

TOWN OF GYPSUM, COLORADO

**ORDINANCE NO. 14
SERIES 2020**

**AN ORDINANCE PROVIDING FOR AMENDMENT OF SECTION
18.10.040(b)(2) OF THE GYPSUM MUNICIPAL CODE REGARDING
PERMITS FOR ILLEGAL ACCESSORY DWELLING UNITS
EXISTING PRIOR TO NOVEMBER 1, 2020**

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

WHEREAS, Section 18.10.040 of the Gypsum Municipal Code sets forth the permitting and other requirements to construct and operate Accessory Dwelling Units (ADUs) in the Town; and

WHEREAS, pursuant to Ordinance No. 04 (Series 2017), the Town previously adopted a permitting process for ADUs with restrictions designed to promote the health and safety of residents of such units; and

WHEREAS, Ordinance No. 04 (Series 2017) also provided for a grace period and procedures for the permitting of then-existing illegal ADUs within the Town; and

WHEREAS, unpermitted ADUs continue to exist, there is an ongoing need for additional residential units within the Town, and the Town wishes to extend and modify the grace period for such illegal ADUs to obtain permits to June 1, 2021; 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 ADUs, as set forth herein.

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

Section 1. Amendment of Subsection 18.10.040(b)(2) of the Gypsum Municipal Code. Subsection 18.10.040(b)(2) of the Gypsum Municipal Code is hereby amended by adding the bold and double-underlined language, and deleting the stricken-through language as set forth on Exhibit A, attached hereto and incorporated herein. The remainder of Section 18.10.040 and Chapter 18.10 shall remain unchanged.

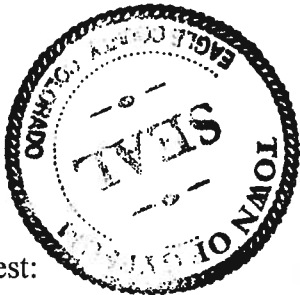
Section 2. Public Inspection. Copies of this Ordinance and the Gypsum Municipal Code are available for public inspection at the office of the Gypsum Town Clerk.

Section 3. Public Hearing. A public hearing on this Ordinance shall be held on the 27th day of October, 2020, 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 27th day of October, 2020, at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Blvd., Gypsum, Colorado.

Section 5. Severability. If any portion of this Ordinance, or the International Codes amended hereby, is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

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 13TH DAY OF OCTOBER, 2020.



Attest:

Danette Schlegel
Danette Schlegel, Town Clerk

TOWN OF GYPSUM

By: Stephen M. Carver
Stephen M. Carver, Mayor *Pro Tem*
Tom Edwards

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 27TH DAY OF OCTOBER, 2020, BY A VOTE OF 6 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM

By: *Stephen M. Carver*
Stephen M. Carver, Mayor *Protem*
Tom Edwards

Attest:

Danette Schlegel
Danette Schlegel, Town Clerk

(SEAL)



EXHIBIT A
SUBSECTION 18.10.040(b)(2) OF THE GYPSUM MUNICIPAL CODE

- (2) Permits for illegal ADUs existing prior to ~~May 1, 2017~~ November 1, 2020.
- a. Property owners of unpermitted ADUs existing prior to adoption of this section 18.10.040 November 1, 2020 ("Existing ADUs"), must submit an application for an ADU permit pursuant to the following schedule: no later than June 1, 2021. The applicant shall pay a permit fee of \$500, which may be paid either at the time of application or in installments of \$250 at the time of application with the remaining \$250 paid within three months of application. Full payment of the permit fee is required before a permit is issued for the Existing ADU.
- (1) ~~All properties north of Eagle Street and north of Highway 6 must submit a completed ADU permit between July 1, 2017 and August 31, 2017.~~
- (2) ~~All properties south of Eagle Street and west of Valley Road/Gypsum Creek Road must submit a completed ADU permit between September 1, 2017 and October 31, 2017.~~
- (3) ~~All properties east of Valley Road/Gypsum Creek Road and south of Highway 6 must submit a completed ADU permit between November 1, 2017 and December 31, 2017.~~
- b. Health and Safety. Each Existing ADU must meet health and safety requirements. The building official shall inspect the property and ADU to determine compliance with the following: all applicable building code requirements.
- (1) ~~Smoke detectors are required at each level of the ADU, within each bedroom, and at each adjoining hallway leading to a bedroom.~~
- (2) ~~Carbon monoxide detectors are required within 15 feet of each bedroom entrance.~~
- (3) ~~Emergency escape openings are required for each bedroom, per the International Residential Code Section R310.~~
- (4) ~~Stairs for egress are required to be in good working order with guardrails and handrails.~~

~~(5) One full working kitchen to include a sink, refrigerator, stove and/or other cooking appliances, and one full working bathroom, to include a sink, toilet, and shower and/or bathtub are required with an ADU.~~

- c. **Water and Sewer Fees. Prior to issuance of a permit for an Existing ADU, the property owner must pay to the Town all water and sewer fees for the Existing ADU due from January 2018 to the date of permit issuance. If a property owner can provide clear and convincing evidence that the Existing ADU was installed after January 2018, the water and sewer fees due shall be those from the date the Town determines that the ADU was installed to the date the ADU permit is issued.**
- d. Except as otherwise set forth in this section 18.10.040, applications for an existing ADU shall follow the same ADU permit application process and must meet the same requirements as applications for new ADUs.
- e. Any property with an ~~existing~~ Existing ADU that fails to submit a completed ADU permit application ~~within the required timeframe~~ by June 1, 2021, fails to obtain an approved ADU permit, or fails to comply with any conditions of the ADU permit, will be in violation of this section 18.10.040 for construction and operation of an illegal ADU and shall remove the ADU in accordance with section 18.10.040(e). Any property owner who continues to operate an illegal ADU and any tenants of the ADU shall be subject to fines and enforcement actions.