

# TOWN OF BLUE RIVER, COLORADO

## MEMORANDUM

TO: Mayor & Board of Trustees  
THROUGH: Michelle Eddy, Town Manager  
FROM: Bob Widner, Town Attorney  
DATE: February 10, 2023

SUBJECTS: **ARTICLES 8 and 9 of CHAPTER 16B – SIGN CODE & LIGHTING**

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The Board of Trustees (BOT) was previously provided two different versions of the DRAFT proposed Land Use Code (LUC) for Blue River:

- Multi-colored Version of Chapters 16, 16A, 16B, 16C, and 17
- Clean Version of the Land Use Code

You have two versions of the same draft LUC:

- A “**REDLINED**” version that contains many different colors and strikeouts. The coding for this version is as follows:
  - If the text is **BLUE**, it is either exact language from the current Blue River Municipal Code or the Architectural Guidelines or the language is very similar and revised to be clearer or more enforceable, so the concept is the same in the new code.
  - If the text is UNMARKED without color, it is new language.
  - If the text is **YELLOW**, it is merely a placeholder to remind me on final editing to ensure that the references are correct.
  - If the text is **GREEN**, it is either a question to be answered by the BOT (such as a distance or a height) OR it is a question for me to later determine if the green text is needed in the final.
- A largely “**CLEAN**” Version that might be easier to review. You will find both **YELLOW** and **GREEN** text that is merely for future drafting reference.

## Review Outline for Articles 8 and 9 of Chapter 16B– SIGNS & LIGHTING

The following is intended to assist the BOT in reading **Articles 8 and 9 of Chapter 16B**.

### **Article 8 - SIGNS**

This Article is very important. It details the regulation of signs (called a “sign code”). Signs present significant impacts on the character of a municipality and upon neighbors and neighborhoods.

Critically important is that nothing in Article 8 is “written in stone.” This means that the Board of Trustees may modify or delete any of the provisions that are merely suggested.

The regulation of signs involves a fair amount of law. Signs may be regulated due to the aesthetic and safety impacts they present. This regulation will usually be permitted with it involves the “time, place, or manner” of the sign display. Regulating the content (message) of the sign is significantly more challenging. I will provide an introduction of the controls imposed by the First Amendment and signs at our meeting.

Because much of the proposed LUC provisions for signs is new additions to Blue River regulations, the entire section is reprinted in the attached document. The BOT members should read and focus on the provisions of the new “sign code.” Our discussion will proceed line-by-line to ensure that the BOT finds the sign code provisions acceptable.

### **Article 9 - LIGHTING**

This Article in the proposed Land Use Code is a full reprint of the current Blue River lighting regulations. Given the recent interest in lighting, the attached document includes the entire Article 9 so the BOT can understand our current regulatory structure in deciding any needed changes.

One option for the BOT may be to continue with or retain the current lighting regulations and await the application process for the dark sky certification.

Please contact me directly if you have any questions.