



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes ZONING CODE TECHNICAL COMMITTEE

Teodros Medhin, Chair

Stuart Mukamal, Ed Richardson, Ronald Roberts

Staff Assistant, Linda Elmer, 286-2232, lelmer@milwaukee.gov; File Specialist Charlotte Rodriguez, 286-8797, crodri@milwaukee.gov

Wednesday, October 1, 2008

2:00 PM

Room 301-A, City Hall

Meeting convened: 2:03 P.M.

Also present:

Kari Egerstrom - Board of Zoning Appeals, Jeff Osterman and Mary Turk - Legislative Reference Bureau, Chris Rute - Dept. of City Development and Sharon Blando - Dept. of Neighborhood Services

Present 4 - Medhin, Mukamal, Richardson and Roberts

1. **080676** A substitute ordinance relating to floodplain zoning regulations.

Sponsors: THE CHAIR

Mr. Osterman noted that this ordinance incorporates minor technical revisions to the floodplain regulations requested by the Wisconsin Department of Natural Resources and the Southeastern Wisconsin Regional Planning Commission. Mr. Richardson moved, seconded by Mr. Mukamal, that this file be recommended for approval.

2. **080751** An ordinance relating to the definition of a sign.

Sponsors: Ald. Zielinski

File 080751 was introduced by Ald. Zielinski, Chair of the Anti-Graffiti Policy Committee, as a response to the problem of businesses allowing graffiti on the sides of their buildings. If passed, this ordinance would mandate that the definition of "sign" also include murals. Mr. Richardson's concern is that there are many socially useful murals and enforcement might be difficult in proving that a mural is pre-existing and therefore grandfathered in under the proposed ordinance. Mr. Mukamal sees no first amendment issues with the city regulating murals as it currently regulates signs as long as no restrictions are placed on the contents of the murals. Ms. Egerstrom noted that the city currently has a mural tour and she fears a backlash from local artists with appeals needing to be heard by the Board of Zoning Appeals (BOZA). Ms. Turk noted that the current ordinances require that a sign be free of graffiti, which Mr. Roberts also found problematic. Both the Department of Neighborhood Services and the Department of City Development are concerned with how this legislation would be enforced.

Mr. Rute recommended adding caveats to the proposed ordinance to separate signs and murals and to allow larger-size murals. Ms. Egerstrom recommended adding a definition of "mural" while Mr. Roberts stated that the current ordinance notes that if the painting is on a building with the owner's permission then it is not graffiti. He also noted that 70% of the calls related to graffiti on a property come from the neighbors, rather than the building owner. Mr. Roberts recommended creating provisions solely related to murals and removing the text from the sign section. Mr. Rute supported

creating a line of demarcation between "good" murals and "bad" murals.

Ms. Blando presented the committee with pictures of existing, problem murals (Exhibit 1) and discussed free walls or permission walls which often result in increased violence in the surrounding neighborhood. These walls are created to allow individuals to express themselves with no fear of police prosecution. Graffiti vandalism may also result in traffic safety issues when traffic signs and public buildings are targeted (Exhibit 2). Ms. Blando also provided a picture of a graffiti tag (Exhibit 3).

Ms. Turk stated that there are few cities that have definitions of murals and those cities tend to be smaller ones. Ms. Egerstrom did read two definitions of "murals" that she had found.

Mr. Rute suggested that legitimate murals could be defined as being pre-designed, have a completion date, cover a certain maximum percentage of the facade, not encroach on the fenestration, provide the name of the artist and meet other criteria that the city could devise.

Mr. Richardson moved, seconded by Mr. Roberts, to recommend that this proposed ordinance does not meet administrative efficiency and that a new ordinance be drafted to contain the suggestion that "murals" be legislated separately from signs with the above-listed criteria recommended by Mr. Rute and any other criteria that may seem relevant.

Meeting adjourned: 2:54 P.M.

Linda M. Elmer

Staff Assistant