



Legislation Details (With Text)

File #: 23-264 Version: 1 Name:
Type: Informational Report Status: Filed
File created: 5/8/2023 In control: City Council Work Session
On agenda: 7/10/2023 Final action: 7/10/2023
Title: Presentation and discussion on the regulation of murals and removal of graffiti

Presenter:
Peter Wysocki, Planning & Community Development Director
Kurt Schmitt, Sign Program Coordinator
Ben Bolinger, Assistant City Attorney
Mitch Hammes, Neighborhood Services Manager
Matt Mayberry, Cultural Services Division Manager
Morgan Hester, Long Range Planning Manager

Sponsors:

Indexes:

Code sections:

Attachments: 1. Mural Research, 2. Staff Presentation

Table with 5 columns: Date, Ver., Action By, Action, Result. Row 1: 7/10/2023, 1, City Council Work Session, received

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Summary:

Presentation for discussion on the regulation of murals

Previous Council Action:

N/A

Background:

Councilmember Donelson requested City Staff provide information on the regulation of murals within Colorado Springs to share with the City Council as a result of concerns regarding content expressed by a resident. The intent of this presentation will be to provide background on existing regulations and programs that are in place in the interest of not only murals but public art as a whole. Indirectly related to the regulation of mural, but certainly in context of regulating murals, staff will provide a brief

background on the removal of graffiti.

Current Regulations

Murals are regulated through the Unified Development Code (UDC) Part 7.4.13 with the following definition - "Mural - A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business located on the premises."

In some cases, a mural may be presented in combination with what is defined as a "sign", such as branding, logos, products, or advertisements. In the event the two (mural and signage) are combined, the area(s) that is/are classified as signage must comply with established size and placement requirements for signage and receive a sign permit. Pursuant to UDC Section 7.4.1305 'Sign Measurement and Orientation', up to three (3) geometric shapes may be used to determine the size of the sign(s).

Legal Perspective

Murals on private property are protected by principles of free speech and the City may not discriminate based on the content of the message in most circumstances.

Neighborhood Services

The resident's concerns also focused on graffiti, referring to several murals in the Platte Avenue area of Colorado Springs, as graffiti rather than art. The Neighborhood Services Division of the Planning Department mitigates graffiti on both a proactive and complaint basis. To qualify as 'graffiti' and be removed by Neighborhood Services Staff, it must be applied without authority or consent of the property owner. In 2022, 1,977 sites were cleaned which includes 9,003 individual tags. Through May of this year, 1,581 locations have been cleaned, equating to 7,160 individual tags.

Public Art Process

Historically, the City's public art process has been focused on public requests to place art on City property, especially parks and in rights-of-way. These activities have been the result of interest in sculptures rather than murals. The City's outdoor public art collection currently consists of 104 pieces in 45 locations around the city. The collection has been almost exclusively driven by community donations.

The Public Art Commission is working with City Staff to update and revise policies and procedures related to public art that is driven by the passage of new Unified Development Code and the approved Public Art Master Plan. These pending revisions will likely address both permanent pieces (sculptures), as well as more temporary pieces (murals, etc.).

UDC Regulations (Public Art)

The Unified Development Code (UDC), adopted in February 2023 to repeal and replace the former Chapter 7 Zoning & Subdivision Ordinance, provides several opportunities for the provision of public art through the development process. This includes -

- PDZ Planned Development Zone rezonings as a community amenity;
- Alternative compliance for required building façade articulation; and
- One of the several options of a 'compensating benefit' for the new Development Standards Adjustment process.

When an applicant utilizes the public art opportunity, the proposal must be shared with the

surrounding neighborhood, adhering to notification requirements, for their feedback. This would be accomplished prior to presenting the request to the Public Art Commission as the decision-making body. As mentioned in the previous section ('Public Art Process'), City Staff continues to coordinate to establish clear parameters defining how to work through this new process.

Research

Several Colorado jurisdictions and the top 50 National jurisdictions (based on population) were contacted in researching what regulations are in place for murals. Of those contacted, 40 responded including -

- Colorado Jurisdictions (19) - Aurora, Boulder, Broomfield, Centennial, Denver, Durango, Fort Collins, Fountain, Golden, Grand Junction, Greeley, Lakewood, Lone Tree, Longmont, Manitou Springs, Parker, Pueblo, Thornton, Wheat Ridge.

- US Jurisdictions (22) - Arlington, TX; Atlanta, GA; Charlotte, NC; Columbus, OH; Dallas, TX; El Paso, TX; Fort Worth, TX; Henderson, NV; Kansas City, MO; Las Vegas, NV; Mesa, AZ; Milwaukee, WI; Oklahoma City, OK; Portland, OR; Raleigh, NC; Sacramento, CA; San Francisco, CA; San Jose, CA; Tampa, FL; Tucson, AZ; Washington DC; Wichita, KS.

Staff learned that the majority of responding jurisdictions do not regular murals unless they qualify as a sign which is in-line with the current regulations of Colorado Springs. Many jurisdictions are reliant on appointed Boards such as a Public Art Commission to serve as the decision-making body with requests for public art. Information that was gathered during the research period can be found in 'Attachment 1 - Mural Research'.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

N/A

Alternatives:

N/A

N/A

N/A