those not exceeding sixteen (16) square feet in sign area).

Streamers.

Vehicle signs.

### **Sec. 11-13-2.8. Prohibited Signs.**

- A. Any sign not expressly permitted within this Article is prohibited.
- B. Any sign constructed to resemble any official marker or sign normally erected by City, State or Federal Government agency or a sign using words, phrases, movement, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.
- C. A sign advertising activities that are illegal according to Federal or State laws, rules or regulations and County or City ordinances or resolutions.

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- D. Any sign erected on, attached to or painted on retaining walls, fences, rocks of natural features. This prohibition shall not include development identification signs placed on walls used for landscaping purposes.

**Sec. 11-13-2.9. General provisions.**

A. *Calculation of Sign Area:*

1. The cumulative area of all attached signs shall be used to determine that the total cumulative sign area does not exceed the total sign area allowed for that building.
2. The area of a freestanding sign is measured by determining the sign area of all sides that are visible from any one vantage point, except only one side of a sign shall be measured if the two (2) sides are back to back or separated by an angle of forty-five degrees (45) or less. If the two (2) sides are not of equal size, the larger side shall be measured.

B. *Variances:*

1. *Administrative Variance:* There shall be no administrative variances issued for any provision addressed in this Article.
2. *Variance allowed:* Any sign variance request must be reviewed and acted upon by the Planning and Zoning Commission in the manner established by the City Comprehensive Planning and Zoning Code.
3. *Design Excellence:* Since it is the goal of the City to promote excellence in design, in addition to the established requirements for the issuance of a Variance, the Planning and Zoning Commission may allow signs that exceed the requirements of this Code if the proposed sign is considered to have a quality of architecture, design or construction that far exceeds normal sign standards. If a sign exhibits an excellence in design and construction the Commission may allow a twenty (20) percent increase in sign area and/or height.

C. *Structural Requirements:*

1. All signs shall conform to the structural design requirements set forth in the International Building Code and companion documents.
2. Sign permit applications for freestanding signs must conform to the City Building Code requirements.

D. *Sign Maintenance And Removal:*

1. *Damaged Signs:* When any sign is substantially damaged, destroyed, taken down or removed for any purpose other than copy change or normal maintenance operation, it shall not be re-erected, reconstructed or rebuilt except in full compliance with this Article.
2. *Unsafe Signs:* If, in the opinion of a Sign Administrator or designee, any sign becomes unsecured, unsafe or subject to fall, the Sign Administrator upon supported findings shall give written notice of the sign's condition to the person responsible for the sign (owner or lessee). The person so notified, shall correct the unsafe condition of the sign and within seven (7) working days. The repair or replacement of the sign shall be done in conformance with the provisions of this Article.
3. *Maintenance:*
  - a. All signs shall be kept in good repair, both structurally and in appearance. All braces, bolts, clips, fastenings and supporting frame shall be securely affixed to the support structure or wall and shall be free from insect infestation, rot or other deterioration.
  - b. If the message portion of a sign is not maintained or if it is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such

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sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. The subsection shall not be construed to alter the prohibition on the replacement of a non-conforming sign. Nor shall this subsection be construed to prevent the changing of the message of the sign.

4. *Repair, Alteration or Removal of Signs:* Any written notice to repair, alter or to remove a sign will be sent via certified mail by the Sign Administrator to the owner, lessee, or person responsible for the sign. If such order is not acted on within seven (7) days, the Sign Administrator may initiate proceedings contained herein to revoke the permit and remove the sign at the expense of the owner, lessee, or person responsible for the sign.
  5. *Unlawful Signs:* If any sign is installed, erected, constructed or maintained in violation of any of the terms of this Article, or the applicable code it was erected under, the City may issue a written warning to the sign owner, lessee, property manager or landowner. This warning shall outline the violation(s) and order the designated responsible party to bring the sign into compliance with this Article and any other applicable codes within fourteen (14) days from the date of the warning. Only one warning per violation will be issued. Said warning shall remain in effect for the duration of the business.
  6. *Violations and Penalties:* Any person who shall violate any provision of this Article shall be guilty of an offense and shall, upon conviction thereof, be punished as provided in Section 1-4-1 of the City Code. Each day in which any violation shall occur shall constitute a separate offense. In addition, the City Attorney is hereby authorized to take all actions, both legal and equitable, necessary to ensure compliance with this Article.
- E. *Non-conforming Signs:*
1. Subject to the remaining restrictions of this Section, non-conforming signs that were otherwise lawful (i.e. had a lawfully issued permit by the City) on the effective date of this Article may be continued.
  2. No person may engage in any activity that causes an increase in the extent of nonconformity of a non-conforming sign. Without limiting the generality of the foregoing, no non-conforming sign may be enlarged or altered in such a manner as to aggravate the non-conforming condition. Nor may illumination be added to any non-conforming sign.
  3. Any change in the use of any building or property on which a non-conforming sign is located, will require that all non-conforming signs on that property be brought into compliance with all applicable provisions of this Article within nine (9) months of said change.
  4. A non-conforming sign may not be moved or replaced except to bring the sign into complete conformity with this Article. For the purpose of this subsection, "replaced" means the replacing of any or all parts of a sign that would extend the normal life span of a sign. An example is replacing wood pole supports with metal I-beam supports.
  5. If a non-conforming sign is destroyed, damaged or in need of repair, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this Article and the remnants of the former sign structure shall be cleared from the land. For purposes of this subsection, a non-conforming sign is "destroyed" if damaged up to fifty (50) percent of the cost of repairing the sign to its former stature or if the cost of replacing it equals or exceeds the tax value (tax value if listed for tax purposes)/sign valuation (as stated on the original permit) of the sign so damaged, whichever is less.
  6. The message of a non-conforming sign may be changed so long as this does not create any new non-conformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).

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7. If a non-conforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within ninety (90) days after such abandonment by the sign owner, owner of the property where the sign is located or other person having control over such sign.
  8. If a non-conforming billboard remains blank for a continuous period of ninety (90) days, that billboard shall be deemed abandoned and shall be altered to comply with this Article or be removed by the sign owner, owner of the property where the sign is located or other person having control over such sign. For purposes of this subsection, a sign is "blank" if:
    - a. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted; or
    - b. The advertising message it displays becomes illegible in whole or substantial part; or
    - c. The advertising copy has been removed.
  9. The City shall reserve the right to remove a non-conforming sign in accordance with State law.
  10. This subsection shall not apply to any benches placed under the terms of any contract in effect on the date of passage of this Article.
- F. *Permits:* Sign permits shall be required for all signs unless otherwise stated in this Article.
- G. *Sign Placement Provisions:*
1. No sign shall be permitted to violate the "clear-sight triangle" as defined in the City Zoning Code.
  2. No sign shall obstruct any door, stairway, fire escape or opening intended to provide ingress and egress for any building or structure.
  3. Signs may not be located in a manner that obscures or interferes with the effectiveness of any official sign, signal or device. A sign shall not be placed at any location where it obscures or interferes with the clear view of any traveler on any street.
  4. No sign shall be constructed within any public right-of-way or sidewalk nor shall any portion of any sign extend onto or over a public right-of-way or sidewalk unless a specific exception is provided for elsewhere in this Article.
  5. No permit for a sign that extends beyond private property onto a public street, public sidewalk or public alley will constitute a permanent easement. Every such permit shall be revocable by the Sign Administrator. The City shall not be liable for any damages to the owner because of such revocation.
  6. No banner shall be erected across any street or sidewalk in the City unless express (written) consent has been granted by the City Commission.
  7. Any sign extending over an area intended for pedestrian use shall not be less than seven feet four inches (7'4") above the finished grade below it.
  8. No sign shall be placed on any property without written consent of the owner(s) or the owner(s)' authorized agent.
  9. No part of any sign may protrude into the setback except in the following instances:
    - a. If the right-of-way extends fifteen feet (15') beyond the back of curb, a sign may be placed on the property line. A written agreement between the City and the property owner shall be initiated to assure that the said sign will be relocated at the owner's expense in the event that the roadway is ever widened at the sign location.



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- b. Real estate signs may be located within the setback; however, they shall not encroach in any way into the public right-of-way or clear-sight triangles.
- 10. Every sign shall be identified by a label, nameplate or trademark designating the manufacturer and installer of the sign. Signs not requiring permits shall be exempt from this provision.
  - 11. No sign (temporary or permanent) shall be placed on private property with the exception of signs lawfully permitted. Any unlawful sign found in a public right-of-way or on public property shall be summarily removed by the Zoning Administrator or his/her designee.
- H. *Lighting Provisions:*
- 1. *Shading:* Light from any (light) source intended to externally illuminate a sign shall be shaded, shielded, or directed in such a way so that the light intensity or brightness shall not adversely affect the safe vision of pedestrian or vehicle operators on public or private streets, driveways, or parking areas, and shall not adversely affect any of the surrounding premises. Illumination from any sign shall not interfere with the effectiveness of any official traffic sign, signal or device.
  - 2. *Types of Lighting:* Any type of lighting may be used to either illuminate a sign or may be the sign itself as long as said lighting meets the requirements of this Article.
  - 3. *Distance:* Signs which face residentially zoned parcels having a linear distance of seventy five feet (75') or less from the zone shall not be illuminated.
  - 4. *Residential Zones:* Signs in residential zones shall not be illuminated with the exception of a house or building sign or nameplate.
  - 5. *Dark Sky:* The State of New Mexico Dark Sky Legislation requires that all lighting be shielded in order to prevent the escape of light into the sky. This not only requires the use of shields but also does not allow the use of "up-lighting" or the use of lights in any manner that will cause light to be emitted in an upward direction.
  - 6. *Movement:* Signs that simulate movement by use of lighting may be allowed at the discretion of the Planning and Zoning Commission. The Commission must make a finding that stipulates that said movement will not cause an undue distraction to motorists and thereby be classified as a traffic hazard.

#### **Sec. 11-13-2.10. Enforcement.**

- A. *Offenses:*
- 1. Every violation of this Article constitutes an offense.
  - 2. Each day a violation of this Article exists constitutes a separate offense.
- B. *Enforcement Authority:*
- 1. The Zoning Administrator is authorized to issue citations for violations of this Article and file criminal complaints in Municipal Court alleging violations of this Article.
  - 2. The Municipal Court may impose a fine for each offense, as provided in the City of Truth or Consequences City Code for each day the violation is found to have occurred. In addition to any fines thus imposed, the Municipal Court is authorized to issue orders for removal or other judgments. Failure to pay fines previously imposed shall constitute contempt of court and may be separately punished at the discretion of the Municipal Court.

### Sec. 11-13-2.11. Freestanding Sign Development Standards.

**Table 1: Maximum Sign Height By Street Classification (In Feet)**

Street Classification	Zone Classification	
	Residential Industrial	Commercial
<b>Local</b>		
12	0	8
<b>Collector</b>		
12	0	12
<b>Minor arterial</b>		
12	0	12
<b>Major arterial</b>		
18	0	18
<b>Freeway*</b>		
26	0	**

\* In order for a sign to be considered to be freeway oriented it must be located within 300 feet of a freeway right-of-way and must be visible from said freeway. The maximum square footage per sign shall be the same as that of other signs.

\*\* The maximum height shall be determined by the City Commission upon recommendation by the Planning and Zoning Commission through the Special Use Permit process established by the City Comprehensive Planning and Zoning Code. It shall be the applicant's responsibility to propose the need for the height of the sign based on visibility from the freeway. The City Commission may establish the height of the sign based on information provided by the applicant, recommendation by the Planning and Zoning Commission, public input, or on any other pertinent facts the Commission may deem appropriate.

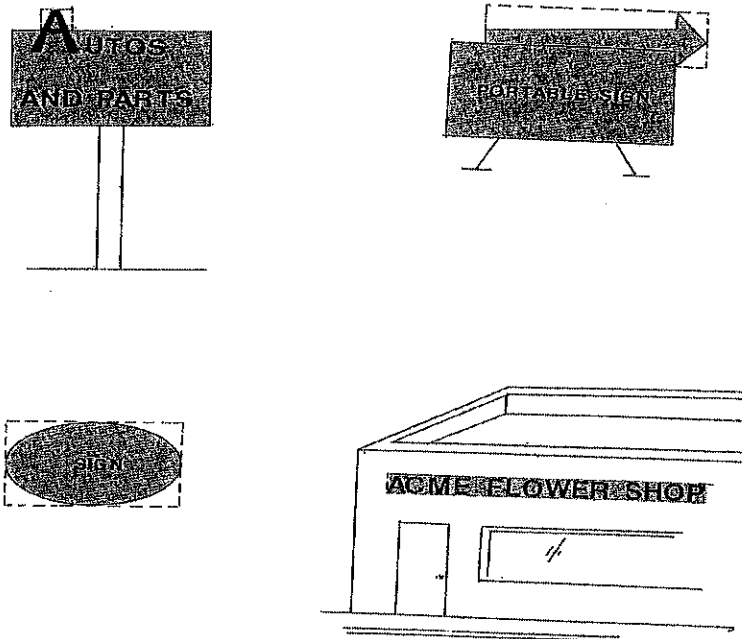
**NOTE:** Freestanding signs which are allowed by right and erected in the zones listed above shall follow those height requirements enumerated above, unless specific requirements are stated elsewhere in this Article.

**Table 2: Minimum Setback By Street Classification**

Street Classification Setback	Front Setback	Side
<b>Local</b>		
side yard	10 feet from property line	5 feet
<b>Collector</b>		
side yard	12 feet from property line	5 feet
<b>Minor arterial</b>		
side yard	15 feet from property line	5 feet
<b>Major arterial</b>		
side yard	15 feet from property line	5 feet

The following illustration are to be used only for assistance in applying the regulations contained in this Code, they are for illustrative purposes only.

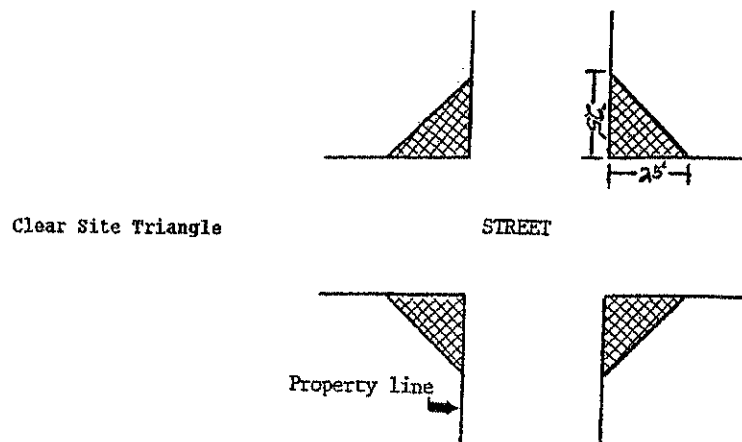
## DETERMINING SIGN AREA



----- Indicates boundary to be used to calculate sign area in the event the applicant does not provide the actual square footage of the sign.

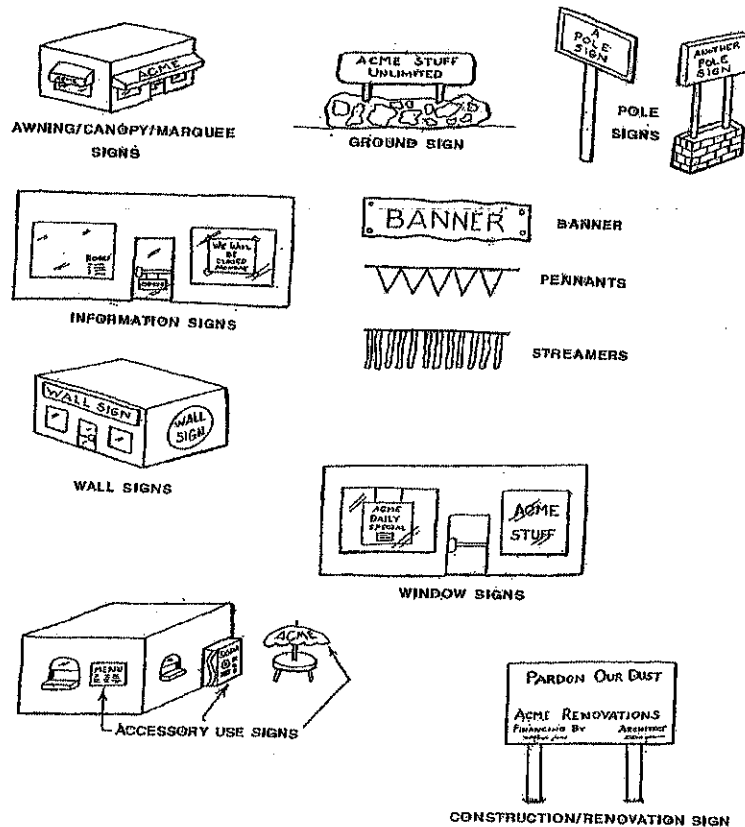
 SHADED AREA INDICATES SIGN AREA

## DETERMINING SIGN AREA



## CLEAR SIGHT TRIANGLE

**ON-PREMISE SIGNS**  
(FOR ILLUSTRATIVE PURPOSES ONLY)



**ON-PREMISE SIGNS**

**Sec. 11-13-3. Residential Fence and Wall Requirements.**

**A. HEIGHT.**

1. Six (6) foot maximum height above ground surface level shall be permitted on any part of the required front yard, provided such fence is in accord with subparagraph 3 below. A three (3) foot maximum height wall above ground surface shall be permitted on any part of the required front yard.
2. An eight (8) foot maximum height fence or wall above ground surface level shall be permitted on any part of the lot that is to the rear of the required front yard(s), provided such wall is in accord with subparagraph 3 below and is constructed to New Mexico Building Code standards.
3. There shall be no fence, wall or obstruction more than three (3) feet above street curb level within the clear sight triangle, as defined under "Clear Sight Triangle" in Article 8 of this Code, or in the clear sight triangle for entry and exit or off-street multi-parking area.
4. A wall retaining four (4) or more feet of soil must be designed and stamped (signed) by a Professional Engineer, registered in the State of New Mexico.

- 
- B. **EXCLUSION FROM PUBLIC RIGHT-OF-WAY.** No wall or fence shall be permitted in a public right-of-way.
  - C. **WALL AND FENCE FOR SWIMMING POOLS.** All swimming pools or yards in which swimming pools are located shall be completely enclosed by a wall or fence at least four (4) feet in height.
  - D. **BARBED WIRE FENCE.**
    - 1. **Security Fences:** Barbed wire is not permitted except when located at least six (6) feet above the highest adjacent ground surface.
    - 2. **Other:** Barbed wire fence other than security fence, described above is permissible only in T-1 District.
  - E. **ELECTRICAL FIELD FENCE.** Electrical field fence is permissible only in T-1 District and shall be only utilized for Livestock fence.
  - F. **EXCEPTIONS.**
    - 1. Tennis courts may have walls or fences a maximum of sixteen (16) feet in height, provided they shall be located in the side or rear yard and shall be seven (7) feet from any property line.
    - 2. Walls and fences may be eight (8) feet in height in the rear yard of double-frontage lots, provided all such adjacent yards between the two intersection streets are also rear yards.
    - 3. Fences or walls eight (8) feet or less in height as measured from the highest directly adjacent ground surface may be permitted on any part of a lot that is as far back from streets and lot lines as minimum required setbacks.

#### **Sec. 11-13-4. Commercial and Manufacturing Fence and Wall Requirements.**

- A. **HEIGHT:**
  - 1. A six (6) foot maximum height above ground surface level fence or wall shall be permitted on any part of the required front yard, provided it is in accordance with subparagraph 3 below.
  - 2. An eight (8) foot maximum height above ground surface level fence or wall shall be permitted on any part of the lot that is to the rear and the required front yard(s) in commercial District, and in all yards in a manufacturing District, provided such construction is in accord with paragraph #3 below and is constructed to New Mexico Building Code standards.
  - 3. There shall be no fence or wall more than three (3) feet of total height above street-curb level within the clear-sight triangle as defined under "Clear Sight Triangle" in Article 8 of this Code, or in the clear-sight triangle for entry and exit of off-street multi-parking area.
- B. **EXCLUSION FROM PUBLIC RIGHT-OF-WAY.** No wall or fence shall be permitted in public right-of-way.
- C. **WALLS AND FENCES FOR SWIMMING POOLS.** All swimming pools or yards in which swimming pools are located shall be completely enclosed by a wall or fence at least four (4) feet in height.
- D. **BARBED WIRE FENCES.** Barbed wire is not permitted, except when located above a wall or fence that is at least six (6) feet in height.
- E. **EXCEPTIONS.**
  - 1. Tennis courts may have walls or fences a maximum of sixteen (16) feet in height, provided they shall be located in the side or rear yard and shall be seven (7) feet from the property line.
  - 2. A six (6) foot height fence shall be permitted in the front yard of any apartment complex over twenty (20) units, and for patios or courtyards in townhouses or condominiums, except as otherwise prohibited in the clear sight triangle.

- 
3. Walls and fences may be eight (8) feet in height in the rear yard of a double-frontage lot, provided all such adjacent yards between the two (2) intersecting streets are also rear yards.





**CITY OF TRUTH OR CONSEQUENCES**  
PLANNING AND ZONING COMMISSION ACTION FORM  
DATE: 6-12-2023

**ITEM:** Discussion/Action – Request for the City to vacate a section of alley adjacent to 2911 Cook Street.

**BACKGROUND:**

Dwelling unit encroaches on City alleyway. Applicant requests City vacate section of alley to amend her lot line to include the dwelling unit.

**SUPPORT INFORMATION:**

Vacation Application  
Plat Map  
Utility Verification  
Assessor View

Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 6-12-2023
E-mail: <a href="mailto:talvarez@torcnm.org">talvarez@torcnm.org</a>	Phone: 575-894-6673	





**CITY OF TRUTH OR CONSEQUENCES**  
505 Sims Street, Truth or Consequences, New Mexico  
Phone: 575-894-6673 ext. 353 Fax: 575-894-6690

**REQUEST FOR VACATION  
APPLICATION**

Date of Application 5/4/2023

Comes now the undersigned and hereby requests the City of Truth or Consequences, New Mexico to consider vacation of the following described property:

2911 COOK ST., TRUTH OR CONSEQUENCES N.M.  
87901

REASON FOR VACATION: THE 1940'S HOUSE ENCLOSES  
2 to 3' ON TO THE CITY'S PROPERTY. OLD  
SURVEYS SAY IT DOESN'T, NEW SURVEYS SAY IT  
DOES; SAME SURVEYOR. THIS HAS CAUSED AN ISSUE  
FOR SELLING THE PROPERTY.

Applicant Name: REBECCA STONE Telephone No.: 760-660-7258

Address: 1076 EL PRESIDIO

City: LAS CRUCES State: NM Zip Code: 88011

E-mail Address: REBECCASTONE11@ROCKETMAIL.COM

Applicants Signature: [Signature]

**Reviewed By:**

Electric Department:	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date _____
Water/Wastewater:	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date _____
Streets Department:	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date _____
Planning/Zoning:	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date _____

Utility Review Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BOUNDARY SURVEY PLAT**  
of Lot 5, Block 6 and the north adjoining 500 sq. ft. tract,  
Amended Homesites Subdivision,  
In the City of Truth or Consequences, Sierra County,  
New Mexico

**Reference:**

Account No. 3769

Book 137, Page 2444, (Warranty Deed)

UFC 302-407-912-4258

Amended Homesites Subdivision plat filed on December 12, 1945, (Plat No. 13, Slide No. 34)

National Flood Insurance Program, Flood Insurance Rate Map Community-Panel No. 350013 0025 C, (revised to reflect LOMR, effective April 23, 2018)

**Notes:**

This lot is subject to easements, restrictions and reservations of record

The lot shown hereon is located within the boundaries of Flood Zone X, "area determined to be outside 500-year flood plain"

Property address is 2311 Cook Street

Use drawing scale to determine measurements when not labeled

There were no existing underground utilities marked within the 500 sq. ft. tract, (as of this date)

November 24, 2021  
revised: May 6, 2023

**Chaparral Surveying, LLC**

Professional Land Surveying

P.O. Box 626 Elephant Butte, New Mexico 87825

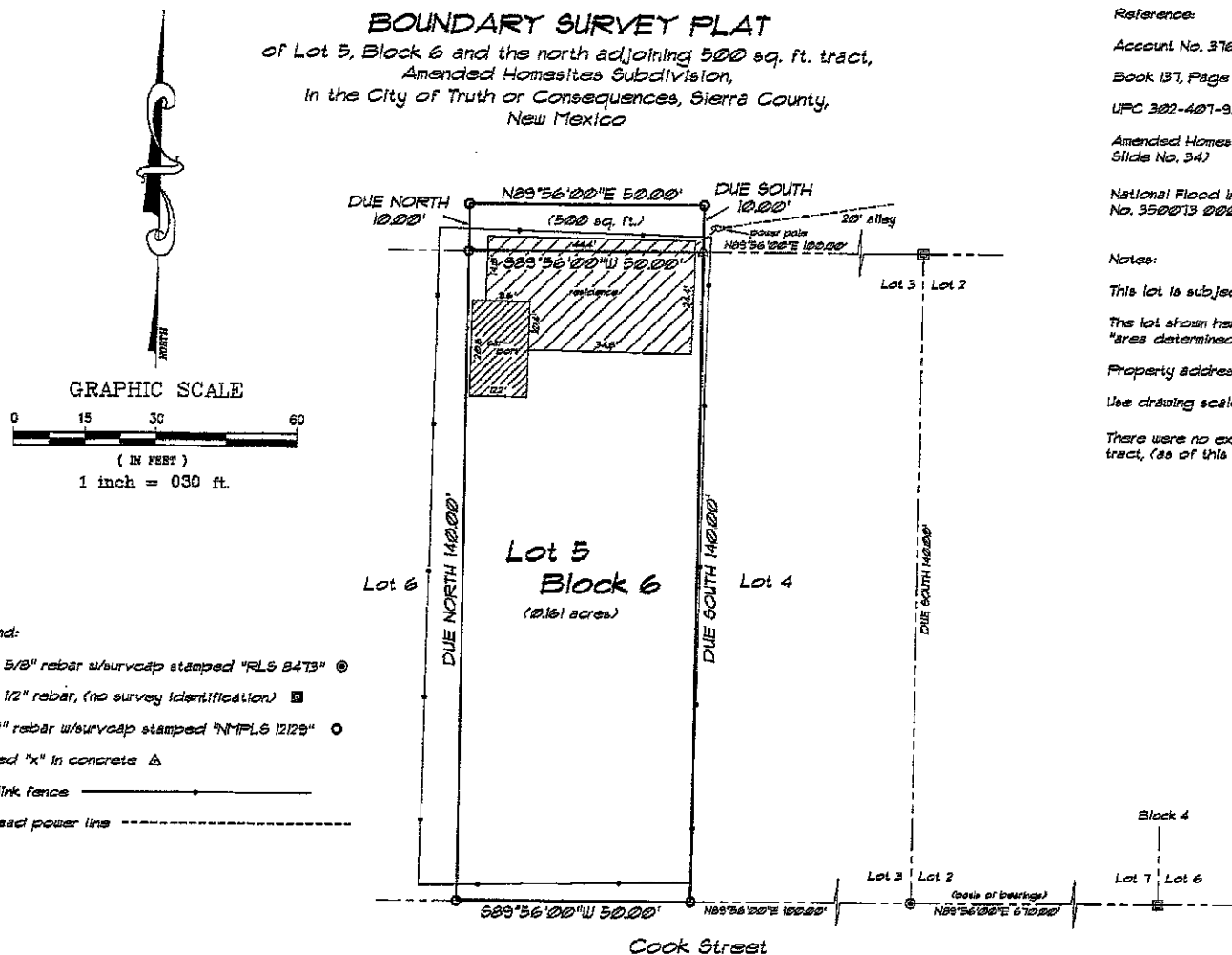
**CERTIFICATE**

This is to certify that I am a registered Professional Land Surveyor, that this plat is prepared from notes of field surveys made by me or under my supervision, that said surveys and this plat are true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act and that this is a boundary survey to add a 500 sq. ft. tract to an existing tract or tracts.

This plat meets the minimum requirements of the Standards of Land Surveying in New Mexico.

*David H. Serr*  
New Mexico Professional Surveyor  
License Number 1229

**INDEXING INFORMATION FOR COUNTY CLERK**  
Rebecca Stone III & Jonathan Ramirez (3769)  
Amended Homesites Subdivision  
Section 6, Tshp. 14 South, Rge. 4 West



# Chaparral Surveying, LLC

P.O. Box 629  
Elephant Butte, New Mexico 87935  
(575) 740-0334

May 11, 2023

## LEGAL DESCRIPTION

(500 SQ. FT.)

A tract of land situate in Section 6, Township 14 South, Range 4 West, N.M.P.M., being a portion of a 20' alley bounded on the south by the north boundary of Lot 5, Block 6, Amended Homesites Subdivision, in the City of Truth or Consequences, New Mexico, and more particularly described as follows, to-wit;

Beginning at the SE corner of this tract, a chiseled "x" in concrete, said corner being the NE corner of Lot 5, Block 6, Amended Homesites Subdivision;

Thence, S89°56'00"W, a distance of 50.00 feet to the SW corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129", said corner being the NW corner of Lot 5, Block 6, Amended Homesites Subdivision;

Thence, DUE NORTH, a distance of 10.00 feet to the NW corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, N89°56'00"E, a distance of 50.00 feet to the NE corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, DUE SOUTH, a distance of 10.00 feet to the point of beginning of the tract hereon described, containing 500 sq. ft. of land, more or less.

This legal description was prepared from a field survey by David M. Senn, NMPLS 12129, (re: Chaparral Surveying, LLC, Boundary Survey Plat revised date May 6, 2023).



## CITY OF TRUTH OR CONSEQUENCES

505 Sims Street, Truth or Consequences, New Mexico

Phone: 575-894-6673 ext. 353 Fax: 575-894-6690

### UTILITY VERIFICATION

REASON FOR VERIFICATION: 2911 Cook Street

Applicant is requesting the City to vacate the section of alley  
their dwelling unit encroaches upon.

**Reviewed By:**

Electric Department:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date <u>5/31/23</u>
Water/Wastewater:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date <u>5/31/23</u>
Streets Department:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date <u>6/5/23</u>
Planning/Zoning:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date <u>5/31/23</u>

Utility Review Comments: No effect on utilities



40ft  
-107.286 33.122 Degrees



3024079103240

3024079118238

3024079103246

3024079107254

3024079124258 3024079119258 3024079114258

3024079107261

3024079092258

2911 Cook St, Truth Or Consequ  
Show search results for 2911 Cook St...



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**CITY OF TRUTH OR CONSEQUENCES**  
PLANNING AND ZONING COMMISSION ACTION FORM  
DATE: 6-12-2023

**ITEM:** Discussion/Action – Special Use Permit for Parcel #3022078314491.

**BACKGROUND:**

Applicant wishes to use the land as an open air art park/display park.

**SUPPORT INFORMATION:**

Site Plan  
Assessor View

Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 6-12-2023
E-mail: <a href="mailto:talvarez@torcnm.org">talvarez@torcnm.org</a>	Phone: 575-894-6673	









3022078354521  
3022078345520  
100ft  
-107.259 33.130 Degrees

3022078327520

3022078304520

3022078290520

3022078274520

3022078314506

3022078329506

3022078285506

3022078353498

3022078346493

3022078337487

3022078329485

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3022078300488

3022078290487

3022078277480

3022078265478

3022078260484

3022078263488

3022078260471

3022078324471

Show search results for 505 Sims

505 Sims





**CITY OF TRUTH OR CONSEQUENCES**  
PLANNING AND ZONING COMMISSION ACTION FORM  
DATE: 6-12-2023

**ITEM:** Public Hearing/Discussion/Action: Variance Request at 1012 Kopra St.

**BACKGROUND:**

Applicant requests a variance from the R-1 Development Standards minimum Side Setback to allow for an addition on their dwelling.

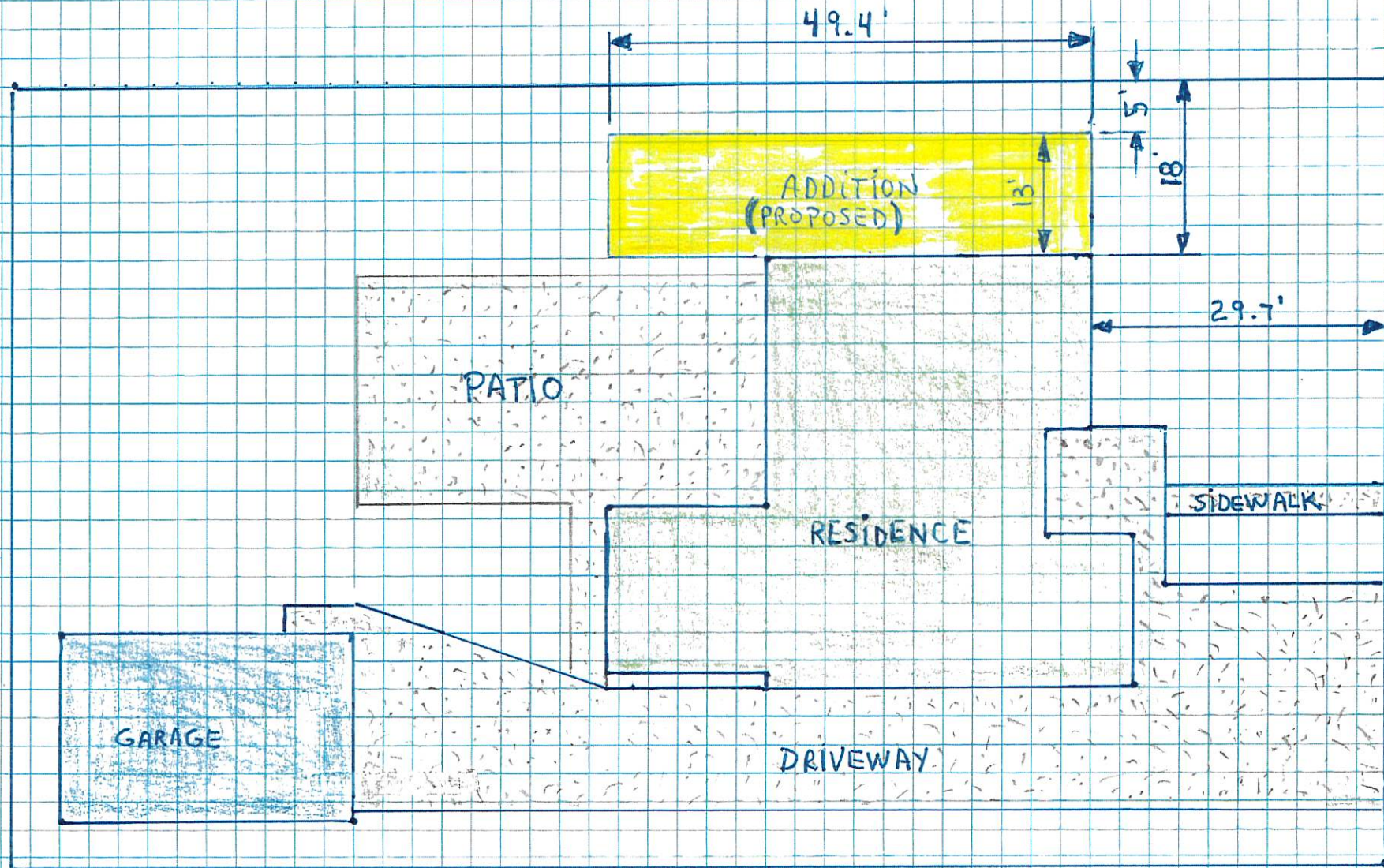
Per the City of T or C Municipal Code the Development Standards require minimum 8ft side setback. Applicants proposed addition will leave a 5ft side setback.

**SUPPORT INFORMATION:**

Site Plan and Site Map  
Assessor Views

Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 6-12-2023
E-mail: <a href="mailto:talvarez@torcnm.org">talvarez@torcnm.org</a>	Phone: 575-894-6673	

ALLEY

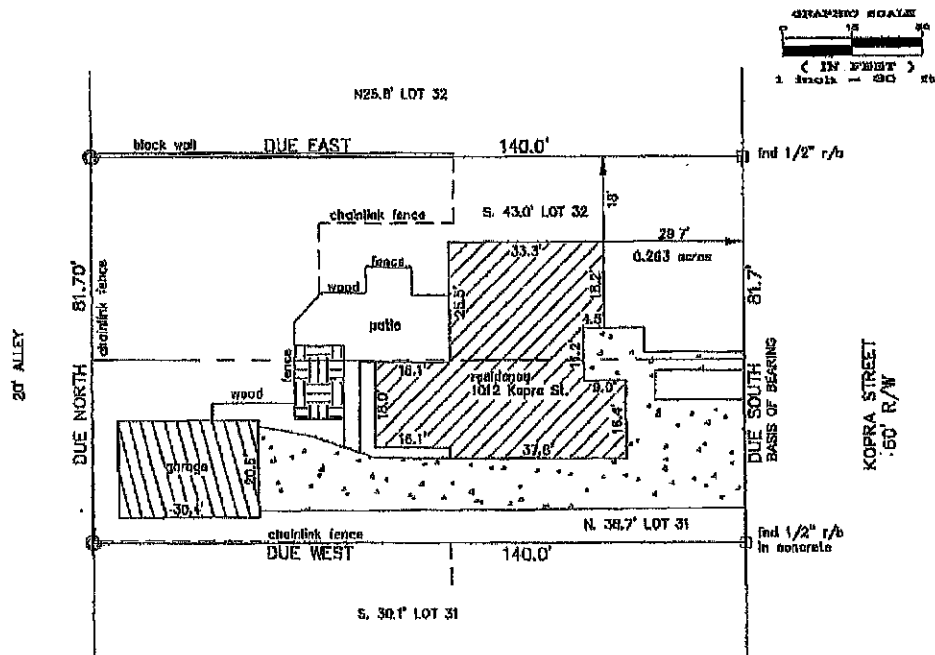


1012 KOPRA ST.



**BOUNDARY SURVEY PLAT** Page 2607

THE NORTH 38.7' OF LOT 31 & THE SOUTH 43.0' OF LOT 32,  
VISTA DEL VERDE ADDITION (UNIT 1)  
TRUTH OR CONSEQUENCES, SIERRA COUNTY, NEW MEXICO

**REFERENCE:**

WD BK 64 Pg 808  
Assessor Acct #B417

Basis of Bearing: Plat of Vista Del Verde Addition (Unit 1)  
rec'd July 25, 1974, Plat #99, Sierra County Records.

Cont #5 r/b & cap J.L. RICHTER NMLS 13984

This tract is subject to easements, restrictions, and  
reservations of record.

DIMENSIONS SHOWN ARE RECORD & FIELD

**SURVEYORS' CERTIFICATE**

I, Jeff L. Richter, New Mexico Professional Surveyor No. 13984, do  
herby certify that this Boundary Survey Plat and the actual survey on  
the ground upon which it is based were prepared and executed by me or under my  
direct supervision that I am a duly licensed Professional Surveyor in the State of New Mexico, and that I  
in true and correct belief of my knowledge and belief. I further certify  
that this survey is not a subdivision or subdivision as defined in the New  
Mexico Subdivision Act and that this instrument is a Boundary Survey Plat  
of an existing tract of land.

Jeff L. Richter NMLS 13984 Date 26 April, 2001

STATE OF NEW MEXICO } ss  
County of Sierra

I HEREBY CERTIFY that this  
instrument was filed for record on the  
30th day of April A.D., 2001  
at 9:43 o'clock P.M. and duly  
recorded in book 1 page 2607  
Fee \$ 8.00  
James D. Sanchez  
County Clerk, Sierra County, N.Mex  
By Andrew Wolf Deputy

**RICHTER LAND SURVEYING**  
614 BROADWAY, P.O. BOX 1848  
TRUTH OR CONSEQUENCES, NM 87901  
505 894-2848

DATE 4-26-2001 01-034  
INDEXING INFORMATION FOR COUNTY CLERK

Thomas G. & Debra J. Penlok  
Ses 28, T13S, R4W  
Vista del Verde Addition, (Unit 1)

81.7' x 140'



1012 Kopra St, Truth Or Consequ  
Show search results for 1012 Kopra S...

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3022077376500

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3022077360518

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30220773

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3022077317518

3022077317528

3022078326009

3022078326019

3022078325029

100ft  
-107.26033, 144 Degrees

Show search results for 1012 Kopra S...

1012 Kopra St, Truth Or Consequ...



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## City of Truth or Consequences City Boards Application

Name: GORDON EDELHEIT Address: 517 Austin St.  
Phone: 513-678-8736 Email: GEDELHEIT@gmail.com

I am interested in serving as a member of one the following Boards:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Airport Advisory Board        | <input type="checkbox"/> Public Arts Advisory Board              | <input type="checkbox"/> Golf Course Advisory Board |
| <input type="checkbox"/> Public Utility Advisory Board | <input type="checkbox"/> Library Advisory Board                  | <input type="checkbox"/> Recreation Advisory Board  |
| <input type="checkbox"/> Lodger's Tax Advisory Board   | <input checked="" type="checkbox"/> Planning & Zoning Commission | <input type="checkbox"/> Impact Fee Board           |
| <input type="checkbox"/> Other: _____                  |  |   |

My qualifications are:

Treasurer of City of TorC Chamber of Commerce  
Owner of Commercial Property in TorC  
Work on Community Projects to Raise Money & Awareness  
about our Streets & Roads as well as the  
Water Issues.

I hereby certify that my appointment to this board neither creates, nor should create, any conflict of interest for myself or the Board. I further confirm that any possible conflict of interest that may arise will be reported to the Board and the City Clerk.

Signature: Gordon Edelheit Date: 4/20/2023





## City of Truth or Consequences

### City Boards Application

Name: Lisa Kent Address: 501 S Broadway, Tock  
Phone: 719.221.2762 Email: lisa.kent73@gmail.com

I am interested in serving as a member of one the following Boards:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Airport Advisory Board        | <input type="checkbox"/> Public Arts Advisory Board              | <input type="checkbox"/> Golf Course Advisory Board |
| <input type="checkbox"/> Public Utility Advisory Board | <input type="checkbox"/> Library Advisory Board                  | <input type="checkbox"/> Recreation Advisory Board  |
| <input type="checkbox"/> Lodger's Tax Advisory Board   | <input checked="" type="checkbox"/> Planning & Zoning Commission | <input type="checkbox"/> Impact Fee Board           |
| <input type="checkbox"/> Other: _____                  |  |   |

My qualifications are:

See attached letter

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

I hereby certify that my appointment to this board neither creates, nor should create, any conflict of interest for myself or the Board. I further confirm that any possible conflict of interest that may arise will be reported to the Board and the City Clerk.

Signature:  Date: 5/10/2023

May 10, 2023

To Whom It May Concern –

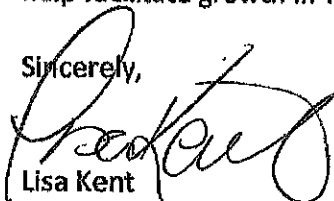
Please accept this as my application of interest to serve on the planning and zoning commission. I moved to TorC two years ago and I am very interested in being involved in the community. I am currently in the process of building a house in the hot water district. OK, I am not *actually* building it, but many great people/businesses in town are making it a reality. I chose to build a house because I love this town and see so much potential for the future.

I believe I would be an asset to this committee as I am extremely invested in the future of this town. I have a strong desire to see growth happen in a positive and constructive manner, while considering all residents (old and new) as well as improving the tourism industry. Tourism is critical to the success of any small town and needs to continue increasing for the success of small business, as well as creating the opportunity for more.

I have lived in a small town before and understand the delicate balance between preserving character while embracing growth. Growth is inevitable, especially in this day and time with increasing remote work and people seeking improved quality of life. It is a wonderful thing and should be seen as opportunity for TorC to thrive. Remote workers are an amazing asset to towns, as they can inject money into the economy without taking local jobs.

There will be a more new construction in the Hot Water district in the next few years. This seems inevitable. The planning and zoning committee will be a critical part of this. I want to help facilitate growth in TorC, while preserving it's unique and historical charm.

Sincerely,



Lisa Kent

[lisakent73@gmail.com](mailto:lisakent73@gmail.com)

719.221.2762