

**TOWN COUNCIL
TOWN OF GYPSUM, STATE OF COLORADO
ORDINANCE NO. 05 (SERIES 2022)**

**AN ORDINANCE OF THE TOWN OF GYPSUM, COLORADO
AMENDING PORTIONS OF SECTION 18.10.020 OF THE GYPSUM
MUNICIPAL CODE, HOME OCCUPATIONS**

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, the Town Council has, by Ordinance, adopted Title 18 of the Gypsum Municipal Code (“Code”) regarding zoning (“Zoning Code”); and

WHEREAS, the Town Council hereby finds and determines that amending Section 18.10.020 is appropriate and necessary to the function and operation of the Town.

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

Section 1. Amendment of Section 18.10.020, Home Occupations, of the Gypsum Municipal Code. Section 18.10.020 of the Gypsum Municipal Code, Home Occupations is hereby amended as set forth on Exhibit A, attached hereto and incorporated herein, to add the capitalized and double-underlined words, and delete the stricken words.

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 24th day of May, 2022 at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.


Section 4. 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 24th day of May, 2022, at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

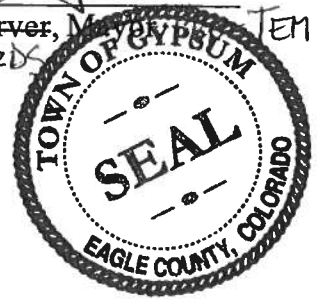
Section 5. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

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 10TH DAY OF MAY, 2022, BY A VOTE OF 5 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM


By: 
Stephen Carver, Mayor
TON EDWARDS

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 24TH DAY OF MAY, 2022, BY A VOTE OF 6 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM

By: 
Stephen Carver, Mayor


Attest: 
Becky Close, Town Clerk



Exhibit A

18.10.020 Home occupations.

In any zone district in which a home occupation is a permitted use or has been authorized by a conditional use permit, the establishment and continuance of a home occupation shall be an accessory use subject to the following limitations and restrictions:

- (1) Such use shall be conducted entirely within a dwelling UNIT, GARAGE, OR ACCESSORY BUILDING and carried on principally by the residents thereof. ~~No dwelling may be used for a home occupation unless it is used also and principally as a residence.~~ NO HOME OCCUPATION MAY BE OPERATED WITHOUT CONCURRENT RESIDENTIAL USE OF THE PROPERTY.
- (2) Such HOME OCCUPATION use shall be clearly incidental and secondary to the use of the RESIDENTIAL USE dwelling for dwelling purposes, and shall not change the residential character thereof.
- (3) The total area used for a home occupation, WHETHER PERFORMED IN AN AREA ATTACHED OR DETACHED TO THE RESIDENCE, shall not exceed the equivalent of one-half the floor area of the first floor of the dwelling unit.
- (4) There shall be no advertising, display, or other indications of home occupation on the premises, except one sign without neon or flashing lights, no bigger than six square feet.
- (5) A home occupation may not primarily involve onsite retail sales. A home occupation primarily involves on-site retail sales if one-half or more of all customer trips to the ~~dwelling unit~~ PROPERTY consist of the customer coming to the PROPERTY dwelling to complete a sale or pick up purchased goods. Retail sales may be made in connection with other permitted home occupations.
- (6) There shall not be exterior storage on the premises of material used in the home occupation.
- (7) There shall not be excessive traffic, significant and frequent truck deliveries, or excessive noise, vibration, smoke, dust, mud, dirt, odors, or glare noticeable at or beyond the property line, as a result of the home occupation. Such conditions shall be considered excessive if they ~~exceed the typical ambient range of variability present in the neighborhood~~ CONSTITUTE A NUISANCE PURSUANT TO CHAPTER 8.02 OF THE CODE.
- (8) The owner of the property in which a home occupation is being conducted shall comply with all applicable on-street parking restrictions and shall provide additional off-street parking spaces reasonably adequate to accommodate the needs created by the home occupation of not less than one off-street parking space for any home occupation and one additional off-street parking space for each additional 300 square feet of floor area devoted to the home occupation or for each employee, whichever is greater.
- (9) Only one operational vehicle that exceeds 22,000 pounds is allowed upon the property and such vehicle cannot be allowed to idle before 7:00 a.m. or after 7:00 p.m.

(10) Maximum of three employees working for the owner of the property in which the home occupation is being conducted.

(11) Washing of vehicles or heavy machinery is not permitted.

(12) A HOME OCCUPATION BUSINESS MUST BE OWNED OR OPERATED BY AN INDIVIDUAL WHO USES THE PROPERTY AS THEIR PRIMARY RESIDENCE.