

**TOWN COUNCIL
TOWN OF GYPSUM, STATE OF COLORADO
ORDINANCE NO. 1 (SERIES 2022)**

**AN ORDINANCE OF THE TOWN OF GYPSUM, COLORADO TO REPEAL
AND REPLACE SECTION 18.12.025 OF THE GYPSUM MUNICIPAL CODE
REGARDING SCREENING REQUIREMENTS FOR OUTSIDE STORAGE BY
CONDITIONAL USE PERMIT**

WHEREAS, the Town of Gypsum, Colorado (“Town”), is a home rule municipality of the State of Colorado, duly organized and existing under Article XX of the Colorado Constitution and the Gypsum Home Rule Charter effective October 21, 1982; and

WHEREAS, pursuant to Article 1.3 of the Charter, the Town has all power of local self-government and home rule and all power possible for a home rule municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, Section 18.12.025 of the Gypsum Municipal Code outlines the screening requirements for outside storage by Conditional Use Permit; and

WHEREAS, the Town Council hereby finds that it is in the public interest and serves to improve the Town to adopt changes to the Municipal Code related to the screening requirements of outdoor storage, as set forth herein.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado that:

Section 1. Repeal and Re-adoption of Section 18.12.025 of the Gypsum Municipal Code. Section 18.12.025 of the Gypsum Municipal Code is hereby repealed in its entirety and reenacted and re-adopted, as more particularly set forth on “Exhibit A”, as attached hereto and incorporated herein by this reference.

Section 2. Public Inspection. Copies of this Ordinance and the Gypsum Municipal Code are available for public inspection at the office of the Gypsum Town Clerk.

Section 3. Public Hearing. A public hearing on this Ordinance shall be held on the 25th day of January, 2022 at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 5. Effective Date. This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the 25th day of January, 2022, at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

EXHIBIT A

SECTION 18.12.025

18.12.025 Screening requirements for outside storage by conditional use permit.

Outside storage is prohibited, except in the LI, HI, and ID zone districts, when approved by conditional use permit and when the following conditions are met:


- (1) Screening means the physical obstruction or impedance of view from outside the property through the methods specified in 18.12.025(4).
- (2) Screening of outside storage is required along all street frontage sides, bike paths, or pedestrian trails, and along property lines with adjacent properties that are not within the same zone district. Property lines adjacent to Bureau of Land Management property are exempt from screening.
- (3) If the entire property is not used for outside storage, only those areas used for outside storage must be screened.
- (4) Screening must be achieved either with fencing, landscaping, wall materials, or a combination that reaches a minimum height of six feet;
 - (a) Fence material must be chain link fence with privacy slats comprised of metal, plastic, PVC, or other rigid synthetic material in earth tones of beige, brown, green, or black color;
 - (b) Wood and decorative concrete fences are permitted in earth tones of beige, brown, green, or black color;
 - (c) Fencing or wall materials shall be repaired and maintained as needed to maintain the screening as to not provide gaps, sections which hang off the fence, or conditions in which the screening method is not reasonably functioning as intended;
 - (d) Privacy/windscreen mesh material may not be used;
 - (e) Any properties using privacy/windscreen mesh material prior to January 30th 2022, may retain it until the screening does not achieve the physical obstruction or impedance intended by 18.12.025(1). Once screening no longer functions as intended the requirements of 18.12.025(4) shall be in effect;
 - (f) Screening by landscaping may accomplish the height requirement of 18.12.025(4), with or without a berm, but must include trees and, or shrubs planted in a linear or a staggered (zipper) planting arrangement. Boulders may also be incorporated as a screening element. Landscaping shall be maintained by irrigation and must be replaced if it becomes damaged, diseased, or infested and cannot be treated, or if a tree or shrub dies. Only tree and shrub species that are native to the area are permitted; other species providing similar year-round screening may be considered if the applicant provides thorough information on the species of interest, planting locations, and maintenance plan and are approved through the Conditional Use Permit. The Conditional Use Permit shall include a detailed landscaping plan showing location, species type, species height, number of trees and shrubs, berm dimensions, and other relevant information about the site. Approved Native tree and shrub species are listed below:
 - (i) Rocky Mountain Juniper/Red Cedar with trunks a maximum of ten feet apart; or
 - (ii) Green Giant or Emerald Green Arborvitae with trunks a maximum of ten feet apart.
 - (iii) Other native examples include the Colorado Spruce, Pinon Pine, Ponderosa Pine, Sage Brush, or other similar native tree or shrub species

- (iv) Distances between alternatively suggested vegetation must be within reason and meet the intent of section 18.12.015(1) in providing screening;
- (g) Combinations of fencing materials and landscaping may be used,
- (h) If an applicant would like to propose alternative screening options not specifically permitted by this Section, such as fence materials, fence designs, other landscaping species, or more creative options to achieve the purposes of screening, the applicant may submit design plans to be considered by the Planning Commission at no additional cost to the applicant.
 - (i) Any alternate species proposed must be native to the area. It must be demonstrated that the species will grow at a rate similar to that of the approved species and never demand more water than the property has the right to use for landscaping;
 - (ii) Any screening method proposed must, within reason, accomplish the intent set out by 18.12.025(1).

Section 6. Severability. If any part, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 11TH DAY OF JANUARY 2022 BY A VOTE OF 6 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM

By: 
Stephen Carver, Mayor

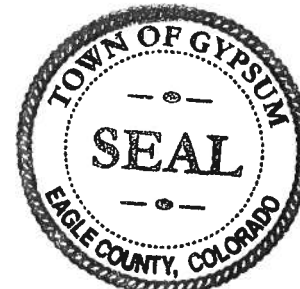


Attest: 
Becky Close, Town Clerk

INTRODUCED ON SECOND READING, READ, CONSIDERED AT A PUBLIC HEARING AND FINALLY ADOPTED, PASSED AND APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED POSTED AND PUBLISHED, BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS MEETING HELD ON THE 25TH DAY OF JANUARY 2022 BY A VOTE OF 5 IN FAVOR AND 1 AGAINST.

TOWN OF GYPSUM

By: 
Stephen Carver, Mayor



Attest: 
Becky Close, Town Clerk