

Certification of Ordinance Posting and Publication

CERTIFICATE OF PUBLICATION AND POSTING

I, the duly qualified Town Clerk of the Town of Gypsum, Colorado, do hereby certify the foregoing Ordinance No. 2 (Series 2023) was approved by the Town Council of the Town of Gypsum on first reading at its meeting held on the 15th day of February, 2023, and was posted in full on February 10th, 2023, on the public bulletin board at the Gypsum Town Hall and on the Town's website, and in both cases was published and posted along with a notice specifying that a public hearing on the ordinance would be held on February 28th, 2023, at 7:00 p.m. at the Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado, which is not less than four (4) days after first publication.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Gypsum, Colorado, this 15th day of February 2023.


Becky Close, Town Clerk



(S E A L)

I, the duly qualified Town Clerk of the Town of Gypsum, Colorado, do hereby certify the foregoing Ordinance No. 2 (Series 2023) was approved by the Town Council of the Town of Gypsum on second reading at its meeting held on the 28th day of February, 2023, and was posted in full on February 10th, 2023, on the public bulletin board at the Gypsum Town Hall and on the Town's website on February 10th, 2023, by title only, and in both cases was published and posted along with a statement that the full text of the Ordinance is available at the office of the Town Clerk and on the Town's official website.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Gypsum, Colorado, this 28th day of February, 2023.

Becky Close, Town Clerk

(S E A L)

**Ordinance First Reading
Notice for Publication and Posting**

NOTICE OF PUBLIC HEARING

TOWN OF GYPSUM

P.O. Box 130

50 Lundgren Boulevard

Gypsum, CO 81637

This is to give notice that at a public meeting on February 15th, 2023, the following Ordinance was introduced, read by title, approved on first reading, and ordered posted and published by title only, by the Gypsum Town Council. A public hearing for final approval, rejection, or other action as may be taken by vote of Town Council on second reading is scheduled on February 28th, 2023 at 7:00 p.m. in the Town Council Chambers at Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum Co 81637.

ORDINANCE NO. 2 (SERIES 2023) AN ORDINANCE of the Town of Gypsum, Colorado Amending Portions of the Zoning Code, Title 18, of the Gypsum Municipal Code, Related to Home Occupations, Including Amending Section 18.06.070, Table of Nonresidential Uses, and Section 18.07.070, Table of Residential Uses, and Repealing and Readopting Section 18.10.020, Home Occupation

The text of this Ordinance is available for public inspection at the office of the Town Clerk, 50 Lundgren Blvd., Gypsum, Colorado, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and on the Town's website at <https://townofgypsum.com>.

/ss: Becky Close, Town Clerk

**TOWN COUNCIL
TOWN OF GYPSUM, STATE OF COLORADO
ORDINANCE NO. 02 (SERIES 2023)**

**AN ORDINANCE OF THE TOWN OF GYPSUM, COLORADO
AMENDING PORTIONS OF THE ZONING CODE, TITLE 18, OF THE
GYPSUM MUNICIPAL CODE, RELATED TO HOME OCCUPATIONS,
INCLUDING AMENDING SECTION 18.06.070, TABLE OF NONRESIDENTIAL
USES, AND SECTION 18.07.070, TABLE OF RESIDENTIAL USES,
AND REPEALING AND READOPTING SECTION 18.10.020,
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, 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, the Town Council wishes to provide for additional flexibility for home occupations which have little to no impact on neighboring properties; and

WHEREAS, the Town Council hereby finds and determines that amending the Zoning Code 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 Sections 18.06.010, Table of Non-Residential Uses, and 18.07.010, Table of Residential Uses, of the Gypsum Municipal Code. Sections 18.06.010 and 18.07.010 of the Code are amended as set forth in Exhibit A and B, attached hereto and incorporated herein, to add the bold and underlined language, allowing Home Occupations pursuant to a Conditional Use Permit within the Commercial Historic, Interstate Commercial, Commercial Professional, Market District, and Multifamily zoned districts.

Section 2. Repeal and Readoption of Section 18.10.020 of the Gypsum Municipal Code. Section 1d 18.10.020 of the Code is hereby repealed and readopted in its entirety as set forth in Exhibit C, attached hereto and incorporated herein.

Section 3. Public Inspection. Copies of this Ordinance, the Official Zone Map, and the Gypsum Municipal Code are available for public inspection at the office of the Gypsum Town Clerk.

Section 4. Public Hearing. A public hearing on this Ordinance shall be held on the 28th day of February, 2023 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 28th day of February, 2023, 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 15TH DAY OF FEBRUARY 2023, BY A VOTE OF 5 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 28TH DAY OF FEBRUARY, 2023, BY A VOTE OF _____ IN FAVOR AND _____ AGAINST.

TOWN OF GYPSUM

By: _____
Stephen Carver, Mayor

Attest: _____
Becky Close, Town Clerk

EXHIBIT A

SECTION 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)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	*	*	*
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	*
Multifamily (18.02.500)	S	P	P	S	*	*	S
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)	*	*	*	*	*	*	S
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

EXHIBIT B

SECTION 18.07.010 TABLE OF RESIDENTIAL USES

Table of Uses	Permitted Codes by Zone District						
Table of Residential Uses	P = Permitted Use S = Special Use C = Conditional Use L = Limited Use * = Not Allowed						
Uses	MHP	MF	SF/			RR	AG
			HD	MD	LD		
Single-Family Dwelling Unit	P	*	P	P	P	P	P
Second Delling Unit	*	*	*	*	*	P	P
Accessory Dwelling Unit (18.02.040) (18.10.040)	*	*	L	L	L	L	L
Multifamily (18.02.500)	*	P	*	*	*	*	*
Group Home, Aged (18.02.350)	*	P	P	S	*	S	*
Group Home, Developmentally Disabled/Mentally Ill (18.02.360)	*	P	P	P	P	P	P
Intermediate Health Care Facility (18.02.430)	*	S	*	*	*	*	*
Nursing Care Facility (18.02.530)	*	S	*	*	*	*	*
Accessory Building (18.02.030)	C	*	P	P	P	P	P
Alcoholic Beverage and Medical Marijuana Operations	*	*	*	*	*	*	*
Ambulance Services	*	*	*	*	*	S	S
Bed and Breakfast (18.02.140)	*	*	*	*	S	S	S
Bus Stop	P	P	P	P	P	P	P
Child Care Center (18.02.170)	S	S	S	S	S	P	P
Church, with or w/o Dwelling Unit (18.02.175)	*	P	P	P	P	P	P
Commercial Farming/Commercial Greenhouse	*	*	*	*	*	S	P
Country Club	*	*	*	P	P	P	P
Family Child Care Home (18.02.290)	S	S	S	P	P	P	P
Fire Station	S	S	*	*	S	S	P
Home Occupation (18.02.390)	C	C	C	C	C	C	C
Hostel (18.02.410)	*	S	S	S	*	*	*
Keeping Large Animals (18.05.060(1); see 18.05.060(1)(b) for minimum lot size)	*	*	*	*	P	P	P
Keeping Small Animals or Fowl (excluding chickens) (18.05.060(3); see 18.05.060(3)(c) for minimum lot size)	*	*	*	S	P	P	P
Keeping Chickens (18.05.060(4); see 18.05.060(4)(1) for minimum lot size)	*	*	P	P	P	P	P
Laundromat	P	P	*	*	*	*	*
Manufactured Home (18.02.470)	P	P	P	P	P	P	P
Mobile Home (18.02.490)	P	*	*	*	*	*	*
Noncommercial Greenhouse	P	P	P	P	P	P	P
Park (18.02.600)	P	P	P	P	P	P	P
Pet Animal Facility (18.02.620)	*	*	*	*	*	S	S
Playground (18.02.660)	P	P	P	P	P	P	P
Recreational Vehicle Park (18.02.700)	S	*	*	*	*	*	*
Riding Academy/Dude Ranch	*	*	*	*	*	S	S
Sale of Produce/Plants raised on the premises	*	*	*	C	C	P	P
Sawmill, not more than 2 acres	*	*	*	*	*	*	S
School, Public or Private	*	P	P	P	P	P	P

Satellite Dish, Residential	P	P	P	P	P	P	P
Solar Energy Devices, Residential	P	P	P	P	P	P	P
Wind Energy Devices, Residential	C	C	C	C	C	C	P
Water Reservoir	*	C	C	C	C	C	P
Wireless Telecommunication Equipment (18.02.860)	*	*	*	*	*	S	S
Wireless Telecommunication Facility (18.02.870)	*	*	*	*	*	*	S

EXHIBIT C

18.10.020 HOME OCCUPATION

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:

A. Properties within SF/HD, SF/MD, SF/LD, RR or AG zone districts:

- (1) Such use shall be conducted entirely within a dwelling and carried on principally by the residents thereof. No dwelling may be used for a home occupation unless it is devoted primarily to a residential use.
- (2) Such use shall be clearly incidental and secondary to the use of the dwelling for residential purposes, and shall not change the residential character thereof.
- (3) The total area used for a home occupation 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 consist of the customer coming to the 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.
- (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.

B. Properties within CH, IC, CP, MD, or MF zone districts:

- (1) Such use shall be conducted entirely within a dwelling and carried on principally by the residents thereof. No dwelling may be used for a home occupation unless it is devoted primarily to residential use.
- (2) Such use shall be clearly incidental and secondary to the use of the dwelling for residential purposes, and shall not change the residential character thereof.
- (3) The total area used for a home occupation 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.

- (5) There shall be no onsite retail sales.
- (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.
- (8) There shall not be any additional parking spaces needed for the home occupation above the spaces required for the dwelling unit.
- (9) No vehicles over 22,000 pounds are allowed on the property related to the home occupation.
- (10) No employee(s) other than those who also reside in the dwelling shall operate out of the property in which the home occupation is being conducted.
- (11) Washing of vehicles or heavy machinery is not permitted.