



PROOF OF PUBLICATION STATE OF COLORADO))
COUNTY OF EAGLE)

I, Becky Close, Town Clerk for the Town of Gypsum, do solemnly swear and affirm that I published in full a true and correct copy of TOWN OF GYPSUM, COLORADO An Update to the Market District Zone Language and Amendment to Nonresidential table of uses (Second Reading) on the Town of Gypsum's web site, www.townofgypsum.com, on the 5th day of August 2022. Witness my hand and seal this 5th day of August 2022.

Becky Close Town Clerk

Ordinance Effective Date: August 14, 2022



**TOWN COUNCIL
TOWN OF GYPSUM, STATE OF COLORADO
ORDINANCE NO. 06 (SERIES 2022)**

**AN ORDINANCE OF THE TOWN OF GYPSUM, COLORADO TO AMEND
SECTIONS 18.04.035 AND 18.06.010 OF THE GYPSUM MUNICIPAL CODE
REGARDING THE MARKET DISTRICT (MD) ZONE**

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, Pursuant to Article 8.2 of the Charter, the Town Council has the power by ordinance to limit the use of private property without the consent of the owner; and

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

WHEREAS, Chapter 18.04 of the Gypsum Municipal Code outlines the general conditions and intentions of zoning districts within the Town and Chapter 18.06 outlines the uses that may occur with the various zoning districts; and

WHEREAS, the Town Council has undertaken amendments to the Zoning Code regarding the market district zone district to better protect the public health, safety, and welfare and to implement the *2017 This is Gypsum Master Plan* and other adopted plans; and

WHEREAS, the Planning and the Zoning Commission held a public meeting on the proposed changes to the Zoning Code on July 6, 2022; and

WHEREAS, the Town Council held a public meeting on the proposed changes to the Zoning Code, including first and second readings of this Ordinance and the required public hearing on August 9, 2022;

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 Market District, as set forth herein.

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

Section 1. Amendment of Sections 18.04.035 and 18.06.010 of the Gypsum Municipal Code. Sections 18.12.035 and 18.06.010 of the Gypsum Municipal Code are hereby amended, 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 9th day of August, 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 9th day of August, 2022, at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

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 26TH DAY OF JULY 2022 BY A VOTE OF 5 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM

By: 

Stephen Carver, Mayor

Tom Edwards, Mayor Pro Tem

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 9TH DAY OF AUGUST 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
18.04.035 MARKET DISTRICT (MD)
18.06.010 TABLE OF NONRESIDENTIAL USES

Exhibit A

Words that are capitalized and double-underlined are added; words that are stricken are deleted. Changes in the Table of Nonresidential Uses are highlighted in yellow as well.

18.04.035 Market District (MD)

- (a) The market district identifies lands located around the Valley Road, SCHOOLSIDE STREET, OAKRIDGE DRIVE, GREEN WAY, and Highway 6 intersection, AS WELL AS THE STREETS OF Crestwood Drive, Oakridge Drive, Oakridge Court, and along PORTIONS OF Highway 6, RED TABLE DRIVE, AND GREEN WAY ~~to Greenway~~ for commercial and mixed-use residential development. The Market District is intended to provide for both auto-dependent and pedestrian uses which provide a wide range of general retail goods and services for residents of the local community and the region, as well as businesses and highway users, primarily inside of enclosed structures.
- (b) ALL PROPERTIES WITHIN THE MARKET DISTRICT ARE SUBJECT TO ARCHITECTURAL DESIGN GUIDELINES AS ADOPTED AND AMENDED BY THE TOWN.
- (c) Dwelling units within the market district are allowed with the following restrictions or provisions:
- (1) Residential uses cannot exceed 75 percent of the total area of the structure ~~or project if there are multiple buildings.~~ RESIDENTIAL USES CANNOT EXCEED 75% IN ANY BUILDING, LOT OR PARCEL, UNLESS THROUGH A COMBINATION OF LOTS AND PARCELS, IT DOES NOT RESULT IN MORE THAN 75% RESIDENTIAL USE AND MUST BE APPROVED AS SET FORTH IN PARAGRAPH (C)(4).
 - (2) No stand-alone single-family residential units are permitted. Residential units must be part of a ~~multifamily~~ MULTI-FAMILY structure.
 - (3) Dwelling units ~~may~~ MUST be part of a ~~mixed-use~~ MIXED-USE building UNLESS OTHERWISE APPROVED AS SET FORTH IN PARAGRAPH (C)(4). ~~or stand alone on the same lot or parcel, but do not have to be accessory to the commercial use.~~ Dwelling units may be condominiumized and sold separately from the associated commercial portion of the building.
 - (4) STAND-ALONE COMMERCIAL BUILDINGS, AND BUILDINGS HAVING MORE THAN 75% RESIDENTIAL USE MUST BE APPROVED BY SPECIAL USE PERMIT THAT IS APPROVED BY THE TOWN COUNCIL FOLLOWING REVIEW FROM THE PLANNING AND ZONING COMMISSION, AND SUBJECT TO A DEVELOPMENT AGREEMENT SPECIFYING THE LOCATIONS AND USE REQUIREMENTS AND RESTRICTIONS OF ALL SUCH BUILDINGS. THE PRIMARY CRITERIA FOR SUCH A PERMIT WILL BE THE PROPOSED BUILDING'S RELATIONSHIP WITH THE

PRIMARY CORRIDORS OF HIGHWAY-6, CRESTWOOD DRIVE, OAK RIDGE DRIVE,
AND OAK RIDGE COURT.

(a) ALONG PRIMARY CORRIDORS: DOWNTOWN URBAN COMMERCIAL AND
URBAN MIXED-USE BUILDINGS ARE DESIRED, AS OPPOSED TO RESIDENTIAL
ONLY BUILDINGS.

(b) ALONG NON-PRIMARY CORRIDORS: MIXED-USE BUILDINGS ARE DESIRABLE,
HOWEVER, RESIDENTIAL ONLY OR COMMERCIAL BUILDINGS ARE ACCEPTABLE
SUCH THAT THEY PROMOTE A WALKABLE MIXED-USE DOWNTOWN AREA
THAT IS INVITING FOR RESIDENTS FROM OTHER NEIGHBORHOODS TO VISIT.

(5) THE COMMERCIAL PORTION OF A LOT'S OR PARCEL'S PROJECT MUST OBTAIN
ITS CERTIFICATE OF OCCUPANCY BEFORE OR CONCURRENT WITH THE
RESIDENTIAL PORTION OF THE PROJECT.

~~(4) All properties within the market district are subject to architectural design
guidelines as adopted and amended by the town.~~

18.06.010 Table of nonresidential uses

Table of Uses	Permission Codes by Zone Districts						
Table of Nonresidential Uses	P = Permitted Use S = Special Use C = Conditional Use * = Not Allowed						
Uses	CH	IC	CP	MD	LI	HI	ID
Adult Entertainment Establishment (18.02.070)	*	*	*	*	S	*	*
Ambulance Services	*	*	P	*	P	*	P
Amphitheater (18.02.100)	*	*	P	P	P	*	P
Automotive Sales and Repair, Major (18.02.110)	*	*	S	*	P	P	P
Automotive Sales and Repair, Minor (18.02.120)	*	*	P	*	P	*	P
Bar or Tavern (18.02.130)	P	P	P	P	P	*	*
Bed and Breakfast (18.02.140)	P	P	P	P	*	*	*
Bulk Storage of Dangerous Materials (18.02.160)	*	*	*	*	P	P	P
Bulk Storage of Liquefied Petroleum Gas (LPG) (18.02.165)	*	*	S	*	P	P	P
Child Care Center (18.02.170)	P	*	P	P	C	*	C
Church (18.02.175)	P	*	P	P	P	*	*
Commercial Parking Lots (18.02.185)	*	*	*	*	P	*	P
Family Child Care Home (18.02.290)	*	*	*	*	*	*	*
Fire Station	*	*	P	*	P	*	P
Funeral Home (18.02.330)	*	*	P	*	P	*	*
Gas Station (18.02.340)	*	P	P	S	P	*	*
Gravel and Mineral Extraction or Processing	*	*	*	*	*	S	*
Heavy Industrial (18.02.370)	*	*	*	*	S	P	S
Home Occupation (18.02.390)	*	*	*	*	*	*	*
Hospital (18.02.400)	*	*	P	*	P	*	P
Hostel (18.02.410)	S	*	*	*	*	*	*
Hotel/Motel/Lodging Establishment (18.02.420)	*	P	P	P	S	*	*
Intermediate Health Care Facility (18.02.430)	*	*	P	*	P	*	P
Medical and Dental Offices and Clinics (18.02.480)	P	P	P	P	P	*	*
Medical Marijuana Caregiver Operations	*	*	*	*	*	S	*
<u>MULTIFAMILY (18.02.500)</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>*</u>	<u>*</u>	<u>S</u>
Nightclub (18.02.510)	S	S	S	S	S	*	*
Nursing Care Facility (18.02.530)	*	*	P	P	P	*	P
Office (18.02.550)	P	P	P	P	P	*	P
Outside Storage	*	*	*	*	C	C	C
Park (18.02.600)	*	*	S	P	S	*	S
Pet Animal Facility (18.02.620)	*	*	S	S	P	*	P
Playground (18.02.660)	S	S	S	P	*	*	S
Recreation Center (18.02.670)	S	S	P	P	P	*	P
Recreation Facility, Indoor (18.02.680)	S	S	P	P	P	*	P
Recreation Facility, Outdoor (18.02.690)	*	S	P	P	P	*	P
Recreational Vehicle Park (18.02.700)	*	*	*	*	*	*	*
Recycling Facility (18.02.710)	*	*	*	*	S	P	S
Dwelling Unit (18.02.260)	S	P	P	P	S	*	S
Restaurant (18.02.720)	P	P	P	P	S	*	S
Retail Establishment (18.02.730)	P	P	P	P	P	*	P

Salvage or Wrecking Yard (18.02.740)	*	*	*	*	S	P	*
Self-Service Storage Facilities (18.02.750)	*	*	*	*	P	*	*
SINGLE-FAMILY DWELLING UNIT (18.02.770)	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>S</u>
Solar Energy Flush Roof Mounted (18.02.773)	P	P	P	P	P	P	P
Solar Energy Ground Mounted (18.02.774)	*	*	*	*	S	S	*
Truck Stop (18.02.810)	*	S	*	*	S	*	*
Veterinary Facilities, Small Animal Clinic (18.02.830)	*	*	S	S	P	*	*
Veterinary Clinic (18.02.840)	*	*	S	*	P	*	*
Warehouse and Distribution (18.02.850)	*	*	*	*	P	*	*
Wireless Telecommunications Equipment (18.02.860)	*	C	C	C	C	C	C
Wireless Telecommunications Facility (18.02.870)	*	*	S	*	S	S	S